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INTERFERENCE WITH OIL AND GAS RIGHTS — MEASURE OF DAMAGES.—The problem of determining the proper measure of the plaintiff's recovery in an action for the wrongful taking of property, in the cases where the wrongdoer has expended money or labor which has rendered the property more valuable, has always perplexed the courts, and has been solved in various ways. The desire of the courts, on the one hand to preserve the sanctity of property rights, and, on the other hand, not to mulct the wrongdoer in an amount which would shock the conscience has led to conclusions which cannot be reconciled on principle. In jurisdictions where a recovery of chattels in specie is still permitted by a procedure analogous to replevin or detinue, and in all jurisdictions, by a peaceable recaption,¹ the owner may usually recover his property, even though it has been improved by the defendant.² But if the wrongdoer was acting under an honest mistake,³ or even negligently,⁴

¹ *Isle Royale Mining Co. v. Hertin*, 37 Mich. 332, 26 Am. Rep. 520 (1877).

² *Eaton v. Langley*, 65 Ark. 448, 47 S. W. 123, 42 L. R. A. 474 (1898).

³ *Wetherbee v. Green*, 22 Mich. 319, 7 Am. Rep. 653 (1871); *Lewis v. Courtwright*, 77 Iowa 190, 41 N. W. 615 (1889); *Baker v. Melsch*, 29 Neb. 227, 45 N. W. 685 (1890); *Werner Stave Co. v. Pickering*, 55 Tex. Civ. App. 632, 119 S. W. 333 (1909).

⁴ *Trustees of Dartmouth College v. International Paper Co.*, 132 Fed. 92 (1904), *semble*, and cases cited therein.