

**Revised Statutes of 1846 (EXCERPT)**  
**GENERAL PROVISIONS.**

**554.138 Joint tenant or tenant in common; action against cotenant.**

Sec. 38.

One joint tenant or tenant in common, and his executors or administrators, may maintain an action for money had and received, against his co-tenant for receiving more than his just proportion of the rents or profits of the estate owned by them as joint tenants or tenants in common.

**History:** R.S. 1846, Ch. 66 ;-- CL 1857, 2811 ;-- CL 1871, 4308 ;-- How. 5778 ;-- CL 1897, 9261 ;-- CL 1915, 11816 ;-- CL 1929, 13496 ;-- CL 1948, 554.138