

IV. All persons interested in the premises, of which partition is prayed for, may appear and answer to the petition, either himself or by his Attorney or Counsel; and shew, on affidavit, such cause as he can, why the petitioner ought not to have partition as prayed for, either in whole or in part; and the Court or Judge may, on all occasions where deemed just and necessary, and where the same is demanded by either party, give leave either to the petitioner or any person opposing the prayer thereof, to file affidavits or supplementary affidavits, as the case may be, in support of the petition, or the opposition thereto and adjourn the further hearing for that purpose, from time to time, for a sufficient time, in the opinion of the Court or Judge, to enable the parties to be prepared with such affidavits.

Cause to be shewn, and by whom.

V. Each party petitioning or opposing shall serve, or cause to be served, on the other party, or his attorney, copies of all affidavits intended to be made use of, at any hearing hereunder, seven days before the hearing at which the same shall be used.

Copies of affidavits to be served.

VI. If any person, not named in the petition, shall appear and oppose the partition prayed for, or otherwise shew cause against the prayer of the petition, the petitioner may object that such person has no estate or interest in the lands described in the petition; and if, upon investigation of the case by the the Court or a Judge, it shall appear that the person so appearing or opposing has no estate or interest in the lands, the matter of his objection or opposition shall be no longer or further enquired of.

Parties interested only to appear.

VII. If upon the hearing by the Court or a Judge, as the case may be, it shall appear that the petitioner is entitled to have partition as prayed for, he shall be adjudged his costs of such hearing against the party who objected thereto; and shall have his remedy therefor by attachment or execution, by *fieri facias* or otherwise, as the Court or Judge shall, in each case direct; but if the decision shall be against the petitioner in whole or in part, the adverse party shall, in like manner as aforesaid, be adjudged his costs, and have the like remedy therefor; and judgment may, notwithstanding, be entered, or an order made for the petitioner to have partition, and to have assigned to him such part of the premises, if any, as he shall be entitled unto.

Costs, when granted and how recovered.

VIII. In all cases where there shall be no opposition to the petition, or where upon hearing, the opposer shall make default, or it shall otherwise appear that the petitioner is entitled to have partition, whether for the share or proportion claimed in his petition, or for a less share, an order or rule that parti-

Proceedings in default.