

intentionally injure any obstruction placed across the towing path of said Canal, for the purpose of protecting its banks from being cut up and destroyed by wheeled vehicles, such person should be liable to a fine of \$40; (1828, ch. 59, s. 5)—which law so immediately and intimately affected the rights of the plaintiff, having been passed without his knowledge, he, by his petition represented to the General Assembly all the facts and circumstances in relation thereto; whereupon, they passed an act by which the said legislative enactment was repealed, (1828, ch. 138.) That the defendants had, on the 7th of April, 1829, erected a rough frame house, about eighteen by twenty-one feet, immediately upon the towing path on the western side of the Canal, which house was clandestinely prepared, erected, and made habitable in less than twenty-four hours, and guarded on the first night after it was so located, and taken possession of by a tenant the following morning. By which means the plaintiff's access to his mill-site was much impeded, and the towing path, so essential to the prosperity of his mill, was totally obstructed.

Whereupon the bill prayed for a writ of injunction to be directed to *The governor and directors of the Susquehanna Canal* and their agents, &c. commanding *The governor and directors of the Susquehanna Canal*, immediately to remove, or cause to be removed the said frame house, and all other obstructions upon the towing path of said Canal; and enjoining upon them and their agents to allow a free and uninterrupted passage along the towing paths of said Canal, to the plaintiff, his agents, &c. until the further order of the court. And that a writ of *subpœna* be directed to *The governor and directors of the Susquehanna Canal*, and their agents, commanding them to appear, &c.

21st April, 1829.—BLAND, Chancellor.—This bill has been submitted as usual *ex parte*, without argument or remark. On turning to the act of Assembly by which these defendants have been incorporated, it appears that they have been made capable of suing and being sued only by the name of '*The Proprietors of the Susquehanna Canal.*' And it is declared that the said corporation or a majority of them shall elect out of their own members a governor and three directors, a treasurer and secretary for the year. (a) Hence, although it is most fair to presume, that the plaintiff intended to have made this body politic a defendant by its proper