

above mentioned shares and enter his name in register of members in respect thereof. No application for shares was enclosed, as contemplated by the letter. Only 55,000 shares were taken up by the public, and the syndicate thereupon applied for an allotment to Pole of 6,334, being his proportion of the shares not taken up by the public. Laurence, J., who heard the application, dismissed it, holding that the syndicate had authority coupled with an interest entitling them to apply for the shares issued to Pole, and that the authority was irrevocable by Pole.

NEGLIGENCE—CONTRIBUTORY NEGLIGENCE—SHIP REPAIRERS—INFLAMMABLE CARGO—OPEN HATCHWAY.

*Grayson v. Ellerman* (1920) A.C. 466. This was an appeal from the judgment of the Court of Appeal (1919) 2 K.B. 514 (noted *ante* p. 69). It may be remembered the action was brought by Ellerman Company against the Graysons for damages occasioned by their negligence in repairing the plaintiffs' ship. The damage in question arising from a red hot rivet having been dropped into an open hatchway, thereby setting fire to a cargo of jute. The defendants contended that the leaving of the hatchway uncovered was contributory negligence on the part of the plaintiffs. The Court of Appeal disallowed this defence, and the House of Lords (Lord Birkenhead, L.C., and Lords Finlay, Sumner, Parmoor and Wrenbury) affirmed their decision.

CRIMINAL LAW MURDER—MANSLAUGHTER—KILLING VICTIM IN FURTHERANCE OF RAPE—DRUNKENNESS—MISDIRECTION.

*Director of Prosecutions v. Beard* (1920) A.C. 479. This was an appeal from the Court of Criminal Appeal. The defendant was convicted of murder, the evidence shewing that when committing rape on the person of a girl of thirteen, he had placed his hand over her mouth and pressed his thumb against her throat, whereby she died of suffocation. The defence was drunkenness. Bailhache, J., directed the jury that if they were satisfied the accused was so drunk as not to know what he was doing that would reduce his crime to manslaughter. The Court of Appeal substituted a verdict of manslaughter, being of the opinion that Bailhache, J., had erred in applying to a case of drunkenness the act of insanity, and that he ought to have followed the rule laid down in *Rex v. Meade* (1909), 1 K.B. 895. The House of Lords (Lord Birkenhead, L.C., and Lords Reading, C.J., Haldane, Dunedin, Atkinson, Sumner, Buckmaster and Phillimore) how-