

discretion

¹⁵⁷ ~~power~~ in this respect - it is a legislative power, and
the Judicial tribunals cannot interfere

1 Sell & Johns 472. 473 - Crane & Schenck

4 Wheat. 423 - 12 Mass. 466

The constitution of Mass & New York provide
that private property shall not be taken without
just compensation - the same provisions do not
exist in our constitution or form of government -

The Bill of Rights 17-21 are copied in verbatim
from Magna Charta, & Coke's Exposition of it, and are
to be construed in the same way - Parliament has the power
to take private property without paying -
4 Term Rep 796

If the Legislature has the power to do so, then if they pass
a law to that effect, it is the law of the land.

The articles of the constitution referred to by the Court below
were intended as restrictions upon the Genl. Govt.
and not on the States

20 Johns. Rep 105-106 - 12 Mass. 466

2 Peters S.C.R. 380

There is no restraint upon the exercise of the State
Government in laws such as are found in the constitution

2 Peters S.C.R. 380

but in this case private property has not been taken for
Public uses, because the act done was only to preserve a navigable
River

9 Serg & Low 230 - Littleton & Co

8 Cowen 147-148