**THE BRADLAUGH PROSECUTION**

**THE DEFENDANTS COMMITTED FOR TRIAL**

Mr. Charles Bradlaugh and Mrs. Annie Besant again appeared on Thursday morning before Mr. Alderman Figgins, at the Guildhall police-court, to answer the charge of having published an obscene book.

The court was again crowded, as were also its approaches, by persons unable to gain admittance. Ladies, however, were not present on this occasion.

Mr. Douglas Straight and Mr. Mead, instructed by the city solicitor, were for the prosecution; and Mr. Bradlaugh conducted his own and Mrs. Besant’s defence.

Upon the opening of the court at ten minutes past eleven o’clock.

Mr. Straight said that before the commencement of the proceedings it might be convenient that he should mention that Mr. Bradlaugh, for the convenience or the learned counsel, had consented at once to go into the question of the admissibility of certain evidence he proposed to nil.

Mr. Bradlaugh said that after great consideration and in recognition of the extreme courtesy of the counsel for the prosecution. Mrs. Besant and himself had determined to abridge the case so as not to enforce upon the bench details which would have to be brought out hereafter before another tribunal. He would call his witnesses, so that Mr. Straight need not be detained whilst he proceeded with his speech.

Dr. Charles Robert Drysdale was thereupon called. He said; I reside at 17, Woburn place, and am senior physician to the Metropolitan Free Hospital. I have read the pamphlet the subject of the present charge. I read it 20 years ago, I think.

Mr. Bradlaugh; As a medical man, what is your opinion of that work? That question I put for the purpose of raising the objection.

Mr. Alderman Figgins : You cannot put that question.

Mr. Straight : Mr. Bradlaugh proposes to move at Judges’ Chambers, or before a full court, to try this case in the Queen’s Bench, and wishes to have on depositions the question and the objection, so that he may say there is an important point of law involved. My objection to the question is that it invites the witness to decide the question which the tribunal itself has to decide; that the reply to this question does not involves the experience of the witness from scientific knowledge, but simply relates to a question of fact – Is or is not the book obscene; which is for the magistrate now, and the jury afterwards, to decide.

Mr. Bradlaugh: I suppose we may take it that this objection applies to all witnesses of a similar character.

Mr. Straight replied in the affirmative.

Mr. Bradlaugh, referring to Taylor “On Evidence,” submitted that there were clear cases in which skilled witnesses had been allowed to give evidence. He admitted that the question was not free from doubt, because he knew of no case in which a prosecution for publishing an obscene libel had been defended on the ground that the work was not obscene. Supposing this had been a case in which the prosecution was for causing death by using an instrument, evidence of skilled witnesses might be called to show that the instrument had been used properly, and although there might not be perfect analogy between the two cases, there was sufficient analogy to govern this point.

After some further argument, the evidence was formally rejected.

Mr. Bradlaugh, proceeding with his speech in defence, said that he would draw attention again to Carpenter’s “Human Physiology,” first to show that it dealt less delicately in matters of reference and illustration than the pamphlet complained of, whilst at the same time it was fixed by her Majesty’s Committee of Council on Education as a prize book for boys and girls, and if he called boys and girls who had had that work as a prize and had been examined from it, the whole of the argument as to the danger of his book getting into the hands of boys and girls in schools would fall to the ground, and be dismissed from the mind of the bench. The next book to which he referred was a work by Dr. Sims, which was published by Messrs. Bogue, and in that the matters which were termed indecent in his book were explained in much greater detail. That which was alleged to be an essence of obscenity in his pamphlet was there regarded as a matter of such important medical operation that it not only contained description but illustration also. If it were true that an indictment would lie against him for his book an indictment would lie against Dr. Sims and Messrs. Bogue. Another book, published by Mr. Churchill, he would simply hand to the bench without comment, but simply ask the magistrate to examine the plates. If this work were the subject of a prosecution, a jury would certainly give a verdict against the publishers, unless there were skilled evidence to prevent them from doing so. He agreed that this was purely a medical book, but any person could buy it. There was no comparison in the evil which might be produced by the perusal of his book and of this work. Professor Wilder, a gentleman of the highest reputation in America, published a work in England and America, called “What Young People Should Know,” which treated of the reproductive functions of men and the lower animals. Then there were “Human Physiology,” by Dr. G. T. Nichols; Chevasse’s “Advice to Mothers,” and “Hints to Mothers,” by Dr. Bull, all of which were published without challenge. The Lancet and other medical papers discussed the matters treated of by his pamphlet without a suggestion being made as to their possible obscenity.

Mr. Alderman Figgins: Those books to which you have referred mainly relate to mothers, whilst yours seeks to prevent women becoming mothers.

Mr. Bradlaugh said that if that view were taken the essence of criminality consisted of providing knowledge as to the means of checking the growth of the population. Turning to Mr. Straight’s argument that two blacks would not make a white, be admitted that no amount of obscenity published by others would justify the publication of his pamphlet if it were obscene, but he contended that the law never intended to treat such publications as this as obscene. The action he had taken and the views he had expressed upon this subject of overpopulation the late Mr. John Stuart Mill and Lord Amberley had borne testimony to, and he and his co-defendant were doing what they conscientiously believed to be their duty in putting information into the hands of the people which would have the effect of preventing the spread of misery throughout the country, which he knew of no other means of checking. They defended their case in perfect good faith, and not from any spirit of bravado, but in furtherance of what he believed to be for the good of the nation. Mr. Bradlaugh resumed his seat at the conclusion of his able address amidst applause.

In reply to the magistrate, Mr. Bradlaugh said that his case was closed, and the court would no doubt do him the justice to admit that he had compressed his argument into as brief a space as possible. Mrs. Besant desired to make a statement, should they be committed for trial, which she wished entered upon the minutes. He therefore asked for a short adjournment for consultation.

The court accordingly adjourned for about half an hour; and upon the reassembling of the court,

Mr. Bradlaugh desired to call attention to the statements that had been made by the Medical Press and the Halifax Times, the former of which amounted to a menace to the witnesses, and the latter expressed an opinion that he and his co-defendant ought to be committed to hard labour. He desired to have the opinion of the bench with regard to the publication of the articles, which, he maintained, did not come within the bounds of due journalism.

Mr. Alderman Figgins said that he always considered it very improper that the public journals should make such comments whilst a case was sub judice. He believed that the book was not published in the interest of science, and therefore decided to commit the defendants for trial.

The depositions having been read by Mr. Martin.

Mr. Bradlaugh, in answer to the usual question as to whether he had anything to say, said simply, “I reserve my defence.”

The question was then put to the other defendant, upon which

Mrs. Besant rose, and read in a firm voice and with much emphasis the following statement :- While I may fairly ask the court for its patient attention to the only remarks with which I shall have troubled the bench during the hearing of this case, I do not propose to take up valuable time with any very lengthened statement, since the court has throughout recognized the fact that Mr. Bradlaugh and myself are charged with a joint offence, that our case is one, and that his defence and mine are identical. Had there been any pretence of separating us in this charge. I should have been compelled to follow Mr. Bradlaugh point by point, reiterating the contention, he has raised. To do this would have been to weary the court, and to waste time most unnecessarily. His defence being, however, accepted as our joint defence for the alleged misdemeanor with which we are jointly charged, it now falls to my lot to make the final statement which we propose to place before this court. I shall not even detain you, sir, with any kind of complaint as to the treatment to which we have been subjected; while I feel that to be arrested, taken to a police station, and there subjected to a personal search at the hands of an official, were indignities to which there was no real need to subject me, I am content to know that I shall have the opportunity given me in a higher court of removing any passing slur which this harsh procedure may have temporarily cast upon me. I am even not without hope that a grand jury may dismiss the indictment as containing a charge against us which it will be impossible to substantiate and which, indeed, could never have been brought against us at all had the former publisher done his duty in defending the book he had issued. The pamphlet for the publication of which we are indicted is entitled “The Fruits of Philosophy, an Essay on the Population Question, by Charles Knowlton, M.D.” Dr. Knowlton was a physician residing in Boston, U.S.A., some fifty years ago. Horace Seaver, still editor of the Boston Investigator, was one of his personal friends, and has lately testified to his worth and his high character. In an indignant article, vindicating Dr. Knowlton from the aspersions recently cast upon him, the editor says:-

Dr. Charles Knowlton, the learned author of the prosecuted work, we know to have been a very worthy man, a highly skilful physician, a devoted Internal, and greatly respected by all who knew him. Personally acquainted with Dr. Knowlton, we knew his sterling qualities of mind and heart; and knowledge that his prescribed pamphlet was written in the cause of science and for the benefit of humanity, it would seem that to charge his book with being bad in to assaid unjustly his moral character.

In another article the Investigator says :-

Dr. Charles Knowlton was a regular physician of the best standing, of supporter ability, and contributor to the Boston Medical and Surgical Journal.

The court will recognize the value of this testimony on bearing on the category into which the book is to fall. Physicians of high standing and scientific position are not in the habit of writing and publishing obscene works. The pamphlet is widely circulated in America at the present time, and no one dreams of prosecuting it. This little book was published in England in 1831 by James Watson, one of the men who, in conjunction with Carlyls, Hetherington, and others, made possible our present liberty of the press. James Watson always bore the highest character, and while he was prosecuted for issuing the political and religious works now freely circulated, it was never brought against him that any literature published by him could be regarded as obscene. The work was issued not only by James Watson, but also by Messrs. Holyoake and Company, Farrah, Brooks, Austin and Company, and finally by Mr. Charles Watts. The latter publisher was prosecuted for selling it in February last. Instead of defending the book, and showing is perfect moral character, Mr. Watts took alarm, pleaded guilty to having “knowingly and willfully published an obscene book,” and the Recorder, who frankly confessed that he had not read the work, very naturally took the publisher’s word for its indecent character, and accepting Mr. Watts’ submission, he released him on his own recognisances to come up for judgment when called for Mr. Bradlaugh and myself considered that by this surrender a question of great public importance was shelved, and we determined to issue the book, in order that the question of the legality or illegality of a cheap medical publication might be fairly argued, and might be decided by a competent tribunal. We, therefore, republished the pamphlet, and sent to the authorities formal notice of our intention to sell, intending to defend the right of such publication. Dr. Knowlton’s pamphlet is alleged to be obscene. It will be our duty to submit that it cannot fairly be so regarded. There is, of course, much obscurity resting over the use of the work obscene, and since the law defines what it intends by an obscene act, it might be fairly argued that only such books as incited to the commission of acts defined to be obscene ought to be regarded as obscene publications. It would, however, be out of place to raise that contention at the present moment. We urge that this pamphlet is a medical work, and that no medical work dealing simply with physiological details can fairly be construed as obscene. The plain, dry statement of physiological facts does not tend to produce lustful desires, and the perusal of a medical treatise does not throw a seductive charm over the sex opposite to that of the reader, it is necessary to throw over these details some void of story, or of poetry, or of luscious descrption, before they can exercise any attraction over the senses. Dr. Knowlton’s pamphlet is entirely free from any sort of suggestiveness, and contains nothing arousing the kind of feelings which might be awakened in some minds by such a description as that given by Dr. Carpenter and others of the attractive outward changes in the girlish form at the age of puberty. Dr. Knowlton’s pamphlet is a medical treatise written by a physician of high character, and stands on exactly the same ground as the works of Drs. Dalton, Grayly, Hewitt, Marion Sims, W. B. Carpenter, & c. To pretend that all those works are alike obscene, and to suppress them as such – because that which the law condemns as obscene it claims the right to suppress would be to put a stop to all medical investigation, and to brand as the authors of obscene literature some of the greatest benefactors of mankind. We do not deny, but on the contrary we affirm the right of society to make such rules for the maintenance of public decency as shall tend to the comfort of its members. Just as I deny that the human body is obscene, but admit that a asked man should not walk about the streets, so I admit that grave public inconvenience might result from the exposure in street windows of coloured anatomical prints.

Mrs. Besant was several times interrupted during the reading of her address by applause, which was loudly repeated as she resumed her seat.

In answer to the magistrate, Mr. Mead, on behalf of the prosecution, said that he was quite content to take the personal recognisances of the defendants.

Mr. Bradlaugh and Mrs. Besant were then formally bound over in their own recognisances to appear at the Central Criminal Court.