

Case No. 4,055.

DOYNE v. BARKER.

[4 Cranch, C. C. 475.]¹

Circuit Court, District of Columbia.

Nov. Term, 1834.

SLANDER—BAIL, WHEN REQUIRED.

Bail, in slander, will be required, upon the plaintiff's affidavit that the words were maliciously uttered; that the defendant is a transitory person, and about to leave the District, and the plaintiff verily believes that she has suffered damages to a certain amount.

W. L. Brent, for defendant, offered to appear without special bail. 2 Johns. 100, 203; Brown (Pa.) 233; Clason v. Gould, 2 Caines, 47.

The plaintiff's affidavit stated that the defendant maliciously uttered the words in the declaration mentioned; that the defendant is a transitory person, and is about to leave the District; and that she verily believes she has suffered damages to the amount of \$3,000, and that she will recover judgment for that amount.

The words charge her with being a swindler and a cheat and cheating others. The plaintiff is a milliner.

Mr. Brent contended that the plaintiff must swear positively as to her damages.

Z. C. Lee, contra, A plaintiff, in slander, cannot swear positively as to damages. High. Bailm. 12,15, 24; Starkie, Sland. & L. 243.

THE COURT (nem. eon.) required bail to the amount of \$700.

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