

100 * A grant of the power of eminent domain is one which must be construed strictly; it cannot be exercised for any but a public purpose; and, in general, does not admit of any repetition.

The jurisdiction of this Court in regard to persons or things not within the State; and the uncontrolled concurrent jurisdiction of the judiciary of this State, with that of the neighboring States, in some peculiar cases. (d)

The estate in a canal, being in its nature, fixed realty; though declared to be personalty, must, nevertheless, be governed by the law of the State in which the canal is.

The termination of a canal at the tide in a certain district, must mean at a convenient port in that district.

The usage as to the termination of canals.

The difference between river and canal navigation.

No parol proof, nor any part of the proceedings of either branch of the Legislature, can be admitted to explain the language of an Act of Assembly; except as to private Acts, in which there may be a latent ambiguity. (e)

On the 22d of June, 1829, Amos Binney, of Boston, in Massachusetts, filed this bill against The President and Directors of the Chesapeake and Ohio Canal Company and Isaac McCord, praying for an injunction to prohibit the doing of certain acts, which, he alleged, would be greatly and irreparably injurious to his rights and property—and, on the same day, an injunction was granted as prayed; with leave to the defendants to move for its dissolution, at any time after filing their answers; on giving to the plaintiff, or his solicitor, ten days notice thereof. Upon which an injunction was issued accordingly.

On the 15th of July, 1829, the plaintiff filed his petition, in which he stated, that the injunction after having been served, had been disobeyed by the defendants—whereupon he prayed an attachment, upon which, on the same day, writs of attachment were ordered, and issued returnable forthwith. On the 21st of the

(d) Cited in *State v. Railway Co.* 18 Md. 213; *Keyser v. Rice*, 47 Md. 211. See *White v. White*, 7 G. & J. 208, note; *Worthington v. Lee*, 61 Md. 542.

(e) In *U. S. v. R. R. Co.* 91 U. S. 79, the Court said: "In construing an Act of Congress, we are not at liberty to recur to the views of individual members in debate, nor to consider the motives which influenced them to vote for or against its passage. The Act itself speaks the will of Congress, and this is to be ascertained from the language used. But Courts, in construing a statute, may with propriety recur to the history of the times when it passed; and this is frequently necessary in order to ascertain the reason as well as the meaning of particular provisions in it." In *Blake v. Nat. Bank*, 23 Wallace, 307, a badly expressed and apparently contradictory enactment was interpreted by a reference to the Journals of Congress, where it appeared that the peculiar phraseology was the result of an amendment introduced without due reference to the language of the original bill. In *District of Col. v. Market Co.* 108 U. S. 254, the Court refused to accept the debates reported as occurring in Congress at the time of the passage of an Act