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2 Dallas 304-310 - 6 Cranch Rep 732-735
2 Kent Com, 276 - 1 Rhode Con, Rep 129 - 6 N. H. 375-381

The corporation have done this act for their own
benefit, and they and not the agents employed by them
are liable for the damages sustained by us -
we complain of a misfeasance, and not a mere
refusal to act, as was the case in Peters -

The case in Gowen 146 was an act of the Legislature
in the exercise of its eminent domain. It was a
public improvement - that differs from this case,
this being an act of the Corp, and an injury to the
harbour, in the particular point complained of.
But the State has not the power to do what this
Corp have done - if she has, she has the power
to abrogate all the navigable waters in the State.
The State is the owner of the navigable waters, only
as trustees for the public benefit, and can do no
act injurious to the public.

A wharfeowner having the right to the soil, has the right
to the privilege of permitting vessels to land there, and the
State cannot interfere with that right without

4 Harr & C. 540
Archers opo 2. Vol. Jurist 205