

a mill,' or as such a situation which the owner 'may design to improve.' The sort of place spoken of is, thus, clearly specified and ascertained; and the owner is described, as 'the person possessor of such a situation;' that is, as a person who is the possessor of a mill-site. But a natural mill-site may exist, and yet no one, or any two or more individuals may be the legal owners of it; because, a natural mill-site being incapable of division, if any portion of the land necessary for the head and tail race, and the position of the mill be separated from the rest, by being held in severalty by different owners, there exists, in fact, no legal right in any one to such natural mill-site. And certainly the legislature could never be understood to say of any one, 'that he may design to improve,' any property to which he has no legal right, in any way it might be improved, if other parcels were united with it, and the whole were held altogether by one and the same owner.

This plaintiff founds his claim, under this section, upon the fact of his being one of the 'persons possessors of such a situation.' But, it appears, that this large tract of land binding on the river Potomac, from the little falls to tide, was originally granted by the state in distinct parcels to different persons; that it has undergone since several divisions, and re-unions; and that it does not appear, from any thing in the case, to what separate parcel this plaintiff is entitled; nor does it appear, whether the parcel he owns is sufficient to constitute a mill-site; and was so held by him, or those under whom he claims, at the time this act was passed, without any division, or alienation of any of its necessary constituent parts, since that time; nor is there any thing in the case which shews who were the possessors of mill-sites in the year 1784, or when this suit was instituted, or at any other time.

'It is the intention of this act, not to interfere with private property, but for the purpose of improving and perfecting the said navigation.' The kinds of 'private property,' here referred to, were the unimproved mill-sites, which had been previously designated. This act, by means of the work, which it gave authority to construct, could interfere with a mill-site in only one of two ways; either by preventing the water from reaching it, or by occupying the whole, or a material portion of the very mill-site itself. These two modes of interference could be effected by only one kind of work; that is, by a canal; because, this sentence must be taken in connection with its context; and then it must be read thus, at places through which it may be necessary to conduct ca-