

they left for England on their wedding-trip. On the 5th November, 1913, the defendant sailed from England for Canada, leaving the plaintiff with her parents in England. It was admitted that the marriage had not up to that time been consummated. The defendant did not return to England, and the plaintiff remained there until December, 1919, when she returned to Canada; and, upon the defendant, as she alleged, refusing to receive her as his wife, she commenced this action against him on the 19th January, 1920.

By her statement of claim the plaintiff charged the defendant with cruelty and unnatural practices while she was with him on the wedding-trip and in England in the autumn of 1913; and that during his absence from her he had been guilty of adultery, and had falsely charged her with adultery.

Counsel for the defendant admitted that his refusal to take the plaintiff back would render him liable for alimony unless he could establish her adultery; and that admission rendered it unnecessary for the plaintiff to adduce evidence in support of her allegations.

The plaintiff gave birth to a child, in London, on the 13th February, 1919. The birth was registered; the child's name being given as "Peter Lee Hodgkinson," the father's name as "George Edmund Hodgkinson," and the mother's as "Lillian Grace Partidge," which was the plaintiff's maiden name. The plaintiff admitted the birth of the child and that the defendant was not the father. Her story was that the birth of the child was the result of "artificial insemination;" that she was physically incapable of normal sexual intercourse; and that it had been suggested to her by a physician that if she could bear a child the difficulty or defect would be removed. She said that she consented to an operation after discussion with Hodgkinson, who made the arrangements for it; that she was put under an anæsthetic, and semen from Hodgkinson was, as she was told by him, introduced into her uterus by a physician by means of a syringe. The first operation was, she said, unsuccessful, and it was repeated in May, 1918, and pregnancy resulted therefrom. The plaintiff spoke of what had taken place as a "medical cure" for her affliction. She said: "I was trying to cure myself for my husband; that was my only excuse."

The learned Judge concluded that her story was untrue; and he found as a fact that she had sexual intercourse in the ordinary way with Hodgkinson in May, 1918; by that time she had become capable, owing to treatment she had received, of normal sexual intercourse.

. . . But, assuming the plaintiff's story to be true, the learned Judge was of opinion that, as a matter of law, the so-called artificial