in the plaintiff's favour; and, if that were so as to any one of the essential findings, the defendants should have judgment dismissing the action, notwithstanding the verdict.

The onus of proof was on the plaintiff: he must prove absence of ventilation, the presence of poisonous gas, that the two combined were the proximate cause of the plaintiff's ill-health; and he must prove the amount of damages.

After an examination of the evidence, the learned Chief Justice said that he was of opinion that the plaintiff had not made a prima facie case of neglect of duty towards him in any of the respects mentioned.

The appeal should be allowed and the action dismissed.

Appeal allowed.

SECOND DIVISIONAL COURT.   MAY 30TH, 1919.

*OSBORNE v. CLARK.

Husband and Wife—Action by Husband against Wife's Parents— Alienation of Wife's Affections—Enticing and Harbouring— Verdict of Jury in Favour of Plaintiff—No Evidence to Support—Dismissal of Action.

Appeal by the defendants from the judgment of CLUTE, J., upon the findings of a jury, in favour of the plaintiff, in an action against his wife's father and mother to recover damages for alleged "misconduct and actions" of the defendants whereby his wife's affections had been alienated from him and he had suffered loss of consortium, and for that his wife had been "enticed away, received, and harboured by the defendants." The jury found a verdict for the plaintiff for $800 and damages, and for that amount and costs the trial Judge directed judgment to be entered.

The appeal was heard by MEREDITH, C.J.C.P., BRITTON, RIDDELL, and MIDDLETON, JJ.

W. S. MacBrayne, for the appellants.

No one appeared for the plaintiff, respondent.

MIDDLETON, J., in a written judgment, after setting out the facts, said that at the trial the plaintiff admitted that there had been no alienation of his wife's affections.

The learned Judge referred to Bannister v. Thompson (1913-14), 29 O.L.R. 562, 32 O.L.R. 34; Winsmore v. Greenbank (1745), Willes 577; Quinn v. Leathem, [1901] A.C. 510; and other cases: