

A. J. Russell Snow, for plaintiff.

William Davidson, for defendants.

THE COURT (MEREDITH, C.J., MACMAHON, J., MAGEE, J.), dismissed the appeal without costs.

BRITTON, J.

JANUARY 16TH, 1905.

TRIAL.

GREIG v. MACDONALD.

*Partnership—Dissolution—Claims against Partner—Partner Engaging in other Business—Acquiescence—Counterclaim—Questions of Fact.*

Prior to 12th February, 1902, plaintiff Greig and defendant were partners carrying on business as merchants under the name of Greig and Macdonald at Seaforth. On that day defendant sold his interest in the business and the assets and goodwill thereof to plaintiff Stewart, and plaintiffs continued the business as partners.

Plaintiffs' claim was to recover: (1) an alleged debt owing by defendant on and before 12th February, 1902, to the old firm, called an asset of the business; (2) a debt owing by defendant to plaintiffs for money and goods supplied to defendant since 12th February, 1902; (3) compensation from defendant for time consumed and remuneration received by him, during the 5 years of his partnership with plaintiff Greig, in acting as the ticket agent of the Canadian Pacific Railway Company, and as the agent at Seaforth of the Dominion Express Company.

Defendant asserted a counterclaim for services rendered to plaintiffs after 12th February, 1902.

W. Proudfoot, K.C., for plaintiffs.

George Kerr, for defendant.

BRITTON, J., reviewed the evidence and found all the facts in favour of defendant as regards plaintiffs' claim, and against defendant on his counterclaim.

Action dismissed with costs, and counterclaim dismissed with costs.