Co.C.J., for that he, the defendant, "knowingly and without lawful justification or excuse, did sell, distribute, and circulate," and "did have in his possession for sale, distribution, or circulation, certain obscene circulars, tending to corrupt morals," contrary to sec. 207 of the Criminal Code, as amended by 8 & 9 Edw. VII. ch. 9.

The Judge, after hearing the evidence and declining to receive some of that tendered by the defence, found the defendant "guilty;" and, at the defendant's request, stated a case for the opinion of the Court of Appeal on the following questions:—

1. Was the bulletin in question obscene printed matter tending to corrupt morals, within the meaning of sec. 207, sub-sec. 1 (a), of the Code, having regard to the form in which it was issued and to the manner in which it was proved to have been circulated by the accused?

2. Was there evidence upon which I could reasonably find, as I did find, that the public good was not served by the printing and circulating of the bulletin in question, assuming that the occasion of the printing and circulating was such as might be for the public good?

3. Was there evidence upon which I could reasonably find, as I did find, that, assuming that the public good was served by the printing and circulating of the bulletin in question, there was excess beyond what the public good required, in the manner, extent, or circumstances in, to, or under which the printing and circulating was done?

4. Was the evidence tendered by the accused and rejected by me improperly rejected?

5. If question 4 is answered in the affirmative, was any substantial wrong or miscarriage of justice occasioned at the trial by such rejection?

6. Should the conviction stand?

The case was heard by GARROW, MACLAREN, MEREDITH, MAGEE, and HODGINS, JJ.A.

W. E. Raney, K.C., for the defendant.

J. R. Cartwright, K.C., for the Crown.

MEREDITH, J.A.:—I have no manner of doubt that the defendant was rightly convicted.

It is admitted that he prepared, had printed, and had in his possession for publication, a thousand copies of the "special bulletin" in question, which, it is also admitted, contains disgusting details of an obscene character—described in the "bulle-