

the trial hear evidence of the probable cost of removing such nuisance; and if any person shall unload, discharge, or throw overboard any ballast, stones, shells, earth, sawdust, or other like matter, or suffer the same to run from his premises into the said creek or harbor as defined as aforesaid, or shall fill up or obstruct the navigation of the same, he shall be deemed guilty of a public nuisance, and shall, on indictment and conviction as aforesaid, be punished by fine, at the discretion of the court, and be committed as aforesaid until the said fine and costs are paid, for a period not less than thirty days nor more than six months, in the discretion of the court; provided, that the bedding of oysters in said creek above the railroad bridge, as it now spans said creek, is not to be embraced within the provisions of this section; and provided, that this section shall not be construed to apply to such marine railways as are now or may hereafter be constructed to run into said creek, or to the obstructions and improvements necessarily incident thereto.

1878, ch. 70.

85. The harbor-master, appointed under section 86, shall have full power and authority, and it shall be his duty, to regulate said inner harbor, and the steamers, vessels and craft of all kinds entering therein, and to prevent the same from mooring or anchoring so as to obstruct navigation or interfere with the movements of one another, and to cause their removal from one point to another for that purpose; and upon the owner, captain or other person in charge neglecting or refusing to obey the authority of said harbor-master, and persisting in anchoring or mooring his steamer, vessel or other craft at any point forbidden by him, or neglecting or refusing to remove the same when by said officer called on to do so, and upon the announcement of his official position, except steamers, vessels or other craft lying at wharf discharging cargo, or lying at wharf in employment, or by consent of owner of such wharf, the said harbor-master shall have full authority to cause said steamer, vessel or other craft to be removed and to employ assistance therefor; and every person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any justice of the peace of said county, shall be fined ten dollars and costs for each offence, and stand committed until such fine and costs are paid;