

the said canal is to pass.' These provisions show that the power to condemn land was intended to be co-extensive with the Canal itself. And.

The twenty-second section provides, that so much of the charter 'as respects the Canal and works designed to be constructed in the District of Columbia, and the States of Virginia and Maryland, shall take effect, with such necessary modification in the construction thereof, as shall fit it for such limited application and use, upon the assent of the Congress of the United States and the Legislature of Maryland being given thereto.'

All this is necessary to fit the provisions of the charter for use in the District of Columbia, so far as it regards the condemnation of land, is, so to modify it, by construction, as to substitute the Marshal of the district for the sheriff of the county—the clerk of the Circuit court for this county, for the clerk of the county, which seems to be alluded to in the charter.

Such a modification in the construction of the charter is required by the charter itself; and, being confirmed by Congress, is equivalent to an expressed provision by Congress to that effect.

The right therefore, and the means to condemn land in the District of Columbia, are given to the company; provided the charter intended to give, and purports to give the Company a right to construct any part of the canal, or its works, in that District.

The third objection is, that the Company has no authority to condemn land in Georgetown.

Upon this point it has been contended that the authority to condemn land for public use, without the consent of the owner, is in derogation of common right, and therefore the charter must be construed strictly. That none of the expressions in the charter indicate clearly a right in the Company to extend the canal below the highest convenient and safe navigable tide water of the Potomac. Thus the words in the preamble . 'From the tide water of the river Potomac, in the District of Columbia,' are perfectly satisfied by commencing the canal at the highest part of the tide water of the river Potomac in the District. And the fourth section which gives the company its authority to make the canal only gives them power to make a canal from the tide water of the Potomac in the said District. The word 'from,' it is said, is exclusive of the point or place named; and of course the canal must strictly, according to the terms of the charter,