

[Sampeyreac and Stewart v. The United States.]

to become a party: but considering him a proper party, he has shown no ground upon which he can sustain a right to the land in question.

The decree of the court below is accordingly affirmed, with costs.

This cause came on to be heard on the transcript of the record from the superior court for the territory of Arkansas, and was argued by counsel: on consideration whereof, it is decreed and ordered by this court, that the decree of the said superior court in this cause be, and the same is hereby affirmed with costs.

**JOHN BARRON, SURVIVOR OF JOHN CRAIG, FOR THE USE OF
LUKE TIERNAN, EXECUTOR OF JOHN CRAIG V. THE MAYOR
AND CITY COUNCIL OF BALTIMORE.**

The provision in the fifth amendment to the constitution of the United States, declaring that private property shall not be taken for public use without just compensation, is intended solely as a limitation on the exercise of power by the government of the United States; and is not applicable to the legislation of the states.

The constitution was ordained and established by the people of the United States for themselves; for their own government; and not for the government of individual states. Each state established a constitution for itself, and in that constitution provided such limitations and restrictions on the powers of its particular government as its judgment dictated. The people of the United States framed such a government for the United States as they supposed best adapted to their situation, and best calculated to promote their interests. The powers they conferred on this government were to be exercised by itself; and the limitations on power, if expressed in general terms, are naturally and necessarily applicable to the government created by the instrument. They are limitations of power granted in the instrument itself; not of distinct governments framed by different persons and for different purposes.

ON a writ of error to the court of appeals for the western shore of the state of Maryland.

This case was instituted by the plaintiff in error against the city of Baltimore, under its corporate title of "The Mayor and City Council of Baltimore," to recover damages for injuries to the wharf-property of the plaintiff, arising from the acts of the corporation. Craig and Barron, of whom the plaintiff is survivor, were owners of an extensive and highly productive wharf in the eastern section of Baltimore, enjoying, at the period of their purchase of it, the deepest water in the harbour.

The city, in the asserted exercise of its corporate authority over the harbour, the paving of streets, and regulating grades for paving, and over the health of Baltimore, directed from their accustomed and natural course, certain streams of water which flow from the range of hills bordering the city, and diverted them, partly by adopting new grades of streets, and partly by the necessary results of paving, and partly by mounds, em-