

Advertiser 23/4/91.

IVES v. "QUIZ."—The weekly satirical paper known as *Quiz*, the personal remarks in which have excited no little comment, adverse and otherwise, during the past few months, has fallen foul of Professor Ives, who fills the musical chair at the University. In the last of the February issues a paragraph appeared in which certain share dealings of "a noble hurdy-gurdy man" and "organ fellow" were referred to and severely commented upon, the epithets "blackleg" and "blackguard" being used, as well as milder ones, about the gentleman at whom the paragraph was aimed. Professor Ives, considering himself the subject of the paragraph, instituted proceedings for malicious libel against Messrs. Evans & Chandler, the proprietors of *Quiz*, who appeared at the Police Court on Wednesday. The Court was full, but the Bench was literally packed, gentlemen appearing there who are never seen in the Court on less interesting occasions. Very little evidence was taken, and as defence was reserved the case only lasted about three-quarters of an hour. The defendants were committed for trial, so that the case will come on for hearing at the Supreme Court Criminal Sittings in June next. Eminent counsel are engaged in the case.

Register 23/4/91.

### A SATIRICAL NEWSPAPER IN COURT.

#### IVES V. QUIZ.

At the City Police Court on Wednesday afternoon Henry Congreve Evans and Alfred Thomas Chandler were charged with having on February 27, 1891, unlawfully and maliciously published in a newspaper called or known by the name of *Quiz* a certain defamatory libel of and concerning the informant, Joshua Ives, Musical Bachelor and Professor of Music at the Adelaide University. Mr. J. H. Symon, Q.C., with Mr. E. W. O'Halloran appeared for the plaintiff, and Mr. E. P. Nesbit for the defendants.

The following Magistrates were present:—Messrs. T. K. Pater, P.M., T. Curnow, A. Von Treuer, F. H. Otto, A. H. Paddy, S. Solomon, W. H. James, J. A. Ellery, and A. Champion.

The plaintiff set out that the libel was contained in the following paragraph:—  
"Some men (meaning and including J. Ives) seem to have no moral consciousness of any sort—not even a puny fragment. In rude ignorant savages this is not to be wondered at, but when you find the same lack of right and honour in individuals (meaning and including J. Ives), who have received a liberal education and who fill the position of educators, the only conclusion is that they (meaning J. Ives) are inherently bad. Take an instance which occurred the other day at the Exchange. A broker offered to give 31s. 6d. for 25 Junctions. A great organ-grinder of the city (meaning thereby J. Ives) was standing by, but as No. 1 men will not deal with him (meaning J. Ives) he remarked to another broker, 'Supply those for me.' It was done. When the time for delivery came next morning the shares had advanced to 31s. 6d., and the noble hurdy-gurdy man (meaning J. Ives) repudiated his liability, and the broker who had consented to be the medium of the transaction was left to supply the shares. A similar incident occurred a while ago. The organ fellow (meaning J. Ives) asked a broker to help him out of 100 Junction Norths (meaning thereby that the said J. Ives asked the broker to assist him to dispose or get out of the shares), and in order to induce business (meaning to make a market or assist in disposing of the said shares for the said J. Ives, but not really intending to offer any shares for sale) the broker cried out that he would sell 100 shares at 9s. 6d. (meaning that nevertheless he did not really intend to sell to the knowledge of the said J. Ives). 'I'll take 'em,' said the blackleg (meaning J. Ives, and that he was a cheat and a person guilty of habitually cheating and defrauding others). When the Room came out the shares were at 10s. 6d., and the P—r (meaning J. Ives) actually had the impudence to insist on his friend's delivery. 'Very well,' the latter said, 'but, mind, you never do any more business with me.' The funny part of it was that before he had to supply the shares had fallen to 9s. 3d. Now *Quiz* (meaning H. C. Evans and A. T. Chandler) would ask any impartial judge—say Professor Ives (meaning thereby J. Ives) to decide whether the man (meaning J. Ives) who could act in this way is not a blackguard (meaning thereby that the said J. Ives was and is a blackguard) contrary to the form of the Statute in such cases made and provided."



Mr. J. H. Symon said he was there to prosecute for what he thought a very gross and scandalous libel against the informant, Professor Ives. After he had called evidence he would ask that the defendants should be committed to take their trial at the next session of the Supreme Court. The libel was set out in the information, and was accompanied with certain explanatory inuendos, which probably were not absolutely necessary, because the nature of the paragraphs complained of was sufficiently clear and pointed. He need only ask His Worship to look at the paragraph itself in order to arrive at the conclusion that the informant, Professor Ives, had been grossly and wantonly libelled. Of course he need hardly say to one occupying the eminent position His Worship did judicially and professionally that a libel was anything that tended to degrade the person of whom it was written. It was anything in writing or it might be in other forms tending to disparage him, to hold up his good name and his reputation to public ridicule or public contempt, or it might be public hatred, and he did not think it was necessary for him to offer at that stage any further remarks with regard to what constituted a libel. He thought His Worship would say the paragraph violated the rule which should guide a public writer in dealing with matter which he might think were matters properly of public comment. The paragraph referred to would in the absence of justification constitute a libel. He was sorry to have the observation to make, but so far as he could see he could conceive of no justification for the language employed in this paragraph, however much the writer or writers of it might have intended to offer comments on the subject he chose to deal with. Every kind of opprobrium, every accusation that a man with any appreciation of honour would resent in the most emphatic way, was heaped upon Professor Ives in every shape and form. It began by imputing to him that he had no moral consciousness — in other words, that he was practically abandoned, with no moral sense whatever, as the writer said, "without a puny fragment." Then it proceeded to take what it called another instance, and he thought His Worship would feel that it was surely not the function of a public writer to drag out in his publication before the eyes of his readers — the readers being synonymous with the public — matters of private difference that might arise between two private citizens. His Worship would see in referring to the instance which was given there that it practically meant that if two private citizens had a difference about a business transaction or any other matter whatever, one of them, irritated and annoyed with the person with whom he was dealing, could run off to the newspaper and give, it might be, a garbled, certainly a one-sided, version. The conductor of the newspaper inserted that version communicated to him, with his own comments, sitting in judgment without hearing the other side, and condemning the other party. It would take a good deal to justify the conduct of the person by whom the statement was made. It surely could not be — at any rate he hoped it was not — the function of any public writer to espouse one side in a private business difference, and to hold up for public contempt and ridicule a person who might be a perfectly honourable man, and who at all events should have his side of the occurrence considered before any attempt was made to adjudicate upon the matter. He was sure the defendants would admit that it was only fair, and English like at all events, that one side or one person's version should not be taken in condemning another person in a private matter in which the public have no personal concern, but which was magnified into a public matter by its appearance in public print. He would point out in what respect he considered the paragraph was libellous. He was not concerned to know whether the defendant was a musician, but he did not think it was very witty to describe an organist as "the noble hurdy-gurdy man," or to refer to him as "the organ fellow." There was not much humour about that. To wind up they described him as a "blackleg," than which there could be no stronger term of opprobrium, and they finished up, after taking another "instance," by describing him in so many words as a blackguard. That was all he need say. No one could feel other than that life would be practicably unendurable if private differences on private matters were to be made public property with such comments and characterizations as those in the paragraph. He would have been deeply rejoiced, and would not have felt the defendants had lost anything in the esteem of the public in what character they sought to maintain as public journalists, if they had withdrawn or apologized for the paragraph which they, he would not say recklessly, let without due caution appear in their paper. He understood from the correspondence that had taken place that the defendant, Mr. Chandler, claimed to be the writer of the paragraph. He could hardly believe, knowing what a cultured writer Mr. Chandler was, that he was the unaided parent of the paragraph. He was rather disposed to think, as Professor Ives did, judging by a letter written to the defendants, that the paragraph was supplied by some one with a grudge against Professor Ives, who was indisposed to take his view of