

concerned, has shown that it was their understanding that the eastern termination of the canal should be above Georgetown. **S.** That, in the present situation of the finances of the company, it is highly inexpedient to incur the great additional expense which this part of the work must involve.

Upon each of these heads the committee beg leave briefly to submit their views, anticipating that the result will be to remove much misapprehension upon the subject, and to produce more unanimity of opinion as well as of action.

1. It is said that the charters of incorporation confer no such powers upon the company. In the preamble of the act of Virginia of January 27, 1824, the first in the series, and which has been adopted in terms by the United States, Pennsylvania, and Maryland, the phraseology is: "Whereas a navigable canal from the tide water of the river Potomac, in the District of Columbia, &c." The 4th section vests in the company authority to execute such works "as they shall judge necessary or expedient for completing the canal hereinbefore mentioned and described." The 20th section declares that the eastern section "shall begin at the District of Columbia on tide water." From these expressions, it is argued that the canal must commence at the head of the available tide, and that all other works below that point are unauthorised by the charter.

A preliminary question may here be suggested. Where is the precise point at which the tide terminate? Is it the point at which the water ceases to flow up the stream, and becomes incapable of carrying in that direction any object which may float upon its surface? Or, is it where the water ceases to swell and rise in consequence of the obstruction interposed by the flood tide to the current of the stream downwards? It may fairly be argued, that the proposition involved in the former of these interrogatories, is the true one, and that the rise above that point is merely a backing of the water produced by the flood tide below, but which cannot properly receive itself the appellation of a tide. Should this be the correct signification of the term, the controversy must end here, for, from the information communicated to it, the committee is satisfied that the head of the tide, that is, the point beyond which there is no upward current, is below the place selected as the site of the contemplated basin.

Under the alternative view of the case, the committee