

Case No. 614.

[1 Cranch, C. C. 46.]¹

ATKINSON v. PATTON.

Circuit Court, District of Columbia.

Jan. Term, 1802.

LIBEL AND SLANDER—JUSTIFICATION—INFORMATION RECEIVED FROM SLAVE.

It is no justification, in slander, that the defendant received his information from his slave.

Slander. Office judgment at the rules before last term.

Mr. Taylor, for the defendant, moved to set aside the office judgment on filing special pleas of justification to the first and third counts, and a demurrer to second count. The special justification was, that, at the time the defendant spoke the words, he stated that he had received his information from his slave.

Mr. Lee, for the defendant, cited the following cases in “support of the plea. *Davis v. Lewis*, 7 Term R. 17; *Earl of Northampton’s Case*, 12 Coke, 132; and *Actions for Slander*, 4 Coke, 12.

Mr. Swann and Mr. Young, for the plaintiff, said that the reason of those decisions was that the plaintiff might have his action against the person from whom the defendant received his Information. But in the present case the defendant’s informer is a slave, against whom no action lies.

THE COURT seemed inclined to the opinion that the special matter, if good, might be given in evidence on the general issue.

Cur. ad. vult Afterwards THE COURT was unanimously of opinion that the pleas ought not now to be received. KILTY, Chief Judge, because the facts stated are not a justification; MARSHALL, Judge, because the pleas did not confess the words charged.

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