THE BRADLAUGH TRIAL

The trail of Charles Bradlaugh and Mrs. Besant for publishing an obscene book was commenced on Monday in the Queen’s Bench. The Solicitor-General, Mr. Douglas Straight and Mr. Mead prosecuted. A preliminary application to quash the indictment was refused, the point being reserved.

The Solicitor-General then opened the case for the prosecution. He stated that the indictment was that the defendants had published an obscene libel which was calculated to corrupt and destroy public morals. The only question for the jury to consider would be whether the book was really obscene.

The Lord chief Justice said it might not be obscene or prurient, or open to objection in that respect, yet if it corrupted some great principle of the morals might it not be properly the subject of the indictment?

The Solicitor-General----Precisely so. In the case of “Queen v. Hickling,” decided by that court, where some Protestant Society published a book on confession in the Roman Catholic Church, to show that the practice of confession in the Church had an immoral tendency, it was decided that the good motive would not avoid the indictment. The Solicitor-General went on to state that the book, which was the work of dr. Knowlton, an American, was published 40 years ago, under the title “A Companion to Married Couples.” It was now published the guise of philosophy as an essay on population.

For the defence, it was pleaded that the question of population involved national interests, and that its decision might elicit truth.

The Lord Chief Justice stated that the book referred to in the case of “The Queen v. Hickling” was very like that which had been taken in question the other day in the House of Lords, viz, “The Priests on Confession.”

Formal evidence of the publication having been given, Mrs. Besant addressed the Court for defence leaving it to Mr. Bradlaugh to establish that similar ground had been taken by a large number of eminent writers. She denied that the work was obscene, and argued that the information it conveyed was useful and necessary.

**(SPECIAL REPORT.)**

TUESDAY.

The hearing of the case was resumed this morning in the Queen’s Bench. Mrs. Besant continued her address to the jury, taking up the point with reference to the Malthusian theory with which she was dealing when the Court rose yesterday, and she excused herself for dwelling on this matter by declaring the importance of the issue, and stating that she had just received a letter from Professor Bain, who spoke of the present trail as one of the most critical trails in the history of our liberties. Mrs. Besant proceeded to quote Malthus and Darwin on the positive, or death-producing checks to population, such as famine, pestilence, war, and disease. What she wished the jury to bear in mind was that we had to deal with phases of those checks amongst ourselves, and it was to the jury that the poor of the country were now looking, and she trusted that they would say that instead of these checks (which meant misery and vice), they would give them the chance of adopting “scientific checks,” which meant happiness and comfort in the house. She drew attention to the misery and the terrible crime which existed in China and amongst Chinese emigrants in consequence of over population, and to the social and political difficulties which had touched America, or our Colony of Australia, through the small number of woman who emigrated in the proportion to the number of men. Quoting Montague Cookson on the question of population, she stated that that authority had stated in the *Fortnightly Review* that if there were no counteracting forces sooner or later the time would come when this little island would overstocked to such a degree that the great bulk of the inhabitants would be unable to secure the bare necessaries of life. It must be borne in mind on this point that in 1820 the population of England was 12,000,136 and that in 50 years, or in the year 1871, that number was found to have increased to 22,712,266. When they remembered how during those 50 years the price of food had increased, they would see that this population question was not one for the future, because if we had doubled our population with lamentable checks which existed, what would be our rate of increase during the next 50 years, unless some sound train of thought could be applied to it. The justification of the pamphlet that was the subject of this trail was the terrible nature of the checks which existed on every side. There was a check of overcrowding, and with reference to that they proposed to call the Rev. Stuart Headlam, of Bethnal Green, and several other clergymen of the Church of England, who would give their own experiences as to the terrible results of overcrowding. Mrs. Besant quoted the Bishop of Manchester, with regard to the demoralising effect of overcrowding on young people, irrespective of its aspect in reference to the death-rate. According to his lordship the herding together of a large families in one room,, where births and deaths occurred in the presence of all, and where boys and girls, young and old, were thrown together, had the worst effect upon the morals of the agricultural classes, giving rise to incest, illegitimacy, and general depravity. She had herself witnessed four generations of human beings and three young men lodgers all occupying the same room, and divided into two or three beds. Another check which at present existed was drunkenness, and another was the high death-rate amongst the children, or the murder of children after they were born by preventable starvation and disease.

This was a moral check, whilst that she advocated was an immoral one, and made her and her co-defendant criminals to-day. They had all heard of the baby-farming cases, and the horrible facts revealed in connection with these matters and brought herself and Mr. Bradlaugh to the distinct conclusion that, however this trail went, it would be their duty steadily and persistently, in no spirit of defiance, but in obedience to the duty which every citizen owed in the country in which he was born, to call the attention of their countrymen, if in so doing they had to pass through prison. They would at last win, as every good cause did in the long run, against suffering it might in the beginning, but to bring happiness to others after it was past. The overlaying of children by their mothers was another check to the rapid increase of the population, and on this subject Mr. Lancaster had stated that there were no less than 16,000 mothers in London who committed murder. The other check was well known which produced diseases and vices, and innumerable social evils. Mrs. Besant then went on to defend the preventive and indirect checks contained in the Knowlton Pamphlet, and to urge the jury to do what they could in giving a verdict for the defendants, to assist young men to honourable marriage instead of the terrible substitute for wifehood to which the present state of society drove them. Mr. Montague Cookson had pronounced himself favour of the adoption of checks after marriage if it were possible and was of opinion that that was the only means of getting rid of the prostitution. Dissipation was a terrible evil, but celibacy was also an evil, although the lesser of the two. Why then condemn as obscene the Knowlton Pamphlet, which merely, and to dry physiological terms devoted itself to the curing of the two evils. She denied that the birth restricting checks in the pamphlet were intended to be brought into operation before marriage. The object of the book was not to destroy marriage and permit promisenous intercourse, but to enable people to marry early at the same time to avoid those evils which arose from overpopulation. John Stuart, with Professor Leoni Levy and Mrs. Fawcett, had all advocated the exercise of the prudence in regard to the increase families after marriage, and were therefore indirectly supporting Knowlton. Preventive checks were necessary to prevent over rapid child bearing from which much suffering and loss health to the mother arose, also loss of health to the child at the breast, and the same to the child unborn. They were necessary in the case of persons in whose families there was a trace of madness, consumption, or other hereditary disease, and they were necessary in the case of woman who could not give birth to healthy or living children. Mrs. Besant here stated that she had concluded her argument with reference to the first chapter of the book, and drew attention to the fact that it did not contain a single suggestion that could be called obscene. The Lord Chief Justice had ruled that it was intention of the whole work which should be considered, but she contended that it was unfair that a most important chapter should not be accredited with purity. The Lord Chief Justice said that judging the chapter by itself there was not a word in it which could be construed into an impropriety, or indecency, but it would have to be read with reference to the following chapters. Mrs. Besant said she would put it to the jury not only that there was no impropriety in the chapter, but that was against profligacy.

[Mrs. Besant was continuing her address when we went to press]