THE BRADLAUGH-BESANT CASE. THE VERDICT

The hearing of the indictment against Mr. Charles Bradlaugh and Mrs. Annie Besant for publishing an alleged obscene book entitled “The Fruits of Philosophy” was resumed yesterday in the Queen’s Bench division of the High Court of Justice, before the Lord Chief Justice and a special jury.

Mrs. Besant addressed the jury upon the evidence, and in summing up her case she contended that marriage was urged throughout the pamphlet, and that profligacy was spoken against in the strongest terms, and not only that, but the writer went further and warned the young of the great danger that would result not only from profligacy but from intemperance in the matter dealt with in the book. There was not a single syllable in the pamphlet which would maintain the argument of the Solicitor-General, therefore they had to deal with the learned gentleman’s unsupported statement. As to the disgusting particulars of detail alleged against the book she held the language of Knowlton and his particularity of detail would not for a moment bear comparison with that of the medical authors who had been quoted. In fact Knowlton was mere chaste and careful because he was writing for the general public. The indicted pamphlet in short was a medical book, written by an eminent medical man, a scientific treatise for a scientific purpose. The prosecution alleged against herself and Mr. Bradlaugh an attempt to deprave under cover of medical science. She admitted that obscenity couched in learned language didn’t become less obscene by being so cloaked, but urged that there was no intent to deprave in that book, as it was not obscene, being intended for the poor to enable them to restrict their families, and contained no more information that was necessary to effect that object. With regard to the state of things in foreign countries, she stated that the pamphlet was freely circulated in America; that in France the knowledge of the checks advocated by Knowlton were spread amongst the people in a book published for tenpence, bearing the imprint of the Government; and that such men as General Garibaldi had put themselves on the defence committee to show their feeling in the matter. Mrs. Besant then went on to discuss the various checks recommended in the pamphlet, to compare them with others in force naturally and otherwise to keep down the population, and to comment upon the evidence on this matter of the witnesses called for the defence. She pointed to the immoral checks adopted in France, and contended that the methods she was advocating were not immoral, but were calculated to make the word modesty something more than an unknown word amongst the people. Concluding her short address, she said that if they brought in a verdict of guilty, and sent her to prison they would be sending her to unutterable torture, unless her work in the prison could prove good to her fellow-prisoners. Let them think what imprisonment would be to her-destruction of all she worked for. But a verdict of guilty they could not give. If they believed in justice, if they believed in truth, they could not give it. If they, by some unfortunate miscarriage of justice proved to-day what Mr. John Stuart Mill had called one of those crimes by which the men of our generation astonished posterity; if they, through prejudice, party feeling, or unfair insinuation gave a verdict of guilty, then from that verdict she appealed to a wider jury and a greater verdict the verdict of history, which would be “Not guilty.” Whatever they might say, history would declare that this man and this woman standing before them, knowing the misery of their lives, the starvation of their fellow creatures, and the overcrowding of the poor, joined hands together to fight against the prejudice of the times. History would say to her and her co-defendant, “Well done;” whatever they (the jury) might say. There was some applause in court when Mrs. Besant resumed her seat, but this manifestation of feeling was at once suppressed by the officials.

Mr. Bradlaugh then addressed himself to the jury, and in doing so contended that the pamphlet was neither redundant, prurient, unchaste, or unfair. Having referred to the evidence which had been given, he said it was to the jury he would leave the refutation of anything the Solicitor-General might say against him and Mrs. Besant, as he would have no further right to speak. There would be another speech to which they would have to listen, and to which he would listen, whether it was for or against him, with reverence and respect, believing it would be just, even though it might be severe. But he would ask them to remember that the ultimate deliverance was in their hands and that unless in their hearts they could feel that he and his co-defendant, with intent to corrupt, had issued a filthy, lewd, and howdy book, as the indictment said, they must give a verdict of “not guilty,” and leave him and all others to that enlighten public opinion which corrected error better than any sort of prison could.

The Solicitor-General, replying for the prosecution, pointed out a dilemma in which his clients had been placed. It was stated by the defendants that in consequence of the prosecution the circulation of the pamphlet had gone up to 125,000. That was a most disastrous thing, but he asked what had induced the necessity for the thing becoming widely known? Obviously it was the defendants, who challenged prosecution. He drew attention to the fact that if the work had been a medical one, dealing with the liver or the brain, it was not likely to have gone up in circulation. Why was it that it had gone up in circulation? The answer would be patent to every one; because of the pruriency of certain minds. He asked the jury never to mind what the defendants’ view of the book was. There were some people who had a permanence notion of what would be good to the public but the question was whether the book was calculated to deprave the public morals. He contended that it was, and that admitting the defendants had the book taken them, he held that a verdict of guilty was necessary against them, as they were responsible for their publication. The Solicitor-General went on to say that the notion that the prosecution of children should be prevented by the checks proposed was contrary to the law of God and man; and he submitted that a work which recommended such checks was immoral and obscene, and therefore to be condemned. The suggestion underlying the whole question was that any question might be discussed, however loathsome. In conclusion, he asked the jury, if they had any reverence for the married state, for national purity, not to allow this pamphlet to be circulated in society, where their own wives and daughters might be corrupted.

The Lord Chief Justice, in summing up, agreed with the Solicitor-General as to the mischievous character and effect of the prosecution. The book had been published now for 40 years, but it appeared never to have got into general circulation. It was effete; but by this injudicious prosecution it had been resuscitated and sent into general circulation to the extent of thousand copies. When the Solicitor-General said that, in consequence of the challenge sent to the city authorities that the defendants were prepared to publish and sell the work, there was no alternative but to accept it, he (the Lord Chief Justice) did not agree with him. When the Solicitor-General talked of the authorities, he should like to know who they were. He should like to know who were the prosecutor in this case; and from his place on the bench he felt it incumbent on him to declare the necessity for a public prosecutor, in order to prevent a repetition of the present state of things. At present, however rash he might be, any individual had a right to put the criminal law in motion, and if he did so he had a right to ask that the case should be decided with due attention and disposed of according to justice and law. However much they might deplore the rashness that set the prosecution on foot, they must deal with it as though it had the sanction of the law officers of the Crown, which he was glad to think it had not. The defendants were no doubt responsible, though it might be admitted that they were acting under the belief that they were doing good. We were a law-abiding people, and no one had a right to set himself above that law; and if it was true, as the Solicitor –General said it was, that the book was obscene, and they saw, as no doubt they did, two enthusiasts before them desiring to do good to the people connected with the book yet in spite of their earnestness those enthusiasts were responsible for their illegal act in publishing that book. As to the law on the subject, he pointed out that whatever outraged public decency was an offence, and if they thought that the pamphlet did that they were bound to bring in a verdict of guilty against the defendants. Was the thing proposed in the book calculated to deprave and debase the morals and were the details calculated to inflame the passions and corrupt the morals of those who read them? These points the jury must decide. As to population, its evils were real and not imaginary, and no one would deny that the remedy was difficult to find.

The jury retired at a quarter to one, and at 20 minutes past two o’clock returned into court, when the foreman, in answer to the usual question, said, “We are of opinion that the book is calculated to deprave public morals; but we entirely exonerate the defendants from any corrupt motive in publishing it.”

The Lord Chief Justice said on that he must direct them to find a verdict for the Crown-a verdict of guilty against the defendants. They found that the defendants had the intention of publishing the book such as it was. The exoneration of the defendants from any corrupt motive would be taken into consideration hereafter.

A verdict of “Guilty” was then entered.

The Lord Chief Justice said that under the circumstances he would not pass sentence at present, but he would do so that day week, sitting in banco, when the exoneration would be considered and the points reserved would be discussed.