

mitted to make tram and other roads for the transportation of materials to and from the furnace and mines, but not so as to interfere with existing roads," &c.

There was a further stipulation, that the defendant should have the right to put up additional blast furnaces, &c.; and, it was provided, that if during the term of the agreement, the defendant should erect works for the manufacture of bar or malleable iron, then the company stipulated to execute to him a lease of ninety-nine years, renewable forever. There was then a provision, that at the expiration of seven years, (unless defendant should entitle himself to a renewable lease for ninety-nine years,) that the improvements and erections made by the defendant, (except dwelling houses,) and all rail or tram roads, other than those made with the tram-plates furnished by the company, should be restored by the defendant to the company, at a valuation to be put upon them by disinterested parties.

The defendant took possession under this agreement, and so continues to the present time; but, on the 5th of September last, the complainant filed a bill in this court, charging the defendant with various acts, alleged to be violations of the contract, and of a nature which, in the opinion of the court, entitled the plaintiff to an injunction to prevent their repetition.

These acts were, first, the cutting down of wood and timber upon the lands of the plaintiff, for the purpose of erecting and constructing a saw mill, on ground adjacent to the furnace and steam engine by which the furnace is worked, with the design of employing the engine in working the saw mill; and secondly, in cutting down wood and timber for the purpose of making a rail or tram road from the furnace, through the lands of the complainant, and other intervening lands of other parties to the rail road of the Maryland Mining Company, distant about seven miles from the furnace, and not touching at any point the lands of the complainant.

The bill alleges, that the agreement gives the defendant no authority to erect a saw mill on the lands of the complainant, or to cut wood and timber thereon for that purpose, or to make a rail or a tram road, of which the termini are not at the fur-