

as it could not be made liable for the criminal and unauthorized act of its servant. On the part of the railway company the *Interpretation Act 1889*, s. 2, was relied on (see *R.S.C. c. 1, s. 34, (20)*), as shewing that "person" includes "corporation," and as a corporation would be liable in such a case for the act of its servants so must an ordinary firm be liable, though there be no *mens rea*. The Divisional Court (Lord Reading, C.J., and Ridley and Atkins, JJ.) held that the appellants were properly convicted and dismissed the appeal.

MERCHANT SHIPPING—SEAMAN—DESERTION—FAILURE OF MASTER TO ENTER IN LOG STATEMENT OF WAGES DUE TO SEAMEN "LEFT BEHIND"—MERCHANT SHIPPING ACT 1906 (EDW. VII. c. 48), s. 28.

*Colbourne v. Laurence* (1917) 2 K.B. 857. This was a case stated by magistrates. The defendant, the master of a vessel, was summoned for breach of the *Merchants Shipping Act 1906* (6 Edw. VII. c. 48) s. 28, which requires that "if a seaman belonging to any British ship is left behind out of the British Islands, the master of the ship shall . . . as soon as may be enter in the official log-book, a statement of the effects left on board by the seaman, and of the amount due to the seaman on account of wages at the time when he was left behind." During a voyage nine seamen of the vessel deserted, one at New York, two at Newcastle, N.S.W., and the rest at Melbourne. The log-book contained a record of the several desertions, and it was proved that they were in fact deserters and took away all their effects; but the log-book contained no statement of the amount due to any of the seamen on account of wages at the time they deserted. The seamen's wages account, however, contained particulars of the amounts due to seven of them, and the amounts overpaid to the other two. It was contended that seamen deserting were not "left behind" within the meaning of the Act, and that there was no evidence that they had in fact been left behind, as they might have joined other ships. The justices held that the Act must be construed strictly, and as there was no evidence that the men had in fact been "left behind" they dismissed the summons. The Divisional Court (Darling and Avory, JJ.) held that they had erred, and that the deserters were seamen "left behind" within the meaning of the Act. The case was therefore remitted to the justices.