

THE
ONTARIO WEEKLY REPORTER

(TO AND INCLUDING JANUARY 20TH, 1906.)

VOL. VII. TORONTO, JANUARY 25, 1906. No. 2

MABEE, J.

JANUARY 12TH, 1906.

CHAMBERS.

RE WILCOX v. STETTER.

Surrogate Court—Renewal of Cause into High Court—Difficulty and Importance of Questions Arising—Value of Estate.

Motion by plaintiff, executrix of the alleged last will of John Slaght, for removal of this cause from the Surrogate Court of Norfolk into the High Court, defendants having filed a caveat against the probate going to plaintiff.

J. E. Jones, for plaintiff.

A. G. Slaght, for defendants.

MABEE, J.:—The affidavit upon which the motion is based is made by plaintiff's solicitor, and states that there is a controversy as to the validity of the will, defendants contending that the deceased was not, at the time of its execution, of sound and disposing mind, memory, and understanding; that it was not executed according to the Wills Act; that the deceased did not know or approve of the contents of the will; that it was obtained by fraud, misrepresentation, and undue influence; and that it was made in breach of a certain agreement made by the deceased in his lifetime with one of the defendants upon behalf of and for the other defendants. The affidavit also states: "that the questions to be tried and determined are of such importance and difficulty that the same