cutor's wife were found living together in a house in Leeds, which she had taken in her own name. They were both in the house when the prosecutor and an officer went there, and all the property so taken from the prosecutor's house at Manchester, was found there. The prosecutor's wife was called on the part of the prisoner, and swore that they had not gone away for the purpose of carrying on an adulterous intercourse, and in fact never had committed adultery together. I told the jury that if they were satisfied that the prisoner and the prosecutor's wife, when they so took the property, went away together for the purpose of having adulterous intercourse, and had afterwards effected that criminal purpose, they ought to find the prisoner guilty; but if they believed the wife, that they did not go away with any such criminal purpose, and had never committed adultery together at all, the prisoner would be entitled to his acquittal. The jury found him guilty. The question for the opinion of the Court of Criminal Appeal is, whether my direction was right. Sentence was deferred, and the prisoner admitted to bail."

POLLOCK, C. B.—We are all of opinion that this conviction is right, and it must therefore be affirmed. Conviction affirmed.

LEGAL MISCELLANY.

LARCENY BY FINDING.

It is of the greatest importance to society to mark well the boundary between crimes and civil injuries; to permit this boundary to be indistinct and uncertain would be a sure means of introducing a most mischievous state of things. There has, no doubt, in this great commercial country, been recently springing up a desire to include within the pale of the criminal law a great number of social wrongs, which before were only classed as civil injuries: thus in the last session of Parliament fraudulent trustees were made amenable to the criminal law; and for a considerable period fraudulent bankrupts and bankers have in many cases been made to answer criminally for the frauds they have committed. Still the ancient landmarks of crimes for the most part remain as they were centuries ago; and in the administration of criminal justice our judges feel the conve-

nience of adhering to those wholesome and sensible rules which have been from time immemorial established for their guidance upon the subject. There is no rule of criminal law more sound or obvious than that which, with reference to the crime of larceny, requires that there should be *a felonious taking*. This rule is so important in itself, that if we were to dispense with it the utmost confusion would prevail in administering the law of larceny, and no one would really know when he was or was not subjecting himself to its penalties. This rule, no doubt, occasionally leads to the impunity of crime; but it is the only rule which can possibly protect an innocent man. It may be that a real thief sometimes obtains protection under the rule that there must be an original felonious taking to constitute a larceny; but it is quite obvious that without such a rule there would be no convenient or rational test by which to interpret a man's felonious conduct. These remarks have been called forth by some strictures upon the law of larceny by finding, as laid down in *Reg.* vs. *Thurborn*, 1 Den. C. C. 388, and confirmed by the very recent case of *Reg.* vs. *Christopher*, 32 L. T. Rep. 150, in which it was held, in accordance with the rule of law upon the subject, as handed down to us for centuries, that a fraudulent misappropriation of an article, honestly come by in the first instance, does not amount to the crime of larceny. No doubt, if one man finds a thing which another has lost, but which at the time he has no knowledge of the owner of, nor the means of knowing it from the article itself, and yet keeps it after he has obtained that knowledge, he commits a very dishonest act. But the question is—ought such conduct to be visited as a felony? What in such a case should be the test? He keeps that which, after he has honestly got the possession of it, he understands belongs to another. Is this to be treated as a felony? If so, there are multitudes of transactions of every-day life, not now deemed criminal, which would be brought within this category; and every man who happens to have obtained the property of another, however honestly, who declines to restore it, might be treated as a felon. It is easy to put extreme cases, and from them to illustrate some supposed defect in the law. It is easy to suppose a case of a person losing his pocket-book, and another finding it a few minutes after, and refusing, upon the plainest proof, to deliver it to the