In the absence of such appearance the court would, no doubt, decide upon the sufficiency of the service before passing a decree, and in such a case we should assume that such had been done. If the respondent, when served with the summons and complaint in question, expected any legal benefit from the fact of his domicile being then in Montreal, he should then have contested the right of the court in New York to deal with the matter. After appearance and defence, I think his objection is too late.

It was contended that because in the Province of Quebec there is no law by which a marriage could be dissolved, the Courts in that Province cannot give effect to a decree of a Court in the United States for the dissolution of a marriage, even where the latter Court had full jurisdiction.

The same objection might be raised to the dissolution of a marriage by the Parliament of the Dominion, and it would apply equally well to the one as to the other.

Suppose that such a decree had been made in England, where the parties had been born and were domiciled when married in that country, and they had removed to and lived in Montreal, as the parties in this case did: that the wife subsequently returned to where she had been born, and married, and proceeded in the Divorce Court of that country for a dissolution of the marriage, and obtained a decree dissolving it, could it be said that the parties continued to be man and wife in the Province of Quebec because of the absence in the latter of judicial jurisdiction for the same purpose, while in England and elsewhere they held no longer such relations? If not, why should not a decree duly made in New York or any other country having the necessary jurisdiction in such cases have the same result and value?

We are not trying whether there is in the Province of Quebec jurisdiction to try and adjudicate upon such a case, or whether, if there is not, there should be; but whether in some other country a court properly constituted, and having jurisdiction according to the law of that country over the parties and cause of action, has made a valid decree dissolving a marriage. Such is the governing rule in England and in the United States, and in my opinion it should be the same here.

In such a case no authority to commence the present action was necessary. In ordinary cases, a married woman in the Province of Quebec requires authority, either from her husband or a judge to appear in Court or commence legal proceedings, but I don't think such a provision is applicable when the wife takes proceedings against her own husband to account for his administration of her estate. The wife could hardly be required to obtain authority from her husband to sue himself. In this case the respondent administered the appellant's property and estate, and she is but calling upon him to account as she would any other agent, and I think that it being a case of administration, the rule requiring authority to sue does not apply to it.

I am of opinion that the judgment below should be reversed and judgment entered for the appellant, with costs.

[To be Continued.]

## *RECENT DECISIONS AT QUEBEC.*

*Faute—Dommage.—Jugé*, que le fait, de la part de la corporation de Québec, de laisser ouvert à la circulation l'espace environnant l'ouverture d'un passage souterrain, sans protéger le public au moyen d'une balustrade ou autrement, constitue une négligence et une faute de la part de la corporation, et qu'en conséquence elle est responsable pour les dommages résultant de cette négligence ou faute.—*Brault* v. *La Corporation de Québec* (*en Révision*), 10 L. R. Q. 291.

*Nantissement—Gage—Tradition Symbolique. Jugé*, 1. Que la remise, par le débiteur à son créancier, d'une reconnaissance écrite, dans laquelle il déclare tenir à la disposition de ce créancier des marchandises contenues dans un entrepôt appartenant au débiteur, transfère au créancier un droit de gage sur ces marchandises.

2. Que cette remise est une tradition symbolique qui constitue le creancier en possession légale des dites marchandises, sans qu'une livraison en nature soit nécessaire.—*Ross* v. *Thompson et al.* (Cour de Révision, Stuart et Routhier, JJ.; Caron, J., diss.), 10 Q. L. R. 308.