**THE TRIAL OF MR. C BRADLAUGH AND MRS. BESANT.**

In the Queen’s Bench Division of the High Court of Justice on Monday, Mr. C. Bradlaugh and Mrs. Annie Besant were indicted for publishing an obscene book entitled “The Fruits of Philosophy.” The court was densely crowded. The two defendants who conducted their own case, sat immediately in front of the Queen’s Counsel’s seats, and the table before them was laden with books and documents. The Solicitor-General (Sir HardingeGiffard), Mr. Douglas Straight and Mr. Mead appeared for the Crown.

After some conversation in which Mr. Bradlaughendeavoured to show cause why the conviction should be quashed, Mr. Meade opened the indictment, and a copy of the book in question was handed to each of the jurymen.

The Solicitor-General then stated the case for the prosecution, and submitted that the tendency of the publication was to deprave and corrupt the minds of its readers. The book consisted of 48 pages, and the writer with great minuteness purported to show how the increase of population could be checked. It was said that it was intended for married people only, but there was no effort made to limit its circulation, and be contended that the word “married” was introduced colourably. The work was carefully guarded from any vulgarity of expression, but under the guise of being a treatise on medical science, it was an obscene publication calculated to deprave and corrupt the mind. It was written by Dr. Chas Knowlton, and was published first in America 40 years ago. The book was still being sold at the corners of the streets of London, and he found a notice on the back of the last page that 100,000 copies had been sold.

Mr. Bradlaugh said he had applied for the passages relied on by the prosecution, and had been refused.

The Solicitor-General answered that he relied on the whole work. It would be unfair to the defendants to pick passage here and there. To deal adequately with the subject the whole book must be read through. The learned Solicitor-General then proceeded to refer to a particular chapter of the book.

The Lord Chief Justice said he would have to ask the jury whether they considered that chapter to be a work on obstetric science, and if so, whether there was anything in it which the writer was not justified in writing; whether it conveyed scientific and useful information, but did so in a manner calculated to corrupt public morals.

The Solicitor-General then read – he did so, he observed, with the utmost reluctance – other passages which he contended could not be regarded as being other than obscene.

After formal evidence as to the purchase of the work and the apprehension of the defendants, the Solicitor-General gave the pages and intimated the passages on which he relied, and this closed the case for the prosecution.

Mrs. Besant then addressed the jury on her own behalf. It was not strange, she observed, that, in defending herself in that case, she found herself slightly over weighted by the amount of legal ability which the prosecution had thought it wise to bring against her. Names such as those who were arrayed against her must necessarily and rightly array a certain amount of weight with the jury. When they found the Solicitor-General briefed in the case, and that even his great learning and knowledge were not sufficient to conduct it without the assistance of two other learned counsel, they might think that they had two great criminals before them; for, unless that were so, no prosecution would go to the expense involved in this case. She might regard her defence as nearly hopeless did she trust to legal knowledge or skill in language; but she did not trust to these, but to the goodness of her cause, and she felt sure that when they had heard the defence if they brought in a verdict of guilty it would be given against the weight of the evidence to be submitted to them, and that their verdict would have a most unfortunate effect upon the public outside. She had not been impertinent enough to come before them with out having carefully studied the case in all its bearings. She had done her best since her arrest to make herself as well acquainted as possible with those trials of the past which bore on the subject, and with every State trial from which she could obtain some idea to guide her. But she was not so much defending herself as others. She stood there as counsel for a mighty number who were looking forward with anxiety to their verdict. Her clients were scattered far and wide over the length and breadth of the land. They were to be found amongst the poor, who suffered. Her client was the father whose wages were coming down year by year. She pleaded for the poor mother worn out by having two or three little ones around her, while perhaps she had to go to work in the field for her and their living. She counted amongst her clients thousands of little children, who were half starved, because, while there was food enough for two, there was not enough for 12: children half clothed, because no mother’s skill could clothe them with the means at her disposal – children brought up in ignorance which led to crime. Those for whom she spoke watched the case anxiously, as was proved by the fact that, out of their very limited …………….they sent her a few pence week after week to aid her defence. The Solicitor-General was good enough to say that he did not impute bad motive to the defendants. What bad motive could she have had? She had nothing to gain, and everything to lose. It was no ………..thing for a woman to lay herself open to the charge of publishing an obscene work. She asked he name and her liberty; but she took the risk, firmly believing that she had done her duty and nothing more. The defence of herself and her co-defendant was the same; but she would leave the purely physiological part of the ……………to her co-defendant – and this she did, although she did not pretend to the delicacy of which the learned solicitor spoke when about to read an extract from the work. She did not for moment admit that the pamphlet was in any way indecent or obscene. What they had to consider was what …….. their intention in spreading the book throughout the………… The Solicitor General appeared to think that there was something indecent in a six pence; but the book was issued at that price that mothers with 13s. a week might be enabled to buy a work of the kind which rich women could procure for 5….. or 6 …. at the book stalls. And, again, the Solicitor-General said the book was sold by hawkers at the corners of the streets. Why was it so sold? Because the prosecution had been instituted. Formerly, about 100 copies a year were sold. Now, hundreds of thousands were purchased simply through the folly of the prosecution which gave a factitious importance to a book which might have died out, because a better had come to the front. But they were not responsible for the sales at the corners. They had refused to supply the hawkers, who had obtained ……………….copies and sold them as genuine. How, then, could they be held responsible for the acts of the hawkers? But if the book were not obscene, no amount of circulation could make it obscene Physiology was not in itself obscene. If a work were obscene, no amount of good intention on the ……….of the publisher could purge it of its obscenity. The work, the subject of the prosecution, contained ………………..information on a subject of great national importance, and if it was pronounced obscene, the jury would be branding the eminent medical man who had written on the subject. If the jury were wearied by the case before it closed, she asked them to think of what the defendants had at stake in it. Their verdict of guilty involved not only imprisonment, but almost the destruction of a…….. her future life. But she would not think herself guilty. She had done what she had done after full thought, and would proceed with it notwithstanding this prosecution. The work was said to be obscene. On the meaning of that word there had been no statutory declaration and no judicial definition, but it had been said that ………….obscene book was a book “written for the simple purpose of corrupting youth and calculated to shock the feelings of decency of any well-regulated mind” and the words were the words of Lord Campbe.” She wished the jury to read the passage she had marked in the volume of “Tristram Shandy” she handed to them.

The Solicitor-General objected, and after some conversation the Lord Chief Justice said he could not admit the passage as evidence, but he could not prevent the defendant quoting it.

Mrs. Besant did not propose to read it. Her case did not rest on it. Her object in referring to the passage was to show how unfairly one passage might be picked out for the purpose of destroying a book. Books which were to be found in the library of every man with the least pretence to culture and education might, by an ignorant jury, be condemned as obscene. They had, however, the advantage of being tried before a special jury, because, to an uncultivated jury, a passage like that she referred to in “Tristram Shandy” would be sufficient to condemn the book containing it. She did not feat miscarriage of justice, and she would remind them that they had books in their own libraries in which they would find passages which might be taken to have a tendency to vitiate and corrupt. In the case, too, of their greatest dramatist Shakespeare, for instance could not a spy find some isolated passage which might be made the subject of the prosecution of some eminent publisher? The prosecution would of course, break down, but would as surely put the defendant to great annoyance and expense. Mrs. Besant here requested that a blind might be drawn down at the sing light was annoying to the jury. It was, she said, a great point with her to keep the jury in good humour (laughter).

The Lord Chief Justice : I must do you the justice of saying that up to the present time you have said nothing that could have any other result (renewed laughter).

Mrs. Besant continued : If she did so hereafter it would only be because she thought it necessary in order to win her case. They were engaged in a struggle which they had entered into upon principle. The ………………….of discussion of the population question was at stake, and they called for the verdict of the jury, who, she quite admitted, were the guardians of public morals. Opinions, however unpopular, ought not to be put down because it happened to be unpalatable to a police agent. They …………..long sought to find out who their prosecutor really was, but in vain, until at last they were told it was William Simmons, and it was to William Simmons, the detective officer, they should look, for the costs on succeeding in that case. Who, she asked, was behind the nominal prosecutor? Why, the book had been published when he was a boy, and he must have put by every sixpence he ought to have spent in ………………until at last he had enough money to retain her Majesty’s Solicitor General to prosecute the publishers of the pamphlet he thought so wicked a work (laughter). She did not seek to shirk responsibility for that publication, although she did not agree with everything Dr. Knowlton wrote. They would have no society for morality, ……………., or any one of their institutions, if they did not make their publishers responsible for everything they gave to the world. A great social question was involved in this case, one which was become ……………………..year of greater gravity, as was stated by such men as S………Mill. It was in the public interest that great question should be discussed, and the jury would be putting down public discussion if they pronounced a verdict of Guilty. Mrs. Besant then drew attention to various passages in the book, and commented on them with a view to show that they were not obscene, but such as a learned physician was bound to write on a subject of national importance, and on which he was a high authority.

On the case being resumed on Tuesday, Mrs. Besant continued her defence, dealing with the checks on population. One of the first of these checks was infanticide but instead of that the poor wished for a scientific check, which would give them happiness and comfort in their homes. Starvation, famine, and disease have prevented savage nations increasing as they otherwise would have done. The result in China of the inordinate increase of population had been most unfortunate and Malthus had laid it down that a great deal of misery had accrued. Infanticide prevailed there to great extent. Coming to Europe she found that positive checks had been extremely marked. Civilization had removed many of the checks which in more barbarous times kept down the population of the country. Now the sickly were not left to die ad formerly : they were well cared for in hospitals and otherwise, and they lived in many cases to transmit their diseases to their offspring. There was a tendency more and more to reduce those positive checks. We should find more diseases preventable than had hitherto been the case and come check on population there would need to be unless we were to be over-populated. To make up for they want of natural checks we must have scientific checks. We were suffering from overcrowding both in town and country, and she knew from personal experience how terrible were the consequences of that. She would bring before them clergymen of the Church of England who would tell them the nature of the check on population, and the frightfully demoralizing effect this overcrowding had both on women and children. As a question of morality, she submitted that they got ………………..immorality by crowding people together in wretche……….apartments than they could by any possibility have from the perusal of the sixpenny pamphlet which she was there to defend. Mrs. Besant then spoke of drunkenness as a check, and said that medical evidence proved how effectual was this check, and how it had conduced to the deterioration of the population. The questions of baby-farming, and overlaying amongst the poor were then touched upon. Another direct check was sexual vice and the diseases which flowed from it and……………other checks to which she had referred. Then she contended, were the forlorn checks on population, and she asked them to consider the amount of money which they caused, and to say whether they were prepared to take upon themselves to say the only check upon population was the amount of crime and ………………which now …………… She and her co-defendant wished to substitute ………………checks for these, which operated to injuriously to the public interest. Civilization had taken away many natural checks; the sick and the feeble and aged were not killed off as amongst the …………creation and in barbarous countries and ………………………….was perpetuated. Mr. Darwin was opposed to such checks as she advocated.

The Lord Chief Justice : I think it is worthy of Mr. Darwin’s consideration whether the results are not twofold and that, while amongst the smaller number ……………..more highly ……………..race may be produced, the effect upon the …………..must be deteriorating.

Mrs. Besant held that Mr. Darwin had rather left that out of his calculation, and she would be prepared to show that the prudential checks she suggested world have exactly the effect that more natural checks had in the …………..kingdom; and she had to urge that people with ……………constitutions had no right to transmit ……………… constitutions to their children. Young men naturally desired married life; and they did not marry simply because they feared the results of marriage; and she held strongly and earnestly that early marriage was the salvation of a young man, especially in our large cities. There was no talk in the book of men and women not becoming parents; they only looked to limitation and prevention of large families, which meant misery. Man’s natural desire for marriage was thwarted by the present state of things. She next dealt with the question of the years of …………………in the life of the youth who lived for the future rather than the present. She did not hold that a life of celibacy was a desirable one. Less evils flowed from that than from profligacy, but they were evils, nevertheless. At the same time men, she held were not celibates even if they did not ………………………and hence the amount of profligacy and prostitution which existed in this country. We could not estimate the evil results flowing from the social evil which checks after marriage were calculated to destroy. Marriage was the only radical cure for this terrible evil, and the promotion of marriage was what they now sought. ……………………was ………………and unnatural, and was therefore unhealthy, ……..all that was unnatural must be. Celibacy was an unnatural state either for men or for women, and they found that the proportion of deaths was much better amongst the unmarried than amongst the married. Later marriage was not a good thing, for too often late ……………………were ………………………………….and ……………..unhappiness as was the result, owing to the ………………………which had preceded the entrance into the married state. She next dealt with the question of too early marriages. The object of the book fairly taken was not to destroy marriage, but to enable people to marry early and at the same time avoid the evils arising from over population. They were by no means alone in the opinion ………..to the preventive check after marriage instead of before. Mrs. Besant then spoke of the ………………of the females of various classes in rotation to the population question, and said that since the prosecution had begun a number of ……………had been received from clergymen thanking them for having taken up the …………………… and ………………………them to persevere in the object …………….had…………………..It was most desirable that the question of the efficacy of the checks in lessening the …………….should be ………………………..She thought that in doing so here could be no charge of obscenity. She had dealt with the first chapter of the book, and she asked the jury whether bring in mind his lordship’s ……………………….there was any intention to promote immorality, or that the ………………….was using marriage as a cover of something ……………..and to cover an obscene intent.

The Lord Chief Justice : ………………by itself it would be introduction to the Malthuvan doctrine.

Mrs. Besant : Quite. O, my lord.

The Lord Chief Justice : The only way to lend to the opposite …………………………….what conclusion it is intended to lend and for that conclusion it may be ………………..that ……………….form and ostensibly ……………………………………legitimate, yet for the conclusion on it ……intended to lead up to a different constitution may be ………………..upon it. …………………the argument which I understood the Solicitor-General meant to ……… .and that is the only way ……. which the first chapter can be dealt with ……..Judging of …………….by what it says the intention of the …………………….is …………………..Tal………..it by itself there is not a word, …….it of …………………..of expression.

Mrs. Besant, after the population ………………………..resumed her …………………..showing that the book which she was ……………………………publishing a obscene could not be considered so. ……………….mother she held that the ………………………mysteries were removed, and children boys and girls taught in a proper way ………………………..real nature, and immense good would be done physiologically. Knowledge could never be obscene. ………………………….habit of thought had ……………………over ……………………………………………..of indecency which …………………………………………..must ………………………..People made a mystery of what should never I made ………, and the sooner certain physiological fact were widely known the better. She held that a misuse of knowledge, and using knowledge wrongly, did not make the knowledge indecent or obscene. This was not a ……………….prosecution at all, but ………………..up prosecution dictated by private ……………..which had ……………….an obscene book to the position of one with a large circulation. There was no fair argument against the book, but private spite attributed to the book an immoral tendency which was never contemplated by those who wrote and those who circulated it. The general feeling of the country was in favour of the book, and they were asked to stop the circulation because a woman here or there might misuse the knowledge. They would find that all the details in Dr. Melton’s book were covered by other medical works, which only ………………..from Dr. Melton’s by being …………., and a ………………….more attractive to the ordinary render. It could not be contended that one remedy could be recommended and another not, when it was put …………………………..which did not contain any indecency. The very idea of a …………………….was a monstrous error. Not a shadow of proof had been advanced to show what …………………………………..It had been objected that the book was old at a low price; but if the book was not obscene in ……………………..the price could not make it so. They wished to have it read by poor people, to whom it was beneficial. Why should not people have for 6d. the knowledge which the ………………………………..were able to buy for …………………………..or half …………………..at any railway book stall. She asked the jury, ……………conclusion, when they were dealing with their verdict, they had not only to deal with the two defendants, but with public feeling in England. There was not merely a question of publishing an obscene work, but it was a question of ……………….men importance, and she did not think they would bring in a verdict that she and her co-defendant ought to deprave the pub………………..They would have witness to ………who would endorse the points she had put and unless they believed she had been deceiving them in her address, and stood before them in the worst character a woman could …………………………..of youth, she should …………….upon…………………to give a verdict of not guilty, and allow her to ………….apple with a terrible evil, with which she would continue 6 apple whatever the verdict might be.

Mr. Bradlaugh then commenced his defence, but he had been …………………..half-an-hour when the Court adjourned.

On Wednesday, Mr. Bradlaugh continued his address to the jury. He submitted that the essay indicted was an essay on the population question; secondly, that the subject was one lawfully to be discussed; thirdly, that it could be proved over and over again that over-population was the fruitful source of poverty, ignorance, crime, …………, and misery; and that therefore she advocacy of prudential checks to population was not merely lawful, but was highly moral. There was not one sentence in the essay directed against ……………..it was amongst the poor that over-population was most felt, and that was moral which produced the greatest happiness to the greatest number without injury to anyone. It was no ……….against him to say that some time or other that some people may do something he had not recommended under circumstances that were never intended, and make that the basis for indicting him. The pamphlet did not go beyond anything that was necessary or legitimate for the poor and England. Over-population was also the cause of immorality. He had a wearisome task before him, for he had to go through the greater portion of the pamphlet to show them that there was not a solitary syllable on which the Solicitor-General could put his hand but what was chascely written, carefully written, and painstakingly put, with the view of avoiding any morbid excitement, allurement, or inducement. There was nothing in the book but would be found in the works of the higher classes. Mr. Bradlaugh then, at considerable length compared the language of his book with that to he found in the standard medical works on the same subject. “Carpenter’s Physiology” was a prize book given in the Government schools to both boys and girls, which went more fully into the subject than did Knowlton in the pamphlet in question. He held a copy of “Carpenter” ……his hand, which stated on the fly-sheet that it was presented to the student by Sir John Lubbock in the presence of the learned Recorder of London, who charged the jury against him on this indictment, whilst the Solicitor-General was the legal adviser of the Government who continued its circulation and study, and at the same time prosecuted him for doing what he and the Government countenanced. It was monstrous to charge him with having committed a criminal offence in publishing a book that was chaste in comparison with “Carpenter’s Physiology,” placed by the Government in the hands of boys and girls to study. He felt compelled to read at length extracts from medical books, because he was afraid that by the rules of evidence he would be prevented from putting them as such before the jury, or of calling medical, testimony. They might think that he and his co-defendant had done unwisely to depend on their own tongues against the trained ability that had been matched against them; but they remembered that in every age of the history of the country power had conserved the liberty of the Press, and had stood between the prisoner and the power arraigned against him, and had delivered him from charges of intent that never ought to have been preferred against him. Comparing some passages in the “Fruits of Philosophy” with others from the work of Dr. Maryon Simms, and which are accompanied with plates, he said it was too bad to ask the jury to send him to prison because he had given for 6d. prescriptions that had been publicly printed for the past 50 years. The pamphlet was “filth” in the mind of the Solicitor-General, but it was all right in Maryon Simms.

The Lord Chief Justice said that Mr. Bradlaugh seemed to have misunderstood the argument of the Solicitor-General, whose contention was that the details which were essential in a work intended for medical education were not essential for the public mind, and that any book which contained such details and were sold at a cheap rate for general circulation might be the means of corrupting the public mind.

Mr. Bradlaugh submitted that nothing appeared in Knowlton’s pamphlet which did not appear in a variety of text-books. The whole of what he had read from “Maryon Simms,” was to be found, with one exception, in “Carpenter’s Physiology,” which was placed in the hands of boys and girls. His proposition was that it was necessary to limit the population, and, with that view, it was necessary to give instruction at a cheap rate to the poor and ignorant. After the hint which his lordship had given, he would restrict his observations to “Carpenter’s Physiology” and one other work, because they were distributed to the general public. Dr. Chevassey’s work was written with more padding and jokes than Knowlton’s pamphlet, and that, as well as Dr. Bull’s was sold at every bookstall by Messrs. Smith and Son.

The Lord Chief Justice : I am quite sure that the Messrs. Smith would not sell a single copy of a work which they considered at all injurious to public morals.

Mr. Bradlaugh would fully admit that, but he considered that he and his co-defendant should not have been prosecuted for publishing a book at 6d., which, with greater details, could be purchased at 1s., 6d. at every bookstall. He contended that Knowlton’s pamphlet was only an epitome of Carpenter cooled down, and in which latter, under the direction of the Science and Art Department of the Government, young men and women were to be instructed. Carpenter, with its pictures, was intended to be an interesting book, but Knowlton’s was a dry book. The matter to be found in Knowlton’s work was given in far greater detain in the book written for the general public by Burt Wilder, an American professor, and published both in London and Boston, and the letterpress of which was made clearer by illustrations. That work bore as its motto, “Honisoi qui mal y pense” – a motto which, if he might do so without impertinence, he would commend to the attention of the Solicitor-General and those who conducted the prosecution. Having alluded to Dr. Fleetwood Churchill’s work on the “Theory and Practice of Midwifery,” he asked the jury to consider what were the issues before them. Was over-population the cause of poverty, misery, and crime and disease, and was it moral or was it criminal to check poverty, crime, and disease? That might be effected by celibacy. But let them look at Paris, at Naples, at Rome, at Chicago, and New York, at Dublin and at Glasgow, and then ask themselves if poverty there was a reality or a ……………It was said that this pamphlet advocated immorality; but there was not a word in it that warranted that conclusion. Unless the jury regarded him and his co-defendant as the association of the vile men who sold obscene books and prints in the streets, their deliverance must be “not guilty,” and he trusted that by their verdict they would send them out of that court absolved from that shame which the indictment sought to cast upon them.

Miss Alice Vickory, Dr. C. R. Drysdale, and Mr. H. G. Bohn, the well-known publisher, were called for the defence, and each pronounced their opinion that the pamphlet contained nothing more than was in certain medical books.

The further hearing of the case was adjourned.

**THE VERDICT OF THE JURY.**

The trial of Mr. Bradlaugh and Mrs. Besant was resumed yesterday. Mr. Bradlaugh having summed up for the defence, and the Solicitor-General briefly replied, the Lord Chief Justice said a more ill-advised prosecution was never brought into a court of justice. The jury, after an absence of an hour and 35 minutes, found a verdict to the effect that the book was calculated to deprave public morals, but they entirely exonerated the defendants from any corrupt motive in publishing it. The Lord Chief Justice then said: I am afraid, gentlemen, I must direct you on that to find against them. Your exoneration of any corrupt intention will be taken into consideration; but I must direct you in the special verdict to find against the defendants. The jury accordingly found a verdict of guilty. The Lord Chief Justice would not then pass sentence, and the defendants were released on their own recognisances to come up next Thursday for judgment.