

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 the 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 in depth, below the same, of not less than five feet, with a suitable breadth and bottom."

Nothing can be more clear than that the Legislatures of Virginia, of Maryland, and of the United States, expected that some part of the canal and works would be constructed within the District of Columbia; and, consequently, that they did not mean to use the words "from" and "at," in their exclusive sense, they must be taken in their ordinary sense: and, taken in their ordinary sense, they authorise the company to commence the canal on any part of the tide water in the District of Columbia. Who, then, is to determine the precise spot where they shall commence? Surely it must be the company; for they only have the right to make the canal, and they are bound to make it within a certain time, under the penalty of a forfeiture of their charter. They must, therefore, act upon the subject; and who shall control their discretion, if they exercise it honestly? It is said that the object of the charter was only to make the river navigable where it was not navigable before; and, as it was before navigable a mile or two above Georgetown, the meaning of the Legislature was, that they should commence the canal a mile or two above that town. But the Legislature has not said so. The only limit they have imposed to the discretion of the company is, that they should begin their canal on the tide water in the District of Columbia. Besides, if that idea was to limit their powers, they would have to let their canal down into the Potomac at every point where it is already navigable.

And, again, it is not probable, that when the Legislature was contemplating the great object of a national highway from the eastern to the western part of this continent, they would have occupied themselves with an examination of all the minute and local circumstances which must be taken into view to determine the precise spot where it would be best for all concerned that the canal