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Cloice Plemmons, Mgr..

## THIS IS THE LAW

By: Robert E. Lee  
ACCESSIONS

Blake stole a log from Austin and spent two years carving therefrom a life-sized statue of a beautiful woman. The statue was sold for \$5,000 to Clarke, an innocent purchaser for value. Does Blake have any legal rights against Clarke?

Yes. Blake may recover from Clarke either the statue or its value as of the time it was purchased by him with interest from that time. If Austin demands the return of the statue from Clarke, and its surrender is refused, Clarke becomes liable to Austin for an amount equal to its value as of the time of the demand.

Austin's attorney will advise him as to which of his remedies should be used. For example, if Clarke is insolvent, it would be to his economic advantage to re-

cover the statue. If his wife will not permit him to keep it, perhaps he could sell it to one of his bachelor friends.

The fact that Clarke is an innocent purchaser is immaterial. Blake did not have any ownership rights in the property which could be transferred to another. Lost or stolen property may be recovered by the true owner wherever found.

Being a wilful converter of the log, Austin never became the owner of the finished product under the law of accession.

Clarke's remedy is to sue Blake. He did not get the ownership rights that he bargained for. In every sales transaction there is what lawyers call "an implied warranty of title."

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Smith's cow escapes from a pasture. The cow is found by Jones and sold to Miller.

Miller breeds the cow to one of his prized bulls and the cow gives birth to a calf. Two years after the cow's escape from Smith's pasture, Smith locates the cow and calf in the possession of Miller. May Smith recover both the cow and the calf from Miller?

Yes. Jones, the finder of the cow, did not have any ownership rights which could be transferred to Miller.

The owner of a female animal automatically acquires the title to any offspring born of the animal.

Under the law of accession, the owner of the principal thing becomes the owner of the accessions that are annexed. When the property of two different persons are incorporated together, the title of the resulting product goes to the owner of the principal property.

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