

Case No. 13,605.

SUMMERS v. WATSON.

{1 Cranch, C. C. 254.}¹

Circuit Court, District of Columbia. Nov. Term, 1805.

COVENANT—INJUNCTION BOND.

Covenant will not lie on the condition of an injunction bond.

Covenant, on the condition of an injunction bond against the defendant as surety.

Motion by Mr. Taylor, for defendant, to appear without bail, on the ground that bail could not have been required if the plaintiff had brought an action of debt on the bond; and that covenant will not lie on the condition of a bond. The defendant does not covenant or promise to perform the condition, but may pay the penalty if he chooses. By the act of assembly, the plaintiff has a right to hold to bail in an action of covenant if he has a right of action of covenant. But here he has no right of action of covenant.

THE COURT were of opinion that covenant will not lie on the condition of this bond.

{See Case No. 17,289.}

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

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