

from explaining what it was he wanted, or the nature of the paper, but asked her to sign—she did so, making her mark, for she could neither read nor write. The defendants knew the son's financial condition, and knew that the plaintiff did not and could not benefit by the transaction. The plaintiff acted in passive obedience to her son's directions—she had no will of her own. Nor had she any means of forming an independent judgment, even if she had desired to do so. She was ready to sign anything that her son asked her to sign, and did anything he told her to do: *Stuart v. Bank of Montreal*, [1911] A.C. 120, 136.

Judgment for the plaintiff as prayed with costs.

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FALCONBRIDGE, C.J.K.B.

APRIL 7TH, 1917.

NEWHOUSE v. CONIAGAS REDUCTION CO.

*Nuisance—Smelter—Emission of Noxious Vapours—Destruction of Bees in Neighbourhood—Evidence—Failure to Connect Alleged Cause with Effect—Onus—Elements of Doubt.*

This action and eight others were brought by different plaintiffs against the same defendants for an injunction and damages in respect of the wrongful emission from the defendants' smelting works of noxious vapours or substances which killed the plaintiffs' bees.

The actions were tried without a jury at St. Catharines.

H. H. Dewart, K.C., and S. H. Bradford, K.C., for the plaintiffs.

Wallace Nesbitt, K.C., and H. H. Collier, K.C., for the defendants.

FALCONBRIDGE, C.J.K.B., in a written judgment, said that the plaintiffs had to prove to the satisfaction of a Judge or jury that the loss which they had suffered was caused by the wrongful acts of the defendants. The onus was upon the plaintiffs. It was not a case of *res ipsa loquitur*. The plaintiffs must prove their case beyond reasonable doubt.