

cases there cited: *R. v. Buncombe*, 1 Cox C.C. 183; 1 Russ. 33, and Greaves' note (a).

22. IGNORANCE OF THE LAW.—The fact that an offender is ignorant of the law is not an excuse for any offence committed by him. 55-56 V., c. 29, s. 14.

See *R. v. Mailloux*, 3 Pugs (N.B.) 493; *R. v. Reed*, Car. & M. 308; *R. v. Hall*, 3 C. & P. 469; *R. v. Hearn*, cited in Warb. Lead. Cas. 204.

Where the criminal quality of an act depends upon its having been wilfully done the actual motive of the offender is immaterial: 7th Rep. Crim. L. Comm. 1843, Art. 10. For criminal purposes, the intention to do the act exists where it is wilfully done. Intention and motive are not the same thing: 4th Rep. xv. and 7th Rep. 29.

In *R. v. Crawshaw*, Bell C.C. 303, the jury found the defendant guilty, but that he did not know perhaps that he was acting contrary to law. But, said the Court, the defendant's ignorance of the statute is no excuse for him. As to ignorance of fact, and rule that "*actus non facit reum nisi mens sit rea*," see *R. v. Prince*, 13 Cox C. C. 138; *R. v. Tolson*, 16 Cox C. C. 629, 23 Q. B. D. 168, Warb. Lead. Cas. 72, and cases there cited; *R. v. Twose*, Warb. Lead. Cas. 1; *R. v. Hicklin*, L. R. 3 Q. B. 369; *Dyke v. Glover*, 17 Cox C. C. 421, and cases cited under section 315 *post*.

Though drunkenness is never an excuse for a crime, yet, where the intention of the guilty party is an element of the offence itself, the fact that the accused was intoxicated at the time may be taken into consideration by the jury in considering whether he had the intention necessary to constitute the offence charged: *R. v. Cruise*, Warb. Lead. Cas. 24, and cases there cited; *R. v. Doherty*, 16 Cox C. C. 306; *R. v. Carroll*, 7 C. & P. 145; 1 Russ. 12, and Greaves' note.

Ignorance of the law, an excuse in a specified case under section 29, *post*.

As to liability, in criminal law, of masters for the acts of their servants: see *R. v. Stephens*, Warb. Lead. Cas. 37; *Rond v. Evans*, 16 Cox C. C. 461, 21 Q. B. D. 249; *R. v. Bennett*, Bell, 1; *R. v. Allen*, 7 C. & P. 153; *Chisholm v. Doughton*, 16 Cox C. C. 675, 22 Q. B. D. 736, and cases there cited; *Kearley v. Tylor*, 17 Cox C. C. 328; *Elliott v. Osborn*, 17 Cox C. C. 346; *Brown v. Foot*, 17 Cox C. C. 500.

23. EXECUTION OF SENTENCE.—Every ministerial officer of any court authorized to execute a lawful sentence, and every gaoler, and every person lawfully assisting such ministerial officer or gaoler, is justified in executing such sentence. 55-56 V., c. 29, s. 15.

This section deals with homicide which does not amount to criminal homicide. See sections 26 and 27 as to erroneous sentences, and note under section 24 as to the word "justified."

24. EXECUTION OF PROCESS.—Every ministerial officer of any court duly authorized to execute any lawful process of such court, whether of a civil or criminal nature, and every person lawfully assisting him, is justified in executing the same.