

the cases lay down the unqualified proposition that ignorance of the law will never entitle one to relief. In Equity, the principle has evoked fruitful discussion; but as Snell says (Pr., Eq., 9 ed., 523), it "is about as much observed in Equity as at law." Courts of Equity have, indeed, granted relief in cases where the party has suffered by his mistake of law; yet all such cases will be found to have involved other grounds, connected indeed with such mistake, but in respect of which Equity has always exercised the right to intervene, such as misrepresentation, undue influence, imposition or surprise.

Austin (Prov. Juris. Determ., ii., pp. 481-482), while criticising the reason for the rule given by Blackstone, declares the real reason to be that if ignorance of law were admitted to be a ground of objection, "the Courts would be involved in questions which it were scarcely possible to solve, and which would render the administration of justice next to impracticable." This is, of course, putting it in the form of a rule of evidence, and basing its reason entirely on the difficulty of affirmative proof. Judge Holmes ("The Common Law," pp. 48, 49) combats Austin's theory, and says "the true explanation of the rule is the same as that which accounts for the law's indifference to a man's particular temperament, faculties, etc. Public policy sacrifices the individual to the general good."

Even the Roman jurists, to whom we are indebted for this rule of law, did not clearly apprehend its reason. In the Digest (xxii. 6, 9) we find the maxim so expressed: "*Regula est, iuris ignorantiam cuique nocere*"; and its reason expounded in this wise (Dig. xxii. 6, 2): "*In omni parte, error in iure non eodem loco quo facti ignorantia haberi debebit, quum ius finitum et possit esse et debeat: facti interpretatio plerumque etiam prudentissimos fallat.*" We gather from this that the Romans rested the idea of responsibility under this maxim purely and simply upon negligence. What they say is tantamount to this—that a man must be held to be guilty of negligence who does not know *what is possible to be known*, and what every other reasonable man knows (cf. Hunter's "Introd. to Roman Law," 3rd ed., p. 135). How