THE PUBLICATION OF AN ALLEGED INDECENT BOOK.

On Monday last at the Queen’s Bench Division of the High Court of Justice. before the Lord Chief Justice and a special jury, Mr. Charles Bradlaugh and Mrs. Annie Besant were indicted for publishing an obscene book, entitled “The Fruits of Philosophy.” The court was crowded to excess, and the defendants were each accommodated with a seat at a table in the well. As the jury were about to be sworn Mr. Bradlaugh: rose and stated that he had a motion to quash the indictment on the ground that ----

The Lord Chief Justice (Interrupting): I cannot hear motions now. I am sitting at Nisi Prius. I will reserve the point if it is competent for me to do so.

Mrs. Besant claimed the same on her own behalf, which was granted by the court.

The Solicitor-General, with Mr. Douglas Straight and Mr. Mead, appeared for the prosecution, and Mr. Bradlaugh and Mrs. Besant defended themselves.

The Lord Chief-Justice stated that he had examined the work, “The Fruits of Philosophy,” but he thought that it would be necessary to put the jury in possession not only of its substance but of the actual words used. Copies of the work were accordingly handed to the jurymen.

The Solicitor-General then opened the case for the prosecution. He stated that the indictment was that the defendants had published an obscene libel which was calculated to corrupt and destroy public morals. The only question for the jury to consider would be whether the book was really obscene.

The Lord Chief-Justice said it might not be obscene or prurient, or open to objection in that respect, yet if it corrupted some great principle of morals might it not be properly the subject of the indictment?

The Solicitor-General: Precisely so. In the case of “The Queen v. Hickling,” decided by that court, where some Protestant society published a book on confession in the Roman Catholic Church, to show that the practice of confession in the Church had an immoral tendency, it was decided that the good motive would not avoid the indictment. The Solicitor-General went on to state that the book, which was the work of Dr. Knowlton, an American, was published 40 years ago, under the title of “ A Companion to Married Couples,” It was now published under the guise of philosophy as an essay on population. The Solicitor-General proceeded to call the attention of the jury to the character of “The Fruits of Philosophy,” and to contend that it was likely to do an incalculable amount of harm circulated broadcast among the people.

Directly he had concluded his address formal evidence was tendered by the detective officers of the purchase of copies of the work at Mr. Bradlaugh’s place of business and the publication by the defendants. The book was put in as evidence.

Mr. Bradlaugh objected to this, stating that specific quotations should be made. That was the point on which he took objection to the indictment.

This closed the case for the prosecution.

Mrs. Besant then addressed the court in a clear, full voice. She said she had studied the question very carefully, and she appeared before the court not so much in the character of a defendant as of a counsel for her numerous clients, who were scattered in immense numbers throughout the land. She pleaded for the poor generally, for the hard-worked artisan, whose wages were falling daily, the overtasked mother worn out with her family cares, and the starving uneducated little children who found that what was enough for two was insufficient for 12. She was paid for her advocacy, not by gold but by the kind wishes and heartfelt gratitude of those for whom she pleaded. In coming before the court on this occasion she risked much. It was no light thing for her as a woman to appear as a defendant in this case, to be subjected to the worst imputations, to risk her position in the world and perhaps her liberty, but she did so cheerfully, in the hope, that good might result from her efforts. For the large circulation which this pamphlet had attained the prosecution must thank themselves, for by attaching factitious importance to an old fashioned publication they had raised its sale from 700 annually to upwards of 100,000. Turning to the indictment, she argued that it had been drawn up so as to create prejudice against herself and her co-defendant, and that it was defective, and inasmuch as it charged them with having a bad intention in publishing the pamphlet, whereas the Solicitor-General himself admitted that they had no evil intention in the matter.

Mrs. Besant had not concluded her speech when the court rose.

The hearing of the case was resumed on Tuesday morning when Mrs. Besant continued her address to the jury, taking up the Malthusian theory, with which she was dealing when the court rose on Monday, and she excused herself for dwelling on this matter by declaring the importance of the issue, and stating that she had just received a letter from Professor Bain, who spoke of the present trial as one of the most critical trials in the history of our liberties, Mrs. Besant proceeded to quote Malthus and Darwin on the positive or death-producing checks to population, such as famine, pestilences, war, and diseases. What she wished the jury to bear in mind was that we had to deal with phases of those checks amongst ourselves, and it was to the jury that the poor of the country were now looking and she treated that they would say that instead of these checks which meant misery and vice they would give them the chance of adopting a scientific check, which meant happiness and comfort in the home. The justification of the pamphlet that was the subject of this trial was the terrible nature of the checks which existed on every side. There was the check of overcrowding and with reference to that they proposed to call the Rev. Stewart Headlam, of Bethnal Green and several other clergymen of the Church of England, who would give their own experience as to the terrible results of overcrowding. Mrs. Besant quoted the Bishop of Manchester with regard to the demoralising effect of overcrowding on young people, irrespective of its aspect in reference to the death-rate. According to his lordship the herding together of large families in one room, where births and deaths occurred in the presence of all, and where boys and girls, young and old, were thrown together, had the worst possible effect upon the morals of the agricultural classes, giving rise to incest, illegitimacy, and general depravity. She had herself witnessed four generations of human beings and three young men lodgers all occupying the same room, and divided into two or three beds. Preventive checks were necessary to prevent over rapid child-bearing, from which much suffering and loss of health to the mother arose, also loss of health to the child at the breast, and the same to the child unborn. They were necessary in the case of persons in whose families there was a trace of madness, consumption, or other hereditary diseases, and they were necessary in the case of women who could not give birth to healthy or living children. Mrs. Besant put to the jury, not only that there was no impropriety in the second chapter, but that it was against profligacy. Turning to the third chapter of the work, she stated that Mr. Bradlaugh would deal with it. All she would say with regard to it was there were a great many books published without objection in which that which was there contained was put in much stronger language and warmer colours. As to the fourth chapter, some part of which was declared to be the worst of the book, she pointed out to the jury that Dr. Knowlton therein advocated temperance and denounced excess.

Mr. Bradlaugh afterwards commenced his address and the case had not terminated when the court rose.

On Wednesday the hearing of the case was resumed, and Mr. Bradlaugh continued his address to the jury. He said he would put to them and to his lordship a series of propositions on which he would ask their consideration, and their answer to which would govern the verdict. The first proposition he would put which had been more than proved by Mrs. Besant, was that the essay indicted was an essay on the population, and the question was one which had been amply shown, that over-population was a fruitful source of poverty, ignorance, crime, vice, and misery, and that, therefore, the advocacy of prudential checks to population was not merely lawful but was highly moral. He would then submit that the prudential checks were all birth-restricting checks, that they were by delay of marriage or by restraint after marriage, and that late marriages and celibacy or general abstinence after marriage involved horrible diseases, crime, and the perpetuation of prostitution. Having put several other propositions with reference to checking the birth of children, he submitted that such checks had never been declared unlawful, and were not unlawful, and did not, as it was contended they did, tend to deprave and corrupt the public mind, but tended to promote the increasing morality of the people. There was not, he declared, a particle from one end of the pamphlet to the other to warrant the supposition that it was directed against marriage. He further submitted that it was amongst the poor people that the evils of over-population were chiefly felt, and held that those checks which did not destroy life were moral and lawful. If the jury decided in his favour on this proposition there would be an end of the whole case. He went on to compare the pamphlet with several well-known works, showing that the language of the former was by far the most careful, thoughtful and delicate. He denied that pamphlet was a filthy one. The filth, if there was any, was embodied in the prize books to boys and girls issued by the Government, the representative of which was pleading for a verdict of guilty against him (Mr. Bradlaugh) and his co-defendant.

The Lord Chief Justice said the Solicitor-General’s contention was that details essential in a medical book were unnecessary in a book for the public, and might have an evil tendency.

Mr. Bradlaugh said the contention amounted to this, that a rich lady might obtain from her physician knowledge which it was criminal to communicate to the poor, to whom it was more essential. In conclusion, he said he trusted the jury by their verdict would send him and his co-defendant out of court absolved from the shame which the indictment sought to cast upon them.

Miss Alice Vicary, a chymist and a medical student, examined by Mrs. Besant, said she had examined the book in question. She considered it fit for general circulation.

Dr. Drysdale said he did not consider there was anything to excite the passions of the young. He also spoke of the great physical and social evils arising from overcrowding in the houses of the poor.

Mr. H. G. Bohn, publisher of Carpenter’s Physiology and other medical works, said their contents were identical in substance with those of the work in question, and during his 35 years’ experience they had never formed the ground of any prosecution.

This closed the evidence for the defendants, and the court then adjourned.

The lengthened trial was concluded on Thursday. The Lord Chief Justice, in summing up, said that a more ill-advised, injudicious prosecution was never brought into a court of justice. His Lordship advised the jury that if in their opinion the purpose advocated in the book and the purpose for which the details were given was inconsistent with public morals, no conviction that the defendants had acted from a sense of public duty and desire to do a public good could justify them in the course they had adopted. The Jury found that the book was calculated to deprave public morals, but they entirely exonerated the defendants from any corrupt motive. This was entered by the Court as verdict of guilty, but the defendants were released on their own recognisances to come up for judgment next Thursday.