

state, without going into the land office, 460, 466.

The public lands can only be sold for a valuable consideration, or disposed of with a view to some public benefit, 460.

The extent of the authority to acquire a right to land covered by the tide water of the basin of Baltimore by making improvements thereon, 466.

A patent may be granted for land covered by navigable water, subject to the right of navigation, 467.

So a patent may be granted for land subject to a right of wharf, way, &c. 473.

No title can be obtained from the land office for any thing but land, 473.

All improvements made upon land by any one without right belong to the owner of such land, 472.

Previous mistakes in proceeding under a warrant, may be cured by the payment of the caution money.—*Coursey v. Hemsley*, 458.

Proceedings under a warrant deemed valid, if had according to the then practice of the land office, 458.

Under special circumstances, warrants may be granted to obtain lands for which a proclamation warrant could not be obtained.—*Ross v. Bladen*, 464.

The owner of land bounded by tide water has no pre-emptive right to take contiguous marsh.—*Baltimore v. McKim*, 469.

A right to take out a warrant of resurvey is an incident only of a legal title derived from a patent or of an imperfect legal title under a certificate compounded on.—*Hughlett's case*, 475.

Where the holder of a tract of land by a legal title, by a warrant of resurvey, takes in some contiguous vacancy, and then makes sale of the original tract by its name and description; as the vacancy embraced by the certificate of resurvey, does not thereby pass to the vendee, he cannot obtain a patent upon such certificate, 475.

LIEN.

The origin and nature of a judicial lien which fastens upon all the real estate then held or thereafter acquired by the defendant, from the date of the judgment.—*Coombs v. Jordan*, 298, 300.

A judicial lien never extends beyond the debtor's power of alienation, and in some cases not so far, 298.

In a suit by a bond creditor against the heir, in respect of real assets descended, the lien on such assets commences by relation from the institution of the suit, 302.

A judicial lien can only fasten upon that which is properly denominated real estate, 310.

What is to be regarded as real estate as

between vendor and vendee, mortgage and mortgagee, 311.

What is to be considered real estate as between landlord and tenant, heir and executor, 311.

What are fixtures, which as a part of the realty are bound by the lien, 311.

Incorporeal hereditaments which may be taken and sold under a *fiery facias* will be bound by a judicial lien, 315.

An equitable interest being liable to be taken in execution is bound by the lien, 319.

As the lien of a judgment at common law arises altogether from the liability of the real estate to be taken in execution, it fastens from the date of such judgment where the liability then exists, 298, 323.

Lands having been made liable to be taken and sold under a *fiery facias* upon a decree in equity, a lien takes effect from the date of such decree as well as from the date of a judgment at common law, 321.

A judicial lien, when barred by lapse of time, cannot be revived so as to have a retrospective effect prejudicial to the rights of others, 324; *Post v. Mackall*, 517; *The Cape Sable Company's case*, 660.

The bringing of an action of debt upon a judgment amounts to a virtual abandonment of any then existing lien arising therefrom.—*The Cape Sable Company's case*, 660.

Where a judgment has abated by death during the continuance of the lien the plaintiff or his representative may come in under a creditor's suit and have the benefit of such lien without reviving at law.—*Coombs v. Jordan*, 326.

Where the execution of a judgment has been suspended the lien continues its limited time after the expiration of such suspension, 328.

Lien in its proper sense is a right which the law gives; although it is usual to speak of lien by contract.—*Ridgely v. Iglehart*, 542.

Of liens given by the common law, by equity, by marine law, by statute, and by contract, 542.

The lien given by the act to direct descents repudiates every thing like an equitable lien, and can only be enforced at common law as a statutory lien incident to the bond with which it has been blended, 547.

Where under the act to direct descents, one of the heirs, under an order of sale purchases the whole, and gives bond with another heir as his surety, the lien of the bond is exclusive of the interests of such obligors, 549.

Where one heir sues upon such bond and obtains judgment, and by virtue of an