

CAVEAT 49 LAND OFFICE (CAVEAT PAPERS) 49 MSA 55-444

MR. JOHNSON

1000's in Land Office

W. Johnson reads Bondens Weps taken
before Justice Hayward.

also Shows Plat.

of instructions to Surveyor
of Surveyor Return

W. J. contends that under act
1745 Ch 9. S 10 of 1784 Ch 39 Sec 6
1835. Ch 168.

the imp't of the Sugar House Wharf
gives them a title to the Land

reads act 1745. 'all imp'ts made shall be prop'y
of improver'

" ; 1784. Extends 1745 to add to Balto
Town & give rights to imp'ts
thus they get title to old wharf
prop'y

1783. The Port Wardens created
of applica made to them
Act 1796 ch 68. abolished port wardens
& duties became vested in
Corps of Balto

1835 Ch 168. a fine law passed
'The Port Wardens line Established
of any party may extend, if
he has a water front.

The act empowers persons to extend
into the stream, save fishing & naviga.

Admits that since applica for oversight
parties erect perfected wharves

Also admits that since applica for oversight
Land, has become fast land

My submits the matter saying
he can see nothing in the testimony
that ought to affect the stand of

Mr. Johnson,

admits that title runs back
to date of application when
Patent has issued,

but it is but an inchoate
right.

Insists that until Patent issues
Application gets no rights,

Refers to

2 Gill, 456, City of White
to show the character of right
under application for warrant
see also of opinion

Casey's in Meves 1 Gill p 501

"The right of extend out under act
1745, was a franchise which the
party cannot be deprived
of without consent

These authorities show the right to extend
a vested franchise.

Act of Eq will never interfere between parties
when equal equities

These parties had equal Eq to build wharves
if had right to build wharves

2 Hyl. p 100. Ch will not interfere to set
aside a voluntary conveyance where E
of — read from that note.

Gelston has no vested rights until gets
Patent until then a bare E only
and the other? I had a better right
under Act assembly

Read Story Eq. Cas. 4: Ed. 364.

Where E of equal law must prevail
say they had no notice of the applica
until they filed their caveat
and they had leased it in good faith
believing it theirs

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LAND OFFICE

(Caveat Papers)

MSA S5

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- Dates: 1860
 - Description: 49. Joseph W. Patterson and Edward Patterson vs. Edward H. Gelston. BC. Oversight. Plats; also show Hobsons Choice, Hoggs Norton, Loretta, Gorsuch, Philipsburgh, Small Luck, Security, Fells Prospect, Pattersons Purchase, Kemps Addition, Parkers Haven, Sugar House Lot, Rogers Addition of 1783, Canton No. 1 and 2. Recorded (Caveat Record) 2, p. 520, MSA S7-3.
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