

been proved; and submitted a third question: "Were Thompson and Annie Bannister guilty of adultery?" The jury has answered thus: "The circumstances look that way." With nothing more, this might be taken as an euphemistic affirmative; but that was not the intention of the jury; for they stated to me that they were unable to answer the question either in the affirmative or negative, and asked me if they might answer it in their own way, as otherwise there would be a disagreement. So that, if necessary to establish adultery, it must be taken that adultery has not been found, either expressly or as included in the "wrongful acts" attributed to Thompson.

The defendant is a Councillor of the "Reorganised Church of Jesus Christ of Latter Day Saints for the Bishopric of Canada," and is a married man.

The plaintiff and his wife had not lived any too happily for some time, yet they were far from separation. The defendant was invited to stay at the plaintiff's house, and did stay, part of the time without his wife and part of the time with her, for a considerable period. He acquired a malign influence over the wife of the plaintiff, and his conduct was such that the inference that he was guilty of adultery is almost irresistible. The jury declined to draw the inference, although stating that the circumstances all point in that direction.

Without any doubt, the misconduct of the defendant has resulted in the total alienation of the affection of the wife and the wrecking of the plaintiff's home.

The considerations applicable to each of the counts differ, and they must be treated separately.

First as to enticement. The wife, while living under her husband's roof, had entirely ceased to discharge any wifely function. She slept in her own room, locking the door, She refused to speak to her husband; and he was as fully deprived of her consortium as if she lived in a separate building.

It is said that this constitutes no cause of action, because the defendant himself has not actually received her to his own house. I do not think this is so. It is not the fact that the woman is staying with her paramour that constitutes the wrong; it is depriving the plaintiff of the wife's consortium, which, under the circumstances, is just as full and complete as if the woman had been forcibly abducted.

The case of *Marson v. Coulter*, 3 Sask. L.R. 485, does not support the defendant's contention. . . .

Upon the other branch of the case in hand, the defendant's