

have been suffered to lie unnoticed among those rarely used regulations, which are seldom examined but by the curious. In a neighbouring State, so far back as the year 1643, it seems to have been deemed expedient to place upon its statute book, all the rules in relation to compensation for improvement, made upon the land by one man, the title of which was in another.^(l) Yet upon a recent occasion, when a judicial decision was called for upon the occupying claimants law of *Kentucky*, involving matters which in a greater or less degree attracted the attention of the whole Union, it was found that those legislative provisions had disappeared from the revised statute book of that State, and it required some care to ascertain distinctly what was then its law upon the subject.^(m)

It seems to be a sound and a very generally admitted principle of justice, that no man shall be allowed to enrich himself from the losses of another; or, as it is expressed in the *Roman* law, *nemo debet locupletari aliena jactura*. The moral force of this rule, in all cases to which it applies, and as between parties alike fair and innocent, appears to have been considered as altogether irresistible. In all cases in which the court is called on to apply this rule, it is

title be made to the complainant as already mentioned; and if no such title shall be made, then the judgment at law, and injunction bond to stand as security for the interest of the money only.

The defendants in this cause having declared in court, that they applied to the last assembly for an act to confirm the deed, mentioned in the former decretal order made in this cause, but could not obtain such act; and that the heir at law is a minor, and will not attain his full age in several years, so that they have no means in their power to procure such a conveyance as is mentioned in the said order; therefore they pray his excellency the chancellor's further order therein.

The chancellor having heard council on both sides, and taking the same into his consideration, doth think fit to order, that the injunction be made perpetual in this cause, in case the complainant shall pay the interest for the purchase money from the date of his bond, mentioned in the proceedings, and deliver up the possession of the land to the defendants, which are to be complied with by the last day of October next, with liberty to the complainant to finish his crop of all kinds on the said land, and remove his said crop and cattle therefrom; or that the injunction be dissolved. And further, it is ordered, that a reasonable allowance be made to the complainant, by the defendants, for any improvements which the complainant has made on the said land, and which may be useful and beneficial to any person who may, or shall hereafter have possession thereof. And also, that the complainant pay and satisfy to the defendants for any waste committed by the complainant on the said land, beyond what might have been proper in the use and working thereof, by the complainant, during the time of his possession thereof.—*Chanc. Proc. Lib. I. R. No. 2, fol. 750.*

(l) 1 Hen. Virg. Stat. 260, 349, 443; 2 Hen. Virg. Stat. 96.—(m) *Green v. Biddle*, 8 Wheat. 1, and Appendix, 1.