

of Tiber Creek, according to the plan submitted to the company by the engineers, Messrs. Wright and Martineau; the opposite opinion being, as I understand, that, by the charter, the canal must stop at the head of tide water on the Potomac.

After a careful examination of the several legislative acts which compose the charter of the company, I find nothing specific on this precise point. None of the acts refer to any report or plan for a specification of the route of the canal. The termini, as described by the acts, are far from precise; and the intermediate points given by those acts, are too few and distant to throw any useful light on the question. Yet it is only from the language of the legislatures, compared with the nature of the case, that we can collect their meaning.

The act of Virginia, of the 27th of January, 1824, which is the leading and original act on the subject, and which has been adopted with modifications, by the other legislatures, announces in the preamble, the object of the incorporation to be, to establish "a navigable canal from the tide water of the Potomac, in the District of Columbia, to the mouth of Savage creek, on the north branch of said river; and extending thence across the Allegany mountains, to some convenient point of the navigable waters of the river Ohio, or some one of its tributary streams."

The 20th section of the act provides, "that the canal shall be divided into two sections, to be denominated first and second, or Eastern and Western, respectively; that the first or eastern section shall begin at the District of Columbia, on tide water, and terminate at or near the bank of Savage river, &c."

Thus the beginning, given by the preamble, is "the tide water of the river Potomac, in the District of Columbia;" clearly assuming some point within the District, on tide water, without any other designation of the point than that it shall be on tide water, and within the District.

The 20th section describes the beginning to be "at the District of Columbia, on tide water." This word "at," might be construed to mean "at the outer limits of the District, on tide water," so as to exclude the District all together. But this construction could not be maintained.

1st. Because the highest flow of the tide stops within the District, and the canal, consequently could not commence on tide water, without commencing within the limits of the District.