

Case No. 14,889. UNITED STATES V. CRANSTON ET AL.
[3 Cranch, C. C. 289.]¹

Circuit Court, District of Columbia.

April Term, 1828.

CONSTABLE—SURETIES ON BOND—MONEY COLLECTED.

The sureties in a constable's bond are not liable for money collected by the constable without legal process.

Debt upon a constable's bond. The breach assigned was that the creditor, A. B., for whose use this suit was brought, had put a note into the hands of Cranston, the constable, to collect; that he collected the money, and refused to pay it over to the creditor. It appeared that he collected it without legal process.

Mr. Mason, for defendants, denied that they were liable upon their bond for the money thus collected.

Mr. Wise, for plaintiff, and Mr. Mason, for defendants, submitted the question to the court without argument.

And THE COURT (THRUSTON, Circuit Judge, absent), said that the defendant (the constable) was not liable upon his official bond for this money, although he gave a receipt, as constable, for the note. His official duty only commences when he has legal process; and he is only liable officially, for money officially collected, that is, upon legal process.

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