

intent to do him grievous bodily harm, because his intention was not to hurt the policeman, but only to escape from his pursuit; but, if the difference between motive and intention were properly understood, it would be seen that the wish to resist lawful apprehension was the motive, and the wounding of the policeman the intention. . . . It would be a mistake to suppose that, in order that any act may amount to a crime, the offender must intend to commit the crime to which his act amounts, but he must in all cases intend to do the act which constitutes the crime. There are cases in which a person may commit a murder without intending to commit a murder, but there is no case in which he can commit murder without intending to do the act which makes him a murderer. If a robber fire a pistol at the person robbed, intending only to wound him, and actually kills him, he is guilty of murder, though he had no intention to commit murder, but he cannot be guilty unless he intended to fire the pistol. (Ibid.) So, too, the concurrence of indifferent or good motives will not be a defence to an indictment for an intentional violation of the law. It is no defence to an indictment for larceny that the defendant intended to give the money to the poor; nor to an indictment for arson that the object was to remove a building that was a nuisance. Whatever a man's motives may have been, he is subject to indictment if he intended to commit an act made indictable by law, and then committed that act: 4 Cr. L. Mag. 7.

6. "Malice" and "malicious" as applied to libel.

In reference to libel the intention of the defendant has been usually expressed by the use of the word "malicious." Libel is a malicious defamation of any person: 2 Bl. Com. by B. & H. 173; 1 Hawk. P.C. 193.

There is little doubt that malice here originally meant a design to injure, which is still the meaning, in civil actions, of the statutory phrase "actual malice." But in the enormously increased opportunities for publication of modern times, it became obviously necessary that communications should sometimes be indictable, which were made bona fide, in the belief that it