

C. W. MEAD, PLAINTIFF AND APPELLEE, VS. CHARLES SMITH ET AL., DEFENDANTS AND APPELLANTS.

G.R. No. 6052. January 23, 1911

Ponente: MORELAND, J.

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MORELAND, J.:

This is an appeal in an action brought to recover the possession, or, in default thereof, the value of certain jewels pawned to the defendants, who constitute the association known as "The U. S. Loan Co.," a pawnbroking establishment. It is claimed by the plaintiff that the jewels in question belonged to her and that they were pawned by her husband to the defendants without her knowledge and consent and during her absence from the country; that the defendants, at the time that the jewels were pawned, knew that they belonged to the plaintiff and that her husband had no right or authority from her to pawn them.

The learned trial court found in favor of plaintiff and entered judgment against the defendants for the return of the jewels, or, in default of their return, that they pay to the plaintiff the sum of P2,800, the value thereof. From this judgment the defendants appealed, raising here both questions of law and of fact.

We have given very careful consideration to the facts presented by the record on this appeal. While the evidence is somewhat conflicting, we are, nevertheless, clearly of the opinion that the following findings of fact made by the learned trial court are supported by a great preponderance of the evidence:

First. That the jewels in question belonged to the plaintiff and that that fact was known to the defendants at the time they received the same from her husband.

Second. That the pledge in pawn of said jewels by the husband of the plaintiff was without her knowledge and consent, and that by no conduct of hers was that act subsequently ratified.

The defendants, in this court, for the purpose of avoiding liability, assert that the plaintiff and her husband constituted a company known as C. W. Mead & Co., a contracting firm, and that the jewels in question were pawned to the defendants by the plaintiff's husband for the purpose of raising funds to conduct the business of that company; that said funds went into and formed a part of the assets of that company and that the plaintiff thereby received the benefits of such pawn; that this being so, she ought not now to be heard to impugn the pawn or to escape the results of the act of the managing member of the company.

In reply to this, it is sufficient to say that the jewels were pawned personally by the plaintiff's husband; that the plaintiff knew nothing of such pawn and never consented thereto; that she knew nothing of the purpose to which such funds were destined and knew nothing whatever of that transaction or of any detail thereof until she had returned to this country from abroad several months after it had been consummated; that she never ratified that act, but always disavowed any part in it; that such assertion of the defendants is in opposition to the allegation of their answer, in which they say that the proceeds of the pawn were dedicated to the ordinary uses of the family as such. But, under any view, no person may be deprived of his property without his knowledge or consent upon the

assertion that the proceeds of such property or a portion thereof have gone to the beneficial use of a company of which he may have been a member.

Upon the whole, we are fully convinced that the case was correctly decided by the learned trial court. After a careful consideration of the arguments presented in the very able briefs of counsel and a thorough study of the record, we are clearly of the opinion that the judgment ought to be affirmed.

The judgment appealed from is, therefore, affirmed, with costs against the appellants. So ordered.

Arellano, C. J., Mapa, Carson, and Trent, JJ., concur.

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