

Section 179.—By substituting the following therefor:—

“179. Every one is guilty of an indictable offence and liable to two years’ imprisonment who knowingly, without lawful justification or excuse—

(a.) [manufactures, or] sells, or exposes for sale or to public view, [or distributes or circulates, or causes to be distributed or circulated] any obscene book, or other printed, [typewritten,] or [otherwise] written matter, or any picture, photograph, model or other object tending to corrupt morals; or

(b.) publicly exhibits any disgusting object or any indecent show; or

(c.) offers to sell, advertises, publishes an advertisement of, or has for sale or disposal any medicine, drug or article intended or represented as a means of preventing conception or causing of abortion [or miscarriage.]

2. No one shall be convicted of any offence in this section mentioned if he proves that the public good was served by the acts alleged to have been done [*and without excess in the acts alleged beyond what the public good requires.*]

3. It shall be a question [for the court or judge] whether the occasion of the [manufacture,] sale, [exposing for sale,] publishing, or exhibition is such as might be for the public good, and whether there is evidence of excess beyond what the public good requires in the manner, extent or circumstances in, to or under which the [manufacture,] sale, [exposing for sale,] publishing or exhibition is made, so as to afford a justification or excuse therefor; but it shall be a question for the jury whether there is or is not such excess.

4. The motives of the [manufacturer], seller, [exposer,] publisher or exhibitor shall in all cases be irrelevant.”

NOTE.—This amendment omits the word “publicly” from before “sells,” and “public” from before “sale,” in the first line of paragraph (a) of subsection one. In subsection 3, the first line now reads, “It shall be a question of law, &c.”

Section 180.—By substituting the following therefor:—

“180. Every one is guilty of an indictable offence and liable to two years’ imprisonment who posts for transmission or delivery by or through the post,—

(a.) any obscene or immoral book, pamphlet, newspaper, picture, print, engraving, lithograph, photograph or any publication, matter or thing of an indecent, immoral, [or scurrilous] character; or

(b.) any letter upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid; or

(c.) any letter or circular concerning schemes devised or intended to deceive and defraud the public or for the purpose of obtaining money under false pretenses.”

NOTE.—Section 180 was adapted from the P. O. Act, s. 103, which section was repealed by the Code (section 981). It contained the words which have not been copied in section 180, viz.: “seditious, disloyal, scurrilous or libellous.” Of these all but “scurrilous” are probably thought to be sufficiently covered elsewhere in the Code. Scurrilous mail-matter causes serious trouble to the Post Office Department and the sending of it is a grave offence, but there is at present no provision in the Code dealing with it. The object of the amendment is to supply the omission.

Section 183.—By substituting the following therefor:—

“183. Every one is guilty of an indictable offence and liable to two years’ imprisonment,—