

Cundy v Lindsay (1878) 3 AC 459

<http://lawcasesummaries.com/knowledge-base/cundy-v-lindsay-1878-3-ac-459/>

Facts

- A rogue called Blenkarn sends Lindsay (P) a letter offering to buy certain goods
- He makes sure to sign his name so that it looks like 'Blenkiron & Co' which is a well respected business
- The P sent the goods to the address the Rogue had listed, but he never paid for them and instead sold them to the defendant
- Lindsay called "mistake"!

Held

- The Plaintiff had never intended to deal with Blenkarn, and would not have
- There could never be consensus between the Plaintiff and the rogue, so the Plaintiff's mistake voided the contract
- Therefore the rogue had no title and as per *nemo dat*, no right to sell the goods.
- The plaintiff succeeded in an action of conversion

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