

of the river, extending from the head of little falls to tide. Therefore, this expression, so far as regards the claim of the plaintiff, cannot possibly refer to any other kind of mill-sites, than such as have been described and designated by the diagram A B C. The places spoken of are such only as have the natural qualities of mill-sites; they are not such as the new work may make convenient for erecting mills, but such only as were so naturally at that time.

Again, it is said, that "the persons possessors of such situation may design to improve the same." Whence it appears, that the subjects spoken of are naked natural mill-sites; not any situation on which a mill has been erected; but merely those which the owner "may design to improve;" and it must have the qualities which have been shewn to belong to such a natural mill-site; for, otherwise it cannot be regarded as a place "convenient for erecting * a mill," or as such a situation which the owner "may design to improve." The sort of place spoken of is, thus, clearly specified and ascertained; and the owner is described, as "the person possessor of such a situation;" that is, as a person who is possessor of a mill-site. But a natural mill-site may exist, and yet no one, or any two or more individuals may be the legal owners of it; because, a natural mill-site being incapable of division, if any portion of the land necessary for the head and tail race, and the position of the mill be separated from the rest, by being held in severalty by different owners, there exists, in fact, no legal right in any one to such natural mill-site. And certainly the Legislature could never be understood to say of any one, "that he may never design to improve," and property to which he has no legal right, in anyway it might be improved, if other parcels were united with it, and the whole were held altogether by one and the same owner.

This plaintiff finds his claim, under this section, upon the fact of his being one of the "persons possessors of such a situation." But, it appears that this large tract of land binding on the River Potomac, from the little falls to tide, was originally granted by the State in distinct parcels to different persons; that it has undergone since several divisions, and re-unions; and that it does not appear; from anything in the case, to what separate parcel this plaintiff is entitled; nor does it appear, whether the parcel he owns is sufficient to constitute a mill-site; and was so held by him, or those under whom he claims, at the time this Act was passed, without any division, or alienation of any of its necessary constituent parts, since that time; nor is there anything in the case which shews who were the possessor of mill-sites in the year 1784, or when this suit was instituted, or at any other time.

"It is the intention of this Act, not to interfere with private property, but for the purpose of improving and perfecting the said