

provided there have been no laches in the party paying it, *and there was no ground to claim it in conscience.*" This writer seems to think that these propositions are antithetical ; but apart from the laches, and the obscurity of the duplication of negatives, they are almost identical. The extract supports our contention when read in this way : " money paid in ignorance of law is recoverable, if there be anything unconscientious in the retaining of it ; 2nd, money paid in ignorance of facts is recoverable, if there was no ground to claim it in conscience." The true criticism of the passage, however, would be that in the first of these propositions the words "facts" and "law" may be safely transposed for a converse rule ; and the second is inaccurate. Inaccurate, because while there may not, as a matter of fact, be any ground for claiming the money, the parties may have agreed to take their chance of the truth, and having so contracted, are bound.

In *Snell's Equity* mistake of law is disposed of by saying that, as a general rule, ignorance of law is no ground for the rescission of a contract ; and the only two qualifications mentioned are, (1) That the term *law* in the maxim refers to the general law of the country and not to private rights ; and (2) That if a party acting in ignorance of a clear and settled principle of law is induced to give up a portion of his indisputable property to another, under the name of a compromise, a court of equity will relieve him from the effect of his mistake. Mistake of fact is then treated of under the headings of mutual and unilateral mistake.

True Method of Treating Mistake of Law and Fact.

It is the object of this article to show that the true method of treating relief in equity, upon the ground of mistake of law and mistake of fact, is to place them, not in opposition, but together ; for, as will be shown, the same principles apply to both. Wherever relief would be given upon the ground of mistake of fact, under analogous circumstances, the mistake being one of law, relief will also be given.