

42. Where an action is for or includes a claim for the recovery of land, and any defendant fails to appear, and the writ is indorsed with a claim for mesne profits, arrears of rent, or double value in respect of the premises claimed or any part of them, or damages for breach of contract, or wrong or injury to the premises claimed, the plaintiff may sign judgment against such defendant for possession, and may proceed as to the other claims. C.R. 583.

43. Where any defendant fails to appear in an action for recovery of land, the plaintiff shall not be entitled to costs unless he files an affidavit showing that such defendant was at the time of the issue of the writ in actual adverse possession of the land, or obtains an order allowing him to sign judgment as well for his costs as for possession of the land. C.R. 585.

44. In all cases not hereinbefore provided for a statement of claim must be delivered. (*New.*)

CHAPTER IV.

APPEARANCE, ETC.

45. When a defendant is served within Ontario, he shall appear within ten days, including the day of service. C.R. 168 and 130, *amended*.

46. A defendant shall appear by filing with the proper officer a memorandum in writing, if he appears by solicitor, stating the name and place of business of such solicitor, or, if he appears in person, stating that he defends in person, and giving his address and naming a place to be called his address for service, which shall not be more than two miles from the office from which the writ of summons was issued. (*See Form No. 6.*) C.R. 169.

47. If the memorandum does not contain the address of the solicitor or the defendant (as the case may be) it shall not be filed; and if such address is illusory or fictitious, the appearance may be set aside. C.R. 170.

48. Where a defendant desires to contend that an order for service out of Ontario could not properly be made, a conditional appearance may be entered by leave. C.R. 173.