CASES DECIDED

IN THE

HIGH COURT OF CHANCERY

O F

MARYLAND.

CRAPSTER *v.* GRIFFITH.   **5**

INFANTS.—CHANCERY PRACTICE.—PARTITION OF PERSONALTY.

An infant female between sixteen and twenty-one years of age, is competent
    to give a valid receipt for her property, but not an acknowledgment for
    the payment of an equivalent. (a)
The auditor may be ordered to proceed immediately to the adjustment of an
    account—a settlement in the Orphans' Court by a guardian is not con-
    clusive; but when relied on by him here, he should produce the vouchers
    on which it was founded. (b)
Personal property, of which a partition cannot be made, may be sold, and
    the proceeds of sale divided. (c)

(a) See *Bowers* v. *State*, 7 H. & J. 32, *note* (b).
(b) See *Spedden* v. *State*, 3 H. & J. 251, *note*.
(c) *Joint ownership of personal property.* One joint owner of a chattel
cannot maintain replevin against another, *Ferrall* v. *Kent*, 4 Gill, 209; nor
can he sue in trover for the mere detention. *Heller* v. *Hufsmith*, 102 Pa. St.
533. If one tenant in common of a chattel dispossess the other, the latter
has no remedy at law but to retake the property "when he can see his time."
Freeman Co-Tenancy, sec. 287. If the chattel be of a severable nature, either
co-tenant may appropriate his share without the consent of the other, and if
one refuse and retain exclusive possession, this is conversion, *Ibid*, 319.
One tenant in common of personal property is not bound to pay his co-tenant
any compensation for the use of the common property, nor to account for
the profits, unless he has received more than his just proportion. *Blood* v.
Blood, 110 Mass. 547. And neither has any lien on the share of the other
for expenses incurred. *Goell* v. *Morse*, 126 Mass. 480.

A tenant in common cannot maintain trover against his co-tenant because
the right of possession lies at the foundation of the action, and where two
are equally entitled to possession, he who has it cannot be guilty of a con-
version by retaining it. But there may be such a use, or rather misuse, of

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