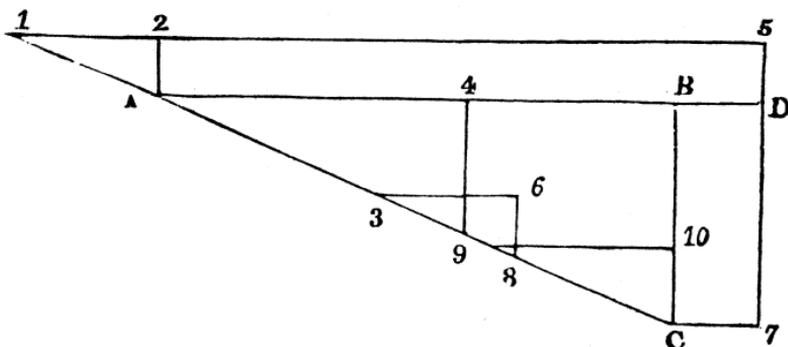


diture of the funds of the body politic, by its President and Directors, to the great prejudice and irreparable injury of the plaintiff, who is one of the stockholders thereof. A careful examination of these three subjects will carry us over all the causes of complaint now brought before the court.

The plaintiff alleges, that he is the owner of certain natural mill-sites, which are in danger of being ruined by the defendants; and, therefore, he asks to have them protected. Natural mill-sites differ according to the form of using water as a propelling power. But here the kind of natural mill-sites claimed are sufficiently designated by describing them, as being situated on the margin of the river Potomac, above tide water; and where the river is a rapidly descending stream. It follows, therefore, that the kind of mill-sites spoken of are those where machinery is propelled by falling water. So much of this case depends upon having a just conception of a mill-site of this kind, that I deem it proper to be particular in the description of it; and, since truth is often more readily and effectually conveyed to the mind by the *eye*, than by the *ear*; I have thought it best, for the purpose of giving a more distinct explanation of this matter, to subjoin the following figure or diagram. (y)



Let the line A C represent the margin of the declined plane of the bed of the stream over which the water continually pours from A toward the tide at 7; and let B represent a position on the land, elevated twenty feet above the water at C. Now, to constitute such a natural mill-site as is claimed by the plaintiff in this case, it is necessary, that it should be practicable to conduct the water from the stream at A, to the position B, and there cause it to propel mill machinery by its fall from B to the level of C. The line A B, in mill-sites of this kind, will represent the head race; and