

Case No. 17,238.

WASHINGTON V. WHEAT.

{1 Cranch, O. C. 410.}¹

Circuit Court, District of Columbia.

June Term, 1807.

CORPORATE BY-LAW—BURNING BRICKS.

Burning bricks in a clamp is not a violation of a by-law, making it penal to burn bricks in a kiln.

Debt for penalty of one hundred dollars under a by-law of the corporation of 20th September, 1803, for using a brickkiln without license. The evidence was, that Wheat had agreed with one Weeding that Weeding should make and burn fifteen thousand bricks, to be delivered to Wheat, when burnt. That Weeding made the bricks and burnt them in a clamp, and not in a kiln.

THE COURT directed the jury that if they believed the facts to be so, the defendant had committed no offence under the by-law. That it was no offence, under the by-law, to burn bricks in a clamp.

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