

## SUPERIOR COURT.

Interdiction—Insanity—Notoriety—Lucid interval—  
Cheque—Evidence—“Onus probandi”—Expert.

QUEBEC, January 26, 1914.

McCORKILL, J.

BELLEAU v. PAQUET, es-qual.

10. In an action on a cheque made by an interdict prior to his interdiction, to which the curator pleads insanity, the burden of proof is upon the defendant to prove: (a) Insanity was the habitual condition of the interdict's mind at the time (*à l'époque*) the contract was made and the cheque was signed;—(b) that the interdict's habitual insanity existed notoriously—not in Quebec, where the cheque was signed, but in Levis, where he lived;

20. To have existed notoriously, his insanity need not have been known to everyone in Levis; it is sufficient if it was known generally, by the portion of the population of Levis with whom he was in the habit of associating from day to day at this period of his life, his family, his associates in business, in the municipal council, of which he was a member, his neighbors.

30. Where plaintiff answers that prior to the time of the contract, the interdict was addicted to the excessive use of intoxicating liquors, and that the alleged acts of insanity were merely the results of this excess, theoretical expert evidence of an alienist, strongly upholding this theory, supported by evidence of isolated occasions when he was known to have imbibed intoxicants, will be rejected as insufficient, as against the evidence of an alienist who took the interdict in charge when he was admit-