

whether he is served as the person carrying on the business or as a person having the control or management of it, and in default of such notice he shall be deemed to be served as the person carrying on the business.

(4) The person so sued shall appear in his own name, but all subsequent proceedings shall continue in such name or style.

(5) A person served as the person carrying on the business may enter an appearance under protest denying that he is the person so carrying on the business, but such appearance shall not preclude the plaintiff from otherwise serving the person sued or from obtaining judgment in default of appearance in the ordinary form by the person so sued.

(6) Any judgment or order in the action may be enforced by execution against

(a) The property of the person so sued, used or employed in or in connection with the business.

(b) Any property of a person who by his appearance or by notice under Rule 14, has admitted that he is or has been adjudged to be the person carrying on the business, or has been served with the writ as the person carrying on the business and has failed to appear.

(7) When judgment has been signed for default of appearance and the writ has not been personally served upon the person whom the plaintiff alleges to be carrying on the business, the Court may give leave to issue execution against such person if his liability be not disputed, or, if disputed, after it has been determined in such manner as the Court may direct. C.R. 231, *amended*.

CHAPTER VII.

PLEADINGS.

General Provisions.

109.—(1) The plaintiff shall state the nature of his claim and the relief sought in a pleading to be called the Statement of Claim and may therein alter, modify, or extend his claim as endorsed upon the writ. C.R. 242 and 244.

(2) When a defendant has not appeared and the statement of claim alters, modifies, or extends the relief claimed, the plaintiff shall not be entitled to judgment on default of