

It was in the power of the State to place the navigation under the protection of the Corporation, and as such it was the agent of the State. The Corp. had no jurisdiction over the navigation, but it was the agent of the State for the purpose of protecting it, in the manner pointed out, and all the inhabitants consented to the exercise of such power.

(This power they exercised as trustees for the State. They had also the power to grade and lay out streets, and in doing so they could not avoid doing some injury to the navigation, and the people themselves consented to these powers.)

In doing these things they were discharging public duties, with the consent of the people, and therefore they cannot be tortfeasors, especially as concerns them.

~~2 Johns 421 - 17th 92-98~~

If in the exercise of a legal right an injury is done to another the acting party is not liable.

12 Mass 220-28 Johns 421 - 17th 92-98

15 Seq, Loco. 237

In the exercise of a legal right a party is not liable, whether it be over his private property or in any other way.