

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 neighbouring states, in some peculiar cases.—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.

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 same month, the defendant *McCord* and *John Martineau* were brought before the court under the attachment ; when on recurring to the petition, and its exhibits, it appeared, that there was, in fact, no allegation of *Martineau's* having violated the injunction ; nor any prayer for an attachment against him—upon which it was moved, that he might be immediately discharged—and he was discharged accordingly ; and the attachment quashed, as to him, with costs—the court being then particularly engaged, it was agreed, that the matter of the attachment against *McCord* should lay over, with an understanding, that he should be permitted to go at large until called for ; but not to be considered as discharged from the process.

After which, some of the defendants filed their answers ; and gave notice of a motion to dissolve the injunction ; which motion was accordingly called up as being ready for hearing on the 8th of August, 1829 ; and the plaintiff's solicitor admitted notice—but