June 1950

Masthead Volume 52, Issue 3

Follow this and additional works at: https://researchrepository.wvu.edu/wvlr

Part of the Law Commons

Recommended Citation

Available at: https://researchrepository.wvu.edu/wvlr/vol52/iss3/1

This Prefatory Matter is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact ian.harmon@mail.wvu.edu.
STUDENT NOTE

THE TRANSFER OF TITLE TO TIMBER IN WEST VIRGINIA.—

Trees are a natural product of the soil, and, from a purely logical standpoint, it seems odd to think of the ownership of the two as being distinct and separate. The holder of a fee simple estate owns not only the surface, but theoretically from the center of the earth to the sky,¹ and thus inclusive of the minerals beneath and the timber on top of the land. Along with the vast increase in the commercial value of timber, the necessity to provide means for separating the ownership of the timber from that of the land has arisen. That this can be done has long been recognized by the courts of this country; standing timber may be conveyed separately from the land by deed or by grant.² When the owner of a tract of land purports to sell the timber thereon before it is actually severed from the soil, various legal problems present themselves.

¹ The theory of ownership of the airspace above the land has been somewhat revised and restricted due to the advent of air travel. See Hinman v. Pacific Air Transport, 84 F.2d 755 (9th Cir. 1936).