

by them in their answers to the two previous bills against them ; and they stated, that they had, by an ordinance of the 3d of April, 1825, established a rate of tonnage duties demandable of all vessels for lying at any of the public wharves, which they had collected accordingly until hindered and prevented by the defendant, who had, under a pretended right that those duties belonged to him, proceeded to enforce the payment thereof from sundry masters of vessels to a very large amount of money. Whereupon they prayed for an injunction ; that a receiver might be appointed and for general relief. This bill was certified under the seal of the corporation to be true ; and was also sworn to by the harbour-master of the city.

1st March, 1830.—BLAND, *Chancellor*.—*Ordered*, that the register issue writs of *subpœna* and injunction as prayed by the foregoing bill of complaint. And it is further *Ordered*, that the harbour-master, or other officer, who now is, or hereafter may be appointed by the said plaintiffs to collect the wharfage or tonnage on their behalf on the west side of the said canal or dock in the said bill mentioned, be and he is hereby authorized and directed to continue to collect, receive, account for, and pay over the same according to the directions, authority, and power vested in him by the said plaintiffs. And he is hereby directed and required to make out and keep a separate and distinct account of the moneys so collected and received by him ; and to make return thereof to this court on oath when required, to the end, that the same may be retained or paid according as the right thereto shall be made to appear. (a)

To this bill the defendant put in his answer, on the 17th of July, 1830, in which he admitted all that was set forth in relation to the formation of the wharves, the passing of the ordinances ; and the plaintiffs pretending to have a well-founded claim ; but he denied the right of the plaintiffs to make such collections ; and averred, that their doing so was in violation of his previously vested rights ; that he, as the owner of a lot of ground, binding on the tide-water, and on Market space, had legally extended the fast land of his lot, along Market space into the water by filling it up as far as the line established by the port wardens ; and thereby had acquired a complete legal title to the land thus gained from

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(a) *Palmer v. Vaughan*, 3 Swan. 173.