

offence in any one else to receive such goods from the wife": Imp. Commrs'. Report, p. 28.

"The general rule of law," said Lord Campbell, C.J., "is that a wife cannot be found guilty of larceny for stealing the goods of her husband, and that is upon the principle that the husband and wife are in the eye of the law, one person; but this rule is properly and reasonably qualified when she becomes an adulteress. She thereby determines her quality of wife, and her property in her husband's goods ceases": *Regina v. Featherstone*, Dears. C. C. 369.

*Finding a lost article*: The old nursery rhyme, "The loser the seeker, the finder the keeper," was at one period undoubtedly good law, but should not now be instilled, without modification, into the minds of children, inasmuch as it tends to give them wrong notions as to both law and morals.

Those "sages of the law," Coke and Hale, give no uncertain sound as to the criminal responsibility of a finder in their day. The former says: "If one lose his goods and another find them, though he convert them *animo furandi* to his own use, yet it is no larceny for the taking is lawful": 3rd Ins. 108.

And Sir Matthew Hale says: "If A. finds the purse of B. in the highway, and takes it and carries it away, and hath all the circumstances that may prove it to be done *animo furandi*, as denying it or secreting it, yet it is not felony:" 1 Hale 506.

There is, however, this much of truth in the rhyme, for if the article has been entirely abandoned by the owner, it is certain that the finder has a right to keep it, and, where the owner is unknown and cannot be found, the finder has a good title (in general) against all the world except the true owner. *Armory v. Delamirie*, 1 Sm. L.C. 315.

The modern rule is laid down in the case of *Regina v. Thurborn* (1 Den. C. C. 387), a leading authority on this point, to be "that if a man finds goods that have been actually lost, or are reasonably supposed by him to have been lost, and appropriates them with intent to take the entire dominion over them, really believing when he takes them that the owner cannot be found, it is not larceny. But if he takes them with the like intent, but reasonably believing that the owner can be found, it is larceny."

But, said Baron Parke: "In applying this rule questions of some nicety may arise."