

Case No. 3,177.

COOKE V. O'BRIEN.

[2 Cranch. C. C. 17.]<sup>1</sup>

SLANDER—EVIDENCE IN MITIGATION OF DAMAGES.

In slander, the defendant may, in mitigation of damages, give evidence of the grounds of his belief of the truth of the charge which he has made.

Slander. The defendant said the plaintiff was a perjured villain. The defendant, in mitigation of damages on the plea of not guilty, offered to give evidence of the grounds of his suspicion and belief that the plaintiff had committed perjury.

Mr. Jones, for plaintiff, objected, but THE COURT (nem. con.) permitted the evidence to be given. See Peake, Ev. (2d. Am. Ed.) 287.

Mr. Key and Mr. Law, for defendant.

<sup>3</sup> [Reported by Hon. William Cranch, Chief Judge.]