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EQUITABLE APPORTIONMENT OF OIL AND GAS ROYALTIES

"It is generally more important that the rule of law should be settled than that it should be theoretically correct."[1] As legal theory gradually crystallizes, reason comes to play less significant a part in the judicial process than strict adherence to established precedents.[2] The supreme court of appeals has had ample opportunity recently to demonstrate the essential truth of these observations, even when aware of weighty arguments favoring an opposite result.[3] Disposing finally of a vexing issue that yielded sharp con-

[1] *Per* Lord Cottenham, L. C., in Lozon v. Pryse, 4 Myl. & C. 600, 617, 41 Eng. Rep. R. 231 (1840). *Cf.* Bailhache, J., in Belfast Ropewalk Co. v. Bushell, [1918] 1 K. B. 210, 213: "Unfortunately or fortunately, I am not sure which, our law is not a science."

[2] See Note (1908) 24 L. Q. REV. 116, 117: "But we in England have long ago committed ourselves to the principle that, within limits to be settled by the House of Lords and the Court of Appeal, uncertainty in the law is a worse evil than unreasonableness, and judges of first instance must continue 'falsely true' to the errors — if they are such — of their predecessors."

[3] Walker v. W. Va. Gas Corp., 3 S. E. (2d) 55 (W. Va. 1939).