

tors of which body politic have commenced and are now engaged in the work of extending the canal, for the making of which their Act of incorporation was passed, from a point on tide-water, called the old locks, two miles above Georgetown, and easy of access to any sea vessel which can reach Georgetown, to the City of Washington without any legal authority whatever; and to avail themselves of a power they claim of disposing of waste water from the canal, have purchased lands on its illegally extended line below the lands of the plaintiff with an intention to erect water works; or solely with a view to subserve local interests, and to speculate in lands, mill-sites and water privileges; which illegal extension of the canal, and purchase of land are designed to work a fraud upon the interests of the plaintiff; first, by materially and irreparably injuring, or destroying the natural advantages peculiarly incident and belonging exclusively to his land, and constituting its chief value; secondly, by materially and irreparably injuring or destroying the rights secured to him by the Act of 1784, ch. 33, s. 13; thirdly, by irretrievably depreciating the value of his mill-sites by the formation of others, adjoining to them, along the line of the illegally extended canal; and lastly, by expending the funds of the body politic, including a portion of that which belongs to this plaintiff, as a stockholder, in a way not authorized by their Act of incorporation.

\* It is further stated, that the plaintiff is debarred from the use of his property, and threatened with still greater **112** injury by the Chesapeake and Ohio Canal Company, who are erecting an immense dam, abutted on his land, in Montgomery County, and extending entirely across the river, and of sufficient dimensions to obstruct the whole of its waters from their accustomed channel, and to divert them entirely away from his lands; and thus totally destroy the advantages, for mill-sites, which they naturally possess; and also to deprive him of his rights under the Act of 1784, ch. 33, s. 13. All which has been done, or is about to be done by the defendants, without the consent of the plaintiff; without his having been compensated for his property: and without its having been valued and condemned in any manner according to law.

In the answers and their exhibits, it is alleged, that the body politic, created by the Act of 1784, ch. 33, had, by virtue of their powers, acquired a right to land in Montgomery County, at the place in question; and had erected thereon a dam across the river, which is to give place to the one now complained of; that the proposed dam is neither to be abutted, nor erected on any part of the plaintiff's land; that the old canal, from the old dam downwards, was twenty-five feet wide, and two feet deep; and, these defendants, having resolved to use it, without any enlargement, as a feeder to the new canal, deemed it necessary, in order to furnish a