rule is well understood that this question of convenience is a very important factor in determining the application even of the apparently unlimited power given to a plaintiff by Rule 232 to join several causes of action: see remarks of Lord Selborne in Burstall v. Beyfus, 26 Ch. D. 39 (H. & L. p. 411), that this Rule (232) authorizes the joinder not of several actions against distinct persons, but several causes of action.

The foregoing makes it unnecessary to consider the second ground of objection set out in the notice of motion. I will only say that, so far as I can learn, no case can be found in which a plaintiff has come direct to the High Court to establish a will, there being neither probate granted of any other will nor any proceedings pending in a Surrogate Court in respect of another will. The language of sec. 38 of the Judicature Act seems to contemplate an attack by the plaintiff and an attempt to have a will declared void, not established. The cases cited by Mr. Wood seem to be all of this character. Cameron v. Cameron, 10 P. R. 572, is not on this point at all. In Appleman v. Appleman, 12 P. R. 138, all that was decided was that a defendant contesting the validity of the will propounded in the Surrogate Court might by way of counterclaim propound two earlier wills under which he claimed in the event of the last in date being invalidated.

But, however this may be, the motion must be allowed on the other ground. The costs will be to the defendants in the cause.

I may add that a further consideration of the judgment of the Chancellor in Quigley v. Waterloo Mfg. Co. makes it quite clear to my mind that the present is not a case in which the principle of Child v. Stenning, 5 Ch. D. 695, and similar cases, can apply.

CARTWRIGHT, MASTER. MAY 26TH, 1903.

CHAMBERS.

MORLEY v. CANADA WOOLLEN MILLS CO.

Pleading—Statement of Claim—Enlargement of Claim made by Writ — Wrongful Dismissal of Servant — Introductory Statements — Depreciation in Stock of Company—Representations—Particulars.

Motion by defendants to strike out the 2nd, 7th, and 8th paragraphs of the statement of calim, because they tend to prejudice, embarrass, and delay the fair trial of the action,