Another count in the indictment charged an attempt to commit a larceny.

Moody for the prosecution.

It was proved by two detective officers that a crowd was collected in the street, that the prisoners, with another boy, were sitting on a doorstep; that when a well-dressed man or woman went to look into the crowd one of the prisoners nudged the others, whereupon two of them rose and followed that person. In the case of a man, they were seen to lift his coat-tail, as if to ascertain if there was anything in his pocket; but they did not attempt to insert a hand in the pocket. In the case of a woman, they went and stood by her side; the hand of one of the prisoners were seen to go against her gown, but it was not seen as attempted to be thrust into her pocket, nor was any complaint made by these persons of any such attempt.

Mr. Serjt. Cox.—There is no evidence either of a conspiracy or of an attempt to steal. To constitute an attempt, some act must be done towards the complete offence. Feeling a coat-tail to ascertain if there is anything in the pocket is not an attempt to do the act of picking a pocket, for it may be that nothing was found to be in it, and therefore they did not proceed to the commission of the act itself; and if there was nothing in the pocket, even putting the hand into it has been held not to be an attempt to steal. But here there is not any proof that the pocket either of the man or woman contained anything, or indeed that they had any pockets at all.

Moody—But the count for conspiracy meets this objection. It charges them with conspiring together to commit larceny, which is an indictable offence, and it will be for the jury to say if being together and acting together in the manner described is not evidence that they had concocted a system of robbery.

Mr. Serjt. Cox.—To sustain a charge of conspiracy there must be evidence of concert to do the illegal act. In cases of treason, where the law of conspiracy has been most frequently applied, some evidence has usually been given of something said or done by the defendants previously to the commission or attempted commission of the act for which they have conspired, from which the conspiracy may be inferred. The peculiarity of this case is that the only evidence of conspiracy is the act itself, and the manner in which it was done. But then, according to the view which I have just taken of the act itself, it was not illegal, because it did not amount to an attempt to pick pockets. It appears to me to be impossible to say that the doing of an act not illegal is evidence of a conspiracy to do an illegal act, there being no other evidence of the conspiracy than the act so done. I cannot allow the case to go to the jury. The point is a very nice one, and, I think, quite new; but I am so clearly of opinion that, whatever may be the suspicions as to the intentions of the prisoners, there is not sufficient evidence to justify their conviction, that I cannot reserve it.

Not Guilty.

REVIEWS.

Our Fireside Friend: A new Chicago venture, that covers the same ground in illustration and letterpress as the *New York Ledger*. We have found some amusement in looking over its columns. "*Bandy Tag*" commences in the most thrilling manner, though we notice the author rather confuses the functions of *shuttlecocks* and *battledores*. This story is probably quite as objectionable as the ordinary run of American works of fiction. The verses on "The Burning of Chicago," by Will. M. Carleton, fully sustain the reputation of that young, though widely-known poet.

One graphic couplet refers to the attempt of some enterprising citizen of the baser sort to set fire to a row of houses on his own account:

"The best line of action to follow, for yonder unprincipled scamp,
Is simply a line of stout cordage—one end on the post of a lamp!"

The United States Jurist. Washington, D.C.: W. H. & O. H. Morrison, Publishers. Vol. ii., No. 1.

We have to notice this handsome legal periodical, which with this number is changed from a monthly to a quarterly law magazine. It is edited by James Schouler, the accomplished author of the late Treatise on Domestic Relations, which has already been cited with approval in the English Courts. This issue runs to 104 pages, and the contents are varied as follows: I. Judicial reforms by Mr. Justice Miller. II. Quarterly Table of Criticised Cases. III. Annual Digest of Federal decisions. IV. Quarterly Digest of English decisions. V. Book notices. VI. U. S. Supreme Court Calendar. VII. Legal intelligence. The paper on criticised cases is a new feature, but one which is capable of being worked to great profit. The book notices are pointedly written, and so far as we can judge with a bold determination to do even-handed justice on all sides: to condemn or commend as the merits or demerits demand. The paper of Judge Miller is an earnest protest against delay in the administration of justice—a comment upon the text that tardy justice is often the greatest injustice. He calculates that on an average there is a delay of three years in cases appealed to the Supreme Court, between the time when judgment is rendered in the