

form to be allowed.

the Judge or Judges shall be of opinion that the Defendant was *bonâ fide*, unable to understand from the same what he was required to pay or do, or to allow to be done; and any other defect, error or omission may be amended at any stage of the proceedings so as to make the paper in which it occurs agree with the facts of the case. 5

When proceedings may be commenced.

IV. And be it enacted, That the proprietor or lessor may proceed under the said Act and this Act, at any time after the end of three days from the expiration of the lease whether written or verbal, to recover possession of the 10 immovable leased and detained after that time.

Delay between service of process and return.

V. And be it enacted, That if the Defendant do not reside more than five leagues from the place where he shall be summoned to appear, he shall have one clear day's delay between the day of service of the summons 15 and the day of appearance, and one additional day for every additional five leagues; but he shall plead and the case shall be heard and determined, on the day of appearance, unless the Judge or Judges shall see fit to adjourn the case, as he or they may do. 20

Rent and possession may be recovered by the same proceeding.

VI. And be it enacted, That the Plaintiff may at the same time and by the same proceedings, sue for and recover possession of the immovable leased and any arrears of rent due, and may seize the goods of the Lessee by *saisie gagerie*, and the Judge or Judges, shall on proof 25 to their satisfaction, give judgment for the possession and for such arrears.

Plaintiff may pray rescission of the lease if the rent be not paid within a certain time, &c.

VII. And be it enacted, That whenever any Plaintiff shall under the said Act or otherwise sue for the recovery of any rent or any quarter of rent due to him, he may at 30 the same time and by the same proceedings pray that the lease may be rescinded if such rent be not paid within the time to be appointed for that purpose in the judgment or by the sale of the goods pledged for the rent; and on the return of the Sheriff or Bailiff, that such sale has not produced enough to pay the rent due and costs, the Judge 35 or Judges may direct the issue of a further writ addressed to the Sheriff or Bailiff, to dispossess the Defendant and all others, and to remove their effects and put the Plaintiff in possession: Provided always, that the return to the 40 writ first mentioned shall be made on the day next after the sale, if the place of sale be not more than five leagues from the place where the Judge or Judges sit, and one additional day shall be allowed for every additional five leagues. 45

When rescission is granted possession may be also given if not

VIII. And be it enacted, That the Judge or Judges directing the rescission of any lease, verbal or in writing, may by the same judgment direct that if peaceable possession of the immovable in question be not given to