

to enable them to exercise their judgment to advantage, the fourth section of the law provides, "that the President and Directors, &c. shall have full power and authority to appoint, and at their pleasure dismiss, such engineer or engineers, and agent or agents, as they may deem expedient &c.; and to agree with any person or persons, on behalf of said company, to cut canals, erect dams, open feeders, construct locks, and perform such other works as they shall judge necessary or expedient for completing the canal herein before mentioned and described;" but what canal had been therein before mentioned and described? None other than "a navigable canal from the tide water of the river Potomac, in the District of Columbia, to the mouth of Savage Creek on the north branch of said river, and extending thence across the Alleghany mountain, to some convenient point of the navigable waters of the river Ohio, or some one of its tributary streams."

It seems to me, therefore, that it is but to look to the nature of the case, and the state of information possessed by the Legislature, to discover that the general terms in which the two termini of the canal are described, were intentionally, and indeed, unavoidably used by the Legislature, and that their purpose was the very natural and necessary one of leaving to the judgment and discretion of the company, with the aid of their engineers, the selection of the precise points of beginning and termination, as well as the selection of the precise route of the canal, on which those points so materially depended.

This opinion derives confirmation from what I understand to have been the practical exposition of the much stronger terms used in the charter of the Potomac company, and the exposition sanctioned by repeated acts of the Legislatures of Virginia and Maryland, from which the charter flowed. The object of that charter is stated in the preamble to the Virginia act of 1784, in these words: "Whereas, the extension of the navigation of the Potomac river, from tide water to the highest place practicable on the north branch, will be of great utility, &c.;" and the power given to the company, in the fourth section of the act, is "to cut such canals, and erect such locks, and perform such other works, as they shall judge necessary for opening, improving, and extending the navigation of the said river, above tide water, to the highest part of the north branch to which navigation can be extended, &c." Now, it is to be observed, that the object of this law is comparatively a limited one, it is the improvement of the navi-