

2d. The consent of Congress, called for by the 1st and 14th sections of the act, is placed by the 23d section on the admission that the canal would necessarily run, in part, through the District, the exclusive legislation over which belonged to Congress.

3d. The Potomac company, in order to take the benefit of the participation tendered to them by the act, are required to convey to the Chesapeake and Ohio Company their works, which lay partly within the district, and these works are required to be kept up by the latter company, until the Chesapeake and Ohio Canal shall be so far advanced as to supersede the use of them; manifestly indicating that the new Canal should be at least co-extensive with works of the Potomac Company, and consequently extend within the District.

4th. The preamble expressly describes the Canal as extending from the tide water in the District; and it is quite apparent from the whole scope and provisions of the act, that the Eastern section was contemplated as beginning within the district.

The words "at the District of Columbia," in the 20th section, cannot, therefore, be interpreted as giving a beginning at the outer limit of the District, and exclusive of the District; but as necessarily inclusive of the District, and consequently as opening the whole District to the judgment of the company for the point of beginning, because no specific point within the District is designated; the only other descriptive circumstance, "on tide water," covering the whole extent of the flow of the tide within the District.

Thus the description in the preamble, and that in the 20th section, are in perfect harmony. All that is required by either, is that the Canal shall begin from tide water within the District of Columbia. The language is not "from the head of tide water," which it would have been very easy to have said, if such had been the intention of the Legislature; and which ought to have been said, and, it is fairly to be presumed, would have been said, if such had been their intention. Because, nothing can be farther removed from the expression of any such precise and definite intention, than the vague and general language which they have used, "from the tide water of the Potomac in the District of Columbia," and "beginning at the District of Columbia, on tide water." It is not conceivable that language, so loose and general as this, would have been selected by men of even ordinary