among a number of others which were prohibited, and had convicted the accused for having these two in his possession. This the magistrate had authority to do; and, if not, sec. 1124 of the Criminal Code gave the Judge power to amend: Rex v. Demetrio (1912), 20 Can. Crim. Cas. 318, 3 O.W.N. 602.

The information was laid under order in council No. 703, amending No. 2381, dealing with the printing, publishing, or importing for sale and distribution of publications in a foreign language. The Chief Press Censor might, in certain circumstances, by order under his hand, published in the Canada Gazette, prohibit the printing, publication, etc., of such matter within Canada.

The provisions as to publications in enemy languages were very wide and sweeping, so that possession of "any publication" in an enemy language constituted an offence and made the offender liable to a fine of $1,000 or to imprisonment for a term not exceeding two years, or both.

It was urged that the information was insufficient, in that it did not identify the publications, but called them merely "prohibited literature." The information went further, however, by adding the words, "contrary to the provisions of order in council 2381 as amended by order in council 703." The only "prohibited literature" mentioned in either order in council was that prohibited by the Chief Press Censor, and the offence consisted in having in possession any such publication, i.e., any publication which was prohibited.

The two prohibited publications referred to were produced to the magistrate and to the defendant before plea, and, with these before him, he pleaded "guilty." By sec. 4 of order in council 2381, the matters alleged in the information were to be presumed to be true unless rebutted.

Reference to the Criminal Code, secs. 852, 853, and 855; and the War Measures Act, 1914, 5 Geo. V. ch. 2, sec. 6:

The information was good, and the offence was presumed to have been committed, unless that presumption was rebutted—it was not rebutted, the plea being "guilty."

Reference to Regina v. Weir (1899), 3 Can. Crim. Cas. 102, 106.

The amended conviction was no departure from the information to which the prisoner pleaded "guilty."

There was no reason why the magistrate, notwithstanding the plea of "guilty," could not proceed to take evidence in the presence of the defendant and before conviction, in order to ascertain the nature and quality of the offence so as to determine the proper measure of punishment. The evidence then taken shewed that the defendant had a large quantity of prohibited literature which