THE BRADLAUGH CASE.

Mr. Charles Bradlaugh and Mrs. Annie Besant, who were found guilty on the 21st inst, for publishing an obscene book, entitled ‘’ The Fruits of Philosophy,’’ came up yesterday before the Lord Chief .Justice and Mr. Justice Mellor, sitting in banco, in the Queen’s Bench Division of the High Court of Justice; and also to argue the point reserved by the Court on the 1st day of the trial, when Mr. Bradlaugh, before the jury were sworn, moved to quash the indictment.

After some preliminary discussion,

Mr. BRADLAUGH moved to quash the indictment, and for an arrest of judgment, on the ground that if the work is an obscene libel according to the finding of the jury, the words showing the obscenity ought to have been expressly specified in the indictment, but they are not so given. The indictment did not tell what they were called upon to answer. He contended that over population was a question fairly and freely to be discussed, and that checks to population might be fairly argued. If he had made a mistake in the character of the checks that he had advocated, there was no pretence for saying that it was done whit intent; the effect of such a mistake would not create a new offence, for which he and his codefendant were to be punished.

Mrs. BESANT said she also moved to quash the indictment on the same grounds. She said the jury ought not to have been permitted to lay down the law on a question of ethics that had never been decided. The jury had found a special verdict in these words, “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 the book.” She contended that was a verdict of not guilty, and that the form of words used by the jury was contradictory, and utterly against the weight of evidence, and that the verdict was brought in by the misdirection of the Lord Chief-Justice. The jury having negatived the intention of corruption, it was, in fact, a verdict of not guilty. Where a defendant was charged with an unlawful act, he had a right to show his intent. They had proved their intent.

THE LORD CHIEF-JUSTICE said that there she made a mistake in her law. If a person did an unlawful act he must abide by it. Every one was supposed to know the law, and must abide by the law. It was the duty of every good citizen to obey the law, and not think that he could set himself above the law to do what he considered to be a good thing.

The Solicitor-General showed cause. He contended it was not necessary to fully set out the words of an obscene libel on the records of the Court. He also objected that the defendants ought to have demurred, and that having failed to do so, they were precluded from raising the point here.

MR MEAD followed on the same side.

After some remarks from Mr. Bradlaugh and Mrs. Besant in reply,

THE LORD CHIF JUSTICE, in delivering judgement, said the case was one eminently for a jury, and he saw no reason to set it aside, and there would, therefore, be no rule for a new trail or arrest of the judgment.

THE SOLICITOR-GENERAL then asked for judgement. The record was in court.

After hearing affidavits put in by the prosecution in aggravation of punishment, and having heading heard Mr. Bradlaugh and Mrs. Besant in reply, sentenced was pronounced.

THE SENTENCE.

THE LORD CHIEF-JUSTICE, in passing sentence, said if the defendants had not defied the law by selling the book after the verdict he would have discharged them on their own recognisances, but having done so, the sentence was that they each be imprisoned six calendar months, pay a fine of £200 each to the Queen, and enter into their own recognisance in the sum of £500 each to be of good behaviour for two years. On the defendants pledging themselves to stop the publication until after the decision of the Court of Error, they were allowed to go on bail for that time in £100 each.