

The appellants complain of the disposition which was made of the costs by the learned Chancellor; but, as the costs are left to the discretion of the trial Judge, this Court, according to the practice, has no power to interfere with the exercise of that discretion, as the appeal in other respects fails, and no leave was given by the learned Chancellor to appeal as to the costs.

During the argument, counsel for the respondents expressed his willingness to pay \$500 towards the costs of the appellants; and, if an arrangement is made that that shall be done, the Court will approve of it; and, if there is power to make such a direction, the order dismissing the appeal may provide for payment of the agreed amount out of the estate of the deceased.

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SEPTEMBER 21ST, 1914.

**\*BANNISTER v. THOMPSON.**

*Husband and Wife—Enticement of Wife—Alienation of Affections—Deprivation of Consortium—Findings of Jury—Absence of Adultery—Right of Action—Damages—Separate Counts—Overlapping—Reduction of Damages.*

Appeal by the defendant from the judgment of MIDDLETON, J. 29 O.L.R. 562, 5 O.W.N. 358.

The appeal was heard by MEREDITH, C.J.O., MACLAREN, MAGEE, and HODGINS, J.J.A.

C. W. Bell, for the appellant.

R. McKay, K.C., and C. V. Langs, for the plaintiff, the respondent.

The judgment of the Court was delivered by MACLAREN, J.A.:—This action was brought to recover damages for (1) enticing away and (2) alienating the affections of the plaintiff's wife by the defendant.

These claims were set out in two paragraphs, and separate questions were submitted to the jury embodying them. They found in favour of the plaintiff on each, and assessed the damages at \$500 and \$1,000 respectively. The trial Judge entered judgment in favour of the plaintiff for \$1,500.

\*To be reported in the Ontario Law Reports.