ceipt being taken for them; could it in such a case be contended, reasonably, that there was no contract in writing?

It is true that it may be that there was no right of renewal, such as that in question, without the consent of the defendants: but what difference can that make? Whether it was in the power of one of the parties alone, or whether it required the concurrence of each, in either case the contract ended unless and until it was renewed; the renewal in either case is indifferently called a renewal of the policy, and the effect of it is just the same—the old contract is carried on in its entirety for another year. That is, and in this case was, the intention of the parties as well as the effect in fact and in law of every such renewal, unless in it there is some provision to the contrary; and such there was not in this case.

The only difficulty is to make anything like a real difficulty out of the appellant's contention in this respect.

Upon the question of admissibility of evidence the trial Judge, in my opinion, erred.

How can the observation, made some time after the event, that he thought he had hurt himself, be considered admissible evidence, except, if material, against him? It did not relate to his sensations at the time; but was his opinion as to something that had happened before.

However, little or nothing turns upon the statement. If it were meant to convey the opinion that he had ruptured or strained himself, the meaning which the words would ordinarily convey, it was wrong, because nothing of the sort occurred. Whilst, if it were intended to convey the meaning that by overexertion he had exhausted himself, there was no need to say anything; that was as evident to those to whom he spoke as it could be to him. They knew of his condition before his exertion, they saw what he did, and they saw the weakness which it apparently brought on. So that excluding the statement has really no effect upon the case.

Upon the question of fact, it is never questioned that a finding on circumstantial evidence is quite as good as one on direct testimony; discussions of that kind are quite out of the question. The real questions are: when the case was tried by a jury, was there any evidence upon which reasonable men could find as the jury have found? and, when tried by any judicial officer, whether the finding was right; having regard always to the advantages of a Judge who sees and hears the witnesses over any Court that does not.

Having regard to these things, I am not prepared to say that