

been exacted to the letter, and the party omitting has been held a trespasser. *Keppell v. Bailey*, 8 *Cond. Chan. Rep.* 118.

From which it follows, that, although the works of the company may be repaired, or anything may be done to render them more safe, substantial and perfect, yet no additional extent of land can be taken, nor can any canal, or other work be in any way altered, remodeled, shifted in its location, or enlarged, so as to be spread out beyond the extent of this first selected purchase or condemnation.

Now, recollecting what it is, that constitutes a natural mill-site on the margin of a descending stream; the peculiar character of this river; and, the general tenor and scope of the Act incorporating The Potomac Company, we shall find ourselves properly prepared to undertake the consideration of that section of it, which is in these words :

“And whereas, some of the places through which it may be necessary to conduct the said canals may be convenient for erecting mills, forges, or other water works, and the persons, possessors of such situation may design and improve the same, and it is the intention of this Act not to interfere with private property, but for the purpose of improving and perfecting the said navigation, Be it *enacted, that the water, or any part thereof conveyed through any canal or cut made by the said company **130** shall not be used for any purpose but navigation, unless the consent of the proprietors of the land, through which the same shall be led be first had; and the said president and directors, or a majority of them, and hereby empowered and directed, if it can be conveniently done to answer both the purposes of navigation and water works aforesaid, to enter into reasonable agreements with the proprietors of such situation concerning the just proportion of the expenses of making large canals or cuts, capable of carrying such quantities of water as may be sufficient for the purpose of navigation, and also for any such water works as aforesaid.” 1784, ch. 33, s. 13.

The great object of this law was the formation of a new line of navigation; but here a new subject is introduced; mills are provided for in connection with certain canal portions of that line. “Some of the places, it is said, through which it may be necessary to conduct canals, may be convenient for erecting mills.” Any place on the margin of this stream, at all convenient for erecting a mill, must have the qualities which has been described; for, although it may be said, that this expression may refer to the middle of the river, or any place through which a canal may be conducted, of which there may be a great number and variety along the line of this new navigation; yet, in this case, we are not allowed to take any such range; because, the claims of this plaintiff are expressly confined to that space of land on the left bank