

erected a saw-mill on his lower place far to the west of said stream, and his dwelling and barn-yard also being situated to the north, and aloof from said stream, and several of his lower meadows and fields being thus located, and requiring occasional watering by artificial means, he stopped the said stream at the western verge of what is now complainant's upper farm, and, by a race or ditch of proper depth, led off the water with the aid of a partial dam across the stream, to the north end, by a very tortuous track, at varying distances from the bed of the stream, and conducted it through complainant's two farms, with a destination to the mill and dry fields, and dwelling and barn-yard aforesaid. That said Samuel, in his lifetime, operated said mill, and irrigated his lower fields, as occasion required, with the waters through this race. That complainant possesses twenty or thirty acres of valuable meadow land below and south of this race, and between its track and the bed of said stream, which, from its descending and depressed condition, is liable to be overflowed, and its crop drowned by the waters escaping and making therefrom, unless its lower or southern embankments are kept in repair, its bed cleared out, and its current kept up. That two suits at law were instituted in Baltimore County Court, in which complainant and said Stevenson were alternately plaintiff and defendant, the object of both of which was to ascertain and settle the respective rights and privileges of himself and defendant in relation to said race and its waters, and the mode of conducting them through their meadows, and it was adjudged, after much investigation and argument, that by the true construction of the will of said Samuel Owings, said Stevenson had a right to the use of the water conveyed in the race, for the purposes for which the testator had used it, and was bound so to conduct it through complainant's lands in the channel of said race, and with such careful preservation of the grade and proper bed and embankments thereof, as that complainant should in no way be injured by leaks or floodings therefrom, and that it was his right and duty to enter upon complainant's lands with his servants and teams and carts, for the purpose of clearing