

think proper, and three-fourths of the moneys arising from the sale of the same, when sold, to appropriate for building and erecting the said new market-house on the said marsh, *and completing the public wharves adjoining the same;*' and the other fourth to defray the expense of building the market-house to the westward of the basin. (l)

This parcel of ground on which this new market-house was to be built is thus described as extending one hundred and fifty feet in width, from Baltimore street to Water street, 'with the privilege of extending the same to the channel;' and consequently, 'the public wharves adjoining the same,' for the completion of which this law, thus in part provided the means, could only have been those public wharves in front of so much of this marshy ground as had been previously dedicated to the public, which its former owners had, as required, filled up and made in order to remove the nuisance complained of; and which, therefore, must have been, from their foundation, and always considered and treated as public wharves. This parcel of ground had been thus expressly dedicated to the use of the public for a market-house and wharves; and this law has not only named these two public uses, and authorized the application of certain public funds to defray the expense of making this ground useful to the public in both of those modes; but it has expressly declared, that it was held by the public 'with the privilege of extending the same to the channel.' It is not said how, or in what form this privilege is to be exercised; and hence, it is perfectly obvious, that it must give to the owners of the ground, within the specified extent, a right to alter the location and form of those public wharves at pleasure; they must be allowed to have, under this general privilege, the right to raise the ground above high-water mark, and to remove their wharves further in towards the channel; to have the right to give to their wharves the shape of a canal or dock, as had been formerly said to be most advantageous; or to make a short transverse wharf abutment immediately along the specified line of the channel. But whatever may be the location or form of such wharves they must, nevertheless, be considered and treated as 'the public wharves adjoining' to this ground, according to the clear and express terms of this law. And having been thus, by several solemn legislative enactments provided for and declared to be

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(l) 1784, ch. 62, s. 4.