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## *IMPROVEMENTS TO CHATTELS UNDER MISTAKE OF TITLE.*

A moot Court was recently held in Gray's Inn Hall before Mr. Justice Bigham at which the following interesting point was discussed.

"B. steals a piece of canvas from A. B. sells the canvas to C., an artist, who paints a valuable picture upon it. A. sees the picture and recognizes his piece of canvas. He carries the picture away, and refuses on demand to return it to C. Has C. any remedy against A., and if so what?"

On behalf of C. it was claimed that he was entitled to the canvas on the terms of paying for its value, or in the alternative A. was entitled to retain it, on the terms of paying C. for the picture. On behalf of A. it was urged that notwithstanding the theft and the sale of the canvas to C. the property in the canvas remained in A. and he was entitled to keep it, and was under no obligation to pay for the picture.

Bigham, J., gave judgment in favour of A., holding that it was C.'s misfortune that he had painted the picture on A.'s canvas and was entitled to no relief. He says: "It is a principle of English law that if a man choose by design or mistake to improve the property of another he must be taken to do so for the owner's benefit."

No doubt the learned judge has stated correctly the principles of the common law applicable to the case. see Year Book 5 Hen. VII., p. 15, but we venture to doubt whether he took sufficiently into account the principles of equity.

The Roman law as is well known has furnished a basis for much of what is incorporated in our law as equity, and the Roman law appears to furnish a guide to a solution of this question, which seems preferable to that arrived at by Mr. Justice Bigham.