found by the grand jury, did not state an indictable offence, as required by the Criminal Code. (2) That the indictment, before amendment, did not state the details and circumstances required by sec. 853 of the Code, and the amendment was not in regard to a matter of form, but of substance. (3) That the indictment, as found, could not be enlarged by particulars. (4) That the indictment, as amended, charged 7 offences under one count, contrary to sec. 853 (3) of the Code. (5) That the indictment, as amended, and the verdict of the jury, taken together, had found the defendant guilty of publishing 3 seditious libels under one count, contrary to the Code.

The most serious objection was that of duplicity, and it was urged that that was not cured by the verdict.

Intent is essential in seditious libel. The jury had found that two publications were seditious, which involved the finding that the accused was guilty of a libel expressive of a seditious intent. Whether or not one of the two would in itself justify that finding was a question, not for the Judge, but for the jury, and they might have deduced the seditious intent from both together.

Reference to Rex v. Benfield (1760), 2 Burr. 980; Regina v. Bleasdale (1848), 2 C. & K. 765; Nash v. The Queen (1864), 4 B. & S. 935.

The indictment followed sec. 852 (3) of the Code, and sufficiently described the offence: see secs. 855, 861. The effect of the amendment was merely to put the record in form for the purposes of the trial, and was probably unnecessary, in view of sec. 860.

Several offences should not be charged in the same count: Rex v. Thompson, [1914] 2 K.B. 99. If the offence in this case was one which depended merely on the doing of an act, and did not lie in the intent with which it was committed, that case would be applicable; but, on that point, it is to be distinguished.

It is doubtful, also, whether this objection is open to the accused after verdict.

At the trial, the publications were produced and proved, and the accused gave evidence regarding each one; only two reached the jury, and upon these two the accused was found guilty.

No prejudice was suffered by the accused, and no substantial wrong or miscarriage was occasioned by anything that was objected to.

The indictment and conviction might properly be treated as for a single offence—there were two separate printed papers, united as to intent: Rex v. Yee Mock (1913), 21 Can. Crim. Cas. 400.