

9, nullity of marriage owing to fraud when there has been no consummation by cohabitation; 10, refusal of sexual intercourse.

In regard to adultery, it is not necessary in order to succeed to prove the actual fact of adultery; in nearly every case the fact is inferred from the proof of circumstances which shew the opportunity for the act, and which lead to the conclusion that it occurred, *e.g.*, travel together and registration as man and wife and occupation of the same room, or the visiting of a brothel, unless very clear evidence is given that adultery did not in fact occur. The evidence of a woman of loose character with whom the act is said to have occurred will be very closely scrutinised; and the evidence of the husband or wife alone is not sufficient unless corroborated by another witness or by strong circumstantial evidence, and particularly so where the fact is sought to be proved by admission. Proof that the respondent has contracted venereal disease not from the applicant is sufficient evidence of adultery; and in the *Browning* case, [1911] P. 161, 80 L.J. (P.) 74, it was held that it is sufficient for a wife to prove that she was infected by the husband, it being then for him to prove that he acquired the disease otherwise than by adultery. Proof of venereal disease must be by medical testimony.

The cases where bigamy is pleaded usually arise in connection with so-called American divorces. This subject necessitates a return to the question of jurisdiction. It has already been observed that domicile is an essential according to English law to establish jurisdiction; and that with the exception of desertion by the husband, a wife can not acquire a domicile separate from that of her husband. The American State laws do not recognise this principle to the same extent; in many of them, a wife can acquire a domicile separate from that of her husband, and that by a very short residence. Moreover, most of the States grant divorces for causes not recognised in Canada. As a result, cases are constantly occurring of wives deserting their husbands, taking up for the necessary time what in reality is only a temporary residence in one of the States, frequently Nevada, and then getting there a divorce on grounds which are not recognised in Canada as sufficient; with the result that in one State even of the American union she may be regarded as divorced, while in another and in Canada she is not so regarded. This result of different laws in the United States is often held up to ridicule, and quite properly so, as the situation is as absurd as it is