

It is a case therefore of a wanton wrong and
injurious destruction of private property -

The defendants' prayers were refused

1. Corps not liable they being the agents of the State,
2. The agents of the Corporation are not liable
3. The plaintiff is not entitled to recover unless an injury
has been done to the wharf itself
4. That there is no proof of damage
5. Damages not sufficiently charged in the bar.

The great and only question is can the Corps of Ball's
exercise a right belonging not to the Legislature whence
they derived their powers -

But if the Legislature could impart the power, has
she imparted it

1. Although the Corps do possess the power to grade &
pave streets, & adopt means to preserve the health of the
City, she has not Eminent Domain

2. In the exercise of the powers conferred of the City doing
things injurious to individuals, she must make compensation
to the sufferers

3. not in the ordinary chartered powers, and the duty to compensate
of individuals, & not the Corps must wait for the necessary