

made a party is not affected by partition proceedings. *McCormick v. McCormick*, 104 Md. 326; *Thruston v. Minke*, 32 Md. 574. *Cf. Baker v. Baker*, 108 Md. 273.

By whom and against whom the bill should be filed where a partition of infant's land is desired. *Simpson v. Bailey*, 80 Md. 423; *Benson v. Benson*, 70 Md. 257; *Downes v. Friel*, 57 Md. 536; *Bolgiauo v. Cooke*, 19 Md. 392.

The owner of the leasehold interest need not be made a party to a bill for the partition or sale of a ground-rent. *Brendel v. Klopp*, 69 Md. 4.

As to tenants of the property being made parties. see *Thruston v. Minke*, 32 Md. 575.

The bill.

A bill of complaint held not to be in conformity with this section. Necessary allegations under this section. *Fox v. Reynolds*, 50 Md. 570. *Cf. Slingluff v. Stanley*, 66 Md. 224; *Wilson v. Green*, 63 Md. 548; *Mewshaw v. Mewshaw*, 2 Md. Ch. 13.

The description of the property in the bill, held sufficient. *Thruston v. Minke*, 32 Md. 573.

A bill for partition, and also seeking the enforcement and foreclosure of a mortgage on the same land, is multifarious. *Belt v. Bowle*, 65 Md. 351.

For cases involving the question of whether there is a sufficient allegation that the property "cannot be divided without loss or injury," see *Ballantyne v. Rusk*, 84 Md. 650; *Wilson v. Green*, 63 Md. 548; *Thruston v. Minke*, 32 Md. 576.

When a partition or sale may not be had.

The jurisdiction under this section does not exist where parties hold separate, consecutive interests—such as a life estate and a reversion—but is confined to cases where the interests are concurrent. *Roche v. Waters*, 72 Md. 269; *Gill v. Wells*, 59 Md. 499.

Where certain parties own a one-fourth undivided interest in property, neither a partition among them nor a sale, under this section, can be had—partial partition can not be made. A sale can not be decreed except under such circumstances as justify a partition. *Dugan v. Baltimore*, 70 Md. 5.

Where a testator gives certain property to trustees to hold for the benefit of his daughter for life, and then (in case of her death without issue), for the benefit of such of his children and descendants, as said daughter might by will appoint, she being, moreover, given the power to dispose absolutely by will of certain money held by the trustees; and the daughter by her will executes the power by giving certain real property to one niece, pecuniary legacies to others and the sum of money which she was authorized to dispose of absolutely, to a third party; held that the trustees upon the death of the life tenant, had no such interest in the property as entitled them to ask for a sale for partition. If the trustees have no money with which to pay the pecuniary legacies, they have an implied power of sale for that purpose, in the absence of an agreement obviating the same. *Harrison v. Denny*, 113 Md. 519.

A trustee for the benefit of creditors to whom has been assigned a one-half interest in property, held not authorized to file a bill for partition. *Ritchie v. Munder*, 49 Md. 12.

A mortgagee of an undivided interest can not file a bill for partition under this section. *Mitchell v. Farrish*, 69 Md. 235. And see *Williams v. Harlan*, 88 Md. 4; *Bannon v. Comegys*, 69 Md. 418.

A Maryland court of equity will not decree partition of lands located in another state. *White v. White*, 7 G. & J. 208.

Exceptions to title.

Where all parties are of legal age and the defendants admit the allegations of the bill, the fact that no testimony is taken in support of such allegations does not vitiate a purchaser's title, and hence, is not a ground of exceptions thereto. *Scarlett v. Robinson*, 112 Md. 204; *Slingluff v. Stanley*, 66 Md. 220; *Bolgiauo v. Cooke*, 19 Md. 394. *Cf. Earle v. Turton*, 26 Md. 33 (involving infants).

The erroneous action of the court on matters not jurisdictional, can not be raised collaterally, and does not affect the title of a purchaser under this section. *Benson v. Benson*, 70 Md. 258; *Dugan v. Baltimore*, 70 Md. 7; *Sling-*