

in cash, \$150 each, and that she saw receipts to her husband for these sums. It is perfectly true that the plaintiff's evidence is not upon the whole clear and satisfactory as to the wording of the releases or of the receipts. She says the husbands of the defendants also signed the receipts, and in this she is flatly contradicted by the husbands. That papers purporting to be releases were in existence is clear, and the defendants admit signing such. These releases have not been produced. Why? It is open to suspicion that the papers in the grip came into the possession of some person or persons hostile to the plaintiff. It is also open to suspicion that some one in the interest of the plaintiff may have found these, and has not produced them.

I must assume that these releases, which the defendants admit signing and delivering to the deceased, were complete instruments and intended to completely release their brother from the charge created by the will. If they intended to look to him to give them a note, or to rely upon his promise to pay, they could do so. Giving a release would be a good consideration for the promise, but would not cut down the release itself. If the plaintiff had not seen the releases, but was obliged to rely wholly upon the admission of the defendants, then the admission would require to be taken as wholly one statement, and should be accepted without corroboration.

In this case, however, it is different. Releases are proved. The defendants admit execution, but in explanation say that they were conditionally given—that they were only given for a purpose, and that they were not required for the purpose named. I think the explanation as against the deceased requires corroboration, and the evidence of each husband as to his wife does not corroborate the wife upon the material point as to the release being conditional.

It is impossible to say that Nicholas Garland did not, relying upon these releases, do something in dealing with his father's estate that he would not have done had the releases not been executed.

The appeal should be allowed with costs, and the report varied so as to disallow the legacies to the defendants.