

"(a) If served within Algoma, Rainy River or Thunder Bay, unless otherwise ordered under *Rule* 485, he is to have thirty days in an action for the recovery of land, and twenty days in other actions, after the service, including the day of service, except when he is served between the first day of November and the 30th day of June or on either of said days, in which case he shall have an additional period of ten days."

1311. *RULE* 276 is rescinded and the following substituted therefor :

"286. When a defendant is to be served out of Ontario the writ of summons may be in the Form No. 2 in the Appendix, and the statement of claim is to be served therewith, unless the writ is specially indorsed under *Rules* 245, 246 or 248."

1312. *RULE* 316 is amended by adding thereto the following clause :

"(a) The Court shall have power to appoint a person to represent unborn persons under this *Rule*."

1313. *RULES* 328, 329, 330, 331 and 332 are rescinded and the following substituted therefor :

"328. Where a defendant claims to be entitled to contribution, or indemnity over against any person not a party to the action, he may, by leave of the Court or a Judge, issue a notice (hereinafter called the third party notice) to that effect, stamped with the seal with which writs of summons are sealed. A copy of such notice shall be filed with the proper officer and served on such person according to the *Rules* relating to the service of writs of summons. The notice shall state the nature and grounds of the claim, and shall, unless otherwise ordered by the Court or a Judge, be served within the time limited for delivering his defence. Such notice may be in the form or to the effect of the Form No. 88a in the Appendix hereto, with such variations as circumstances may require, and therewith shall be served a copy of the Statement of Claim, or if there be no Statement of Claim, then a copy of the writ of summons in the action.

"329. If a person not a party to the action, who is served as mentioned in *Rule* 328 (hereinafter called the third party), desires to dispute the plaintiff's claim in the action as against the defendant on whose behalf the notice has been given, or his own liability to the defendant, the third party must enter an appearance in the action within eight days from the service of the notice. In default of his so doing, he shall be deemed to admit the validity of the judgment obtained against such defendant, whether obtained by consent or otherwise, and his own liability to contribute or indemnify, as the case may be, to the extent claimed in the third party notice. Provided always that a person so served and failing to appear within the said period of eight days may apply to the Court or a Judge for leave to appear, and such leave may be given upon such terms, if any, as the Court or a Judge shall think fit.

"330. Where a third party makes default in entering an appearance in the action, in case the defendant giving the notice suffer judgment by default, he shall be entitled at any time, after satisfaction of the judgment against himself, or before such satisfaction, by leave of the Court or a Judge, to enter judgment against the third party to the extent of the contribution or indemnity claimed in the third party notice ; provided that it shall be lawful for the Court