

the proceedings in such cases, or the said Court or the said Justices from enlarging the time to plead or to adduce evidence in any such cases, whenever the said Court or the said Justices may deem it advisable so to do  
5 for the more sure attainment of the ends of justice.

V. And be it enacted, That whenever the Defendant  
in any such case shall not appear upon the day fixed as  
aforesaid, for the return of the said Writ of Summons,  
after having been duly called, a default shall be entered  
10 against him, and it shall be lawful for the Plaintiff on the  
the following day to proceed to prove the allegations  
contained in his declaration or petition, (*requête libellée*,)  
in the manner hereinafter provided; and to inscribe the  
case without further delay for judgment by default.

Default to be entered on non-appearance of Defendant.

15 VI. And be it enacted, That in addition to the matters  
required to be set forth against the party who shall have  
so usurped, intruded into, or unlawfully detained any such  
office or franchise, the Plaintiff may also set forth in any  
such declaration or petition, (*requête libellée*, the name  
20 of the person rightfully entitled to such office or franchise,  
with such averments as may be required to show his  
right thereto, and in every such case judgment shall be  
rendered upon the claim of the Defendant, and also upon  
the right of the party so averred to be entitled to such  
25 office or franchise, or only upon the claim of the Defendant,  
as justice shall require.

Plaintiff may in his declaration set forth the name of the person entitled to office.

VII. And be it enacted, That whenever judgment  
shall be rendered in any such case, upon the right of the  
person so averred to be entitled to such office or franchise,  
30 and the same to be in favour of such person, he  
shall be entitled, after taking the oath of office, and executing  
any official bond which may be required by law,  
to take upon himself the execution of such office, or the  
exercise of such franchise; and it shall be his duty im-  
35 mediately thereafter to demand of the Defendant in such  
case all the keys, books, papers and insignia in the custody  
or within the power of such Defendant, belonging to the  
office or franchise from which he shall have been ousted,  
and if such Defendant shall refuse or neglect to deliver  
40 over any such keys, books, papers and insignia pursuant  
to such demand, or shall in any other way or manner  
wilfully obstruct such person so adjudged to be entitled  
to such office or franchise as aforesaid, with a view to  
prevent such person from taking upon him the execution  
45 of such office, or the exercise of such franchise, he shall  
be deemed guilty of a misdemeanor; and whenever such  
refusal or neglect shall occur in any such case, it shall be  
lawful for the said Court or the said Justices to order the  
Sheriff of the District to take possession of such keys,  
50 books, papers and insignia, and to deliver up the same so  
taken possession of, to the party entitled or adjudged to  
be entitled to such office or franchise as aforesaid.

If judgment be rendered in favor of any person averred to be entitled to office, he shall take upon himself the execution of such office.