

SUPERIOR COURT.

MONTREAL, April 30, 1887.

Coram TAIT, J.

DAIGNEAU et vir v. LAPOINTE.

Slander—Married Woman—Damages.

PER CURIAM.—This is an action of damages for slander. The plaintiff is the wife of one Louis Renaud, and carries on a grocery in Ste. Cunegonde, her husband being sick and incapable of working. She complains that defendant has been for the past six years defaming her character, and that notably in January, 1886, defendant told one Eustache Prud'homme, clerk, and others present, that plaintiff was "une femme à deux maris," and that he had stopped buying his groceries at her place because he was scandalized at what was passing there; that he used the same expressions about her to Pierre Riendeau and to Remi Daigneau, her uncle, and further told them that plaintiff frequented houses of ill-fame, associated with prostitutes and made use of other injurious expressions, all of which were false and induced said Remi Daigneau to stop visiting her and broke up the family intercourse then existing. That she then had a boarder, and that the defendant asked one Thomas Quintal, milkman, of Point St. Charles, to get drunk and put this boarder out of the house. For all this she claims \$200 damages for discredit thrown upon her business and injury to her reputation.

The defendant denies these allegations and says that it is possible that in a conversation between relatives there might have been talk of the presence in plaintiff's house of a certain boarder, but that what he stated upon this subject was said privately and was of the nature of a privileged communication, and that, in any case, he only joined in conversation then going on and gave no new information; that under these circumstances he may have said that he had discontinued buying his groceries at plaintiff's because he did not like the boarder in question living at plaintiff's when her husband had been for a long time suffering from a sickness which confined him to his room, but this fact, even if he did state it, was notorious and known to

those to whom he was speaking, and caused no damage. He denied that the plaintiff enjoyed the good reputation which she alleged she had. The defendant also pleaded the general issue.

The proof established that the plaintiff lives with her husband, and that owing to his ill health she carries on a grocery business for their mutual support. There is nothing to show that she and her husband do not live happily together. The presence of a male boarder in the house seems to have given an opportunity for scandal-mongers to make ill-natured remarks. The defendant appears to have been particularly scandalized and to have given public expression to his feelings in language which was uncalled for and unjustifiable. For instance, he said to Pierre Riendeau, in the beginning of the winter of 1885-86, speaking of plaintiff, "Qu'elle faisait comme une femme à deux maris," and that he (defendant) had left off buying groceries from plaintiff on account of this boarder. During the same winter, he said to F. X. St. Pierre, plumber, "Que Madame Renaud, c'était une femme à deux maris." When plaintiff's uncle asked defendant if the opening of another grocery near plaintiff would injure her business, he replied, "Non, mais il y a autre chose qui lui fait dommage. Madame Renaud garde des personnes dans sa maison qui ne lui conviennent pas. Thomas Quintal, milkman, speaking of defendant, says: "Il m'a demandé si je voulais aller chez Madame Renaud faire maison nette qu'il me donnerait de la boisson; je lui ai dit, "pour une affaire de même je ne vais pas"; and again: "Il ne m'a nommé personne; il m'a dit d'aller faire maison nette, mais je savais toujours ce que ça voulait dire. C'est pour le pensionnaire qu'il y avait là."

There is no doubt that others besides defendant expressed the opinion that the plaintiff was wrong in keeping this boarder, but from what Mrs. F. X. Lapointe says it is not improbable the defendant was the principal promoter of this scandal. There has been some evidence given as to the nature of Mr. Renaud's illness, and how he got it, but as the declaration contains no charge against defendant on this point, I do not take it into consideration.