

Case No. 5,342.

GEORGETOWN V. BAKER.

{2 Cranch, C. C. 291.}¹

Circuit Court, District of Columbia.

April Term, 1822.

MUNICIPAL CORPORATIONS—AUCTIONEER'S BOND—OBLIGEE—LICENSES.

1. An auctioneer's bond given to the corporation of Georgetown, by its corporate name, is void; it should be given to the mayor only, as required by the by-law.
2. The license must be under the corporate seal.

Debt {by the mayor, recorder, etc., of Georgetown for the use of the New England Glass Company} against {John W. Baker} the surety in an auctioneer's bond, taken under a by-law of Georgetown, for licensing auctioneers, which requires them to give bond to the mayor, and directs that the licenses shall be granted under the seal of the corporation. In this case, the bond was given to the corporation by its corporate name, and the license was without a seal.

THE COURT (nem. con.) decided that the bond was void, because given to the corporation, and not to the mayor, as required by the by-law. And that as the bond was taken prospectively, before the license was granted, and as the license was not granted under the corporate seal, as required by the ordinance, the auctioneer {John Peabody} never was such an auctioneer as was contemplated by the bond, although he continued to act as such through the whole year.

Verdict for the defendant.

The plaintiff's counsel took a bill of exceptions, but no writ of error was prosecuted, although there were several suits, for considerable sums depending upon the same questions.

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