

DANIEL LAMBORN  
 vs.  
 THE COVINGTON CO. ET AL. } JULY TERM, 1848.

[INJURIES TO WATER COURSES—PRIVATE NUISANCES.]

NOTHING can be clearer than the power of this court to prohibit by injunction the obstruction of water courses, the diversion of streams from mills, the back flowage upon them, and injuries of the like kind, which, from their nature, cannot be adequately compensated by damages at law.

In cases of private nuisances, the court would, after hearing the parties, be authorized not only to interpose preventively, but may order them to be abated.

[The bill in this case was filed on the 13th of June, 1848, and alleges, that the complainant is the owner of a mill used for the manufacture of paper, situated on Deep Run, which forms part of the division line between Howard District and Anne Arundel County : that the mill-dam is built across said run, about 150 perches above the mill : that near the said dam, and on the Anne Arundel side of said run, there lies a tract of land in which are beds of iron ore, the property of the Covington Manufacturing Company ; that said company, through its agent, a certain Ezekiel Bell, and numerous workmen by him employed, have, since the year 1845, been constantly, and still are, engaged in raising iron ore from said land, and have continually deposited the offcast made by their excavations just below the said mill-dam, and in and upon said Deep Run, so that the original channel of the same, has, for a long time been completely covered, and the water thereby back up against and below said dam ; that to give some vent to the waters of said run, the said company caused a narrow trench to be dug about four perches distant from complainant's mill-race, and parallel thereto, which has been totally inadequate to carry off the flow of water from which cause the water has been backed up against the said mill-dam to the height of three or four feet, causing great injury and obstruction to the complainant, and has already put him to great expense in repairing said dam.