

Case No. 1,427.

BIRCH v. SIMMS.

[1 Cranch, C. C. 550.]¹

Circuit Court, District of Columbia.

July Term, 1809.

SLANDER—PLEADING AND PROOF.

In slander, evidence of words spoken in the second person will not support an averment of words spoken in the third person.

Slander. The declaration was “he stole.” The evidence was “you stole.”

THE COURT, upon the authority of *Rutherford v. Moore*, in Washington county, at December term, 1806, [Case No. 12,173,] and the case of *Willis v. M’Kenzie*, in this county, July, 1808, [Id. 17,771,] refused to suffer the evidence to go to the jury. Nonsuit.

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