

**Record of the  
Proceedings of the Queensland Parliament**

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**Legislative Assembly  
13<sup>th</sup> September 1860**  
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Extracted from the third party account as published in the  
Moreton Bay Courier 15<sup>th</sup> September 1860

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The Speaker took the chair at a quarter past 3 o'clock, and read prayers.

**PROGRESS REPORT.**

Mr. LILLEY, as chairman of the Select Committee appointed to consider the allegations contained in the petition of Dr. Lang, brought up a progress report; recommending that the property in William- street, offered for sale by Dr. Lang to the government, be purchased.

The petition was received and ordered to be printed.

**INDUSTRIAL EXHIBITION.**

Mr. RAFF brought up the report of the Joint Committee on the Industrial Exhibition, and on his motion it was received and ordered to be printed.

**THE MESSRS. NORTH.**

Mr. BROUGHTON, as chairman of the Select Committee appointed to consider the allegations contained in the petition of the Messrs. North, of Wivenhoe, brought up the report, which was received and ordered to be printed.

**DR. LANG'S PETITION.**

Mr. LILLEY, as chairman of the Select Committee appointed to consider the allegations contained in the petition of Dr. Lang, brought up the final report, which was received and ordered to be printed.

**MESSAGES FROM THE LEGISLATIVE COUNCIL.**

The SPEAKER announced and read messages from the Legislative Council, accompanying the Bill to provide for the Leasing of Crown Lands with amendments, and the Bill for the Alienation of Crown Lands, with amendments also.

On the motion of the COLONIAL SECRETARY, the Council's amendments on the respective bills were ordered to be taken into consideration at a later hour of the day.

**SCAB IN SHEEP BILL.**

On the motion of the COLONIAL SECRETARY, the Speaker left the chair, and the house resolved itself into a committee of the whole for the consideration of the Legislative Council's amendments in this bill.

On the motion of the COLONIAL SECRETARY, the committee agreed to the whole of the amendments, and the Chairman having reported progress, the amendments were adopted, and the bill was ordered to be returned to the Legislative Council with the usual message.

**WAYS AND MEANS.**

On the motion of the COLONIAL SECRETARY, the order of the day for the resumption of

the Committee of Ways and Means was postponed till the following day.

### LIBEL BILL.

On the motion of the COLONIAL SECRETARY, the Speaker left the chair, and the house resolved itself into a committee of the whole for the consideration of the Legislative Council's amendment on this bill.

The COLONIAL SECRETARY said the Council had reinserted in the bill that clause that had been struck out in committee in the Assembly on the motion of the hon. member for Fortitude Valley, who doubtless would state his reasons for objecting to it in the first instance, and whether he intended insisting on its being again struck out.

Mr. LILLEY said he certainly would object to the clause as there was nothing to justify its introduction, on the contrary it was opposed to common sense and to the fundamental principles of English law. For it proposed to condemn a man unheard and to punish without affording him an opportunity of defending himself. There was nothing contrary to law in indicating a printer for publishing a libel; but it would be contrary to law to carry out the provisions of the clause in the present bill, which provided that, if the writer of any libel were presecuted for offence and heavy expenses through costs and fines, which he was unable to pay, were charged against him, then the types of the printer could be seized and the deficiency made good by levying on them. To take an illustration, A writes a libel against B, which is inserted in a journal belonging to C. A is brought up, tried, and convicted, and his goods are levied upon if he is unable to pay in cash. If the goods do not realize sufficient, C, who till then is unknown in the transaction, who has never been tried, who has never had an opportunity of proving the law in his favor, which he might have been able to do by superior ability of tact if he had been regularly heard in his defence, is called on to make good the deficiency, and his plant is seized and his business ruined to make up the deficiency. Such a procedure would, he repeated, be contrary to common-sense, to the fundamental law of the land, and would be a violation of the Charter of John. The clause said the printer should be condemned unheard without any trial, or that he should be tried by proxy. If the principle be just, why might not a man be tried by deputy for murder, and hanged by deputy as well. Under this objectionable clause two persons, A and B, might concert to ruin C, and the ruin could easily be effected without any risk or less to the conspirators, for it would only require A to libel B through the medium of C's journal, and if B prosecuted and laid his damages at £1000, A would never appear, and being without means, the law allowed C's property to be seized, and the damages realised from the sale of his effects. Would the house consent to pass such a clause as that? If they did, as it was contrary to law, it could never be acted on, and it would be a mere dead letter, while it was a disgrace to the statute book. The clause was copied from an old English act, but that act could not be enforced in England now. It was copied into a act of the New South Wales Legislature to meet an exceptional case. There was a time when the population of the older colony was divided into two classes only—masters and convicts—the latter sometimes obtained the mastery of the public press, and abused and libelled all who were opposed to them, and it was to put these men down that the clause from the old English obsolete act was re-enacted and put in force in New South Wales. But in Queensland there was no necessity for such a violation of all law and justice, and rather than see the clause passed, he would see the whole bill swept away, and the present system maintained. Shall the Assembly then, after having done so well since the commencement of the session, now at the close of it place such a blot on the statute-book as the clause under discussion implied? He hope not, and he would therefore move that the clause be expunged.

The COLONIAL SECRETARY was quite satisfied with the arguments of the hon. member for Fortitude Valley as to the injustice of allowing a man to be condemned unheard, as the printer as well as the writer of a bill could be regularly proceeded against at law.

The clause was then expunged, and the house having resumed, the chairman reported progress, and on the motion of the COLONIAL SECRETARY, the report was adopted, and the bill ordered to be transmitted with the usual message to the Legislative Council.

## BRISBANE-STREET, IPSWICH.

Mr. MACALISTER, as Chairman of Committees, brought up a report that had been agreed to with reference to an address to his Excellency praying that a sum of £3000 be placed on the supplementary estimates for 1861 for the repair of Brisbane-street, Ipswich.

The report was adopted by the house.

## ORGANISED SEARCH FOR GOLDFIELDS.

Mr. MACALISTER brought up a report from the committee of the whole, which, on the motion of Mr. RAFF, was agreed to by the house.

## UNOCCUPIED CROWN LANDS LEASING BILL.

On the motion of the COLONIAL TREASURER the Speaker left the chair, and the house having resolved itself into a committee of the whole, the Council's amendments on this bill were considered in detail; after which the house resumed, and the chairman reported that the committee had agreed to the amendments in clause 2, but had disagreed with the amendments in clause 3.

The report of the committee was then adopted on the motion of the COLONIAL TREASURER, and the bill was ordered to be transmitted to the Legislative Council with the usual message.

## ALIENATION OF CROWN LANDS BILL.

On the motion of the COLONIAL SECRETARY the house again resolved itself into committee for the consideration of the Council's amendments on this bill. And the amendments having been considered seriatim and agreed to, the house resumed, and the chairman having reported progress, the report was agreed to, and the bill ordered to be carried to the Legislative Council with the usual message.

The house then adjourned at ten minutes to five o'clock p.m. until ten o'clock a.m. on Friday.