

such cutting is not authorized, are quite competent to give redress, that part of the injunction must be dissolved.

With regard to the injunction to prevent the cutting wood and timber, for the purpose of erecting a saw mill on the lands, it appears, by the answer and evidence, that the mill was complete before the service of the injunction, at least so far finished as not to require any further use of timber, nothing being necessary but putting the saw in the frame, and placing the band on the wheel. The injunction, therefore, in this particular, comes too late.

That part of the bill which alleges the danger from fire to the furnace, and other improvements caused by the working of the mill, is explicitly contradicted by the answer, and the evidence tends rather to sustain than to weaken the force of the contradiction. The complainant's counsel, apparently conceding that the testimony of the witnesses is against him upon this point, insists that in the nature of things, the collection of a quantity of combustible materials, in the vicinity of the furnace, must increase the danger from fire. Such would ordinarily seem to be the case, but I cannot bring myself to think, that it would be safe in the court, (unless in a case infinitely stronger than this,) to permit its own speculations about causes and their effects, to countervail the testimony of witnesses, who, from experience and observation, must be peculiarly competent to speak upon the subject.

Being of opinion, therefore, that the only grounds upon which this injunction can be supported have been removed by the answer and evidence, it must be dissolved, and an order will be passed accordingly.

It was objected by one of the counsel for the defendant, that this injunction could not be maintained, because the bill was not under the corporate seal, nor verified by the proper officer of the company. Assuming this objection to be now in season, I do not think it a good one. The answer of a corporation is put in without oath under its corporate seal, but I do not find it any where said, that a bill filed by a corporation must be under its seal. That it is the bill of the corporation is suffi-