

The main questions left to be disposed of were: (1) whether the Act of 1918 empowered the Board not only to control the supply and distribution of natural gas, but to fix the price at which it should be sold; and (2) whether the Board did in this case exercise these powers. These questions should be answered in the affirmative.

The learned Judge said that he agreed with the view of the Judicial Committee in *Cook v. Ricketson*, [1901] A.C. 588, and of Sargant, J., in *Metropolitan Electric Supply Co. v. London County Council*, [1919] 1 Ch. 357, that suspension means an annulment of the rights and obligations accruing during the suspension, and that the parties for the time being are in the same position as if the contract did not exist.

The order of the 28th November, 1918, reduced the rate from 35 cents to 25 cents—and that was the governing rate from and after the 27th June, 1918.

The Public Utilities Act was in no sense applicable.

The judgment appealed from should be reversed, and there should be judgment upon the counterclaim for the appellants for the amount which, calculating the gas supplied at 25 cents per 1,000 feet, would be due to them, less the amount already paid.

As to the right of the appellants to cut off the gas for non-payment: at the time the threat was made, the orders of the Board were operative, and the supply was being given pursuant thereto. Under the statute, any person who refuses or neglects to obey any order of the Board is subject to a heavy penalty; and the act of turning off the gas, when it was being supplied pursuant to a permit which had been obtained for the supply, would have been an offence against the Act, and consequently illegal. For that reason alone, the respondents were justified in obtaining the injunction order, and should have the costs thereof.

Appeal allowed.

FIRST DIVISIONAL COURT.

FEBRUARY 20TH, 1920.

*BALLARD v. MONEY.

Husband and Wife—Action by Husband against Seducer of Wife—Alienation of Affection Causing Loss of Consortium—Cause of Action apart from Claim Based on Adultery—Jurisdiction of County Court—Absence of Evidence to Support Claim—Husband and Wife Living together at Commencement of Action—Dismissal of Action—Appeal—Costs.

Appeal by the plaintiff from the judgment of the County Court of the County of York dismissing the action, which was brought