

38. Where the writ is specially indorsed with a claim for the recovery of chattels, and any defendant fails to appear the plaintiff, notwithstanding that the writ may be indorsed with any other claim, may, as against such defendant, sign final judgment for the recovery of the chattels and his costs without prejudice to his right to proceed with the action against any other defendant and as to any other claims indorsed. C.R. 577.

39.—(1) Where the writ is not specially indorsed but as indorsed includes a claim for the detention of goods and pecuniary damages, or either of them, and any defendant fails to appear, interlocutory judgment may be signed against such defendant, directing an assessment of damages, without prejudice to the right of the plaintiff to proceed against any other defendants, and such damages may, unless otherwise ordered, be assessed, as against such defendant, either before or at the same time as the trial of the action, against any other defendant, or the Court may order that instead of an assessment the value of the goods and amount of damages, or either of them, shall be ascertained by a reference or in any other way. C.R. 578, 579.

(2) No interlocutory judgment shall be signed for default of appearance, unless the precise cause of action is clearly stated in the indorsement of the writ. *New.*

40.—(1) Where a defendant fails to appear in an action for dower, the plaintiff may sign judgment of seisin forthwith, and sue out a writ of assignment of dower, but she shall not, unless otherwise ordered, be entitled to costs.

(2) Where the plaintiff claims arrears of dower or damages for detention of her dower, the entry of a judgment of seisin and the taking of proceedings for the assignment of her dower thereunder shall not prevent her from proceeding with the action for the recovery of such arrears or damages. C.R. 581.

41.—(1). Where an action is for or includes a claim for the recovery of land, and any defendant fails to appear, or if an appearance is entered but the defence is limited to part only, the plaintiff, notwithstanding that the writ may be indorsed with any other claim, may sign judgment against such defendant for possession of the land or of the part thereof to which the defence does not apply. C.R. 582.

(2). Where judgment by default is signed, but is not signed against all the defendants, a writ of possession shall not be issued unless directed by the Court. C.R. 584.