

# Sir Matthew Hale, De Portibus Maris (1670)

A man for his own private advantage may in a port town set up a wharf or crane, and take what rates he or his customers can agree for cranage, wharfage, [etc.]; for he doth no more than is lawful for any man to do, viz, make the most of his own... but such wharfs cannot receive customable goods against the provision of the statute of 1 Eliz. cap. II.

If the king or a subject have a publick wharf, unto which all persons that come and unlade or lade their goods for the purpose, because they are wharfs only licensed by the queen, according to the statute of 1 El. Cap II, or because there is no other wharf in that port, as it may fall out where a port is newly erected; in that case there cannot be taken arbitrary and excessive duties for cranage, wharfage, [etc.,] neither can they be enhanced to an immoderate rate, but the duties must be reasonable and moderate, though settled by the king's license or charter. For now the wharf and crane and other conveniences are affected with a publick interest, and they cease to be *juris privati* only...

But in that case the king may limit by his charter and license him to take reasonable tolls, though it be a new port or wharf, and make publick; because he is to be at the charge to maintain and repair it, and find those conveniences that are fit for it, as cranes and weights.