

## SMOOT v. LEE.

{2 Cranch, C. C. 459.}<sup>1</sup>

Circuit Court, District of Columbia. April Term, 1824.

PRINCIPAL AND SURETY—ACTION OF  
PRISON—BOUNDS BOND.

In an action against the surety in a prison bounds bond the defendant will not be permitted to adduce evidence that the principal (the debtor) was insolvent, and therefore the plaintiff sustained no damage.

Debt on a prison-bounds bond given by W. Wise, who broke the bounds.

Mr. Wallach, for defendant (the surety), offered evidence to prove that Wise was insolvent when the bond was given, and therefore the plaintiff had suffered no damage by the breach of the condition of the bond.

But THE COURT (nem. con.) rejected the evidence.

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

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