

Case No. 4,275.

EDDS v. WATERS.

[4 Cranch, C. C. 170.]¹

Circuit Court, District of Columbia.

May Term, 1831.

SLANDER—ACTIONABLE WORDS—DEMURRER TO DECLARATION.

Upon a demurrer to a declaration in slander, if any of the words are actionable the judgment must be for the plaintiff.

In slander, the defendant demurred to the whole declaration, which consisted of one count only, containing three distinct charges: 1st that the plaintiff was a rogue, thief, and murderer; 2d, that he was a rogue; and, 3d, that as keeper of the Georgetown penitentiary he suffered a negro-buyer to escape for a bribe.

Before CRANCH, Chief Judge, and THRUSTON and MORSELL, Circuit Judges.

CRANCH, Chief Judge. The defendant, having demurred generally to the whole declaration, consisting of a single count containing three distinct charges, if any one of them is actionable, the plaintiff must have judgment; for if the defendant wished to prevent the plaintiff from recovering damages for the words not actionable, he should have demurred to so much of the declaration as charges him with speaking those words.

But having, by his demurrer, admitted that he spoke all the words charged in the declaration, and some of them being actionable, the plaintiff must have judgment for the whole.

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