

### A Fabrication from Beginning to End.

Mr. Ure, K.C., the Lord Advocate, senior counsel for the plaintiffs, in his address to the jury, said that, as an example of debased and disreputable journalism, this case had been, as far as his experience went, without parallel. It enjoyed a unique and unenviable pre-eminence. Sometimes the columns of a newspaper were found to contain a slanderous and false article which had found its way there by pure mishap or inadvertence. The error was in such a case followed by a handsome apology, and full amends for the injury done. Sometimes also newspapers were the victims of misrepresentation and deception, for the business of a daily newspaper was conducted under such conditions that it was impossible to avoid mischance of that kind. Whenever that occurred a respectable newspaper offered an apology and made amends. At other times, some hot-headed political partisan, swept off its feet for the moment by some cause of political animosity, overstepped the clearly defined lines which existed between criticism of men's public character and conduct and attacks upon their private conduct, but whenever the gust had passed away, and the temperature had gone down, a handsome apology was usually offered. This case, however, stood in marked contrast and distinction to those he had figured. The one defence that could have stood for the charges was that they were true, and that defence was open to the *Dundee Courier*. It was a complete defence if it could have been stated, but that defence was never put forward. There was not a shred of foundation for the charges. It was a fabrication from beginning to end. It was a lying charge against the plaintiffs, deliberately circulated. Neither the Bishop nor his clergy would be worthy to retain their sacred calling if there was a vestige of truth in the charges. They would be despised and viewed with hatred and contempt by every man of right feeling if the statements were true. This, continued the Lord Advocate, was not a case in which the Bishop and clergy were eager for money, but there was no other course open to them for the vindication of their character. No apology or expression of regret was offered, and therefore it was a case for substantial damages. As to the motives of the writer of the article, they had nothing to do there with politics or creed. Political intent did not entitle a man to make a shameless and infamous attack upon other men's private characters. Those in public life were often subjected to very unmanly, cruel, and often unfair criticism. That was inevitable, but the law should protect them against attacks upon their private character. Freedom of speech and freedom of the press were very justly treasured as amongst our most priceless possessions; but if freedom was allowed to degenerate into license, then freedom was destroyed, and public life would be no longer as it was now, and pure and healthy public discussion and men of refined and sensitive feeling would shrink from playing their part in public, and the field would be left open exclusively to those of coarser fibre, which would be an unspeakable misfortune. In this case the jury had an opportunity of marking their sense of the grievous wrong done to the character of innocent men.

### The Defence.

Mr. Murray, K.C., for the defendants, followed. He contended the keynote of the article complained of was not to be found in any slander against this or that clergyman in Ireland. The keynote was politics, and nothing but politics, and they were bound to look at the intent with which the article was written. It was quite true he had not attempted to plead the truth of the supposed charges. That was because nobody in his senses would have dreamt of such foolishness. Nobody dreamt of maintaining that these gentlemen had been guilty of ruining the business of a shop-keeper in Queenstown. In the article the charge was made not against the clergy, but against the community of Queenstown. With regard to the injury to character, he thought plaintiffs were in a simple dilemma. The people who knew the pursuers did not believe a word of the alleged charges. The people who did not know them had not the remotest notion to whom the charges referred.

### The Judge's Charge.

Lord Hunter, in his charge to the jury, stated that so far as the law was concerned politics were no excuse for slander. It would be a very unfortunate thing indeed for the public life of this country if either individuals or newspapers were entitled with impunity thus to make defamatory and slanderous statements against the character of private individuals. On the question of damages he instructed the jury that the law recognised that there might be loss which justified substantial damages, apart altogether from loss of money. If an odious charge was made and it was proved to be false, the jury was bound to award substantial damages not by way of recompense, but as a solatium for annoyance and to mark disapprobation of the unwarrantable character of the slander. At the same time he warned the jury against giving excessive damages.

The jury found unanimously for the plaintiffs, and awarded Bishop Browne £200 and each of the others £50.



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