**THE PROSECUTION OF MR. BRADLAUGH.**

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At the Guildhall yesterday morning Mr. Charles Bradlaugh and Mrs. Annie Besant again appeared before Ald. Figgins on a charge of publishing what is alleged to be an immoral book, entitled “The Fruits of Philosophy.”

Mr. DOUGLAS STRAIGHT AND Mr. F. MEAD appeared for the prosecution; the defendants appeared in person.

Mr. STRAIGHT said he was instructed by the City Solicitor generally to see that the case was put before the Court in such a manner as would justify the alderman in committing the defendants for trial at the Central Criminal Court. He was not there to introduce any acrimony or bitterness of feeling into the controversy. Everything had been done on the part of the defendants which evidenced a *bona fides* in the matter. Now, the question whether the publication of an obscene book was indictable was beyond all doubt; and while he should contend that the book was of an obscene character, the contention of the defendants was that the work was published as being of an advantageous character to the community, and that consequently the persons who published it were purged from any effect that the criminal law might be supposed to have upon them.

Mr. Bradlaugh said that his contention would go further than that. He should at once admit, if the book were obscene, no good purpose that he could plead for the publication would be a justification for publication, but he would contend that the book was not obscene, and that it was published for a good purpose.

Mr. STRAIGHT gathered that the expression “obscene” meant indecent and unbecoming. Works on medicine might contain plates which in themselves would be indecent, but so long as those books remained on the sheleves of Messrs. Churchill they might be unobjectionable, more especially having regard to the price at which they were sold; but he should venture to say that no human being could contend it was for the advantage of the community that such books should be exposed to every passer-by. Then again it might be contended by other persons without the ability of Mr. Bradlaugh in dealing with these matters, that in this age, having regard to the vast amount of misconduct recorded every day in the Divorce Court, it would be of advantage to the community that every case tried in the Divorce Court should be reported in every detail. No human being could pretend to say that any such publication in a newspaper of those proceedings in extens would for a moment be defended. Mr. Straight was proceeding to point out some of the more objectionable portions of the book, when the ALDERMAN, after conferring with Sir Robert Carden and Mr. Ald. Figgins, who were seated on the bench, questioned the propriety of ladies being present.

Mr. Bradlaugh said that if the matter was unfit to be heard by one sex, it was unfit to be heard by the other. His daughters and other ladies were present, and they claimed their right as citizens to be in court.

Mr. STRAIGHT believed the ladies present were assisting the proceedings as witnesses, and he would not question the propriety of their remaining if they thought proper to do so.

Mr. Ald. FIGGINS was sorry, after the remarks he had made, that women should be allowed to remain, but he would certainly not allow extracts from the book to be read.

Mr. STRAIGHT said however good the intention might be of a person who was publishing a work of the description of the book in question, assuming a large edition to be published at 6d., the moment it passed from the hands of those who had every good intention in publishing it, they had no further control over the persons in whose hands it fell. The learned counsel then cited the case of the Queen v. Hicklin in support of his argument, and called the attention of the Court to pages 15, 16, 17, 23, 24, 25, 26, and the whole of chapters 3 and 4 of the alleged immoral book.

*Detective-sergeant Outram* was then examined by Mr. STRAIGHT. He said he had received a letter from the defendant, saying that the sale of the book was suspended, not admitting its impropriety, but simply because the matter was *sub judice*.

*James keniston,* detective-officer, City police, in answer to Mr. STRAIGHT, said he was present on the 8th of February at the Central Criminal Court at the trial of Mr. Charles Watts before the Recorder of London. Mr. Bradlaugh was present on that occasion. That was a prosecution on the subject of this book.

Mr. Bradlaugh said he was content to take it that the two books were practically identical; the variations were verbal and unintentional.

Cross-examined by Mr. Bradlaugh. - He did not hear the Recorder say that he had not read the book himself.

Mr. STRAIGHT admitted that his Lordship had said so. This (he said) was his case.

Mr. Bradlaugh said he should try not to occupy the Court a longer time than he could help. He was indebted to the City Solicitor and the gentleman who represented him for the way in which the case was opened. It saved him from referring longer than was necessary to a journal of large circulation, and of their having gone the length of saying that the case was one which ought to be dealt with by the Bench in a fashion which was utterly outrageous. So long as the case was pending the decision of competent tribunal, he was quite sure the learned counsel who represented the City would agree with him in saying that a case of this kind ought not to be embittered by the introduction of articles suggesting that the magistrates should send himself and his co-defendant to hard labour. A leading article in one of the most largely circulated papers in London, stating that if the book did not come within the statute it was to be hoped it would, was so monstrous that he would not further mention it than by referring to it as a contrast to the manner in which the case had been opened this morning. Now, with regard to the charge against him of publishing a book alleged to be obscene, he was afraid that it would be useless for him to ask the Court to withdraw the charge from the consideration of a jury. Were it not for that he should most thoroughly rely on his ability to persuade them to dismiss the case and discharge the search and seizure warrant under which he had been arrested. He was charged with misdemeanour in publishing an obscene work. Under the common law there was no statute applicable to the proceedings which were now being pressed against him and his co-defendant. The only way they could get a definition of the word “obscene” was by looking at the words of the indictment because unless it was made out how the charge actually came within the four corners of the indictment then it must of necessity fail. He understood the learned counsel to say that the book was indecent and unbecoming, but he must make out much more – although he would show that that could not make cut against it – before the Court could decide against him (the defendant) in this matter. Now the only statute bearing upon the subject was the 20th and 21st Victoria, cap. 83, section I, and there were no words in that statute that really defined the meaning of the word obscene. He understood from the learned counsel that the work might get into improper hands, but he submitted that if it was not unfit *ab initio* nothing that became of the book after it left his possession could in anyway affect the present charge. Nor was the question of price one which could be entertained. He would put into the box a representative of Messars. Reeves and Turner, who would prove the publication of an essay by Malthus population.

Mr. STRAIGHT objected, on the ground that such evidence was not relevant to the inquiry.

Mr. Bradlaugh said he was not only entitled but compelled to call the witness, and cited authorities in support of his contention. He was going to fight the case as far as the law would permit him, and it was absolutely necessary that he should have everything regular as far as the law would allow. He would now put before the Court a summary of his own of the works of Malthus, and upon that amongst other things he rely. He would also put in evidence John Stuart Mill’s “Political Economy,” People’s Edition. Mr. Bradlaugh, after reading an extract from this work, submitted, with the definition of Lord Campbell and with the declaration of a man occupying so high a position as John Stuart Mill, that the pamphlet was utterly beyond the scope of such a prosecution as the present. He then put in evidence Professor Fawcett’s “Political Economy,” and Mrs. Garrett-Anderson’s “Political Economy,” and read an extract from an article in the *Fortnightly Review*, written by Mr. Montagu Cookson, Q.C., “On the Morality of Married Life.” Of what earthly use were these books if the poor could not have access to them as well as the rich? If the alderman had read the piteous letters he (Mr. Bradlaugh) had received from all parts of the country, thanking him for putting within the people’s reach the means of knowledge, he felt that, were it not for the conviction of calumny weighing upon him (Mr. Bradlaugh), he should never have been standing there on such a charge. Mr. Bradlaugh continued at great length to refer to various books bearing on the Maltusian theory, contending that such literature could not, under either common or statute law, be held to be obscene.

Mr. STRAIGHT said it was obviously impossible to finish that day. He thought it would be rather a strain upon Mr. Bradlaugh to expect him to do so.

Mr. Ald. FIGGINS said he agreed with that, and he would adjourn the case until Thursday next, at eleven o’clock – Mr. Bradlaugh, in the meantime, to go out on his recognisances.