recover judgment under Rule 739 for even the liquidated demand, in case the defendant appears, but that, in default of appearance, he could not, in such a case, sign final judgment, even for the liquidated demand, under Rule 705, because, according to *Hollender* v. *Ffoulkes*, that Rule can only apply to cases to which Rule 739 would apply if the defendant had appeared.

The result of the case seems to be this: Where to the liquidated demand the plaintiff has joined a claim for detention of goods, pecuniary damages, or either of them, he may, in default of appearance, obtain final judgment for the liquidated demand under Rule 711, and interlocutory judgment for the value of the goods and damages to be assessed; but, in case of an appearance, he cannot, in such a case, get a speedy judgment under Rule 739 for any part of his claim. He must proceed to judgment in the same way as is necessary when the claim is solely for unliquidated damages. And where to a liquidated demand the plaintiff adds a demand for equitable relief of any kind, the plaintiff must proceed to judgment in the same way as if the claim for equitable relief were his sole demand. In other words, in all such cases a statement of claim is necessary, and, to save time, should be served with the writ, and, in default of appearance, judgment must be moved for under Rule 748.

The effect of *Hollender* v. *Ffoulkes* is to overrule *Mackenzie* v. *Ross*, 14 P.R. 299; and *Hay* v. *Johnston*, 12 P.R. 596. *Huffman* v. *Doner*, 12 P.R. 492, was decided before the Consolidated Rules came into force, and, consequently, before Rule 711 was in operation, and anticipates the operation of that Rule. The procedure sanctioned by that case is now expressly authorized by Rule 711.

CONFLICTING DECISIONS OF THE HIGH COURT.

The two cases of *Stevens* v. *Grout*, 16 P.R. 210, and *McDermott* v. *Grout*, *ib.*, 215, illustrate what appears to us to be a somewhat anomalous state of affairs. Precisely the same point was presented for decision by the Divisional Courts of the Queen's Bench and Common Pleas Divisions, and they have deliberately seen fit to deliver conflicting decisions.

When the Courts of Queen's Bench, Common Pleas, and Chancery were separate and distinct courts, they, in several cases, came to different conclusions on the same point, and