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## EDITORIAL NOTES

### THE SCHOOL OF LAW

The course in Air Law, which has been added to the curriculum this year, is being offered by Mr. George B. Logan, an outstanding authority in that field.

Professor Wendell Carnahan has assumed his new duties as Professor of Law, coming here from the University of Louis-

ville School of Law. He is teaching courses in Conflicts, Federal Procedure, Criminal Law, and Insurance.

The enrollment of the Law School for the Academic year 1938-1939 totals 168 students, which is the largest since 1926 and an increase of eight percent over the preceding year. The first year class of seventy-four students, also the largest since 1926, is fifty percent larger than the entering class of two years ago. Two-thirds of the student body have had three years or more of college work before entering law school, and forty students hold Bachelor's degrees.

The Law Quarterly Staff will be represented at a conference of representatives of midwestern law reviews, sponsored by the Board of Editors of the Iowa Law Review on December 3, 1938, at Iowa City.

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## NOTES

### NATURE OF INTERESTS CREATED BY OIL LEASES IN ILLINOIS

#### I

The collision of the old rule, *cujus est solum ejus est usque ad coelum et ad inferos*, with the strong social and economic pressure for production of oil, and the impossibility of such production by any landowner without the possibility of draining the oil of his neighbor has resulted in a conflicting array of compromises between legal theory and economic necessity. As a result of the varying degrees to which state courts are willing to effect this compromise, there exists a corresponding variance in the fundamental concept of the interest held by a landowner in the underlying oil and gas and in the interests created by him in others by contracts in respect thereto.

Concerning the extent and nature of the estate which an owner of the surface holds in the underlying oil and gas, the conflict is clear and definite. The states are divided into what are known as the "ownership" and the "non-ownership" groups. The majority of the important oil producing states<sup>1</sup> adopt the doctrine,

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1. Including Pennsylvania, Texas, Arkansas, West Virginia, Montana, and Tennessee. See *Osborn v. Arkansas Territorial Oil & Gas Co.* (1912) 103 Ark. 175, 146 S. W. 122; *Gas Products Co. v. Rankin* (1922) 63 Mont. 372, 207 Pac. 993, 24 A. L. R. 294; *Nonamaker v. Amos* (1905) 73 Ohio St. 163, 76 N. E. 949; *Hyde v. Rainey* (1912) 233 Pa. 540, 82 Atl. 781, Ann. Cas. 1913B 726; *Murray v. Allred* (1897) 100 Tenn. 100, 43 S. W. 355; *Taylor v. Country School Trustees of Eastland Cty.* (Tex. Civ. App. 1921) 229 S. W. 670; *Haskell v. Sutton* (1903) 53 W. Va. 206, 44 S. E. 533.