

dant frequently in the house of the Lalonde family, speaking of plaintiff, called her a *putain*. This was in the intimacy of the family, and occurred, perhaps, in 1879—witnesses say in 1879 and 1880. In August, 1880, defendant was prohibited visiting the Lalondes. In May, 1881, Azilda Lalonde, aged 21, informed plaintiff of what had occurred, and in August, 1881, this action is instituted. It seems that the Lalondes kept secret the fact of defendant's having spoken of the plaintiff as he did. Mr. and Mrs. Lalodne swear to never having reported it. Azilda mischievously told plaintiff; before the institution of this suit nobody but the Lalondes and plaintiff had heard anything about it.

That the speeches and slander attributed to defendant were performed there is proof by three witnesses. I find that plaintiff's action is not prescribed.

The defendant denies the fact of the speaking, and says that but for plaintiff's suit the public would never have heard of it, and he says that the plaintiff has suffered no damage, and he brings up many witnesses to prove plaintiff's reputation and character perfectly good, and so he pleaded. Had plaintiff right to sue, under the circumstances? I find that she had. A maiden marriageable girl of good character has right to complain of such slander; the slander was most serious; and I find that plaintiff was justifiable in suing in the Superior Court. I will not say that she ought to have sued only in a lower court, for under a hundred dollars. It is in vain for defendant to say that even if he did speak as the Lalondes say, there was no publication and no damage; I find that there was communication, to three persons; had there been only to two, or to one, that would have sufficed. "If damage is to be presumed from a publication to many, some damage may be presumed from a publication to a single individual, especially as that individual may afterwards publish the slander indefinitely." (P. 44 Starkie, 3rd Edn.) No. 122, p. 96, 1 Grellet-Dumazeau: "Cette communication (speaking of slander) en quelque lieu qu'elle soit faite, quelque soit le nombre des personnes qui la reçoivent, engendre une responsabilité légale," &c.

Finding that plaintiff is entitled to reparation, and that her action is not barred in any way, I condemn the defendant in fifty dollars damages, with interest from to-day, and costs of the Super-

rior Court as in an action for \$250, the damages amount being by me moderated in consideration of no special damages proved, of defendant's plea admitting plaintiff's good character, and also of the large costs of this Court, all of which defendant must pay.

St. Pierre & Scallon for plaintiff.

T. & C. C. de Lorimier for defendant.

THE EARLY JURIDICAL HISTORY OF FRANCE.

[Continued from p. 160.]

Charles VII. conceived the idea of digesting the several customs into one general code for all France, and to this end, by the 125th article of the ordinance of 1453 (2), usually called the ordinance of *Montils le Tour*, he directed the several customs and usages of each Jurisdiction to be written, but nothing further was done, until the year 1495, when the custom of Ponthieu was reduced to writing under Charles VIII. His successor, Louis XI, is represented, by the Historian, Philip de Commines, and by Dumoulin, to have been very desirous of having "*one custom, one weight, and one measure, throughout his Kingdom, and that every Law should be fairly enregistered in the French language,*" (3) yet it does not appear that any of the customs were compiled during his administration of the Government, but in the reigns of the succeeding monarchs, particularly Louis XII, Francis I. and Henry II, many were finished, and the whole, comprehending sixty collections of general customs in force in the several Provinces, and about three hundred local customs, in force in the different Cities and Bailiwicks of the Kingdom, were completed under Charles the IX, after the expiration of the century from the commencement of the design. (4)

In the execution of the edict of Charles VII, the States General of each Province, consisting of the deputies of the nobles, the ecclesiastics, and the representatives of the commons, were convoked by the royal letters patent, issued for that purpose. By them, when assembled, an order was directed to all the Judges and other Royal Law Officers of the Province, requiring them to transmit to the States General reports

(2) Ordonnances de Neron, Vol. 1, p. 43.

(3) Dict. de Jurispr. vol. 3, p. 47. Fleury, p. 68.

(4) Fleury's Hist. du Droit Français, p. 69. Repert-verbo "Coutumes," vol. 16, p. 390.