

BILL OF COMPLAINT

William R. Crum and " No. 13505 Equity
Susan M. Crum " In the Circuit Court for
vs. " Frederick County.
The Burgess and Commissioners " In Equity.
of Middletown, a body corporate. "

To the Honorable the Judges of said Court:

The Plaintiffs, William R. Crum and Susan M. Crum, complaining, say:

1 - That they are residents of Frederick County, Maryland, residing near the village of Harmony.

2 - That the Defendant is a municipal corporation in said Frederick County.

3 - That on or about the 2nd day of October, in the year 1933, the Plaintiffs purchased from John H. Lutz and wife, a certain lot of ground in fee simple, situated in Middletown District, in said Frederick County, containing 13 acres of land, more or less, and being improved with a flour and feed mill, dwelling house and other improvements; which property is more particularly described in a deed from the said John Lutz and wife to the Plaintiffs, dated as aforesaid and recorded among the Land Records of Frederick County, in Liber No. 388, Folio 547; a duly certified copy of which deed is herewith filed as part hereof, marked "Exhibit A," which is prayed to be taken as a part of this Bill of Complaint.

4 - That by the aforesaid deed the water rights incident to and used as power for the operation of the aforesaid mill on said property were conveyed to these Plaintiffs.

5 - That a flour and feed mill has been located on said site and used by various proprietors for more than seventy years, who have always derived power for the purpose of operating said mill from said stream of water upon which it is situated, and that the Plaintiffs have spent a great deal of time, labor and money since they have owned said mill property in putting it in good repair and condition.

6 - That the defendant corporation has erected a large reservoir and has determined to increase the water supply to the town of Middletown and to do so it has decided to appropriate from the creek furnishing the power to said mill a large volume of the water of said creek which customarily flows into said mill dam and is used by said Plaintiffs for the purpose of said mill.

7 - That your Complainants are informed, believe and so charge that the design of said Defendant in thus taking the water from said stream is to increase the water supply for the municipal corporation of Middletown in times of drought and diminished rainfall, especially and when by reason of said drought and low water the water supply of said municipality from other sources is inadequate, and that to store and keep on hand a water supply at such seasons of the year, said municipal corporation, the Defendant herein, has erected a reservoir for the purpose of storing water and that thereby there will be taken from said creek above said mill at the times and seasons when its flow is the least a great quantity of water which will flow through a four inch pipe line now being laid by said Defendant to a point where said pipe line will connect with the water flowing across the farm of a certain Upton Shepley, about three miles above the site where the said mill is now located, and that said pipe line will materially decrease the flow of the water in the said creek furnishing the power for the Complainants' mill at a time when the flow in said stream is smallest in quantity and thereby materially diminishing the power necessary to operate said mill.