

1904, art. 54, sec. 46. 1888, art. 54, sec. 43. 1860, art. 54, sec. 36.
1785, ch. 66, sec. 7.

46. Any person holding lands and being in actual possession thereof in this State, under a warrant and survey or under a patent granted by the government of Pennsylvania before the divisional line between the two States was fixed, shall be entitled to receive a patent for such land from the proper authorities of this State.

For a case dealing with an equitable interest held under a statute analogous to this section, see *Rowland v. Crawford*, 7 H. & J. 52.

Ibid. sec. 47. 1888, art. 54, sec. 44. 1862, ch. 129, sec. 37.

47. The proprietor of land bounding on any of the navigable waters of this State shall be entitled to all accretions to said land by the recession of said water, whether heretofore or hereafter formed or made by natural causes or otherwise, in like manner and to like extent as such right may or can be claimed by the proprietor of land bounding on water not navigable.

The leaseholder under a lease made in 1850, acquired by virtue of the act of 1745, ch. 9, the right to accretions, to the exclusion of the assignee of the reversion. *Williams v. Baker*, 41 Md. 527.

This section held to have no application where a patent to land covered by water was issued prior to its adoption. Dispute between such patentee and riparian owner as to ownership of accretion. *Linthicum v. Coan*, 64 Md. 452. *Cf.* *Day v. Day*, 22 Md. 539; *Patterson v. Gelston*, 23 Md. 445.

As long as the water covers the adjacent soil, there is no accretion, and hence this section has no application. *Hess v. Muir*, 65 Md. 596.

For cases dealing with the subject of this section prior to its adoption, see *Chapman v. Hoskins*, 2 Md. Ch. 485. *Ridgely v. Johnson*, 1 Bl. 316, note (f); *Giraud v. Hughes*, 1 G. & J. 264; *B. & O. R. R. v. Chase*, 43 Md. 23.

Cited but not construed in *Spencer v. Patten*, 84 Md. 426; *Hill v. United States*, 149 U. S. 593.

See notes to sec. 48.

Ibid. sec. 48. 1888, art. 54, sec. 45. 1862, ch. 129, sec. 38.

48. The proprietor of land bounding on any of the navigable waters of this State shall be entitled to the exclusive right of making improvements into the waters in front of his said land; such improvements and other accretions as above provided for shall pass to the successive owners of the land to which they are attached, as incident to their respective estates. But no such improvement shall be so made as to interfere with the navigation of the stream of water into which the said improvement is made.

No patent ought to be issued which would destroy the rights of the riparian owner under this section. The only restriction upon the latter's rights is that set out in the last clause of this section—*quære*, as to whether the appellant could raise the question of the violation of such restriction. Law applicable to owners along non-navigable streams has no application to navigable streams. The title to improvements, when made, may be severed from that of the mainland. How the improvements may be made. *Goodsell v. Lawson*, 42 Md. 370. See also, *Western Maryland T. R. Co. v. Baltimore*, 106 Md. 568.

Improvements erected by an adjacent owner, or his tenant, under this section, belong to such owner, although they extend further than the law permits; while they may be abated by proper proceedings to the extent that they are unlawful, the ownership can not be wrested from the proprietor. Ejectment against the United States government. The *Edmondson Island Case*, 42 Fed. 15.