

opinion of the Court to be taken whether the delivery of the husband's goods by the wife to the prisoner with the knowledge by him that she took them without her husband's authority, was sufficient to support the conviction.

No counsel appeared.

The Court said, the general rule was that the wife could not be found guilty of larceny for stealing her husband's goods. But if she took away and converted to her own use his goods, it was no larceny, since they were one person. This was, however, subject to the qualification that if she committed adultery, and then stole the goods with the adulterer, she then determined her quality of wife, and was no longer recognized as having any property in the goods, and the prisoner assisting her in stealing them was guilty of felony: *Dalton*, c. 157. The conviction would therefore be affirmed.

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*Regina v. Larkin.* June 3, 1854.

INDICTMENT.—AMENDMENT AFTER VERDICT.—NEW INDICTMENT.

*In an indictment for stealing goods, the property of A. B., the second count charged the receipt of the property knowing it to be stolen, but by mistake the prosecutor's name, instead of the prisoner's, was used: Held, quashing a conviction, that the quarter sessions could not amend after verdict by substituting the prisoner's for the prosecutor's name, but that a fresh indictment against the prisoner might be preferred.*

In this indictment for stealing a quantity of beef, the property of Abraham Brouksbank, the prisoner had been found guilty on the second count for receiving the property, knowing it to be stolen, and on the prisoner's counsel moving in arrest of judgment on the ground of the mistake inserting the prosecutor's name in such count instead of the prisoner's, the Court of quarter sessions amended the indictment.

*Heaton* for the prisoner; *Hale* for the prosecution.

The Court said, that the motion in arrest of the judgment was right, as there could be no amendment after verdict, and the indictment was bad on the face of it, for not stating that the prisoner received the property knowing it to be stolen. The conviction would be quashed, but a fresh indictment must be preferred.