

sufficient supply of water to the new canal, to raise the new dam four feet higher than the old one; so as to pass into that portion of the old canal, designed as a feeder, a depth of six feet of water. And it is further alleged, that the proposed elongation of the new canal, and the mode of supplying it with water, have been determined upon with a view to the uses for which the canal was specially designed; and to those reservations, in the Acts incorporating these defendants, in favor of Maryland, Virginia and Congress; and, likewise, with a view to such other uses as were not then, but which might thereafter be allowed to be made of the water thus introduced into that end of the new canal; and these defendants did, accordingly, petition the several Legislatures for the privileges, denied to them in their charter, of applying the surplus water in the canal to manufactories; and they now claim the right to sell and dispose of the waste water; wherever wastes shall be essential to the security of their canal; and it is positively denied, that the whole of the waters of the river, or even one-tenth part of them, at their most reduced summer volume, can be diverted by the dam, * which the defendants are now erecting, and passed through the feeder into their new canal.

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And it is further alleged, that the old locks, from which the extension of the canal complained of is to be made, are below the dam; and within the District of Columbia; and consequently, that the whole of the extension of the canal, charged to be illegal, is beyond the jurisdiction of this Court; that the proper termination of the canal is a matter which, by the Act of incorporation, belongs exclusively to these defendants alone; and has been accordingly determined upon by the company at a full meeting of the stockholders, convened for that and other purposes; and moreover, that, after it had thus been determined upon, the matter was brought before the Circuit Court for the District of Columbia, and the judgment of that Court pronounced thereon; which judgments of the body politic and of the Circuit Court are final and conclusive upon the matter, as against this and all other tribunals.

Bills of injunction are always submitted to the Chancellor *ex parte* and most commonly asking relief under some pressing emergency, which admits of little or no delay. It is not always practicable, thus, to obtain a clear view of the case from the bill alone; the haste, negligence, or unskilfulness with which it has been framed often leaves a mist hanging over a part of the case where light is most wanted; nor is it easy, in every instance, at once, to look through the mazes of a complicated case, so as either to appreciate the merits of the plaintiff's pretensions at their full worth, or to detect their infirmities, and want of equitable support. Under such circumstances, if there appears to be strong and plausible reason to believe, that the plaintiff has a just claim to relief, I