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of a large new reservoir it has planned to store sufficient water to supply the water needs of the people through times of drought without constant reliance on water from its origin during such particular seasons; and it admits that it is laying a four-inch pipe line from the Shepley springs to connect with other pipes carrying water to the reservoir, and that the Shepley springs are about three miles beyond the property of the Plaintiffs. The Corporation denies that the taking of water from the Shepley springs will naturally decrease the flow of the water in the creek furnishing power for the Plaintiffs' mill because it is unable to take and control the full flow of these springs for natural reasons, and the fact that a four-inch pipe line is laid does not mean that four inches of water will run through the pipe from these springs, and the overflow will always run into the creek aforesaid; and the creek referred to at the Plaintiffs' property is fed by 107 springs which run water the year around and are never failing, of which 107 springs three are referred to in this bill, there being four other springs on the Shepley property alone supplying water to this creek.

6. Further answering the Bill of Complaint generally this Respondent says that there is no positive statement of the amount of water needed to supply power to the mill of the Plaintiffs; there is no statement of the proportionate reduction in the flow of water that would be caused by the taking of all of the water from the Shepley springs; there is no allegation as to the condition of and care given the dam and mill race used by the Plaintiffs; there is no allegation that during dry times in the past the Plaintiffs or their predecessors in title were threatened with the lack of water. And this Respondent further alleges that the Plaintiffs use water power only part of the time and are equipped to use and do use mechanical power for running their mill from time to time during each year.

7. This Respondent further avers that the taking of the water from the Shepley springs will not materially reduce the flow of water in the creek through the property of the Complainants; that it is a municipal Corporation responsible for the health, welfare and public good of the town of Middletown and the taking of the water in this cause is in fulfillment of its responsibility as duly elected representatives of the people of Middletown; that the taking of the water from the Shepley springs will not affect in any material way the use of water for the mill of the Plaintiffs; that the Plaintiffs have not kept the dam and mill race in proper condition and repair and now bring this Defendant into court charged with wrongs to which they have contributed, and that the taking of the water aforesaid does not constitute a continual trespass and will not destroy the power necessary to operate the mill of the Plaintiffs.

WHEREFORE this Respondent prays that the Bill of Complaint be dismissed with costs.

Leslie N. Coblentz  
Solicitor for Defendant

STATE OF MARYLAND, FREDERICK COUNTY, TO-WIT:--

I hereby certify, that on this 28th day of April, 1937, before me, the subscriber, a Notary Public for the State of Maryland, in and for Frederick County, personally appeared George L. Doub, Burgess of Middletown, and made oath in due form of law that the matters and facts contained in the foregoing answer are true to the best of his knowledge, information and belief, and that the within demur is not intended for delay.

Witness my hand and Notarial Seal the date above written.



G. Harlen Dinterman  
Notary Public

Filed April 29, 1937.