reason is perceived why the circumstance of his being a subscribing witness, should make a difference. The declarations, as proved by Cole, are still merely hearsay, not offered as in the case cited from 9 *Barr*, 151, to disprove that which the proof of the handwriting of the deceased attesting witness established, to wit, that the testator was sane, but to prove another fact with which the proof of the handwriting of the witness had no connection one way or the other. The proof of the declarations, therefore, is not offered to contradict, or impeach, or lessen, the weight due to the attestation, but to set up a distinct and independent fact, with which the attestation has nothing to do. I cannot think it would be judicious or safe to make this a further exception to the general rule, which excludes hearsay evidence. The reasoning of the Supreme Court of Pennsylvania shows the importance of caution in breaking in upon the general rule. In that reasoning, and the vigilance and strictness which it inculcates, I entirely concur, and without the most apparent and urgent necessity, I should not be willing to introduce another exception.

For these reasons, and without going into an examination of all the proof, or dwelling on circumstances, from which strong presumptions arise against the complainant's title to relief, I am of opinion his bill cannot be supported, and shall sign a decree accordingly.

CORNELIUS MCLEAN, for Complainants.
A. RANDALL, for Defendants.

[No appeal was taken in this case.]