

gation of the Potomac river. The district of country to be accommodated was comparatively small: it was the mere neighborhood of the Potomac. The power given, is to extend the navigation above tide water. There was good color here for insisting that the works should begin at the head of tide water. Yet I understand the fact to be that the works of the Potomac company extended a mile, at least, below the head of tide water. Laws like these are not to be construed strictly and according to the letter, but reasonably, and with reference to the nature of the subject, and liberally to advance the great and paramount objects which they contemplate. For this reason, no complaint has ever been made that the Potomac company have violated their charter in this respect.

It appears to me that farther support is given to the opinion which I have expressed, that it was not the intention of the Legislatures to restrict the beginning of the canal to the head of tide water, by a proviso in the act of Congress, of the 24th May, 1828, authorising a subscription to the stock of the Chesapeake and Ohio Canal, "which provides, that, for the supply of water to such other canals as the state of Maryland or Virginia, or the Congress of the United States, may authorise to be constructed, in connexion with the Chesapeake and Ohio Canal, the section of the said canal leading from the head of the Little Falls of the Potomac river, to the proposed basin next above Georgetown, in the District of Columbia, shall have the elevation above the tide of the river at the head of said Falls, and shall preserve, throughout the whole section aforesaid, a breadth, at the surface of the water, of not less than sixty feet, and a depth below the same, of not less than five feet, with a suitable breadth at bottom." So far, then, as Congress is concerned, the understanding was, that the Chesapeake and Ohio Canal should extend at least to the proposed basin above Georgetown; which, I learn by public documents, is a considerable distance, perhaps two miles, below the present locks of the Potomac Company, and consequently farther still below the head of tide water; which is proof demonstrative that the canal was not intended, by this body, to terminate at the head or highest point of tide water.

It is proper, farther to observe, that, while the proviso requires the canal to be brought to the basin above