

begin at the highest point of tide water in the District. But it is admitted that this strictness must have a reasonable construction; and that it must mean the highest point of safe and convenient navigable tide water.

So, in the 20th section of the charter, which describes and defines the Eastern and Western Sections of the canal, the words are, '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;' 'that the 2d or Western Section shall commence at the said termination,' &c. 'to the highest steamboat navigation of the Ohio river.' Here the word 'at' is also supposed to be exclusive of the place named. A person may be at a place and not in it; and it is evidently used in that sense in the subsequent clause of the same sentence where it is said that the second section shall commence at the termination of the first. Here it is impossible that at should mean in. Then in the strict construction which ought to be given to this charter, it is said, that if the tide water of the Potomac extends as high as the upper line of the District of Columbia, the canal must stop at that line. But here also, it is admitted that this strict requisition of the charter must be relaxed by the application of a reasonable construction, introducing a proviso that the tide water where the upper line of the District crosses the river, should be safely and conveniently navigable; and that, if it should not be so, the canal may be continued into the District until it shall meet such navigable water; but no farther.

The only words in the charter, which describe or define the lower terminus of the Canal, are those which have been cited from the preamble and from the 20th section.

The strict construction of those words, thus contended for, it is said, is corroborated by the terms of the charter of the old Potomac Company, and its practice under that charter; by the memorials of the committee of the canal convention to the Legislature of Maryland and Virginia, in 1823; and of the central committee to Congress in April, 1826; by the report of General Bernard, the chief executive officer of the Engineer Department; and by the Common Council of the city of Washington, in their resolution of the 5th July, 1827, for calling a meeting of the inhabitants to consider the subject of the canal.

Whether it will be necessary or proper for the Court to resort to such extraneous evidence of the meaning of the charter, will depend upon the question whether, after ap