

Where the answer to a bill for the partition of a ground-rent shows that the validity of an outstanding lease is questioned, the court should hold the bill for a reasonable time so that such validity may be tested. Partition or a sale will be decreed, although the expenses of the proceeding more than consume the value of the property. *Brendel v. Klopp*, 69 Md. 4.

Partition may be decreed although certain infant defendants are entitled to executory devises in the land sought to be sold. *Harris v. Harris*, 6 G. & J. 115; *Tolson v. Bryan*, 130 Md. 341.

Where land is sold under this section, the mutation from realty to personalty does not take place until the sale has been ratified and the purchaser has complied with its terms. *Betts v. Wirt*, 3 Md. Ch. 116.

Receivers are sometimes appointed to collect rents pending partition proceedings—see notes to sec. 222. *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.

Except for this section, judgment creditor would not, as rule, be proper party to partition case in which debtor is interested. Right to caveat will. *Lee v. Keech*, 151 Md. 37.

Partition may be had under this section on bill filed by fee simple owner of undivided one-third interest against remaindermen in fee in other two-thirds, although complainants also own life estate in latter. *Bosley v. Burk*, 154 Md. 31.

Allegation to entitle to sale under this section should be direct and specific, and especially when proceedings for sale are made after mortgage proceedings have been instituted and bond of attorney named in mortgage has been filed. *Tucker v. Hudson*, 158 Md. 13.

Cited but not construed in *Kirkpatrick v. Lewis*, 159 Md. 69.

Nothing in this section restricts sale to a minimum or upset price. *Kemp v. Waters*, 165 Md. 523.

This section does not authorize suit by cotenant mortgagors for sale of mortgaged land after proceedings have been taken by mortgagee for sale of same for default in payment. *Hughes v. Fed. Land Bank*, 172 Md. 305.

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. 49—see notes thereto. *Mitchell v. Farrish*, 69 Md. 238.

This section referred to in construing sec. 69—see notes thereto. *Hitch v. Davis*, 3 Md. Ch. 265.

This section referred to in construing sec. 127—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. 244; 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. 48, *et seq.*

See sec. 49 and notes.

An. Code, 1924, sec. 153. 1912, sec. 138. 1908, ch. 242.

160. The right to a partition or a sale under section 159 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.