

*enacted*, that the water, or any part thereof, conveyed through any canal or cut made by the said company, shall not be used for any purpose but navigation, unless the consent of the proprietors of the land, through which the same shall be led be first had; and the said president and directors, or a majority of them, are hereby empowered and directed, if it can be conveniently done to answer both the purposes of navigation and water works aforesaid, to enter into reasonable agreements with the proprietors of such situation concerning the just proportion of the expenses of making large canals or cuts, capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water works as aforesaid.' (*p*)

The great object of this law was the formation of a new line of navigation; but here a new subject is introduced; mills are provided for in connexion with certain canal portions of that line. 'Some of the places, it is said, through which it may be necessary to conduct canals, may be convenient for erecting mills.' Any place on the margin of this stream, at all convenient for erecting a mill, must have the qualities which has been described; for, although it may be said, that this expression may refer to the middle of the river, or any place through which a canal may be conducted, of which there may be a great number and variety along the line of this new navigation; yet, in this case, we are not allowed to take any such range; because, the claims of this plaintiff are expressly confined to that space of land on the left bank of the river, extending from the head of the little falls to tide. Therefore, this expression, so far as regards the claim of the plaintiff, cannot possibly refer to any other kind of mill-sites, than such as have been described and designated by the diagram A B C. The places spoken of are such only as have the natural qualities of mill-sites; they are not such as the new work may make convenient for erecting mills, but such only as were so naturally at that time.

Again, it is said, that 'the persons possessors of such situation may design to improve the same.' Whence it appears, that the subjects spoken of are naked natural mill-sites; not any situation on which a mill has been erected; but merely those which the owner 'may design to improve;' and it must have the qualities which have been shewn to belong to such a natural mill-site; for, otherwise it cannot be regarded as a place 'convenient for erecting