

of the truth, who depose to a series of acts done by the deceased, which, if truly narrated and described, prove incontestably that Mr. Scott was, during the space of an hour and more, within which the marriage was solemnized, and the marriage contract prepared under his instructions and executed by himself, in a perfect state of capacity, memory and intelligence. We may pass by the communication between Ancey, the Roman Catholic Priest, and Mr. Scott, on the afternoon of the 15th, merely observing that the deceased, upon this occasion, expressed himself rationally while informing the Priest of his having had an altercation with his sister, that he was desirous that he should marry him to Mademoiselle Paquet, that he had sent to him for that purpose, and when told that a dispensation was necessary, he desired that a bishop should be written to immediately in order that it might be obtained. The following day, the 16th, upon the arrival of the dispensation, the Priest proceeded again to the house of Mr. Scott, and found him, as he positively and distinctly swears, in perfect possession of his understanding; and here begins a series of acts on the part of the deceased, which, if really done, prove to demonstration a state of perfect mental competency and capacity. He received the priest's explanation of the oath or engagement required, that his wife should be left to the free exercise of her religion, and that the children might be brought up in the Roman Catholic faith; he observed that at a former period, (and in this statement he is confirmed by Père Martin, the Priest), he was about to marry Mademoiselle Paquet, but objected to this engagement on the ground that he was required to pledge himself that the children should be so brought up, and not merely that he would permit them to use their own free will as to their religion; he gave the necessary information as to the names of his relatives, and the ages of his children, in order that the usual registration should be made; he took the pen in his hand and wrote the name of one of his parents, because the priest was unable to spell it; he sent for a

notary and his clerk; he gave instructions for the marriage contract, informing the notary that his wife was to be required to give up the *communauté de biens*, and that in consideration of this renunciation he conferred upon her and her heirs all his immoveable or real estate, which he described as situate in the several parishes of St. Eustache, and St. Martin; he also gave to his wife, but in trust only, in equal thirds for two of his sisters, Anne Scott and Jane Scott, and his daughter by Paquet, Caroline Scott, a large sum of compensation money to which he was entitled by reason of losses sustained in the rebellion of 1837; and, besides disposing of the remainder of his property under this marriage contract, it is sworn upon the evidence of Archambault, the notary, that upon a suggestion that he should dispose of his property by will, he himself declared that he had determined to do so by a marriage contract; and the contract was drawn up and executed accordingly. All this, together with the celebration of the marriage itself, is confirmed by the independent testimony of Mr. Feré, a friend of the deceased, residing at St. Eustache. It is impossible, unless these witnesses are guilty of deliberate perjury, that the deceased was at this time otherwise than in perfect possession of his mind, memory, and understanding, and of perfect capacity to contract a lawful marriage. It is true that, during this proceeding, upon a noise being heard from the agitation of the shutters by the wind, he is proved to have cried out, "They are coming! they are coming!" If this were, as suggested by the respondents, an expression uttered under an idea that the intelligence of the result of his election had arrived, it requires no comment. But if it were, as insisted by the plaintiff, the manifestation of a delusion created by *delirium tremens*, it appears to have been dispelled, and to have ceased upon his being convinced, a few moments afterwards, that the noise was occasioned by the wind.

We think, therefore, on the whole, that whatever degree of suspicion may naturally arise from the very cogent and circum-