

Case No. 8,245.

LENOX v. GEORGETOWN.

[1 Cranch, C. C. 608.]¹

Circuit Court, District of Columbia.

Dec. Term, 1809.

LICENSE—FOR HACKS—COMPENSATION FOR SERVICE.

The corporation of Georgetown could not impose a penalty on hack-owners residing out of Georgetown, for bringing passengers into Georgetown from the city of Washington, if they take only the city price for driving to the verge of the city.

Appeal from a conviction before a justice of the peace of Georgetown on the by-law of Georgetown, being a supplement to the act for licensing hacks, for conveying a passenger into Georgetown in a city hack without taking out a license from the corporation of Georgetown.

Mr. Jones, for Lenox. The streets of Georgetown are common highways. If the hack-owner be not a resident of Georgetown, and if he charges nothing for carrying the passenger into Georgetown; if he only charges for carrying him to the western limits of the city; he does not violate the by-law.

F. S. Key, contra. The contract was to take the passenger from the Capitol to the Union Tavern, in Georgetown. It is true he took no more than the price limited by the by-law of the city of Washington, for carrying him to the western limits of the city; but it was part of the contract to carry him to the Union Tavern.

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There is no fixed price in the city; the bylaw of the city is only that the price shall not exceed certain rates.

THE COURT was of the opinion that the corporation of Georgetown could not lawfully pass such an ordinance, imposing a penalty on hack owners residing out of the town of Georgetown for bringing into Georgetown from elsewhere passengers, under the circumstances in the case stated, namely, taking only the city price for driving to the verge of the city. Judgment reversed.

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