

tioned" therein. "I am glad to think," said Manisty, J., "that the old rule of law still exists in its entirety." Section 303 provides as to what things shall be capable of being stolen that "every inanimate thing whatever, which is the property of any person, and which either is or may be made movable, shall henceforth be capable of being stolen as soon as it becomes movable, although it is made movable in order to steal it."

As to living creatures, clear provision is made, so that such a decision as agitated the inhabitants of Baltimore in regard to a pet Maltese cat, which was held to be of no use to man and an animal *ferce nature* and therefore not the subject of larceny, cannot be given in Canada: Albany L.J. 1895, p. 75.

The doctrine of the common law was that "a man hath a mere property in some things that are tame by nature, and yet in respect of the baseness of their nature, a man shall not commit any larceny, great or small, though he steal them, as of mastiffs, bloodhounds, or of other kinds of dogs or of cats." : Coke, 3rd Ins., p. 109.

All tame living creatures, whether tame by nature or wild by nature and tamed, are capable of being stolen. Living creatures, wild by nature, such as are not commonly found in a condition of natural liberty in Canada, shall, if kept in a state of confinement, be capable of being stolen, not only while they are so confined but after they have escaped from confinement ; all other living creatures wild by nature (i.e. those indigenous to Canada) are capable of being stolen so long as they remain in confinement or are being actually pursued after escaping therefrom but no longer.

By s 313 a change is made in the law of theft as regards husband and wife. By the common law they cannot steal from each other, even if they are living apart, although the wife was capable of possessing separate property.

This rule is not perhaps unreasonable while cohabitation continues, but (as the Imperial Commissioners point out) when married persons are separated and have separate property, the wrongful taking of it by one from the other ought to be theft, and it is so provided by this section of the code.

"This section is also framed so as to put an end to an unmeaning distinction by which it is a criminal offence in an adulterer to receive from his paramour the goods of her husband, but no