The Law of Coal, Oil and Gas in West Virginia and Virginia

C. E. Goodwin

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Recommended Citation

C. E. Goodwin, The Law of Coal, Oil and Gas in West Virginia and Virginia, 54 W. Va. L. Rev. (1951). Available at: https://researchrepository.wvu.edu/wvlr/vol54/iss1/14

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BOOK REVIEW

THE LAW OF COAL, OIL AND GAS IN WEST VIRGINIA AND VIRGINIA.

Writing in clear and understandable English, the author of this book has compounded a readable analysis of a complex branch of real property law which, in some respects, is the most technical and static of all jurisprudence. Recognizing the wholesome influence of precedent and giving due regard thereto, Mr. Donley is nevertheless not at all awe-stricken by the so-called "great landmarks" of the law of real property which oftentimes have been applied with a magnificent disregard for practical consequences. However, the maxims, principles, reasoning and decided cases are, where doubt exists, scrutinized with care and either reconciled or constructively criticized. In this connection, it is to be especially noted that a novel technique of testing results by the application of principles of contract law is exploited to the utmost; and where such principles are sacrificed without justifiable reason, there is no timidity apparent in the author's refreshing criticism. For example: after a comprehensive analysis, the following is written with reference to the decision in the case of Rawling v. Fisher:

"So, it is submitted, the Rawling case is inexplicable; it results in the defeat of a perfectly legitimate business transaction; and it permits a promisor to break his promise with impunity."2 (Page 183).

Throughout the book, many hypothetical situations are presented and discussed in the familiar academic style which, to the practitioner, will doubtless have a nostalgic ring. Such simplification, unencumbered by disconcerting details, will be of inestimable assistance to the student, lawyer and judge alike in deciding concrete cases. Of extreme interest and value to the lawyer will be the many excellent forms found in this volume, covering almost every contract phase of coal, oil and gas law. Like most forms, however, there is no one which has been tailored to fit all circumstances. Care and discretion in their use must be exercised to the end that the purposes of the parties represented may be best served.

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2101 W. Va. 253, 133 S.E. 489 (1926).
At the risk of using a hackneyed expression, it can in truth—and with sincerity—be said that this book is a thorough and admirable study of a subject long awaited by bench and bar.

C. E. Goodwin.\textsuperscript{3}

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