

STONE V. MASON.

{2 Cranch, C. C. 431.}¹

Circuit Court, District of Columbia. Oct. Term, 1823.

OFFICER—PUBLIC RESPONSIBILITY. USE—PERSONAL RESPONSIBILITY.

A public officer who buys a bill of exchange for public use, and agrees to pay for it when it ¹⁵⁸ should be duly honored, is not personally responsible.

Assumpsit [by John Stone against John Mason] for money had and received. The defendant, as commissary general of prisoners, received \$140 for a draft on Bermuda. Edward Stone put the draft into the defendant's hands, and requested him to pay the money, when it should he received, to the plaintiff, of Baltimore. When the money was received at the defendant's office, his clerk enclosed it in a letter to the plaintiff, directed to him at Baltimore, but it never came to his hands.

On a case stated, THE COURT (THRUSTON, Circuit Judge, absent) rendered judgment for the defendant, on the ground of his being a public officer; and it being a public contract to buy a bill for public use.

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