It is perfectly clear, from the proofs, that the strip of land in question cannot, in any way, be regarded as an alluvion, the right to which would accrue to the owner of the adjacent land to which it had fastened; *Browne* v. *Kennedy*, 5 *H. & J.* 195; *Ridgely* v. *Johnson*, 1 *Bland*, 316, *note*; *The King* v. *Lord Yarborough*, 10 *Com. Law Rep.* 19: *Gifford* v. *Lord Yarborough*, 15 *Com. Law Rep.* 403; (*g*) but having been made, and built up, as a *wharf, **472** by John Smith and others, on land which it is certain did not belong to them, it follows, that it must, like all such improvements which a wrong-doer puts upon the land of another, become the property of him to whose land it has been affixed. So that this wharf has long since, in fact, become the absolute property of the State to whom the soil upon which it was built most unquestionably belonged.

But it has been urged, that the whole of this strip of land called Smith's wharf, is a public wharf, for the use of which the City of Baltimore has, for a long series of years, charged and collected wharfage, and, therefore, that the right of soil in it has been expressly vested in the city by the Act allowing the corporation to charge and collect wharfage; 1827, ch. 162, s. 4; *The Wharf Case*, *ante*, 361; because as wharfage was the only benefit which could be derived from this land, the Act which gave that sole benefit, virtually and necessarily thereby gave an absolute right to the soil itself. And further, that the granting of a patent would be incompatible with the rights of the public in general, if not with those of the city in particular; and, therefore, it ought not to be allowed to issue, since it could be attended with no good, and would inevitably be used as the means of litigation and strife.

In England the subjects which may be granted by the king are as numerous and as various as the sorts of property, and the kinds

(*g*) HAMMOND *v.* FORREST.—KILTY, C., 16th November, 1810.—The hearing of the caveat in this case came on in the land office on the 15th, when the exhibits and depositions were read, and the case was argued by counsel on each side.

On consideration, the Chancellor is of opinion, that the caveat ought to prevail, and that the defendant is not entitled to a patent. It does not appear, however, that the ground in question is connected with the main land by the bar, which is referred to from the letter N, on the plot. An objection might be made from what is stated in the depositions, and marked on the plot as to the course of the ferry-boat, which goes over the island, if, in that case, it can be so called, or rather, by the intersection of the water, makes two islands of the land.

But the question is taken up on the general principle of its being an island, and according to the civil law; and according to the decree of the late Chancellor, in the case of *Ridgely* v. *Johnson*, (1 Bland, 316, *note*,) it is considered as belonging to the caveators, as owners of the land on the nearest side, who appear in the part opposite a part of the island to be bounded by the river.

It is therefore Adjudged, Ordered, and Decreed, that the caveat be ruled good.