

Receivers are sometimes appointed to collect rents pending partition proceedings—see notes to sec. 216. *Baker v. Baker*, 108 Md. 277.

In order that a sale might be decreed under the act of 1785, ch. 72, sec. 12, it must have been proved that all parties interested would be benefited by the sale. The fact that infants were complainants did not dispense with the necessity of such proof, nor did the answer of an infant, nor the answer of adult defendants, admitting such facts. Amendment. *Watson v. Godwin*, 4 Md. Ch. 25. *Cf. House v. Wiles*, 12 G. & J. 338.

As to the proof of the title of the co-owners, and other matters necessary to be proved under this section, see *Calwell v. Boyer*, 8 G. & J. 146; *Warfield v. Gambrill*, 1 G. & J. 503.

For a case involving an agreement between tenants in common for a partition, and the right of set-off of a judgment in a partition proceeding, see *Norwood v. Norwood*, 4 H. & J. 112.

For cases construing the acts of 1797, ch. 114; 1794, ch. 60, and 1785, ch. 72, see *Snowden v. Snowden*, 1 Bl. 550; *Gibson v. Tilton*, 1 Bl. 353; *Walker v. Parker*, 13 Pet. 174.

For a note dealing with this section, and distinguishing it from other analogous sections, see *Tomlinson v. McKaig*, 5 Gill, 256.

As to the rights of tenants of property sought to be partitioned, see *Thruston v. Minke*, 32 Md. 575.

This section referred to in construing sec. 46—see notes thereto. *Mitchell v. Farrish*, 69 Md. 238.

This section referred to in construing sec. 65—see notes thereto. *Hitch v. Davis*, 3 Md. Ch. 265.

This section referred to in construing sec. 119—see notes thereto. *Hamilton v. Traber*, 78 Md. 32.

Cited but not construed in *Presstman v. Mason*, 68 Md. 89; *Krone v. Linville*, 31 Md. 144; *Williams' Case*, 3 Bl. 197; *Hammond v. Hammond*, 2 Bl. 346; *Buckingham v. Peddicord*, 2 Bl. 454-6; *Corse v. Polk*, 1 Bl. 234; *Spurrier v. Spurrier*, 1 Bl. 478; *Carter v. Calvert*, 4 Md. Ch. 218.

As to the partition of personal property, see sec. 235; see also *Hewitt's Case*, 3 Bl. 184; *Crapster v. Griffith*, 2 Bl. 5 and note (c).

As to the sale of lands free of dower, see sec. 45, *et seq.*

See sec. 46 and notes.

An. Code, sec. 138. 1908, ch. 242.

153. The right to a partition or a sale under section 152 shall include the right to a partition or a sale of any one or more of several separate lots or tracts of land held as mentioned in said section, and it shall not be necessary for the bill or petition to pray for a partition or a sale of all of the several lots or tracts so held.

Pleading, Practice and Process.

An. Code, sec. 139. 1904, sec. 130. 1888, sec. 117. Rule 1. 1890, ch. 424.

154. The circuit courts for the several counties of this State, and the circuit court of the city of Baltimore, and the circuit court number two of the city of Baltimore, as courts of equity, shall be deemed and taken to be always open for the transaction of business therein, and the several regular terms of said courts for the return of process and other practical purposes shall be of two months' duration, and shall commence in the counties on the first Monday of January, of March, of May, of July, of September, and of November of each year; and in Baltimore city shall commence on the second Monday of January, of March, of May, of July, of September, and of November of each year.

As to pleadings, practice and process at law, see art. 75.

As to equitable defenses at law, see art. 75, sec. 91, *et seq.* As to the removal of cases from law courts to courts of equity and *vice versa*, see art. 75, sec. 124.