

or a Judge to set aside or vary such judgment upon such terms as may seem just.

"331. Where a third party makes default in entering an appearance in action, in case the action is tried and results in favour of the plaintiff, the Judge who tries the action may, at or after the trial, direct such judgment as the nature of the case may require, for the defendant giving the notice against the third party; provided that execution thereon be not issued without leave of the Judge, until after satisfaction by such defendant of the verdict or judgment against him. And if the action is finally decided in the plaintiff's favour, otherwise than by trial, the Court or a Judge may, on motion, direct such judgment, as the nature of the case may require, to be entered for the defendant giving the notice against the third party at any time, after satisfaction by the defendant of the amount recovered by the plaintiff against him.

"332. If a third party appears pursuant to the third party notice, the defendant giving the notice may apply to the Court or a Judge for directions, and the Court or Judge, upon hearing of such application, may, if satisfied that there is a question proper to be tried as to the liability of the third party to make the contribution or indemnity claimed, in whole or in part, order the question of such liability, as between the third party and the defendant giving the notice, to be tried in such manner, at or after the trial of the action, as the Court or Judge may direct; and, if not so satisfied, may direct such judgment as the nature of the case may require, to be entered in favour of the defendant giving the notice against the third party.

"(a) The Court or a Judge upon the hearing of the application mentioned in the last-mentioned *Rule*, may, if it shall appear desirable to do so, give the third party liberty to defend the action, upon such terms as may be just, or to appear at the trial and take such part therein as may be just, and generally may order such proceedings to be taken, documents to be delivered, or amendments to be made, and give such directions as to the Court or Judge shall appear proper for having the question most conveniently determined, and as to the mode and extent in or to which the third party shall be bound or made liable by the judgment in the action.

"(b) The Court or Judge may decide all questions of costs, as between a third party and the other parties to the action, and may order any one or more to pay the costs of any other, or others, or give such directions as to costs as the justice of the case may require.

"(c) Where a defendant claims to be entitled to contribution or indemnity against any other defendant to the action, a notice may be issued and the same procedure shall be adopted, for the determination of such questions between the defendants, as would be issued and taken against such other defendant, if such last-mentioned defendant were a third party; but nothing herein contained shall prejudice the rights of the plaintiff against any defendant in the action."

1814. RULE 336a is amended by striking out the words "writ of summons" in the last line, and substituting therefor the word "notice."

1815. RULE 341 is amended by adding to the first paragraph thereof, after the word "claimed," the following words: "Or for specific performance,