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APPORTIONMENT OF ROYALTIES ON PARTITION OF PREMISES SUBJECT TO AN OIL AND GAS LEASE.—In the recent case of *Campbell v. Lynch*,¹ it appeared that certain land, on which there was an oil and gas lease under which there had been no development, descended to the widow and six children of the deceased owner. By judicial proceedings the land was partitioned among the widow and children, the tracts being of unequal size. The partition decree did not mention the oil and gas lease. Later the lessee drilled wells on all of the tracts into which the leasehold had been partitioned except one, and produced oil in paying quantities. The complainants as owners of the undeveloped tract filed a bill in equity claiming a share of the royalties. The lower court dismissed the bill but on appeal the Supreme Court of Appeals reversed the decree, holding the royalties were not included in the partition and should be apportioned among the parties regardless as to where the oil was produced. A dissenting opinion was filed by Ritz, J., in which Miller, J., concurred.

¹94 S. E. 739 (W. Va. 1918).