

place within, or at which their work must terminate. The great, the sole purpose of this act is to cause a navigable canal to be made 'from the tide of the river Potomac, in the District of Columbia,' over to the river Ohio; and this act of incorporation must be construed with reference to that great object, so far as regards the matter now under consideration. (o)

The termination, now in controversy, is no otherwise described than by the expression, 'from the tide of the river Potomac, in the District of Columbia' The tide, thus designated, is a large space; and the surveys, which have been exhibited in this case, demonstrate, that it is perfectly practicable to extend this canal along, and to terminate it at any one point of the whole of this space of tide. The canal may be stopped precisely at the head of tide; but this, it is admitted, would not be altogether correct, or certainly not for the best. It is said, that it should descend to, and be terminated at good practicable tide navigation. Again, it is clear, that the canal may be conducted up the valley of Rock creek, and, so round Washington, to the Eastern branch, and enter the tide near Bladensburg; or thence, descending along the left bank of that river, it may unite with the tide opposite or below Washington. This, however, it is pronounced with one voice, and at once, would be absurd. I admit it to be so. But it is nevertheless, a very illustrative absurdity. It clearly shews, that the phrase here used is neither to be taken literally, nor wholly without limit; but must, of necessity, be controlled by the nature of the subject spoken of. A termination exactly at the first tide to be met with among the rocks at the foot of the falls; or in the shallow tide near Bladensburg, it is confessed by all, would be injurious; and an union, by a great circuit, with the bold, deep tide which washes the left margin of the Eastern branch, or the Potomac river, it is declared would be absurd.

There is, therefore, a large range of the tide at which this canal might be terminated, that must be rejected. The tide spoken of, it is evident, is circumscribed to a given place, a pool to which the canal ought to come, and beyond which it ought not to be allowed to go. Rejecting then, all that space of the tide of the District of Columbia, within which it would be confessedly inconvenient or absurd to fix upon as a termination for it, it will be necessary to

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(o) 1 Blac. Com. 61; *New River Company v. Graves*, 2 Vern. 431; *Curling v. Chalklen*, 3 M. & S. 510.