THE BRADLAUGH PROSECUTION

Yesterday, Mr. Charles Bradlaugh, publisher, and Mrs. Annie Besant, who is described as a journalist, appeared on remand at the Guildhall police court, London, sitting for the occasion in the Court of Common Pleas, before Mr. Aiderman Fggins, charged with the publication of an obscene book entitled “Fruits of Philosophy; An Essay on the Population Question,” by Mr. Charles Knowltons M D, on the 24th ultimo. The court was crowded, and amongst those present were several females , some of them members of Mr. Bradlaugh’s family. The case came on the 5th instant, when formal evidence only was given, and then an adjournment was granted to enable Mr. Bradlaugh and Mrs. Besant to obtain evidence. Mr. Douglas Straight and Mr. Meade appeared for the prosecution, whilst Mr. Bradlaugh himself defended.

Mr. Straight, in opening the proceedings, said he had been instructed by the city solicitor to conduct the case, and to see that it was put in such a shape as would justify the committal of Mr. Bradlaugh and Mrs. Besant for trial. The case was one of considerable public importance, because, while on the one hand no one would doubt the desirableness of, in the fullest possible sense, allowing the discussion of all topics relating to social and political matters, at the same time it was desirable to guard such discussion from degenerating into obscenity. He did not wish to introduce any acrimoniousness or bitterness of feeling into the present controversy, and as to the merits of the case it was beyond all question that the publication of an obscene book was illegal; but the contention of the defense was, that, while the book might contain matter that was, of an obscene character, the object with which that work was published was of an advantageous character to the community, and, consequently, that the person who published it was purged from an effect the criminal law might be supposed to have on him.

Mr. Bradlaugh said his contention would go much further than that. It would be that the book was not an obscene work, and that it was published for a good purpose.

Mr. Straight said he should contend that the book was an obscene one. The learned counsel went on to refer to the proceedings in the Divorce Court, showing that although it was desirable that certain facts should be made public, still full details could not be published without offending against the object of the present prosecution. The book, as to the authorship of which there could be no doubt, directed itself in many portions to a very important social question. No one could doubt that many arguments made use of in the earlier part of the book were very important, and of a very interesting character. It had been a matter, no doubt, of grave consideration to political economics as to how, if the population went on increasing at the pace at which it had been proceeding during the passage of time in past years, the supply could be made to meet the demand. It had been feared that starvation or crime or prostitution was the natural outcome of such an overstocking of the face of the earth with population. That, no doubt, was a very important economic question, and the book was directed in part to its consideration. But it went further. The learned counsel here proceeded to mention the other matters the book dealt with, which are not fit for repetition here.

Alderman Figgins suggested that whilst these subjects were being discussed it would be becoming in females to withdraw.

Mr. Bradlaugh stated that the ladies in court would have been called as witnesses. His daughters were present, and would be called to give evidence as women, of their view of the matter.

Mr. Straight said he had no doubt that the females in court had come with the distinct intention of giving evidence, therefore he could not take any exception to their presence, and would not question the propriety of their remaining if they thought proper to do so. The learned counsel continued to remark upon those which he contended were obscene passages of the work.

Mr. Alderman Figgins, after a brief pause, during which he consulted with several other magistrates on the bench, said he was sorry to find, after the observations he had made, that females still remained in court. If they continued present he should not allow any extracts from the book to be read.

The Magistrates’ Clerk said Mr. Straight could point out passages in the book be objected to. This course was adopted, the females remaining is their seats in the jury box.

Mr. Straight remarked that the observation he was going to make was, that, however good the intention of the person publishing such a book might be, his good intention could not control the sale of it when the price was so low as sixpence. Assuming that a great number of copies were sold, as he believed had been the case, the moment the pamphlet passed out of the hands of the person publishing, he lost control over it, and it might pass into the hands of young women and lads and children, or of unscrupulous persons who might circulate it broadcast in boys’ schools and girls’ schools for purposes of their own. He ventured to submit that that proceeding could not be permitted by law, as the case of the Queen v. Hickling showed. In that case the Lord Chief Justice had said that immunity in such case must be in the mode of publication. The learned council concluded by carefully pointing out the passages in the book to which he objected.

The evidence given on the 5th instant was the read over.

Detective Outram admitted having received a letter from Mr. Bradlaugh on the 5th instant, stating that the sale of the book was suspended in Stonecutter-street until after the present trial. -James Kynaston, a detective officer, stated that he was present at the trial of Charles Watts in the Central Criminal Court on the 8th February. He saw Bradlaugh there. The case involved the sale of a book which was virtually the same as that now in question, Mr. Watts pleaded guilty to the indictment. –By Mr. Bradlaugh. The learned recorder who tried the case admitted that he had not read the book.

Mr. Bradlaugh then addressed the court at considerable length, and at the outset he referred to what he characterized as monstrous statements which had been made against him in the paper since the 5th instant. One statement in particular he protested against which appeared in a very widely – circulated paper, via, “That if the pamphlet did not come within the act dealing with obscene literature it ought to be made to do so.” He contrasted such violent declaration as those with the moderate tone assumed by the council for the prosecution. Referring to the learned counsel’s observations, he maintained that that gentleman would have to make out much more-that that pamphlet was indecent and unbecoming – before the bench would be entitled to put him in peril of an adverse verdict at the hands of a jury. Mr. Bradlaugh directed the attention of the bench to the definition of the word obscene as given by the Lord Campbell in the House of Lords. His lordship had stated that the act of Parliament was intended to apply exclusively to those things that would shock well-regulated minds, and that the word obscene was only applicable to that which was put forward with the simple purpose of corrupting the morals of youth. The pamphlet published with regard to the confessional was one of the works which came under the act, as was decided in the case of the Queen V. Hickling. In that case there could have been no other object than that of corrupting the morals of the people. The present case, however, was not on all fours with that of Hickling, for there was nothing in the pamphlet which ought to have any such tendency as was covered by the definition of Lord Campbell. Mr. Bradlaugh then referred to a work published by Messrs. Churchill, which was very similar to the present pamphlet, and in which the author, Dr. Acton, stated that he brought forward his book for parents, guardians, and young people. As to the question of price, he contended that the object he had had in view during the greater part of his life was the amelioration of the condition of the poor. He reminded the bench that in case of obscene literature, the prices fixed were always high. Turning to the occusation which had been brought against him, that he only brought about the present controversy for the purpose of obtaining notoriety, he gave a flat denial to such statements, and said that a proof of the soundness of his intentions was to be found in the numerous letters he had received from the poor since the present prosecution had been on foot, declaring the benefit they had derived from the suggestion contained in the pamphlet. He also stated that part of the programme of the paper which he had edited for many years was the Malthusian theory, and he had only been following out his original object in publishing the pamphlet. Mr. Bradlaugh proceeded to quote from John Stuart Mill, to show that his pamphlet was taken out of the scope of such a prosecution as the present, and from Chevasse’s “Advise to a Wife.” And another work called “Hints to Mothers,” Professor Fawcett’s Manual of Political Economy, Mrs. Fawcett’s book of the same name, Dr. Acton’s work, “Disorders of the Reproductive Organs,” and many other books in proof of his intention that this pamphlet by comparison was not obscene.

Some discussion arose such as to the admissibility of evidence on this subject, in the course of which Mr. Bradlugh said he should insist upon going through all the facts which were in his favour. He should fight the case to the end through every court the law permitted him to fight, and, if he were not allowed to call in evidence all the men who had had to do so with the publication of works of this nature, he should be obliged to occupy eight or nine hours with his speech.

Mr. Alderman Figgins said that the case was not one which he should attempt to decide himself. The construction to be placed on the indictment in the status was a difficult matter. Therefore, as the case will have to go to another tribunal, the question was whether it was worthwhile to go more fully into the debate.

Mr. Bradlaugh said he wanted to present to them before they committed him for trial all the evidence that could be taken on his behalf. He had spent £100 in books within the past few days, and had to draw attention to over 100 works which had been published broadcast, and most of which contained for more course language than that of the pamphlet.

Mr. Straight said that on the principle that two blacks would never make a white, the works referred to would have no bearing on the case at present.

Other comparisons between the pamphlet and various medical works, on which Mr. Bradlaugh relies, were then made after which the case was adjourned.