

Joint Tenancy.

An. Code, 1924, sec. 13. 1912, sec. 13. 1904, sec. 13. 1888, sec. 13. 1822, ch. 162.

14. No deed, devise or other instrument of writing shall be construed to create an estate in joint tenancy, unless in such deed, devise or other instrument of writing it is expressly provided that the property thereby conveyed is to be held in joint tenancy.

Application of this section.

This section inverts rule of common law. It has no application to tenancy by entireties. *Brewer v. Bowersox*, 92 Md. 572; *Marburg v. Cole*, 49 Md. 412; *Masterman v. Masterman*, 129 Md. 170.

This section applied. *Walsh v. McBride*, 72 Md. 60 (dissenting opinion); *McPherson v. Snowden*, 19 Md. 230; *Purdy v. Purdy*, 3 Md. Ch. 552.

This section held to have no application to devises or grants made to trustees for the benefit of third parties. *Gray v. Lynch*, 8 Gill, 424.

This section held to have no application, because a joint tenancy was not created. *Craft v. Wilcox*, 4 Gill, 506. See also *Fladung v. Rose*, 58 Md. 20; *Moody v. Elliott*, 1 Md. Ch. 290 (involving a will); *Purdy v. Purdy*, 3 Md. Ch. 552.

Generally.

Tenancies in common, joint tenancies and estates in coparcenary, distinguished. *Gilpin v. Hollingsworth*, 3 Md. 194.

Requisites of joint tenancies. They are viewed with disfavor. *Chew v. Chew*, 1 Md. 171.

Husband and wife may become joint tenants where the deed expressly so provides. *Fladung v. Rose*, 58 Md. 20; *Wolf v. Johnson*, 157 Md. 114.

This section referred to by way of example. *Preston v. Clabaugh*, 90 Md. 709.

Prior to the adoption of this section the law was to the contrary. *Hannon v. Towers*, 3 H. & J. 149. And see *Maybury v. Brien*, 15 Pet. 37.

Cited but not construed in *Lannay v. Wilson*, 30 Md. 552.

As to partition of property among co-owners, see art. 16, sec. 159.

Words "joint tenancy" not necessary to create such estate if intention is manifest. *Michael v. Lucas*, 152 Md. 513.

Cited but not construed in *McIntosh v. Rieman*, 160 Md. 373; *Mitchell v. Frederick*, 166 Md. 42.

Interparty Agreements.

1931, ch. 484, sec. 13A.

15. A conveyance, release or sale may be made to or by two or more persons acting jointly and one or more, but not less than all, of these persons acting either by himself or themselves or with other persons; and a contract may be made between such parties.

1931, ch. 484, sec. 13B.

16. No contract shall be discharged because after its formation the obligation and the right thereunder become vested in the same person, acting in different capacities as to the right and the obligation.

1931, ch. 484, sec. 13C.

17. Nothing herein shall validate a transaction within its provisions which is actually or constructively fraudulent.

1931, ch. 484, sec. 13D.

18. (Act Not Retroactive.) This sub-title shall not apply to conveyances, releases, sales or contracts, made prior to its effective date.