60, which became part of the law of the Province of Canada. Under it, it is for the jury to say whether, under the facts proved, there is libel and whether the defendant published it. R. v. Dougall (1874), 18 L.C. Jur. 85.

Sec. 4.—Punishment.

For Publishing or Threatening to Publish with Intent to Extort, etc.—Code sec. 332.

For Libel Known to be False.—Code sec. 333.

For Defamatory Libel.—Code sec. 334.

Sec. 5.—Indictment.

Innuendo.—An indictment charging the publication of a defamatory libel, which does not state that the same was likely to injure the reputation of the libelled person by exposing him to hatred, contempt or ridicule, or was designed to insult him, is bad by reason of the omission of an essential ingredient of the offence. R. v. Cameron (1898), 2 Can. Cr. Cas. 173.

On an indictment for a libel published in a newspaper, it appeared that the editor (who was not indicted) before inserting the libel shewed it to the prosecutor, who did not express any wish to suppress the publication, but wrote a reply, which was also inserted. The jury found it to be a malicious libel, and defendants were convicted. The Court held that what the prosecutor said to the editor, and did, did not hold out any assurance of impunity to the defendants, so as to render the conviction illegal, and a new trial was refused. R. v. McElderry (1860), 19 U.C.Q.B. 168.

When an indictment for defamatory libel consisting of words harmless in themselves, but importing by innuendo an imputation of dishonourable conduct contains in addition to the enunciation of the incriminating words an allegation of the sense in which they should be understood the Crown will be allowed to prove extrinsic circumstances which impute this meaning to them. It is not necessary to enumerate these circumstances in the indictment, and the accused is sufficiently guarded against surprise by the right that he has to demand particulars. See Code secs. 859-860. Failing to do so, he will not be allowed to object to the admission of the evidence above mentioned and the question of its legality is not one which can be reserved for the opinion of the Court of Appeal. R. v. Molleur (No. 1) (1905), 12 Can. Cr. Cas. 8.

A person alive to the vindication of his character when assaulted and entitled to the remedy of criminal information must apply with reasonable promptitude. The general rule is stated by Lord Mansfield in R. v. Robinson (1765), 1 W. Bl. 542, where he said: "There