

be his imperative duty to smother no reasonable or plausible claim, or to withhold it from the deliberate examination of the ordinary and regular courts of justice. (*p*)

Some time after Baltimore had been laid out as a town the Legislature passed a law, by which a considerable addition was made to it; and, among other things, it was declared, that certain commissioners, seven in number, appointed to see the present and former acts, relating to the towns before mentioned, Baltimore and Jones' towns, put in execution; and cause them to be carefully surveyed by their outlines, therein including the branch, *to wit*: Jones' Falls, over which the bridge is built; and shall, from time to time, for preventing disputes, cause all the lots taken up and improved, or that shall thereafter be taken up, &c. to be regularly surveyed, substantially and fairly bounded and numbered. And all after purchasers of lots, whether before or after the passing of this act, shall be deemed to be within the said town; provided their lots be within the outlines thereof; and shall have as good estate in their lots, as if taken up, improved, and paid for under the original laws erecting the said towns. And that all improvements of what kind soever, either wharves, houses, or other buildings, that have or shall be made out of the water, or where it usually flows, shall, as an encouragement to such improvers, be forever deemed the right, title and inheritance of such improvers, their heirs and assigns forever. (*q*)

This law, it is obvious, according to the principles of justice, applicable to the subjects of which it speaks, can only be so construed as to authorize the owners of lots bounded by the tide of the basin to acquire a right to vacant land without applying to the Land Office, and without paying for it the stipulated price of vacant land. It operates as a legislative grant, for and in consideration of certain improvements, from which material and important benefits would result to the public. And the improvements being the consideration upon the formation of which alone the state parts with its right to the soil covered by the waters of the basin; it is clear, that no right can vest under it, until the specified improvements have been completed; for, if they should be left in an unfinished condition, it would amount to an abandonment of the right to acquire a title in that manner. (*r*) This, however, is

---

(*p*) *Johnson v. Hawn*, Land Ho. Assis. 418.—(*q*) 1745, ch. 9; 1836, ch. 63.—  
 (*r*) *Giraud's Lessee v. Hughes*, 1 G. & J. 249.