

Case No. 2,650. CHESAPEAKE & O. CANAL CO. v. MASON.
[4 Cranch, C. C. 123.]¹

Circuit Court, District of Columbia.

May Term, 1830.

EMINENT DOMAIN—SETTING ASIDE INQUISITION.

An inquisition, condemning more land than can be reasonably required for the use of the Chesapeake & Ohio Canal Company, or if the boundaries are not ascertained with certainty, will be set aside by the court.

C. Cox and Mr. Swann, for plaintiff.

Mr. Key, for defendant.

This was a motion to set aside an inquisition condemning land of [John] Mason, in Georgetown, District of Columbia, for the use of the Chesapeake & Ohio Canal.

THE COURT (THRUSTON, Circuit Judge, absent), upon bearing the testimony of witnesses, and the arguments of counsel, set aside the inquisition, because they were of opinion that the company had unreasonably required the condemnation of the whole lot, when they might have left valuable property to Mr. Mason, which seems to be of no use to the company, and because the jury had not ascertained, with sufficient certainty, the bounds of the land condemned.

¹ [Reported by Hon. William Cranch, Chief Judge.]