

A FULL AND ACCURATE REPORT
OF THE
CELEBRATED SLANDER CASE
OF
FERGUSON vs. GILMOUR.



Law Intelligence.

Reported for the Morning Chronicle.

IN THE SUPERIOR COURT, QUEBEC.

WEDNESDAY, 30th November, 1853.

(Before the Hon. Mr. Justice CARON, and a Special Jury.)

No. 1554.

CAROLINE J. FERGUSON, Plaintiff,
vs
JOHN GILMOUR, Defendant.

ACTION OF DAMAGES FOR SLANDER.

This was an action brought to recover damages for certain slanderous words alleged to have been spoken by the defendant concerning the plaintiff. The damages were laid at £10,000.

Messrs. Holt & Irvine appeared as counsel for the plaintiff, and Mr. G. Okill Stuart for the defendant.

The list of Special Jurors (speaking the English language) having been called over, the following gentlemen answered to their names and, having been sworn, composed the Jury:—

GEORGE HALL,
JOHN S. FRY,
JAMES DORAN,
Wm. O'BRIEN,
S. T. SHAW,
H. CODVILLE,

HENRY BENJAMIN,
S. LEVY,
HENRY KNIGHT,
M. G. MOUNTAIN,
G. G. ARDOVIN,
WM. RAMSAY.

Mr. HOLT opened the case on the part of the Plaintiff.

He stated that the Plaintiff, Miss Ferguson was he believed a lady almost wholly unknown to the jury, inasmuch as she had been for several years absent from Quebec; the Defendant was well known throughout the Province as a member of one of the largest commercial houses in this city and as a man of great wealth and influence. The offence with which Mr. Gilmour now stood charged before them was one of the meanest social vices, and it was so difficult to believe that a man in his position should use language of the character of that imputed to him, that he (Mr. H.) did not conceive himself justified, at that stage of the proceedings, in stating to the Jury with any degree of positiveness the nature of his instructions or the guilt of Mr. G. He (Mr. H.) would merely observe to them that if it were true that the Defendant had in fact permitted himself to asperse the character of the Plaintiff, it would be his duty to point out to them in the strongest way, the serious effect which slander uttered by Mr. G. was likely to produce upon the name and reputation of the lady. With reference to the nature of the charge brought against Mr. G. he informed them that the Plaintiff alleged that about the 1st May, 1852, at Quebec, Mr. Gilmour, had said, in the presence of third parties, that "she was a "w—, and that she had been kept by a "gentleman in Montreal;" that in consequence of this statement by Mr. Gilmour, one Mr. James Patton to whom she was engaged, refused to marry her, and that she was otherwise greatly injured in her reputation. Being unwilling to detain