

and that therefore the jury should not have been required by the charter to consider them in their estimate of value and damages. —

But the constitution only provides for the general principle. The means of ascertaining the just compensation were left to be decided by the public authority, who should give the power to take the private property for public use. All the states, prior to the adoption of the Constitution of the United States, exercised this right, and still continue to exercise it, where it is necessary to condemn land for roads, and other public use; and they have generally provided for compensation through the intervention of a jury. It is impossible for the Legislature to fix the compensation in every individual case, it can only provide a tribunal to examine the circumstances of each case, and to estimate the just compensation. If the jury had not been required by the charter, to consider the benefit as well as the damage, they would still have been at liberty to do so, for the constitution does not require that the value should be paid, but that just compensation should be given. Just compensation means a compensation which would be just in regard to the public, as well as in regard to the individual; and if the jury should be satisfied that the individual would, by the proposed public work, receive a benefit to the full value of the property taken, it could not be said to be a just compensation to give him that full value. If the jury would have a right to consider the benefit as well as the damage, without that provision of the charter which requires them to do so, the same objection would still exist, viz: that, under the provisions of the charter, it might happen that no compensation at all, or at a most nominal compensation would be made. The insertion, therefore, of that provision in the charter which requires the jury to do what they would be competent to do without such a provision, and which, in order to ascertain a compensation which should be just towards the public, as well as just towards the individual, they ought to do, cannot be considered as repugnant to the constitution. But it is objected, —

2dly. That the Canal Company had no right to condemn land within the District of Columbia; because Virginia had no right to legislate for that district, or in regard to lands in that district. It is said that the act of Congress only ratifies and confirms, but does not re enact “the act of the Legislature of the State of Virginia;” and