

part, can alter its character. It would be a reproach to the law if such acts as were here proved do not constitute an overt act towards the commission of arson."

4. *Acts done in contemplation of the object.*—When the intention to commit a crime is formed, there are two sets of acts which may be done in contemplation of the object.

(1) *Preparatory Acts.* For example, as was said in argument in *Reg. v. Cheeseman* (supra): "There is a marked difference between attempting to attain an object and the mere doing an act with intent to attain that object. A man may do an act with intent to commit some crime anywhere; for example, a man may buy a rifle in America with intent to shoot a man in England; but the buying the rifle could not be construed into an attempt to shoot the man. Again if a notorious burglar is seen to put a pick-lock key into a door, the jury may assume that he is attempting to break into the house. But, if he were found purchasing a picklock key ten miles from the house in question, it would be impossible, without further evidence, to say that it was bought with intent to break into that house." To this it was said by Blackburn, J.: "There is no doubt a difference between the preparation antecedent to the offence, and the actual attempt."

"Preparation consists in devising or arranging the means or measures necessary for the commission of the offence; the attempt is the direct movement towards the commission after the preparations are made." Field, C.J., *People v. Murray*, 14 Cal. 159.

In the case of a man contemplating murder, the going to the place at a distance where the crime is to be committed is merely a preliminary act, no part of the crime, and does not constitute an attempt. It is merely placing himself in a position where he can commence proceedings. The buying of a revolver before going would be another preliminary step, of no particular significance to one not aware of the intent; it would not be an attempt, being too remote from the actual offence.

(2) Those acts which form successive steps in the commission of the crime, after the preliminaries are over, any one of these will be an attempt. Purchasing a revolver and going to the