

are desirous of selling the real estate of the deceased. The official guardian and inspector of prisons and public charities agree that such a sale is proper. The order should be made as asked under the provisions of the Devolution of Estates Act, R. S. O. 1897 ch. 127, sec. 11. The widow is unable to elect under sec. 4 (2). The whole of the purchase money will be paid into Court, and the income of one-third applied for the benefit of the widow until her death or recovery or until further order. It was necessary to come to the Court for an order such as is now directed, sec. 16, as amended by 6 Edw. VII. ch. 23, sec. 3, not enabling the administrators to sell free from dower. The costs, therefore, will be paid out of the estate; but the widow's share should not bear any portion of these costs, as the necessity arose from no act or default of hers.

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MAY 15TH, 1907.

DIVISIONAL COURT.

VEZINA v. WILL H. NEWSOME CO.

*Foreign Judgment—Judgment Recovered in Circuit Court of Quebec against Company Domiciled in Ontario—Want of Jurisdiction—Nullity—22 Vict. ch. 5, sec. 58 (C.)—Repeal by Subsequent Legislation—Rules of International Law.*

Appeal by defendants from order of senior Judge of County Court of York, upon a motion by plaintiff for summary judgment under Rule 603, allowing judgment to be entered for the amount sued for.

The action was brought on a judgment recovered by plaintiff against defendants on 4th October, 1906, in the Circuit Court of the district of Quebec, in the province of Quebec.

A. Cohen, for defendants.

W. E. Raney, for plaintiff.

The judgment of the Court (MEREDITH, C.J., MAGEE, J., MABEE, J.), was delivered by