

them unnecessarily, he begged to refer them to an authority of much weight in questions of this kind, for the purpose of shewing how insidious and dangerous were statements affecting the character and reputation of an individual. He alluded to the treatise of Mr. Dareau, an eminent French writer, and would endeavour to translate a few passages; "Defamation," "says an author "whom his talents and his misfortunes "have rendered illustrious," is to the moral "being what poisoning is to the physical. "It is a kind of attack against which it is "almost impossible to defend one's self. It "is a thousand times more easy to give "credit to a report which destroys the "honor of a citizen than to introduce in- "to his body a deadly drug; the penalty "should therefore be in proportion to the "difficulty of defence. We hardly know "any antidote against calumny, while we "are not without remedies against poison. "Besides, the fatal draught is generally "administered by a hand that remorse or "the fear of punishment may stay, but "with what boldness does not the defamer "bear himself, when the slander appears "to him but a social jest, or when he can "range upon his side the wits, the pretty "women, and the men who pass for very "pleasant fellows, whose refuge from "ennui is the dissection of those unfortu- "nates, who often commit no other wrong "than that of being absent! All that then "passes uncontradicted, remains incon- "testable. Soon, the most revolting fabri- "cation acquires, without further examina- "tion, the force of truth; one only remem- "bers that one has heard the thing as true, "and it is repeated to hearers possessed of a "credulity facile enough; soon arises the "universal cry which pronounces the con- "demnation of the unhappy person, who "was little, if at all known; and things "come to that pass that virtue feels herself "compelled to acknowledge the truth of "the report. The pretenders to virtue pro- "scribe the unfortunate individual, that "they may not be supposed to resemble "him, and those who practise it, consign "him to ignominy, to purge society of a "member whom they believe capable of "bringing dishonor upon it." Mr. Dar- "eau then exclaims: "What must it not "cost the unhappy man, under such cir- "cumstances, to render his innocence as "widely known as the defamation! One "day of calumny requires whole years to "efface it; its wounds, if they are not al- "together incurable, leave scars which "sometimes pass from one generation to "another." The truth of these words was "but too often confirmed by the every day "experience of all of them; they were all but

too ready to believe ill that was spoken of a neighbour; the scandal that enters by the ear might not wholly remain in the memory and may be even discredited, but some- thing of it always remained, to the prejudice of the party of whom it had been uttered. The situation of the plaintiff, at that mo- ment, was most painful and embarrassing. She had come before them with the utmost reluctance, but with the conviction that she was placing her fate upon the issue of this trial. She was aware of the peril which she ran in encountering a man of so much power as the defendant, but was driven to it by the consciousness that her reputation was wholly lost unless she un- hesitatingly afforded the man who had slandered her an opportunity of making good his charges before a Court of Justice. She had no fears for the result, she demanded the fullest enquiry, and would be satisfied with their verdict whatever it should be. Mr. H. stated that the position of the plain- tiff was most painful in this respect, that one of the grounds of the action against Mr. Gilmour was that by reason of the speaking of the slanderous words, she had lost her mar- riage with Mr. James Patton; now she was compelled to call Mr. James Patton and his father, Mr. Duncan Patton, as witnesses, she feared nothing that they could truly say against her, but there were two law-suits pending in which she was plaintiff and Mr. James Patton, defendant. Certainly strong feelings had been excited by these suits and there was a great deal of animosity towards the plaintiff exhibited by both father and son, but he trusted that upon this trial they would forget those differences, and not leaning either to Miss Ferguson on the one side or to Mr. Gilmour on the other, come forward like honorable men, say frankly what they knew to be the truth, and afford the plaintiff a fair opportunity of clearing her character from the aspersions which had been cast upon it. If they, the Jury, should be satisfied that Mr. Gilmour had really used concerning this lady the expressions attributed to him, that he had spoken them maliciously, that is, without any reasonable and legal excuse, they would feel them- selves called upon to condemn most em- phatically such conduct on the part of a man occupying such a position as Mr. Gilmour, and, by the extent of the amount awarded as damages, make it known that no wealth, or rank, or influence, could shield the slander- er, when brought before a Jury who would mete out justice with an even hand. Mr. George Railton was then called as a witness on behalf of the plaintiff. Mr. STUART.—The defendant now in Court, has been served with a rule to answer in- terrogatories. He is a gentleman having a

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