

of *Police v. Cartman*, [1896] 1 Q.B. 655, and *Strutt v. Clift*, [1911] 1 K.B. 1. . . .

These exceptions, however, are, when analysed, covered by the principle stated in the *Coppen* case, which is more shortly put in the case last cited, in this way, that the *mens rea* is a necessity ingredient in a criminal offence unless the statute either expressly or by necessary implication from its language dispenses with it.

That this is no new principle is seen from an examination of the case of *Regina v. Prince* (1875), L.R. 2 C.C.R. 154. . . .

The decision in *Williamson v. Norris*, [1899] 1 Q.B. 7, in which it was held that a servant was not liable for selling liquor without a license under sec. 3 of the Licensing Act of 1872—which enacted that “no person shall sell . . . any intoxicating liquor . . . without being duly licensed”—is not easy to reconcile with the rule established by the other cases dealt with. The principal, however, was a Committee of the House of Commons, which could not be licensed. But even there it was held that, upon the true construction of the statute, the sale struck at was a sale by the master or principal and not that by a servant.

It cannot be doubted that the intention of the sections of the Inland Revenue Act cited was to prohibit absolutely the sale of wood alcohol, a poison, except in labelled bottles. It would fritter away the statute to hold that the sale of the article proved in this case, if made by a servant, absolved the employer, because he did not actually conduct the sale. The prohibition is explicit; the sale was in law the sale of the master; and there is no saving clause, such as is found in *Coppen v. Moore*, enabling the employer to free himself. It seems to fall fairly within the exceptions quoted. And, as stated by Haggarty, C.J., in *Regina v. King* (1869), 42 U.C.R. 246, “If it be contrary to law to sell liquor or any other article in a shop, the keeper of that shop, is, we think, responsible for any sale made by any clerk or assistant in his shop; *prima facie*, it would be his act.”

There was a clear delegation of authority or of the master's power to prevent a sale contrary to the statute, by putting the servant in charge of the store and of the vessel of wood alcohol from which the quantity sold was taken. Moreover, the statute in question is one of a class to which the construction given in this case is most readily applied, as recognised even by Brett, J., in his dissenting judgment in *Regina v. Prince* (*ante*).