

spoken of; except where it is said that if the owners, or any of them, be a *feme covert*, &c. But this rather tends to enlarge than restrain the comprehensive meaning of the term owners, by which all must be embraced, whether natural or artificial persons; bodies politic as well as individuals. So far it seems to be admitted, that this Act is clear of all ambiguity.

But the sixteenth, seventeenth and nineteenth sections do not, in any manner, modify or restrain the general terms of the fifteenth section. It appeared, that the proposed railroad, in its route, must cross many highways; and that it might be convenient to allow it to pass along the same route then occupied by an existing turnpike, or over a public bridge; and it also appeared, that in all this there was nothing so incompatible as that the one road should be allowed to obstruct or destroy the other. And therefore it was declared, that the defendants should be authorized to construct their railroad across an established road, so that it did not impede its passage; and also, that they might contract for the use of any turnpike or bridge with which it might be necessary or advantageous to connect their railroad. The manifest intention of these enactments was to provide for the preservation of the then existing and established public uses to which any land might have been subjected; so that, in creating one public convenience another public convenience might not be destroyed. It was the preservation and making compatible with each other two or more public uses which might be brought into collision with each other, so that the people might be deprived of none of their public benefits, which was the sole and only object of these latter sections; and considered in this light they accord, in every respect, and perfectly, with all that is declared in the fifteenth section; and can, by no means, be considered as altering or restraining any right or power *there given to the defendants. Hence I am perfectly satisfied, that there is no foundation for this **453** last objection of the plaintiffs.

Whereupon it is ordered, that the injunction heretofore granted in this case, be and the same is hereby dissolved.

BALTIMORE v. MCKIM.

THE LAND OFFICE.—TITLE TO LAND COVERED BY WATER.

The land office is considered as the general market in which all public lands are sold. (a)

In some cases individuals are allowed to acquire a legal title to land without going into the land office.

(a) Cited in *Smith v. Devecmon*, 30 Md. 479.