

Judge Ramsay, then addressing the defendants, said :— I am very sorry to be obliged to pass sentence in this case, but my duty is clear. It is perhaps unnecessary that I should make any suggestion as to the course you might have adopted. There is a case recently decided in England which would suggest to any body the proper course to pursue in such a case as yours. A great deal has been said about the verdict of the jury, but my impression is that it is the only verdict which men under oath could give. I think the jury could have brought in no other verdict. There was room, then, for you to have taken a different course from what you did. Had you submitted affidavits to the Court, attesting your good faith and want of malice, I should have been at liberty to accept bail from you and dismiss you, but you saw fit to take a different course, and I am therefore obliged to pass a sentence which will not be merely formal. At the same time I am perfectly well aware that the habits of this country have been to use the press in the most reckless manner, and, consequently, as yours is the first case that comes up in this form, it is necessary that I should take into consideration the habits of the country, which are very unfortunate. However I would draw your attention to one fact. An idea has gone abroad that the recent changes in the libel law are of a nature to render prosecutions of this kind less likely to succeed. I entirely differ from those who think so. In my judgment, the changes render the law much more stringent.

I make a distinction between John Redpath Dougall, who wrote part of the article, and James Duncan Dougall, the other defendant.

The sentence of the Court is that you, John Redpath Dougall shall pay a fine of \$60, and in default of payment to remain in prison till it is paid; and that you, James Duncan Dougall, pay a fine of \$40, under a like alternative."
