

Taney (att'y Gen'l) in reply

The corpo it is admitted does not possess the power of eminent domain, or that in executing ^{fall} their powers they are the agents of the state.

It is an ^{action for} alleged tort done by the corpo to the Plff

The declaration does not charge any direct damage done to plffs separate property.

It is admitted that a party may have as complete a right of property in a stream of water flowing through his land as in the land itself.

No person complains here of the diversion of a water course. It is not turned through the land of any one - it was made to flow through public property and the only effect of such diversion of the ~~diversion~~ was to make less deep a public navigable river, belonging to the public.

The plff had no right of property in the water that passed by his wharf. The public had a right to use the water without responsibility to him - he had no right to this water except as one of the public.

He had no separate right in this water - being public property, the public has a right to do with it as they please for the public good -