

11th of June 1915, as well as in the final judgments of the 24th June, 1915;

“Doth reverse the interlocutory judgment of the 14th of December 1914, which granted the defendants’ motion for the issue of an open commission to examine the female defendant in Toronto, Ontario; doth reverse the interlocutory judgment of the 11th of June 1915, which dismissed plaintiff’s motion before the trial judge, asking for the revision of the interlocutory judgment aforesaid of the 14th December 1914; doth reverse the final judgment of the 24th of June 1915, which dismissed the plaintiff’s action; doth strike from the record the deposition of the female defendant which was taken under said open commission; doth annul all the proceedings taken under said commission; doth send the record back to the Superior Court giving both parties, the right to examine witnesses; doth condemn the defendant to pay the costs of the interlocutory judgment granting the open commission as well as the costs incidental of the said commission and the costs of the Court of Review, and doth reserve for future adjudication all other costs of the case”.

Mr. Justice Guerin. The plaintiff’s action is directed against her mother and her brother, and asks to set aside the will of her late father who was hindered as she alleges for changing a will which he made thirteen years before his death, when his financial circumstances were very different. The plaintiff alleges that when her deceased father made his will in 1901, he was worth \$2,300; that he then left the usufruct of this money to his wife the plaintiff’s mother, and desiring to divide his estate equally between his two children, that he willed to the plaintiff \$1,000 and the balance to his son the plaintiff’s brother; that when he died in 1914, his estate was worth \$9,000