

under the provisions of this section shall not release it from any judgment, lien, penalty, or liability to which it may be subject by law.

1918, ch. 84, sec. 136H.

136H. Whenever a permanent injunction issues against any person for maintaining a nuisance as herein defined, or against any owner or agent of the building kept or used for the purpose prohibited by this sub-title, there shall be entered as part of the decree upon the said building and the ground upon which the same is located and against the person or persons maintaining said nuisance, and the owner or agent of said premises, an order for the payment of three hundred dollars, and the same shall be and remain a lien on the land until fully paid. The payment of said sum shall not relieve the persons or property from any other penalties provided by law, and the said amount when collected shall be applied in payment of any deficiency in the costs of the action and abatement on behalf of the State to the extent of such deficiency after the application thereto of the proceeds of the sale of personal property as hereinbefore provided, and the payment of a reasonable fee to be fixed by the Court to the attorney representing the State in the injunction action at the time of the final decree.

Partition.

137.

There may be no partition between a life tenant and a remainderman since this section does not apply to such a case. There may, however, be partition where a one-half interest is owned by the plaintiff and the other one-half interest is owned by one person for life with remainder over. Disposition of fund. *Tolson v. Bryan*, 130 Md. 340.

Plaintiffs held to have taken an interest in property under a will and to be entitled to file a bill under this section. Plaintiffs' interest held to be concurrent. The right given to some of the owners of a one-seventh interest in certain property to file a bill under this section is not affected by the fact that the will conferred upon the executor a naked power to sell and convey the other six-sevenths interest. *Booth v. Eberly*, 124 Md. 23.

Specific performance of an alleged contract denied, and a decree for the sale of the property under this section upheld. *Rickard v. Neff*, 130 Md. 94.

To the first note to this section under the heading "When a Partition or Sale May Not be Had" on page 396 of volume 1 of the code, add *Cf. Tolson v. Bryan*, 130 Md. 340.

To the fifth from the last note to this section on page 397 of volume 1 of the code, add *Tolson v. Bryan*, 130 Md. 341.

Pleadings, Practice and Process.

142.

This section applied where a bill filed to charge the lands of a decedent with the payment of certain money alleged to belong to his children under his will refers to the will, which, however, is not filed. *Henderson v. Harper*, 127 Md. 431.

To the first note to this section on page 399 of volume 1 of the code, add *Beachey v. Heiple*, 130 Md. 694.

154.

It might have been claimed that a paragraph in a bill of complaint was demurrable under this and the following section; question not passed on. *Reynolds v. Russler*, 128 Md. 609.