

Case No. 7,649. KEILER V. LESSFORD ET UX.  
[2 Cranch, C. C. 190.]<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1819.

SLANDER—CHARGE OF UNCHASTITY—SPECIAL DAMAGES.

Words, charging the plaintiff, a single woman, with incontinence, are not actionable without an allegation of special damage.

[Cited in *Pollard v. Lyon*, 91 U. S. 235.]

This was an action for words spoken by the defendant's wife, charging the plaintiff [Sarah S. Keiler], with gross incontinence. The jury found a verdict for the plaintiff with 130 dollars damages.

Mr. Key, for defendants, [John Lessford and wife], moved in arrest of judgment contending that the words were not actionable per se in this country, as the plaintiff could not be liable to punishment, nor even to ecclesiastical censure, for fornication.

Mr. Jones, for plaintiff, cited 3 Bl. Comm. 123, 124; 6 Bac. Abr. 221; *Medhurst v. Balam*, 1 Roll. Abr. 35, p. 1, 20, and *Davis' Case*, 4 Coke, 16, 17.

THE COURT, having taken time to consider, arrested the judgment, at October term, 1822, because the words were not actionable without special damages.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]