

sons shall not exceed five, or be less than three in number, and removable at the will and pleasure of said mayor, recorder, aldermen, and common council-men.

C. H. A. P. XXVI.

III. And be it enacted, That the wardens appointed as above, or a majority of them, shall have power and authority to determine upon and regulate all matters relating to the erecting or building of wharfs in the said port, so far as respects the distance said wharfs may be extended into the waters of said port, and the materials of which they may be constructed, and the manner and form of construction, always keeping in view the preservation of the navigation of said port, by not permitting any wharf to be carried out in such manner as to render the navigation of the same too close and confined, or to be built of such materials, or constructed in such manner, as may be deemed not sufficiently substantial and lasting.

Wardens to regulate the building of wharfs, &c.

IV. And be it enacted, That no person holding lands on the waters of said port, nor any person whatever, shall, after the passage of this law, build, or cause to be built, any wharf, or carry out, or cause to be carried out, any earth, or other materials whatever, for that purpose, without licence from said wardens, or a majority of them, to do the same; and if any person shall do any act in violation of the matters herein contained, either by beginning to build or erect any wharf, or by carrying out earth or other materials for that purpose, without licence of the wardens first obtained, or shall act in any manner contrary to their directions with respect to the mode and form of construction, or the materials of which the same shall be built, or the distance of extent into the waters of said port, shall be subject to such fine or fines as the said mayor, recorder, aldermen, and common council-men, shall ordain, but under such restrictions as are contained in their charter of incorporation.

Wharfs not to be built without licence, &c.

V. And be it enacted, That where any wharf has been begun before the passage of this act, and not in the whole completed and finished, that the person or persons owning the same, shall be in the same situation, with respect to that part which is not completed and finished, as in cases of wharfs begun after the passage of this act; and the wardens, or a majority of them, shall have in such cases full power and authority to regulate and direct in all the particulars herein above mentioned; and with respect to those parts of said wharfs which are completed and finished, they shall be and remain in the same situation, and the person or persons owners thereof, shall not be liable to presentment in any court of justice in this state therefor, or to any fine that may be imposed in virtue of this act.

Where wharfs are unfinished, wardens to direct, &c.

VI. And, whereas doubts and disputes may arise between the citizens and wardens to be appointed as aforesaid, concerning those parts of the wharfs already begun to be erected which may not be deemed by the said wardens in the whole to be completed and finished within the true intent and meaning of this act, Be it enacted, That where any timber frames, or logs joined and connected together, and forming the interior lines, boundaries or facings of such wharfs, have been carried into the water, in order that the space contained and included within the said frames or logs, hereafter may be filled up with brush, stone, wood, rubbish and earth, the said wharfs shall be deemed and taken to be so far completed and finished, as to take away from the wardens aforesaid, the power to direct of what materials and in what manner the said wharfs shall be constructed, and to limit and shorten their present extension into the water, and the owner or owners thereof shall not be subject to any fine or fines to be imposed by the mayor, recorder, aldermen and common council, for any thing done in the premises, as being contrary to this act;

Where frames are carried out, wharfs deemed finished, &c.