Such are the principal features of the evidence in the case.

If, as has been well remarked (Wills' Circumstantial Evidence, p. 32) the force and effect of circumstantial evidence depend upon its incompatibility with, and incapability of, explanation or solution upon any other supposition than that of the truth of the fact which it is adduced to prove, the appellants' case is as clearly made out as a case of this nature can ever possibly be.

The facts of evidence they rely upon are unmistakeably proved. Their absolute incompatibility with the respondents' theories is also patent. There is no room for any other solution, if these facts are true, but that Duval grossly and wilfully exaggerated the quantity of his lumber both on the 1st of September on his application for insurance, and in his statement of loss after the fire. (J. Bentham, *rationale* of judicial evidence, vol. 7, p. 76). It is an utter impossibility that the calculations resulting from the respondents' own evidence could be correct, and that Duval had the quantity of lumber he claims to have had. And upon the correctness of these calculations, there is no room for controversy. The logic of figures is irrefutable.

Such a number of cogent circumstances, so closely connected with each other, each separately tending to the same mathematical result and rationally consistent with but one solution, circumstances which it is impossible to conceive to have been fraudulently or designedly brought together, and as to which there is no room whatever for the hypotheses of confederacy or error, irresistibly lead to the conviction that the fact of over-valuation by Duval, to which they all unequivocally point, is true. The united force of so many coincidences carries of itself, the conclusion to which its various elements converge. Such an array of facts and figures cannot possibly mislead. It amounts to demonstration, carrying with it absolute certitude, which no oral evidence can weaken.

The disappearance, unsatisfactorily explained, of the culler's pass books, and of all the papers which might have thrown any light upon the controverted facts, is a feature of the case that I should have alluded to previously. The rule *omnia præsumuntur contra spoliatorem* is one based on common sense and reason. If these papers had supported the claim, they would have been scrupulously taken care of, and their non-production justifies us, in law, to come to the conclusion that they would, if forthcoming, be adverse to the respondents' contentions. Mill-owners, it is proved by Rutherford, Welch and Ward, always preserve these books. And when was it that they disappeared? Only when a contestation by the insurance companies was dreaded. They were in existence when an arbitration about this same fire mentioned in the record took place, but were not produced before the arbitrators, though called for. The ignorance or loose business habits of Duval are invoked as an excuse for their non-production, but "il ne faut pas prendre l'ignorance pour l'innocence, ni la rusticité ou la rudesse pour la vertu."

The appellants have made out the clear case that is required to justify us, nay to oblige us, on an appeal, even upon questions of fact, not to