think it is not. In the first place it is not the pretension of Appellant, and there has been no effort to prove a lucid interval.

It is also said the will itself is a proof of insanity, and much stress has been laid on the observation of the learned Chief Justice in the Court below, that the will was cruel and *unreasonable*. Language is undoubtedly insufficient to convey ideas with perfect precision, but it is the only medium we have, and we must make the best of it. We therefore use words in many senses. Now I think when Chief Justice Meredith said the will was unreasonable, he used it in a sense totally different from that in which the writers who have been quoted use the word *déraisonnable*. He obviously meant that the will was unreasonable in this, that it was not in accordance with those dictates of reason which proceed from the highest motives. The writers on the other hand, mean by *déraisonnable*, what is *bizarre*—one of them says so in express terms. It would be *bizarre* for a Quebec pilot to leave his money to the Emperor of China, it is not *bizarre* for him to leave it to the woman he believes to be his wife, instead of to his niece, although in a sense it is cruel and unreasonable not to provide for a relative he had brought up in his house almost as his child.

The only act which indicates want of prudence and forethought on the part of Russell is his giving away his half-built house. But it is to be observed that he was very ill, that he had still to expend a great deal of money to finish it; he had lost money, which caused him much annoyance, and under these circumstances it does not seem to me to be a conclusive proof of insanity that he sacrificed a possible gain for relief from anxiety and risk.

I don't think his offers of furniture and other things, or his declarations of poverty amount to anything. Miserly people constantly express despair at losses which to others less sane would appear trivial. Still less do I consider it a sign of folly that he should have left $2,000 to be distributed in charity, instead of leaving it to his poor relations.

It has also been said that the evidence of his sanity is negative, and therefore not as convincing as the evidence of his insanity. I understand that if A swears he saw B in the street and C swears he did not see him, the evidence of A is not contradicted by that of C, and the fact is proved that B was in the street; but that is not parallel to the case in point. If I swear that I did business with A and he showed no sign of insanity, it may be called negative evidence, but it is a negative pregnant. It is as though I should swear he appeared to me sane. I swear to the existence of reason and in so swearing I swear as positively as he who swears to its absence. There is one piece of evidence which has been insisted on as showing Russell's intelligence on one hand, and on the other as showing his insanity. A country *curé* of his acquaintance and four of his friends engaged in building a church, came to see Russell in order to borrow money for the completion of their work. Their property was already mortgaged quite up to its value. They talked with Russell two hours, and they had to leave without being able to say whether he had money to lend, or whether he would lend it if he had it. He referred them to his notary. Here, says appellant, is a complete proof that Russell's mind was entirely gone. I may say this was not the impression at the time on the *curé* and his friends. Nor do I think it is the fair inference to draw. It is a well known artifice of money-lenders to affect to have no money in order to enhance its value. Those who have no personal experience of this method may have learned it from the comic writers. Again, I daresay, Russell was a good Catholic, and probably he did not like to tell a friendly *curé* point-blank that his material security was not worth sixpence, and that he attached very little more to the moral one, which, he was evidently expected, to take in exchange. His notary could save him from a seeming discourtesy, and he sent his visitors to be dealt with *en règle*.

Some allusion was made to the case of *Close & Dixon*. It was an action to set aside a will on the ground of insanity of the testator, and there begins and ends the resemblance between that case and this one. What the party wishing to uphold the will had to prove was a lucid interval, that is, the burthen of proof was reversed. In the *Close & Dixon* case, the insanity and the malady which caused it were proved beyond a doubt; and the medical testimony further established that from the condition the testator was in, an interval of lucidity sufficient to enable him to be able to dictate a will was next to an impossibility.

I am to confirm.