

party was not interrupted, yet the crime of stealing could not have been completed for want of an object upon or in respect to which it could be committed.

This decision has been overruled and held to be no longer law in *Queen v. Ring*, 61 L.J.R. (M.C.) 116, where the prisoners were held to have been rightly convicted of an attempt to steal from unknown women at a railway station, although there was no evidence that there was anything in the pocket of the women: no one having been in communication with them. It is now settled law both in England and Canada that an attempt may be criminal though accomplishment was impossible in the nature of things. (See now Crim. Code, s. 72, to be hereafter considered.) But it is manifest that many cases might occur in which, if the party were not interrupted, he would in all probability complete the contemplated offence, and yet that fact will not enable us in the least to decide whether the particular act he has done amounts to an attempt or not. For example, it would seem that where a man bought matches with intent to commit arson that act was not an attempt: it was an ambiguous act, and yet it would at that stage be quite impossible to say that if not interrupted he would not have completed the crime. He would be just as likely to complete it as not. See as to this the charge of the Chief Baron in the case of *Regina v. Taylor*, 1 F. & F. 511.

Prisoner was refused work; became very abusive, and threatened to "burn up" prosecutor. He was watched by prosecutor and his servant, was seen to go to a neighbouring stack and kneeling down close to it, to strike a lucifer match; but discovering that he was watched, he blew out the match, and went away. No part of the stack was burnt. The Chief Baron told the jury that if they thought the prisoner intended to set fire to the stack, and that he would have done so had he not been interrupted, in his opinion this was in law a sufficient attempt to set fire to the stack.

That it was clear that every act committed by a person with the view of committing the felonies mentioned (in the statute)