

in a bill in chancery; and any decree which may be passed, shall have the same effect against those described as the heirs of a particular person, as if the party whose heirs they are supposed to be were living and a party to such decree. The provisions of this section to apply to all cases, including bills of review, bills of interpleader and supplemental bills.

97. Any non-resident, or person proceeded against as a non-resident, may appear and answer before final decree, on such reasonable terms as the court may prescribe.

98. In all suits in chancery against non-residents, or against persons who may be proceeded against as if they were non-residents, the court may order notice to be given by publication in one or more newspapers, stating the substance and object of the bill or petition, and warning such party to appear on or before the day fixed in such order, and show cause why the relief prayed should not be granted, and such notice shall be published as the court may direct, not less, however, than once a week for four successive weeks three months before the day fixed by such order for the appearance of the party; *Provided*, if a copy of the order be personally served on such party ~~three months~~ before the day so fixed for his appearance, such service shall have the same effect as a publication. *me*

#### PARTITION.

99. The court may decree a partition of any lands or tenements, or any right, interest or estate therein, either legal or equitable, on the bill or petition of any joint tenant, tenant in common, or any parcener or any concurrent owner whether claiming by descent or by purchase; or if it appears that the said lands or tenements, or right, interest or estate therein cannot be divided without loss or injury to the parties interested, the court may decree a sale thereof, and a division of the money arising from such sale among the parties according to their respective rights. This section to apply to cases where all the parties are of full age; and to cases where all the parties are infants, and to cases where some of the parties are of full age and some infants, and to cases where some or all of the parties are non compos mentis; and also to apply to cases where any or all of the parties are non-residents, and any party whether of full age, infant or non compos mentis, may file a bill under this