

8 - That the stream of water furnishing power to said mill is a small stream, but of sufficient size except in dry weather to furnish ample power for said mill to operate it efficiently, but if said Defendant is permitted to lay said pipe line for the purpose of taking and diverting the water which from time immemorial has flowed down to and past the said property of the Plaintiffs, and which of right ought to flow unimpeded, undiminished and unchecked to and through said property of the Plaintiffs, the efficiency and proper operation of the Plaintiffs' mill will be materially reduced and they will be caused to suffer great damage and loss and render their property useless as a mill property, which said damages and injuries are irremediable by a suit or suits at law.

9 - That your Plaintiffs believe and so charge that the inestimable result of the diversion of said water from said creek at the point aforesaid by the Defendant and from its natural and well-defined course will be to deprive the Plaintiffs of a great portion of the supply of water which ordinarily flows down said creek to and through their property, as aforesaid, and which said water flow the Plaintiffs use and need to use for the operation of their mill, as aforesaid, and these Plaintiffs believe and so charge that the depriving them of said flow of water, or any portion thereof, such as they are credibly informed the Defendant proposes to divert and use by said pipe line, will render permanently valueless the mill property of these Plaintiffs, thereby destroying the value, income, use and enjoyment of said property.

10 - That these Plaintiffs are informed that the Defendant has purchased from a certain Upton Shepley an acre of land, more or less, upon which is located two or three never failing springs, which said springs furnish a material part of the water which flows into their mill dam, and that the said Defendant has purchased the said land with the springs thereon for the purpose of laying the aforesaid 4 inch water main and will thereby divert a material flow of the water from its natural course to the town of Middletown and deprive the Plaintiffs of the use and benefit thereof.

11 - That the proposed water main now in process of being laid by said Defendant will divert through said pipe line a large quantity of the water flowing into the stream which furnishes the power for the Plaintiffs' mill and that said diversion will utterly destroy the premises of the Plaintiffs as customarily used by them, will cause a continued trespass upon their property and their rights to the use of the water from said spring as it flows to and through his property, and will destroy the power necessary to their said mill, as herein mentioned, and thus inflict upon the Plaintiffs irreparable loss, damage and injury, as aforesaid, which are irremediable in a Court of law.

To the end, therefore:

(1) That the Defendant, its agents, officers, employees and contractors may be enjoined and strictly prohibited by the injunction of your Honorable Court from laying a water pipe or main of any size whatsoever at a point above the location of the Plaintiffs' mill, to be used for diverting the water flowing into said creek from its natural flow.

(2) That the Defendant, its officers, agents, servants, employees and contractors may be by the injunction of your Honorable Court, enjoined and strictly prohibited from diverting the waters flowing from said springs, or any part thereof, above the Plaintiffs' said mill from their usual flow and channel to said mill.

(3) That the Plaintiffs may have such other and further relief as the nature of their case may require.

May it please your Honors to grant unto your Complainants the writ of subpoena, directed to the Defendant, the Burgess and Commissioners of Middletown, a body corporate, commanding it to be and appear in your Honorable Court on some certain day to be named therein, and answer the premises and abide by and perform such decree as may be passed therein.