

An. Code, 1924, sec. 7. 1912, sec. 7. 1916, ch. 175, sec. 7.

7. (Rules for Determining the Existence of a Partnership.) In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by section 16 persons who are not partners as to each other are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is *prima facie* evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payment:

(a) As a debt by installments or otherwise,

(b) As wages of an employee or rent to a landlord.

(c) As an annuity to a widow or representative of a deceased partner,

(d) As interest on a loan, though the amount of payment vary with the profits of the business,

(e) As the consideration for the sale of the good-will of a business or other property by installments or otherwise.

In determining whether a partnership exists, consideration should be taken of intention of parties and community of interest, sharing of profits, capital and control. *Southern Can Co. v. Sayler*, 152 Md. 311.

"Contract of renting," purporting to lease farm, and transferring possession, etc., did not create partnership. *Tomlinson v. Dille*, 147 Md. 165.

This section referred to in holding a surviving partner to his contract to conduct business for five years and pay widow of deceased partner a portion of earnings of business. Appointment of receiver denied. See notes to sec. 31. *Gerding v. Baier*, 143 Md. 526.

An. Code, 1924, sec. 8. 1912, sec. 8. 1916, ch. 175, sec. 8.

8. (Partnership Property.) (1) All property originally brought into the partnership stock or subsequently acquired, by purchase or otherwise, on account of the partnership is partnership property.

(2) Unless the contrary intention appears, property acquired with partnership funds is partnership property.

(3) Any estate in real property may be acquired in the partnership name. Title so acquired can be conveyed only in the partnership name.

(4) A conveyance to a partnership in the partnership name, though without words of inheritance, passes the entire estate of the grantor unless a contrary intent appears.

Cited but not construed in *McLane v. State Tax Commn.*, 156 Md. 145; *Ottaviano v. Lorenzo*, 169 Md. 60.

PART III.

Relations of Partners to Persons Dealing with the Partnership.

An. Code, 1924, sec. 9. 1912, sec. 9. 1916, ch. 175, sec. 9.

9. (Partner Agent of Partnership as to Partnership Business.) (1) Every partner is an agent of the partnership for the purpose of its business, and the act of every partner, including the execution in the partnership name of any instrument, for apparently carrying on in the usual way the business of the partnership of which he is a member binds the