

Case No. 5,345.

GEORGETOWN V. CHEW.

[5 Cranch, C. C. 508.]¹

Circuit Court, District of Columbia.

Nov. Term, 1838.

MUNICIPAL CORPORATIONS—POWER TO RENT FISH WHARVES.

The corporation of Georgetown has power to rent fish wharves.

Debt [by the mayor, recorder, aldermen, and common council of Georgetown] upon a bond for \$2,030, conditioned to pay to the plaintiff the sum of \$1,025 for rent of certain fish wharves belonging to the corporation of Georgetown. After oyer of the condition the defendant [Samuel Chew] demurred to the declaration.

R. J. Brent, for defendant, contended that the corporation had no power to rent fish wharves; no such power is given them by their charter; and no corporation can exercise a power not expressly given or necessarily implied from some express power. *Ang. & A. Corp.* 145, 146.

But THE COURT (CRANCH, Chief Judge, not giving any opinion) instantly overruled the demurrer without hearing Mr. Dunlap, for plaintiffs.

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