

of Virginia; consequently, to that extent each State must have an exclusive jurisdiction, so far as it may be necessary to prevent its erection by injunction. But the object of preventing the erection of this dam is to put a stop to the expenditure of the funds of the body politic, for other than corporate purposes, within the District of Columbia; and consequently, so far only as the body politic * may be restrained, by injunction, from making such illegal

149 expenditures anywhere, the Courts of justice of each government must be allowed to have equal and concurrent jurisdiction. Under the articles of union between England and Scotland, it is admitted that there may be cases in which it would be difficult or impossible to do justice, unless the Courts of the several States gave aid to each other; and so co-operated within their respective jurisdictions, from which all other judicial power is excluded, as to render the judgments of the tribunals of each State effectual within their proper spheres. *Kennedy v. Cassillis*, 2 *Swan*. 322. So in this country, under the limited nature of our Federal Union, it is perfectly obvious, that, in cases of this kind, without a proper degree of comity and mutual aid, evils may arise from the conflicting adjudications of the separate, co-ordinate and independent Courts, which must be allowed to take cognizance of such matters; because of there being no common tribunal, in the last resort, by which their different determinations may be harmonized. Yet, such an exercise of jurisdiction, with all its probable evils, must of necessity be allowed, since there would, otherwise, be a total failure of justice. *The Charitable Corporation v. Sutton*, 2 *Atk.* 406; *S. C.* 9 *Mod.* 356; *Barnesly v. Powel*, 1 *Ves.* 287; *Coysgarne v. Jones*, *Amb.* 613. For these reasons, the defendant's objection to the jurisdiction of this Court, as relates to its power to inquire into the propriety of expenditures within the District of Columbia, may be entirely put aside.

Supposing that they might fail of making good their two first grounds of defence, these defendants have presented a third, upon which they mainly rely. They insist, that they are fully authorized to extend their works, as projected, within the District of Columbia; that, this dam, being necessary and proper for that legitimate purpose, may well be erected under that authority; and that they ought not to be judicially prevented from erecting it accordingly.

The parties, in relation to this point, ranging far a field in verbal criticism, and taking it for granted, that the Act of incorporation was so excessively ambiguous, as to require all manner of assistance to reach its meaning, have carefully gathered up almost all the sayings and doings of the originators, advocates, and meddlers in what they have called, "the great enterprise," and adduced them to shew what is, what was intended to be, and what this Court should pronounce to be the true intent, and meaning of