Case No. 3,652.

DAVIS ET AL. V. SHEKEON ET AL.

{1 Cranch, C. C. 287.}[1]

Circuit Court, District of Columbia. March Term, 1806.

SLANDER—PLEADING AND EVIDENCE—SERVICE OF ATTACHMENT.

1. Words spoken of one of the plaintiffs cannot be given in evidence to support an averment of words spoken of both plaintiffs; nor can words spoken by each defendant separately, and out of the presence of each other, be given in evidence to support an averment of words spoken jointly by the defendants.

2. An attachment cannot be served in court.

Slander. The declaration charges, that the defendants jointly said the plaintiffs were robbers, or thieves.

THE COURT instructed the jury, that words spoken of one of the plaintiffs only, cannot be given in evidence to support the declaration. And that words spoken by each of the defendants separately, and not in the presence of each other, cannot be given in evidence upon this declaration, which charges a joint speaking.

Nonsuit. Motion to reinstate, refused.

Robert McMunn was attached as a witness. The attachment was served in the gallery of the court-room. THE COURT said that the service was not good, being in court

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