

39-O.

Whenever any lessor shall desire to have again and repossess any premises to which he is entitled under the provisions of Section 39N, he or his duly qualified agent or attorney, shall make his written complaint under oath or affirmation, before any justice of the peace of the county or city wherein such property is situated, and describing therein in general terms the property sought to be had again and repossessed as aforesaid, and also setting forth the name of the tenant to whom the same is rented, or his assignee or under tenant or tenants, with the amount of rent thereon due and unpaid; and praying by warrant to have again and repossess the premises, together with judgment for the amount of rent due and costs; and it shall thereupon be the duty of said justice of the peace forthwith to issue his summons, directed to any constable of the county or city wherein such complaint has been filed, and ordering him to notify said tenant, assignee or undertenant forthwith to appear before the said justice of the peace, at the trial to be held on the second day after the filing of said complaint, to show cause why the prayer of said lessor should not be granted as aforesaid, and the said constable shall forthwith proceed to serve said summons upon said tenant, assignee or undertenant in said premises, or upon his or their known or authorized agent, but if for any reason, neither said tenant, assignee or undertenant, nor his or their agent can be found, then said constable shall affix an attested copy of said summons conspicuously upon said premises, and such affixing of said summons shall, for the purposes of this sub-title, be deemed and construed a sufficient service upon all persons whomsoever.

39P.

If at the trial on the second day aforesaid, the justice of the peace shall be satisfied the interest of justice will be better served by an adjournment to enable either party to procure his necessary witnesses, he may adjourn the trial for a period not exceeding one day, except by consent of all parties, and if at said trial or due adjournment thereof as aforesaid, it shall appear to the satisfaction of the justice of the peace before whom said complaint has been made and tried as aforesaid, that the rent or any part of the rent for said premises is actually due and unpaid, then the said justice of the peace shall give judgment in favor of said lessor for the amount of rent found due, with costs of suit, and shall order that said tenant and all persons claiming or holding by or under said tenant shall yield and render up possession of said premises unto said lessor, or his duly qualified agent or attorney within two days thereafter; provided, however, that if the said tenant, or someone for him, shall at said trial or due adjournment thereof as aforesaid, tender the rent found to be due and unpaid, together with the costs of said suit, the said complaint shall be entered satisfied and no further proceedings shall be had thereunder.

39Q.

In case judgment shall be given in favor of said lessor in the manner aforesaid, and the tenant shall fail to comply with the requirements of said order within two days aforesaid, the said justice of the peace shall, on or at any time after the expiration of said two days, issue his warrant, directed to any constable of the county