

have always deemed it best to grant the injunction, because for the purpose of obtaining an injunction, it is sufficient that the case be important and doubtful; *Mestaer v. Gillespie*, 11 *Ves.* 636; and at the same time to give the defendants, as in this instance, an opportunity of having its propriety reconsidered as soon as possible. *Drew v. Harman*, 2 *Exch. Rep.* 256.

Passing by the informality of the pleadings, there appear to be three distinct subjects presented to the Court for investigation. First, the plaintiff's claim to certain natural mill-sites which, it is alleged, are in danger of being irreparably injured or destroyed. Secondly, the plaintiff's claim to certain artificial mill-sites, derived from the defendants' canal, which also, as it is alleged, are in like imminent danger—and, thirdly, the illegal and unauthorized expenditure * of the funds of the body politic, by its president and directors, to the great prejudice and irreparable **114** injury of the plaintiff, who is one of the stockholders thereof. A careful examination of these three subjects will carry us over all the causes of complaint now brought before the Court.

The plaintiff alleges, that he is the owner of certain natural mill-sites, which are in danger of being ruined by the defendants; and, therefore, he asks to have them protected. Natural mill-sites differ according to the form of using water as a propelling power. But here the kind of natural mill-sites claimed are sufficiently designated by describing them, as being situated on the margin of the River Potomac, above tide-water; and where the river is a rapidly descending stream. It follows, therefore, that the kind of mill-sites spoken of are those where machinery is propelled by falling water. So much of this case depends upon having a just conception of a mill-site of this kind, that I deem it proper to be particular in the description of it; and, since truth is often more readily and effectually conveyed to the mind by the eye, than by the ear; I have thought it best, for the purpose of giving a more distinct explanation of this matter, to subjoin the following figure or diagram. *Just. Inst. lib. 3, tit. 6, s. 7.*

