

(c) The action is founded on a judgment or on a breach within Ontario of a contract wherever made which is to be performed within Ontario or on a tort committed therein.

1247. (300) Rule 300 is hereby repealed and the following substituted therefor :

300. A plaintiff may, without leave, amend his statement of claim, whether endorsed on the writ or not, once, either before the statement of defence has been delivered, or after it has been delivered and before the expiration of the time limited for reply, and before replying.

1248. (302) Rule 302 is hereby repealed and the following substituted therefor :

302. Where a plaintiff has amended his statement of claim under rule 300 the opposite party shall plead thereto or amend his pleading within the time he then has to plead, or within eight days from the delivery of the amendment, whichever shall last expire, and in case the opposite party has pleaded before the delivery of the amendment and does not plead again or amend within the time above mentioned, he shall be deemed to rely on his original pleading in answer to such amendment.

1249. (414) Rule 414 is hereby amended by adding thereto the following subsection :

(2) An order dispensing with the payment of money into Court unless it is made by a Judge of the Supreme Court shall not be acted on unless or until a Judge of the High Court has manifested his approval thereof in manner provided by subsection 1.

1250 (439). Rule 439 is hereby repealed and the following substituted therefor :

Rule 439. A party to an action or issue, whether plaintiff or defendant, may, without order, be orally examined before the trial touching the matters in question by any party adverse in interest and may be compelled to attend and testify in the same manner, upon the same terms and subject to the same rules of examination of a witness except as hereinafter provided.

439 (a) In the case of a corporation any officer or servant of such corporation may, without order, be orally examined before the trial touching the matters in question by any party adverse in interest to the corporation and may be compelled to attend and testify in the same manner and upon the same terms and subject to the same rules of examination as a witness except as hereinafter provided ; but such examination shall not be used as evidence at the trial.

(2) After the examination of an officer or servant of a corporation a party shall not be at liberty to examine any other officer or servant without an order of the Court or a Judge.

439 (b) An examination shall not take place during the long vacation without an order of the Court or a Judge.

1251 (461). Subsection 2 and 3 of rule 461 are hereby repealed.