**THE BRADLAUGH PROSECUTION**

**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 Queen’s Bench Division of the High Court of Justice, before the Lord Chief Justice and a special jury.

At the sitting of the Court a note was handed from certain members of the jury to the Lord Chief Justice.

The Lord Chief Justice; It is not consistent with our proceedings to put any question to a person who is on trial.

Two members of the jury stated that they knew nothing of the question referred to his lordship.

The Lord Chief Justice; It is a very pertinent and natural question to put, but, as I have said, I cannot depart from the ordinary rules in this case.

Mrs. Besant then addressed the jury upon the evidence, and in summing up her case she contended that marriage was urged throughout the pamphlet, and that proficiency was spoken against in the strongest terms, and not only that, but the writer went further, and warned the young of the great dangers 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 that the language of Knowlton and his particularly of detail would not for a moment bear comparison with that of the medical authors who had been quoted. In fact, Knowlton was more 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 than 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 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 of the Court.

Mr. Bradlaugh then addressed himself to the jury, and in doing so repeated the propositions he had put to them the previous day, and contended that in pamphlet was neither redundant, prurient, unchaste nor 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 to the jury, 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 bawdy book as the indictment said, they must give a verdict of "Not guilty," and leave him and all others to that enlightened 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 bad 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 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 everyone; 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 Unreadable Text 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 best intentions, he held that a verdict of guilty was necessary against them, as they were responsible for their publication. He contended that the notion that the procreation 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. He did not say all that the defendants said as to their motives, but he was willing to allow them that their motives were good.

The Lord Chief Justice: But they are distinctly charged with intending to deprave.

The Solicitor-General: Yes; because a man must be taken to intend that which is the natural consequence of his acts.

The Lord Chief Justice: No doubt.

The Solicitor General: If the effect be to deprave they must be taken to intend to deprave.

The Lord Chief Justice: But you acquit them of the intent. It was rather a startling thing to hear that the prosecution was willing to say that the defendants did not intend to corrupt morality, and ask the jury at the same time to say that they were guilty of doing so.

The Solicitor-General: There is a sect in India who advocate murder.

The Lord Chief Justices: Yes; but they intend to murder.

The Solicitor-General said his contention was that the effect of the whole of the work was to corrupt and deprave. He could not admit the motives which the defendants claimed on their own behalf, but he would ask the jury to accept them for the sake of argument. The defendants said it was desirable that certain courses should be adopted, and which he (the Solicitor-General) said was contrary to the laws of God and man. It was a filthy book, and one which no well thinking husband would allow his wife to read. He called upon the jury to decide the issue by the aid of a little manly common sense.

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 forty 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 thousands of copies. When the Solicitor-General said that is 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 knew who were the pro­secutors 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 repetitions 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 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. There was one thing in which he cordially agreed with the Solicitor-General, viz., that no better tribunal could be got to judge such a book as this than the average sound sense and enlightened judgment which was to be found in; English juries. It was a case deserving of most serious attention, and no better tribunal could be found in the world to judge of such a question as this than the average sound sense and enlightened judgment that was to be found in English society. He quite agreed with what had been said on both sides, that the decision in the case rested solely and exclusively with the jury. If they were of opinion that this book was in its details, or in scope and intention, of a character with which it had been sought to stamp it, their verdict must un­doubtedly be against it. They must carefully weigh this work, both in its details and general effect. If the jury agreed that the effect produced by the work was as described in the indictment, to vitiate and corrupt the public morals, the defendant must abide the result, and must be held responsible even though they were acting in the belief that they were doing good in the course they were taking. The jury were to judge in this matter, and they had had the book before them in all its details; its points had been fully commented upon, and by this time they must be pretty familiar with it. The law was one of modern times, unknown to the old common law of England, yet it was the law of the land, and all must abide by it, and it was not for the defendants to say it was bad law, and inconsistent with the perfect freedom of discussion that ought to exist among men. We were law-abiding people, and every one must be subject to the law, and if they considered it bad, then they could endeavour to modify it. The law was this, that whatever outraged public decency, whatever tended to corrupt public morality in the shape of a publication, was an offence. It was not necessary to load a work with all the opprobrious epithets that had been applied to this book by the indictment; it was enough to say that the work tended to corrupt public morals to make out the offence, but they must be careful in applying this general proposition of law, when they came to its practical application, so as not to abridge the right of public discussion of matters of interest and importance to society. There was difficulty in a case of this kind to determine whether it was matter tending to vitiate and corrupt or whether it was matter that was of interest to have discussed. The Solicitor-General had asserted not only that the details of the publication were filthy and obscene, but that the purpose to which they were intended to lead up was inconsistent with public morality; so that the subject had to be divided into parts, and the jury had to consider whether there were in the publication details inconsistent with decency and calculated to inflame the passion; and, even if that should not be the case, was the purpose advocated in the work, and the purpose for which the details were given, inconsistent with the morals of society; if so, the work was an immoral one, and the offence was made out. If that were not established, the defendants were entitled to be acquitted. His Lordship then examined the character of the work, and referred to the opinions of Malthus on the increase of the population; and, speaking on the views of Dr. Knowlton on marriage, as expressed in the pamphlet, he thought that to say the writer meant to depreciate marriage as a sacred institution, and that all he said about marriage was only a disguise, and intended to impress upon the mind sentiments of an entirely different character, was a most unjust accusation (slight applause). As to the Solicitor-General's suggestion that certain information given in the pamphlet might be used improperly, and by other persons than those for whom it was intended, if the jury thought it was open to the objection that it would corrupt the morals of the young, that would bring it within the law. Whatever outraged decency and corrupted the morals of society—whatever tended to that was, when published, an offence against the law; but that offence must be made out like every other, and unless they were satisfied it was made out they must find for the defendants. If they considered the offence made out, no conviction in their minds that the defendants had acted from a sense of public duty and a desire to do a public good, could justify that which was wrong, if that which defendants had done was wrong, and the jury considered that it came within the definition of this offence.

The jury retired to consider their verdict at a quarter to one o'clock.

On the return of the jury, after an absence of an hour and thirty-five minutes, the foreman said: The jury 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: I am afraid, gentlemen, I must direct you upon that to find against them. Your exoneration if any corrupt intention will be taken fully into consideration, but I must direct you on the special verdict to find against the defendants.

The jury then returned a verdict of guilty.

The Lord Chief Justice: Under these circumstances I will not pass sentence at present. Come up on this day week, when the court will be sitting in banco, and then, Mr. Bradlaugh, you can move on any legal exception to the indictment you may take. If that should be overruled, any circumstance you desire to call attention to an affidavit will be considered.

Mr. Bradlaugh said he presumed he and his co-defendant would be at liberty on the same recognisances.

The Lord Chief Justice: Yes, on your own recognisances.

There was some hissing in the Court at the conclusion of the proceedings.