allege, it is necessary to prove; and how could this be proven where there was a variety of different goods, and the thief was arrested before he had laid hands upon any article? Again, if the thief is caught with his hand in your pocket before he can grasp any of the contents, and it is found that the pocket contains both money and a watch, how can it be proven that he intended to steal both; and if not both, which? And in the case last put is there any more of an attempt to steal, the thief being ignorant of the presence of the watch or money, than there would be, had he with similar intent and ignorance, placed his hand in an empty pocket? In each case there is the substantive and distinct offence as prescribed by the statute. There is the criminal intent, and an effort made to carry out the intent to the point of completion, interrupted by some unforeseen impediment or lack outside of himself, special to the particular case, and not open to observation, intervening to prevent success, without the abandonment of effort or change of purpose on the part of the accused. As said by Mr. Bishop: 'It being accepted truth that the defendant deserves punishment by reason of his criminal intent, no one can seriously doubt that the protection of the public requires the punishment to be administered, equally whether in the unseen depths of the pocket, etc., what was supposed to exist was really present or not.' 1 Bish. Crim. Law, § 741. The community suffers from the mere alarm of crime. Again: 'Where the thing intended (attempted) is a crime, and what is done is of a sort to create alarm—in other words, excite apprehension that the evil intention will be carried out—the incipient act which the law of attempt takes cognizance of is in reason committed.' 1 Bish. Crim. Law, § 742. The true legal reason for the conclusions reached is that the defendant, with the criminal intent, has performed an act tending to disturb the public repose. Id., § 744. Mr. Wharton's views on this at one time perplexing question are in accord with Mr. Bishop. See 1 Whart. Crim. Law, (9th ed.) §§ 182, 183, 185, 186, 192." Pregnancy not essential to an attempt to commit abortion, *State* v. *Fitzgerald*, 49 Iowa, 260; S. C., 31 Am. Rep. 148. Snapping uncapped gun, *Mullen* v. *State*, 45 Ala. 53; S. C., 6 Am. Rep. 691. Breaking an empty safe, *State* v. *Beal*, 37 Ohio St. 108; S. C., 41 Am. Rep. 490. See note, 41 Am. Rep. 492.—*Albany Law Journal.*

THE VALUE OF A HUSBAND UNDER LORD CAMPBELL'S ACT.

Can there be circumstances under which a husband becomes absolutely of no value to his wife? This appears to be the question raised in the case of *Stimpson* v. *Wood*, 57 Law J. Rep. Q. B. 484, reported in the September number of the *Law Journal Reports*. The necessity for appraising the value of the husband in question arose from the fact that he had been killed by the negligence of the defendants or their servants. The common law made short work of the difficulty with the simple rule that a personal action dies with the person; but Lord Campbell, by the Act which bears his name, and which was the outcome of a more complicated state of society, altered the common law, and the death of a husband, father, brother, or other relative is no longer treated as an injury which is nullified by the fact that the chief sufferer is dead. The change cannot seriously be supported on the ground that the old law was an inducement to negligent persons to take care to kill their victims outright instead of maiming them. If there be such depravity in human nature it should be dealt with not in the civil but the criminal court. The common law looked upon death as a common enemy against which all but murderers were anxious to guard, so that its victims must lie where they fall. Lord Campbell's Act imposes the burden on the nearest shoulders, which have frequently to bear a grievous weight quite disproportionate to the offence committed. Whether or not this measure was just is not a matter of law, although the consideration of the principles involved throws light on the application of the Act which has now been in force for forty years almost in the same terms, vague and general as they are, in which it was originally passed.

Those who read the report of the case will, at an early moment, be struck with the singular appropriateness of the verdict of the