

of all claims of the defendant against the partnership firm except as to an item of \$100, not in question in this action. There were conditions attending the execution of this instrument; and, although it was established that this commission was then discussed, was disclaimed by the plaintiff, and that the release was intended as a bar to any subsequent assertion of it—there was not a release of the individual partners in the firm stated in the document. It was quite unnecessary to consider the legal effect of the release in view of the above findings of fact. It was enough to say that the release and the statements of Mr. Pickford and Mr. Middleton as to what occurred at that time were additional material evidence in favour of the defendant. The action should be dismissed with costs. Erichsen Brown, for the plaintiff. G. Keogh, for the defendant.