

cases there is none so good as infancy. The law is very tender of "infants," going great lengths to protect them against themselves. A woman was arrested in Pressburg, Hungary, for receiving stolen goods. She was by birth a Jewess; but six months previous to her detection had been baptized into the Roman Catholic Church. When put upon her trial she pleaded that she was an infant, and could not therefore be held responsible for what she had done—the date of birth in Hungary running according to the date of baptism; and after serious cogitation, the tribunal decided the defence a good one, and that she, a woman of forty, was legally but six months old.—*Green Bag*.

DEFINITION OF "ATTEMPT."—We find our taste for definitions and our fondness for animals gratified in *Reg. v. Brown*, 24 Q.B.D., 357, where Lord Coleridge, C.J., Pollock, B., and Field, Manisty, Cave, Day, and Grantham, JJ., sat upon the grave question whether a duck is an animal. We rejoice to find our impression of some years' standing confirmed by the decision of the court that a duck is an animal. This speaks well for the judgment of the judges, for, according to the senior Mr. Weller, "the man as can form a ackerate judgment of a animal, can form a ackerate judgment of anythin'." The more important question, however, was as to the definition of an "attempt." The conviction was of an attempt to commit an unnatural offence with domestic fowls, including, we infer, a duck, and the point was raised, that as the offence was impossible of commission, there could be no "attempt" to commit it. In other words, that there can be no attempt to do the impossible. The court unanimously denied that reasoning, disapproving *Regina v. Collins* and *Regina v. Dodd*, in which it was held that where one put his hand into another person's empty pocket he could not be convicted of an attempt to steal. This accords with our views, and two American cases—*Com. v. McDonald*, 5 Cush., 365, and *People v. Jones*, 46 Mich., 441—hold precisely the same doctrine: and *Rogers v. Com.*, 5 S. & R., 462; *State v. Wilson*, 30 Conn., 500; *Kunkle v. State*, 32 Ind., 520; *Hamilton v. State*, 36 id., 280; *State v. Beal*, 37 Ohio St., 108, hold the like doctrine in respect to acts with intent to do a particular thing. Mr. Bishop is of the same opinion. But the Supreme Court of this State, in *People v. Moran*, 54 Hun., 279, hold the contrary of an attempt to pick a pocket which was empty, Van Brunt, C.J., and Barrett, J., being of that opinion, but Daniels, J., dissenting. The court had not the last English case before them. Judge Barrett distinguishes between "attempt" and "intent"—"an act done with a particular intent and an attempt to commit a specific offence," and he is "surprised at Mr. Bishop's difficulty in reconciling the cases. Mr. Jerome's illustrations are apt and plausible, but hardly convincing. I agree that if we throw a stone at a piece of plate-glass, and fail to break it because the glass was too strong, there is an attempt to break plate-glass. The act tended to break it, and failed. If, however, the stone were thrown at what appeared to be plate-glass, but was not, the wrong-doer might be guilty of throwing with intent to break plate-glass, but no matter what was in his mind, he could not be guilty of an attempt to break anything save the shining object