

**Case No. 17,234.** WASHINGTON v. TOWNSEND.  
[3 Cranch, C. C. 653.]<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1829.

CORPORATION OF WASHINGTON—BY-LAW.

No penalty was prescribed by the by-law of 19th July, 1804, against hawkers and pedlars, for not taking out a license. The by-law is not correctly stated in Burch's Digest (p. 102).

This was an appeal from the judgment of a justice of the peace, who had non prossed the corporation, upon a warrant for \$20 fine [against L. K. Townsend] for not taking out a hawker's and pedlar's license, under the 9th section of the by-law of July 19, 1804, entitled, "An act requiring annual licenses to be taken out by ordinary or tavern keepers, retailers, and hawkers or pedlars." The first and second sections relate to tavern-keepers, requiring them to take out license, and give bond with two sureties. The third, fourth, and fifth sections require retailers of wines, and spirituous liquors also to take out license,

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and give bond with sureties. The sixth section requires the register on the direction of the mayor, to make out the licenses. The seventh exempts those whose licenses have not expired from taking a new license until their old ones have expired. Then comes the eighth section: in these words: "And be it enacted, that for every infraction of the provisions of this act, there shall be paid, by the person committing the same, or his sureties, the sum of twenty dollars." It is then enacted by the ninth section: "That persons usually denominated hawkers and pedlars, carrying goods, wares, and merchandise from place to place in the city, shall take out annual license therefor, for which shall be paid \$35 each license; and the said hawkers and pedlars shall be bound to exhibit to any officer of the corporation, at all times when thereto required or demanded, the license obtained as aforesaid." The tenth section makes it the duty of the register to grant licenses in the absence of the mayor; and the eleventh section repeals so much of former acts as comes within the purview of this.

Mr. Burch, in his Digest (page 102), has inserted these words: "That if any hawker or pedlar shall be found selling as aforesaid, without a license, or shall refuse or fail to show his license when required so to do, he shall, for every day he shall be found so selling, or for every refusal or failure as aforesaid, forfeit and pay the sum of \$20." Act July 19, 1804. No such provision has been found in that or any other act of the corporation.

THE COURT affirmed the judgment with costs.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]