THE PROSECUTION OF MR. BRADLAUGH

In the Queen’s Bench Division yesterday morning, before Lord Chief Justice Cockburn and special jury, the trial of Mr. Charles Bradlaugh and Mrs. Annie Besant, for publishing an indecent book, was resumed.

The SOLICITOR-GENERAL, Mr. DOUGLAS STRAIGHT. and Mr. MEAD appeared for prosecution. The defendants conducted their own defence.

Mrs. BESANT in resuming her address, said that when the Court adjourned yesterday afternoon she had laid the foundation for her drawing a distinction between natural and death-producing checks and those artificial checks of which she was the advocate upon the increase of population. She was the more encouraged in her defence by having only this morning received a letter from professor Bain, in which he said that he regarded this trial as one of the most critical in the history of our liberties the natural checks were most prevalent in savage life. Mr. Malthus had said that if population went on increasing without check, in time there would not be standing room on the habitable globe for the human race. The natural checks to be found in savage life were infanticide—too prevalent even in civilised life —the murder of the aged, the frequent wars the famines, and the terrible diseases. The poor of this country were looking to the jury to secure them from those checks which meant misery and vice, and to give them a chance of using scientific checks that meant happiness and comfort in their homes. Looking at China with its overwhelming population, Mrs. Besant pointed out of vice that resulted from it. Again (she proceeded) in our Australian colonies, where sixty women were to be found amongst 20,000 men, the amount of vice and diseases was beyond all imagination in Europe all tended to preserve life, disease was cured, and wars were gradually being replaced by arbitration. The more, therefore, that civilisation progressed the more were the natural checks removed, and if we did not replace them by scientific checks civilisaton would only mean increased misery. If the population of England went on increasing at its present rate during the next fifty years, with the corresponding rise in the price of provision, the mass of the people would be reduced to the most abject misery. We were following the example of Ireland, which resulted so disastrously in the famine of 1848, by increasing our population at a greater rate than our food supply. One wretched consequence of our enormous population was overcrowding, which led to more immorality on the part of young lads and girls than any that could result from giving them dry technical physical knowledge. She had seen with her own eyes the most terrible scenes and vice among the poor, and she asked whether they marvelled that she risked even imprisonment and fine in order to bring salvation and happiness to those unfortunate creature. Another check upon the population of this country was insufficient and unwholesome food, the result of low wages due to overcompetition, and the large number of children which were brought into the world. Another check was the terrible drunkenness among our poor arising from want of food. Baby farming and intentional overlaying of infants were others of the dreadful checks which were the result of our civilisation. She asked whether it was more immoral to murder children, after they were born by means of these direct checks which the Solicitor-General pointed to as those designed by nature and by Providence than by means of the scientific checks for advocating which she stood there as a criminal today. it was the existence of this misery and vice, and of prostitution, which had led her to the conclusion that, however this trial might go, it was her duty steadily and patiently in no spirit of defiance to preserve in her endeavour to alleviate human suffering, even though in reaching the goal she had to pass through the prison. Mr. Drawn, had objected to her proposal that the great improvement in the higher animals and in man was the result of the struggle for existence. She admitted that there would be some force in that argument if man lived on the same terms as the animal, and let the young, the weakly, the aged, the deceased, and the starving die with-out assistance; but under our present conditions of life such a thing was impossible, and therefore Mr. Darwin's argument did not apply.

The LORD CHIEF JUSTICE—It may be well worthy of Mr. Darwin's consideration whether the result of a struggle for existence may not be twofold—namely, that beneath the small numbers of a highly gifted race a deteriorated mass may not be found.

Mrs. Besant proceeded to point out the evil that resulted from delaying marriage until late in life. It was a mockery to tell young men and women that they must not marry until the spring time of their youth had passed away, and until their fresh and youthful affections had become blunted. She did not seek to prevent the production of children altogether, but merely to limit their number. It was not because she disliked children, but because she loved them so much that she urged that not more should be brought into the world than could be provided for. Profligacy on the one hand and celibacy on the other each gave rise to manifold evils that were worse than those which flowed from early marriages. Mrs. Besant, having referred to Mr. Montagu Cookson’s views on the subject, said that the object of this book was not to prevent marriage or to promote profligacy, but to encourage marriage early in the life by introducing an artificial but healthy check upon the population. In support of her argument she referred to the works of Mr. John Stuart Mill, Professor Leone Levi, and Mr. and Mrs. Fawcett. She deprecated the discussion of physiological questions in magazines, and contended that they should be confined to works the titles of which indicated clearly the nature of their contents. She had placed before the jury the dilemma of choosing between the misery and vice resulting from overpopulation and from late marriages or the use of certain checks after marriage, and it would be for them to say which they preferred. Dwelling upon the physical pain and the ruin to the health of women in the poorer classes from over-child-bearing and over-lactation, she adverted to the number of letters she had received from country and town clergymen urging her to proceed in her course. She contended that the whole of the first chapter showed that there was nothing obscene in the intention of the writer.

The LORD CHIEF JUSTICE.—Judging from what appears upon the face of it, there is nothing in the first chapter to show that the intention of the writer may not have been perfectly proper and perfectly pure.

Mrs. Besant then proceeded to deal with the two first paragraphs of the second chapter of the pamphlet, leaving the remainder of it to be dealt with by Mr. Bradlaugh, as more convenient to all parties. No physical knowledge properly taught and properly understood could be taken to be a moral evil. In the case of the Queen v. Hinckley the facts put forward were all of the most disgusting character, without their conveying any knowledge or benefit to society. No physical fact was of itself indecent, although it might doubtless be used to convey an indecent suggestion. In the examination for the Government Science School young girls were expected to be fully acquainted with the whole system of reproduction, and with the structure of the male and female organs, and prizes were given to the successful candidates containing plates and details which she did not think should be placed in the hands of young people. When Lord Beaconsfield, Lord Derby, and the leaned Solicitor-General were indicted for circulating works of this character in girls' schools she hoped they would remember that she had not been guilty of such conduct. (A laugh.) The misuse of knowledge did not make that knowledge bad, indecent, or obscene; the knowledge remained the same whether used or abused; the fault lay not with the giver but the receiver of it. In Naples, if a person wished to kill his enemy secretly he resorted to poison, but would the jury say that a botanical book dealing with poisonous plants was therefore calculated to deprave society? Would they limit medical thought by the misuse which impure and obscene minds might make of it? The same argument might be used against the general sale of knives and ropes, because with such things life might be destroyed. It was like the fifty years’ old argument employed against the sale of penny boxes of lucifer matches because they gave the agricultural peasantry a power of burning hayricks, which they did not posses in the old days of flint and steel. Such arguments were not fair on the part of the prosecution, who, actuated only by private spite and malice, had brought from obscurity a comparatively unknown work, and given it an enormous circulation. Because by this work one or two might be injured or harmed, the prosecution had tried to trick them into believing an immoral intention, which had no existence either in the book or the minds of those who published it. She had received a great mass of letters from women of all classes, some being of the most touching character, appealing to her to protect their daughters from their own terrible experience, which if she read, would satisfy the jury that the learned Solicitor-General, in using the language he did in describing this book had really insulted their common sense. If this prosecution succeeded Mr. Smith, a member of Her Majesty's Government, would be open to a similar prosecution in respect of the sale at railway stalls of a work which was equally open to the charge of obscenity. It could not be said that it was less indecent because it was sold for the upper classes at the price of half-a-crown, when the other was sold for the poorer classes for sixpence.

The LORD CHIEF JUSTICE.- You have gone through this long and able address without saying anything that could give offence to anybody.

Mrs. Besant. - My feelings of charity towards the Solicitor-General are warmer than those he has shown to me. He did accuse me of some of the vilest things a woman could do; but yet I am content to rely on the Justice of the jury, and not to speak too strongly of the learned gentleman. With regard to the circulation of the work, Mrs. Besant said that if it were not obscene it could not be made so by being sold for sixpence. They had stopped the sale in Stonecutter-Street because they did not wish to implicate others, but they had not raised a finger to cheek its circulation elsewhere, because that would be a confession of guilt and of a knowledge of its indecency which they denied. Through the imprudent and unjustifiable action of the prosecution, the circulation, which was formerly about 700 a year, had reached 125,000 since March last. They had no particular affection for this old-fashioned work, and in time, no doubt, it would find its own level. Their object in publishing it was not gain but to assert the right of others to publish it. They knew they were running a risk, but they were ready to run it as it was a question of the liberty of the press. Thanking the jury for their patient attention, Mrs. Besant asked them not to find her guilty of the dreadful charge in the indictment of an intention to corrupt the minds of the young under the pretence of purity, and brand her with a verdict to the effect that she had knowingly circulated an obscene and indecent book. Feeling in her heart and conscience that her only object was to assist people to grapple with a terrible evil, she sought at their hands that justice wished an English woman might fairly demand from a jury of Englishman, and asked them to pronounce a verdict of "Not guilty," and send her home unstained. There was applause when the speech was concluded. Mr. BRADLAUGH then began his address to the jury, and said he believed he should be able to show that not a line or even a word of the book could be fairly or properly held to be open to the charge of obscenity.

Mr. Bradlaugh’s address was not concluded when the Court rose.