THE BRADLAUGH PROSECUTION.

THE VERDICT

In the Queen’s Bench Division on Thursday morning, before Lord Chief Justice Cockburn and a special jury, the trail of the indictment against Mr. Charles Bradlaugh and Mrs. Annie Besant, for publishing a pamphlet called “The Fruits of Philosophy.” Of an alleged obscene character, was resumed. The Solicitor-General, Mr. Douglas Straight, and Mr. Mead appeared for the prosecution. The defendants conducted their own defence.

Mrs. Besant, in summing up the evidence she bad placed before the jury, remarked that the case had become much narrowed since it was opened by the Solicitor-General. The defence had proved that the philosophy of the work in question was real, and not merely a pretence to cloak in­decency. It had also been shown that the pamphlet, so far from seeking to discourage marriage, advocated it in the strongest terms. The language of it, moreover, was mild and chaste compared with that used in ordinary medical works. The case was now narrowed down to the ques­tion whether the pamphlet in question was n medical work, or whether it was a gross obscene book calculated to deprave public morals. It had been shown that it was written by a duly qualified medical man of considerable eminence in his own country, and that it was written with scientific accuracy, being therefore to all intents and purposes a scientific work written by a scientific man for a scientific purpose. The only distinction between it and other works of an admit­tedly scientific character giving the same information, which were published by men whose character was un-­blemished, and which were advertised in all the daily papers, was that the latter was sold at a higher price. The prosecution had utterly failed to show not only that there was an intent to deprave on the part of the writer, but also that the work itself- was calculated to excite improper feelings. Could the jury read the indictment and the find her guilty of a criminal intent to corrupt youth? Up to the present time she did not know who her prosecutors were—for ought she knew, this prosecution might have been sug­gested by private malice. The jury, of course, knew nothing of her past life, or they would see how absurd it was to such a charge against her. She was not born among the poor, neither had she, as her co-defendant had, raised herself by sheer force of character and won the right to speak before them to-day. But she asked them, did they intend to seed her, who had worked for the good of her fellow-creatures for so many years, from that court to a gaol, there to herd with those degraded women mere association with whom must bring agony to her? A verdict. of guilty would involve destruction to her and to all she had worked for through life, it would destroy her Influence with the poor—and yet no, for they at least would know that she had been fighting hard for them even in this court. If the jury believed in justice, in truth, in purity, they could not find her guilty. But should they do so, she should appeal from their verdict to that of history, which would be that this man and this woman, knowing the misery of their time, the starvation of their fellow-creatures, and the overcrowding of the homes of the poor—that they twain had joined hands together to do their best to alle­viate that misery, and history would say of them "Well done!" whatever the verdict of the jury might be. Mrs. Besant resumed her seat amid some applause.

Mr. Bradlaugh summed up the defence very shortly.

The Solicitor-General, in reply, pointed out that the de­fendants bad themselves forced the city authorities to institute this prosecution, which, he admitted, had been most mischievous in its effects; but the authorities had been placed in the dilemma of being compelled either to institute it or to permit the circulation of a work which they regard as being calculated to injure public morals. He did not care to Inquire into the motives which had Induced the defendants to publish this work. Giving them credit for the best motives, what the jury had to do was to determine the character of the book itself.

The Lord Chief Justice —You charge the defendants in the indictment with having published this book with the in­tent to corrupt and vitiate public; morals.

The Solicitor-General — That is the legal effect of their act, and every person must be taken to intend the natural consequence of his act.

The Lord Chief Justice — But you start by acquitting them of the intent charge, and it would be a startling state of things if persons whom the prosecution themselves acquit of such an intent were to be found guilty of it. That may be the legal view of the case, but it appears to be a startling result.

The Lord Chief Justice, in summing up said that there was one point on which every person wo had listened to this trial would cordially agree with the Solicitor-General, and that was with regard to the mischievous character and effect of the prosecution. A more ill-advised and a more injudicious prosecution had probably never been brought into a court of justice. Here was it work which had been published for more than forty years, and which appeared never to have got into general circulation until this prose­cution was instituted, since when thousands of copies had been sold. The Solicitor-General had asserted that no alternative had been left to the authorities except to insti­tute this prosecution. All he could say was that he did not agree with the learned counsel on that point, and when the learned counsel talked about the authorities he should like to know who they were, because up to the present moment the fact had not transpired. Was the real prosecutor the policeman who appeared nominally in that capacity, or was the prosecution instituted by the magistrates? He did not believe that the magistrates had anything to do with the matter. Of course a policeman had a perfect right under the existing state of the law to set the criminal law in motion, and that right would remain as long as the Government of this country thought proper to leave the administration of justice defective, as from his place on the bench ha said it was, in the essential matter that it did not provide for the appointment of a public prosecutor. The defendants were indicted for having published this work, with the intention of corrupting and vitiating public morals. The law declared that any publication which outraged de­cency was illegal. If this was not a work of that character the defendants were entitled to be acquitted. The book professed to provide a remedy for over-population. The evils of over-population were real and not imaginary, and various thinkers and writers had suggested remedies for them. The remedy for them was doubtless to find. Malthus had suggested that people should refrain from marriage until; late period of life, and Dr. Knowlton had in his pamphlet suggested a different remedy. It had been, charged that Dr. Knowlton laid alluded to marriage as a mere cloak to encourage prostitution and immorality. He did not believe that there was the slightest foundation for that suggestion. He believed that in referring to marriage Dr. Knowlton had done so with perfect honesty and truthfulness. Was this book written with the intention of exciting improper passions and wantonness? There was not it single word from the beginning to the end of the work, dealing as it did with dry physical technicalities, which could have that effect. The question therefore was whether the checks advocated in this work were such as were opposed to morality. The Solicitor-General said that they were contrary to the law of God and man—it was for the jury to say whether they took that view of the matter. Of the bona fides of the defendants in publishing the work with the view of relieving the misery of the poor and for battering the condition of humanity there could be no doubt. But even if the use of the checks advocated in the pamphlet were legitimate, it was a question whether injury might not be done to the public morality by indicating to unmarried people how they might avoid the consequences of immorality.

If the jury were of opinion that this work was calculated to injure public morals on any ground, then, however pure and good the intention of the defendants might have been in publishing the work, it would be their duty to find them guilty.

The jury, after an absence of an hour and forty-five minutes, returned, and the Foreman said—The jury are of opinion that the book is calculated to deprave public morals, but we entirely exonerate the defendants from any corrupt motive publishing it.

The Lord Chief Justice—I am, afraid, gentlemen, I must direct you on that to flud against them. Your exoneration of any corrupt intention will be taken into consideration; but I mu direct you on the special verdict to find against the defendants.

The Jury accordingly found a verdict of guilty.

The Lord Chief Justice —Under the circumstances I will not pass sentence at present.

The defendants were released on their own recognisances to come up for judgment next Thursday.