

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.

Patents not to affect rights of riparian proprietors.

No patent for land covered by navigable waters

39. No patent hereafter issued out of the land office shall impair or affect the rights of riparian proprietors, as explained and declared in the two sections next preceding this section, and no patent shall hereafter issue for land covered by navigable waters.

In force from March 3, 1862.

NOTES—Public General Laws, Art. 71, Oysters, secs 15, 16, 17 and 18 were not repealed by above act, the sole object of said act being to restrict and limit the powers of the Commissioner of the Land Office *Phipps et al v State*, 22 Md. 388. See 1867, c 184, Art LXXI.—Oysters

The Act of 1862, c. 129, is one relating to the interests and property of the public, and the courts are bound to take judicial notice of it, whether the parties on either side rely on it or not. Looking to the general purpose disclosed by the affirmative provisions of secs 37 and 38, the clause in sec. 39 prohibiting the issue of any patent of land covered by navigable waters, should be so construed as to apply to all lands below high water mark, or to embrace any lands to which the rights and privileges conferred by this act, could attach. *Day v Day*, 22 Md 530.

ARTICLE LV.

Librarian—State.

1. Amount of stationery to legislature fixed.

1867, c. 187 enacts the following:

1867, c. 187.
Amount of stationery to legislature fixed

SEC. 1. From and after the first day of May, eighteen hundred and sixty-seven, it shall not be lawful for the state librarian to furnish to any member or officer of the general assembly, an amount of stationery to exceed in value more than twenty-five dollars, and that any member may at election, take such amount, either in stationery or money.

In force from May 1, 1867.

NOTE—The act of 1862, c. 15, repeals the act of 1861, c. 47, and also sections 11, 12, 13, 14 and 16 of this article, and substitutes therefor provisions which may be found under Public General Laws, Article XLII, Governor.