

but is it so? Are not all the circumstances to be considered? the fact, for instance, that the man had been recently employed on the vessel on which he is found dead, in the absence of any evidence, one way or the other, does not lead to the necessary inference that he was a wrongdoer. He may have gone to get his tools, or to speak with the defendants' foreman, or a hundred things without in any sense being a trespasser.

The fact that a man is found on premises not his own, is surely not conclusive evidence of trespass and we doubt if it is even *prima facie* evidence of trespass and yet that seems to be all the evidence on which the court based its finding of fact in the *King* case. Whether the fact that the locus was a vessel afloat over land of which the defendants were not owners can make any difference we are not prepared to say—at any rate the trespass, if any, would seem to have been to a chattel and not to land.

There can be no doubt that the subject is surrounded with difficulties, and not the least of them is to determine when a person is to be regarded as a trespasser. Every entry on another's premises is not a trespass, when the butcher comes to deliver his meat, or the baker his bread, he is not in any sense a trespasser, when a man goes to call upon a friend, he is not a trespasser on the friend's premises, because he enters thereon without an express licence. It is, therefore, for these reasons, difficult to lay down a general rule in cases such as *King v. Northern Navigation Co.*

It would be hard on the owners of vessels to make them liable to all comers for injuries they may sustain through some defect in the ways about the vessel; at the same time, the leaving of traps for the unwary, about one's premises whereby persons coming thereon without any unlawful intent may be injured, does not seem to be a justifiable proceeding. It could hardly be said that if a friend were calling on a neighbour, who had negligently suspended over his door steps a lamp which fell and killed the friend, that the neighbour would not be liable under the Fatal Accidents Act; and yet all that might

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