

house, had been served with liquor by the appellant's daughter in the presence of her father. He was known to them as a policeman, but they made no enquiry as to whether he was on duty or not, and took it for granted in consequence of his armlet being off that he was off duty, and served him with liquor under such belief. It was held that the conviction must be quashed. "The guilty mind which is necessary, except in a few special cases, to constitute a criminal offence was absent." (Day, J.)

"In a criminal matter there must be 'mens rea,' unless it be displaced by statute or by the nature of the subject-matter. A man, for instance, may be guilty of bigamy without 'mens rea.' So also where a criminal prosecution is for a civil wrong, as a prosecution for trespass in pursuit of game. Express words in a statute dispense with a guilty intention." (Wright, J.)

(b) In *Derbyshire v. Houlston* (1897), 1 Q.B. 772, the appellant was charged, under the Sale of Food and Drugs Act, 1875, with giving a false warranty in writing to a purchaser in respect of an article of food sold by the appellant.

When the appellant sold the article he did not know and had no reason to believe, that the warranty was false. Held, that he was not liable to be convicted.

"Where it is sought to be shewn that the Legislature means to punish without requiring proof of moral guilt, such an intention must be very clearly expressed." (Hawkins, J., p. 776.)

"The general rule is that a presumption exists that mens rea is essential to every criminal offence. There are instances in which it has been held that this presumption is displaced by the words of the statute creating the offence, but where this is the case the intention must be clearly expressed." (Wright, J., p. 776:)

(c) In *Reg. v. Sleep*, 8 Cox C.C. 472, the prisoner had possession of government stores some of which were marked with the broad arrow. He was indicted under a statute which made it a criminal offence for any person to have stores or goods so marked in his "custody, possession or keeping." The jury in answer to a question whether the prisoner knew that the copper