

CASES
ARGUED AND DETERMINED
 IN THE
COURT OF APPEALS
 OF
MARYLAND.

COURT OF APPEALS, (E. S.) JUNE TERM, 1810.

1810.

WHEATLEY VS. WALLIS.

JUNE (E. S.)

APPEAL from the General Court. *Wheatley* brought an action on the case in *Kent* county court, against *Wallis*, for *slanderous words* spoken by the latter of the former. The words, as stated in the declaration, were these—"You," (meaning the said *Wheatley*,) "stole forty bushels of wheat and forty bushels of corn of me," (meaning *Wallis*). The general issue was pleaded; and at the trial in March 1802, the defendant moved the court to direct the jury, that if they should be of opinion, that the words charged in the declaration were spoken in relation to property in the possession of the plaintiff, as overseer of the defendant, on wages, that then they must find a verdict for the defendant, as no felony could be committed, by the plaintiff, of goods so circumstanced. But the county court, (*Tilghman*, Ch. J.) directed the jury, that an overseer on wages may be guilty of felony of wheat and corn entrusted to him, as such, by his employer, and consequently, that a charge of stealing such goods was actionable. The defendant excepted; and the verdict and judgment being against him, he appealed to the general court, where the judgment was reversed at September term 1804, and the appellee appealed to this court.

In an action of slander by an overseer against his employer, the words charged were, that the overseer had stolen wheat and corn of the employer. Held, that an overseer on wages may be guilty of felony of the goods of his employer entrusted to him, as overseer, and that a charge of stealing such goods is actionable.