

of facts upon which his belief is founded, are, in our opinion, sufficient. He was not obliged to wait until actual damage was sustained, nor was he bound to obtain the opinions of scientific persons as to the probable consequences resulting from this artificial addition of water. In *Bickett v. Morris*, L. R. 1 H. L. 47, Lord Cranworth said: 'The owners of the land on the banks are not bound to obtain or to be guided by the opinions of engineers or other scientific persons as to what is likely to be the consequence of any obstruction set up in waters in which they all have a common interest. They are allowed to say we have all a common interest in the unrestricted flow of the water, and we forbid any interference with it.'

Mayor and Council vs. Appold, 42 Md. 442, 458.

In my judgment, the demurrer should be overruled.

It is thereupon this 28th day of August, in the year 1939, by the Circuit Court for Frederick County, in Equity, adjudged, ordered and decreed that the demurrer contained in the answer filed in this cause on April 29, 1937, be and it is hereby overruled.

Arthur D. Willard

Filed August 28, 1939.

EQUITY SUBPEONA

STATE OF MARYLAND, FREDERICK COUNTY, TO-WIT:

THE STATE OF MARYLAND.

To William R. Crum and Susan M. Crum, Frederick Co. Md. of Frederick County, Greeting:

YOU ARE HEREBY COMMANDED. That all excuses set apart, you personally appear before the Judges of the Circuit Court for Frederick County, sitting as a Court of Equity, to be held at the Court House in Frederick, in and for Frederick County, on the FIRST Monday of October 1939, to answer the Bill and Complaint of The Burgess and Commissioners of Middletown (Supplemental Bill) against you in said Court exhibited, and so forth.

Hereof fail you not, as you will answer the contrary at your peril.

Witness the Honorable Edward S. Delaplaine, Chief Judge of said Court, the 4th day of September A. D., 1939.

Issued the 8th day of September, A. D., 1939.



Ellis C. Wachter  
Clerk.

To the Sheriff of Frederick County.

Leslie N. Coblentz  
Solicitor.

The Plaintiff's are required to file their answers or other defense in the Clerk's office within fifteen days after the return mentioned above, but the personal attendance of the defendants at Court on the return day is not required.

Sum. Ambo and a copy left with each Plff. Sept. 8, 1939.

Guy Anders,  
Sheriff

Sheriff's Fee 1.90  
Filed Sept. 8, 1939.

DEFENDANT'S SUPPLEMENTAL BILL

William R. Crum and Susan M. Crum	"	No. 13,505 Equity
	"	In the Circuit Court
vs.	"	For Frederick County
The Burgess and Commissioners of Middletown.	"	In Equity.

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition and complaint of the Burgess and Commissioners of Middletown respectfully