

DIARY FOR OCTOBER.

1. Mon ... County Court and Surrogate Court Term begins.
6. Satur... County Court and Surrogate Court Term ends.
7. SUN.... 19th Sunday after Trinity.
8. Mon ... York and Peel Fall Assizes.
14. SUN.... 20th Sunday after Trinity.
18. Thurs.. St. Luke.
21. SUN.... 21st Sunday after Trinity.
28. SUN.... 22nd Sunday after Trinity. St. Simon and St. Jude.
31. Wed... All Hallow Eve.

The Local Courts'

AND

MUNICIPAL GAZETTE.

OCTOBER, 1866.

SAW LOGS ADRIFT.

One of the commonest things in the way of accidents in this country, whereby a loss is entailed, is, next to accidents by fire, the breaking loose of rafts of timber and saw logs. The dexterity and patience used in recovering the logs or "sticks," is something to be admired, and it is often a source of wonder that more are not lost to the adventurous owner. But when a raft does break up, or a boom breaks, and logs are drifted hither and thither, many of them, notwithstanding the persevering exertions of those in charge, are never found; some get into stray corners and are hidden from view, others are picked up perhaps by some neighbouring unscrupulous lumberman, whilst many are cast on the beach and appropriated by persons living on the lake shore; with these latter we at present intend to have a few words, our attention having been drawn to the subject by the letter of a correspondent, which is hereafter given. We may mention here, that our sympathies are much more strongly interested towards the unfortunate lumberman, (contrary to the apparent leaning of our correspondent, or rather those for whom he asks the question,) than to the finder of the logs upon whose beach they happen to be cast. But this by-the-bye—and now, as to the legal position of the finder, and as to when he brings himself within the range of the criminal law.

It is laid down generally, in works treating of this branch of the law, that if one man lose goods and another find them, and not knowing the owner, convert them to his own use, this is said to be no larceny, even although he deny the finding of them or secrete them.

But this doctrine must be taken with great limitation, and can only apply when the finder, *bona fide* supposes the goods to have been lost or abandoned by the owner, and not to a case where he makes that pretence a colour for a felonious taking. The law is clearly otherwise if he know the owner, for in every case where there is a mark on the goods, whereby the owner may be known, and the finder, instead of restoring the property, converts it to his own use, such conversion is larceny.

In the case submitted, the question would depend mainly on the facts, whether the owners name was on the logs, or whether they were hauled on shore with a felonious intent, and this must be gathered from the attendant circumstances. The mere fact of their being hauled on shore is in itself no evidence of such intent, for that might be the means of enabling the owner eventually to secure them; and it can scarcely be said that such an act on the part of the finder, without anything further, such for example as cutting them up, selling, or even concealing them, would be a conversion of the logs to his own use, and a conversion is a material ingredient in the crime of larceny.

There is, however, an enactment which must be referred to on this point, and that is, Con. Stat. C., cap. 46, sec. 48, which enacts that—

Whoever wilfully and unlawfully (with the intention to set adrift) unmoors, by cutting or otherwise, any timber, masts, spars, staves, oars handspikes, planks, boards, saw logs, or other description of lumber, or any boat, bateau, or scow, or wilfully and unlawfully conceals any article or thing aforesaid which, having been adrift in any river or lake in this Province, is so found adrift or cast on shore in any part of such river or lake, or any of them, and is saved, or wilfully and unlawfully defaces or adds any mark or number on any article or thing aforesaid, so saved, or makes any false or counterfeit mark thereon, or unlawfully aids or assists in doing any such act as aforesaid, or refuses to deliver up to the proper owners thereof, or person in charge of the same on behalf of such owner, any such article or thing, shall incur a penalty not exceeding four hundred dollars, nor less than twenty dollars, for each offence.

Now this enactment considerably extends the purview of the law in favour of the protection of the lumberer, and very properly so, for he has of necessity to encounter great natural and unavoidable difficulties in taking his goods to market. The latter part of the