

is usually understood as silently requiring that this element should be imported into it, unless a contrary intention be expressed or implied (Maxwell, *Interp. of Stat.* 4th ed. 136). Although mens rea is essential to crime (*Reg. v. Tolson* (1889) 23 Q.B.D. 168; *The Commonwealth v. Presly* (1859) 14 Mass. (Gray) 56), it may exist without any intention to do the criminal act which was done. "Take the case of libel, published when the publisher thought the occasion privileged, or that he had a defence under Lord Campbell's Act, but was wrong; he could not be entitled to be acquitted because there was no mens rea. Why? Because the act of publishing written defamation is wrong where there is no lawful cause." (*Reg. v. Prince* (1875) L.R. 2 C.C.R. 154, per Bramwell, B.). Mens rea may be excluded by ignorance of fact (Anonymous (1745-63) Foster's Crown Law, 265), although such ignorance does not excuse if it be careless and unreasonable (*Reg. v. Jones* (1874) 12 Cox 628); but mens rea is not excluded by ignorance of law (*Rex v. Bailey* (1799) R. & R. 1). Ignorance of the law excuses no man; not that all men know the law, but because it is an excuse every man will make, and no man can tell how to confute him. (Selden.) All that is meant by the rule is, that no one is to be permitted to set up to an indictment, for an act on its face wrongful, the defence that he did not know that the act was wrongful: 4 Cr. L. Mag. 11.

#### 4. Distinction between intention and motive.

Intention and motive are often confounded, but they are clearly distinguishable. "Intent" and "intention" have been defined as a design, a resolve, or purpose (Abbot's Law Dict.); and it has been declared that the phrases "with an intent" and "for a purpose" are almost absolutely identical in meaning: *Robertson v. Liddell* (1808) 9 East, 487; *Commonwealth v. Raymond* (1867) 97 Mass. 567.

Mr. Justice Stephen describes intention as the result of deliberation upon motives. It is, he says, the object aimed at by the action caused or accompanied by the act of volition. Though