

ments into the waters in front of his said land; such improvements and other accretions as above provided for shall pass to the successive owners of the land to which they are attached, as incident to their respective estates. But no such improvement shall be so made as to interfere with the navigation of the stream of water into which the said improvement is made.

Riparian owner held not entitled to injunction against erection of crab houses and crab pounds or floats not attached to mainland, in front of his property, such structures not interfering with ingress and egress, nor with his right to make improvements provided for by this and preceding section. When such owner desires to make such improvements, crab houses, etc., must yield to his paramount right. Until owner makes such improvements, the title to land under water is in state. Nature and extent of riparian owner's rights under this section. *Hodson v. Nelson*, 122 Md. 334.

No patent ought to be issued which would destroy rights of riparian owner under this section. The only restriction upon latter's rights is that set out in last clause of this section—*quaere*, as to whether the appellant could raise question of violation of such restriction. Law applicable to owners along non-navigable streams has no application to navigable streams. Title to improvements, when made, may be severed from that of the mainland. How the improvements may be made. *Goodsell v. Lawson*, 42 Md. 370. See also *Western Maryland T. R. Co. v. Baltimore*, 106 Md. 568; *Hodson v. Nelson*, 122 Md. 335.

Improvements erected by an adjacent owner, or his tenant, under this section, belong to such owner, although they extend further than law permits; while they may be abated by proper proceedings to extent that they are unlawful, the ownership cannot be wrested from proprietor. Ejectment against United States. The Edmondson Island Case, 42 Fed. 15.

Proprietor's right to improve out into a river, *until actually availed of*, is subject to right of United States to use soil under water in aid of navigation without such proprietor's consent and without compensation. The privilege conferred by this section must be exercised subject to public right of navigation and usual necessary aids thereto. *Hawkins Point Light-House Case*, 39 Fed. 87.

When waters are "navigable." No state can restrict jurisdiction which admiralty would otherwise have. *Maryland v. Miller*, 180 Fed. 804.

What kind of improvements can be made? Until improvements are made, adjacent owner has no interest in land under the water, except a right to make improvements. *Western Maryland T. R. Co. v. Baltimore*, 106 Md. 565; *Hess v. Muir*, 65 Md. 596 (involving the bedding of oysters); *Maryland v. Miller*, 180 Fed. 804; *Hodson v. Nelson*, 122 Md. 335.

The rights secured by this section and sections 46 and 48, are valuable, and if invaded or their enjoyment obstructed, the owner is entitled to the usual redress. *Garitee v. Baltimore*, 53 Md. 432; *Goodsell v. Lawson*, 42 Md. 371. See also *B. & O. R. R. Co. v. Chase*, 43 Md. 23.

Where improvements are extended beyond original city limits, the latter are also extended and such improvements are taxable. *Western Maryland T. R. Co. v. Baltimore*, 106 Md. 565.

The power of the legislature to pass this and the preceding section, referred to by way of example. *Phipps v. State*, 22 Md. 389.

In a case where the ownership of a wharf was in question, this section was held to have no application. *Albert v. State*, use of *Ryan*, 66 Md. 336.

The rights conferred by this section are in no sense analogous to the privilege granted by article 72, section 49 (dealing with private oyster beds). *Handy v. Maddox*, 85 Md. 552.

For cases dealing with the subject of this section prior to its adoption see *Baltimore v. McKim*, 3 Bl. 453; *Casey v. Inloes*, 1 Gill, 432; *Hammond v. Inloes*, 4 Md. 173; *Wilson v. Inloes*, 11 G. & J. 359; *Giraud v. Hughes*, 1 G. & J. 265; *B. & O. R. R. Co. v. Chase*, 43 Md. 23.

Cited but not construed in *Spencer v. Patten*, 84 Md. 426; *Hill v. United States*, 149 U. S. 593; *Ranstead v. The William H. Brinsfield*, 39 Fed. 215.

See notes to secs. 46 and 48 (this art.).