

defence unless the statement of claim is served personally or in pursuance of an order for substitutional service. *New.*

110. The plaintiff shall deliver his statement of claim within one month from the entering of appearance or at any time before appearance and where there is more than one defendant the statement of claim shall be delivered within a month from the last appearance or from the time when the last appearance should have been entered. C.R. 243.

111. Where the writ is specially indorsed such indorsement shall be treated as a statement of claim and no other statement of claim shall be necessary. C.R. 245, *amended.*

112.—(1) Where the writ is specially indorsed and the plaintiff does not elect under Rule 56 to serve a notice of trial the defendant may deliver a defence or counter-claim at any time within 10 days after his appearance.

(2) Where the writ is not specially indorsed the defendant may deliver his defence and counter-claim within 10 days from the delivery of the statement of claim or from the time limited for appearance, whichever shall be last. C.R. 246 and 247, *amended.*

113. Where a defendant sets up a counter-claim which raises questions between himself and the plaintiff and any other person he shall add a second style of cause in which he shall be described as "Plaintiff by Counter-claim" and the plaintiff and such other person shall be described as "Defendants by Counter-claim," and shall deliver his counter-claim to such of them as are parties to the action within the period limited for the defence and shall serve the same without delay upon such of them as are not parties to the action together with a summons according to Form No. 25, issued from the proper office and a copy of the statement of claim. C.R. 248 and 249, *amended.*

114. Any defendant to a counter-claim, shall within ten days after service thereof on him, deliver a defence thereto. C.R. 250.

115. A defendant may set up by way of counter-claim, any right or claim whether the same sounds in damages or not. C.R. 251.

116. A counter-claim shall be treated as an action, so as to enable the Court to pronounce a final judgment upon all matters set up therein. C.R. 252.

117.—(1) Where a defendant does not dispute the plaintiff's claim, but sets up a counter-claim, the Court may