

The Bill of Rights does not alter the Common Law of England upon this question. That Bill in the parts relevant (17th art) (21st art) is a Copy of Magna Charta.

The property of the Indians has not been taken - The injury here is of a public character. It is an obstruction to a navigable river with legal authority conferred by the Charter of Baltimore. This certainly the Legislature might confer, and it has been conferred. The

The article therefore in the Bill of Rights which declares that no person shall be injured in his property, does not apply to this case.

The encroachments was upon a public navigable River, not upon the property of the Plaintiff.

The rights upon public rivers peculiar, the exercise of private rights on them may in the consequence injure individuals without giving a right of action in some instances.

3 Cases 307

The filling up the River is a public nuisance, and the injury complained of is of such character to give the plaintiff an action & a right of action grounded upon a public