

feet on the west side of the canal, and that of forty feet on the east side thereof are, and shall at all times be considered public highways, and shall not at any time be shut up or necessarily obstructed." That Wilson, by an indenture bearing date on the 6th of July, 1826, conveyed the said six lots of land to John Paul; who conveyed them to this plaintiff. That the plaintiff had, at a heavy expense, improved the said lots; there being erected upon some of them a very extensive merchant mill, and other buildings; the peculiar location of which property was such, that the towing paths of the canal, which it had been stipulated as aforesaid, in the deed from the defendants to Wilson, should be used as highways, constituted the plaintiff's most direct, convenient, and in fact only mode of access to his mill and other property. The bill further states, that the defendants by their petition to the General Assembly, caused a law to be passed, in which, among other things, it was declared, that if any person should break down or

**64** \*intentionally injure any obstruction placed across the towing path of said canal, for the purpose of protecting its banks from being cut up and destroyed by wheeled vehicles, such person should be liable to a fine of \$40; (1828, ch. 59, s. 5)—which law so immediately and intimately affected the rights of the plaintiff, having been passed without his knowledge, he, by his petition represented to the General Assembly all the facts and circumstances in relation thereto; whereupon, they passed an Act by which the said legislative enactment was repealed, (1828, ch. 138.) That the defendants had, on the 7th of April, 1829, erected a rough frame house, about eighteen by twenty-one feet, immediately upon the towing path on the western side of the canal, which house was clandestinely prepared, erected, and made habitable in less than twenty-fours, and guarded on the first night after it was so located, and taken possession of by a tenant the following morning. By which means the plaintiff's access to his mill-site was much impeded, and the towing path, so essential to the prosperity of his mill, was totally obstructed.

Whereupon the bill prayed for a writ of injunction to be directed to The Governor and Directors of the Susquehanna Canal and their agents, &c. commanding The Governor and Directors of the Susquehanna Canal, immediately to remove, or cause to be removed the said frame house, and all other obstructions upon the towing path of said Canal; and enjoining upon them and their agents to allow a free and uninterrupted passage along the towing paths of said canal, to the plaintiff, his agents, &c. until the further order of the Court. And that a writ of subpoena be directed to The Governor and Directors of the Susquehanna Canal, and their agents, commanding them to appear, &c.

BLAND, C., 21st April, 1829.—This bill has been submitted as usual *ex parte*, without argument or remark. On turning to the