

was not within the statute; as, e.g., buying a box of lucifer matches with intent to set fire to a house.

The act must be one immediately and directly tending to the execution of the principal crime, and committed by the prisoner under such circumstances that he has the power of carrying his intention into execution.

Sir James Stephen says, in reference to this case: "It has been held in one case that an attempt to commit a crime is not the less an offence because the offender voluntarily desists. This, however, rests upon the decision of a single judge." (Hist. Cr. Law, II., p. 225.)

He says further (p. 226) in regard to the principle involved: "It is not easy to say upon grounds of expediency whether it is or is not wise to lay down the rule that an attempt from which a man voluntarily desists is no crime. It would be dangerous to lay down such a rule universally. Suppose, for instance, a man voluntarily desisted from an intended and attempted murder, robbery, or rape, because he encountered more resistance than he expected, or suppose that, having lighted a match to blow up a mine under a house, or to set a stack-yard on fire he blew it out because he was or thought he was discovered?"

If, however, it were said that an act will not be deemed an attempt unless it be sufficiently near to the decisive moment to enable it to be known whether the proceedings of the party will or will not result in the completion of his object; if that were the law, the rule in question would be most valuable, even if it did not furnish a decisive test. But this is shewn not to be the law by the cases in which acts quite as incipient in their character as the purchase of the matches have been held to be attempts. For instance, in *Reg. v. Roberts*, Dearsley C.C. 64, 25 L.J.M.C. 17, the prisoner bought dies for coining, in England, which he intended to send to South America for the purpose of making counterfeit money in Peru. Before sending them away he intended to make a few coins in England in order to test the dies, and ascertain if they would answer the purpose. The dies alone would not enable him to do this. There were other appliances