**THE PROSECUTION OF MR. BRADLAUGH AND MRS. BESANT**

**COMMITTAL OF THE PRISONERS YESTERDAY.**

The hearing of the charge against Mr. Charles Bradlaugh, of 10, Portland-place, St. John’s Wood, publisher and Mrs. Annie Besant, Oaklands, St. John’s Wood, described as a journalist, of publishing an obscene book entitled “The Fruits of Philosophy,” by Charles Knowlton, M.D., was resumed yesterday morning at 11 o’clock, before Mr. Alderman Figgins.

Mr. Douglas Straight, and Mr. F. Mead, instructed by Mr. Nelson, the city solicitor, appeared for the prosecution, and Mr. Bradlaugh conducted the defence in person.

There was a large number of spectators in court, but yesterday the ladies were conspicuous by their absence. There were no females present during the morning.

On the magistrate taking his seat, Mr. Straight stated that, with his worship’s leave, Mr. Bradlaugh and himself were anxious, before the former proceeded with his speech, to have the matter of the admission of medical testimony as to the character of the pamphlet decided.

Mr. Alderman Figgins agreed to this course.

Dr. Drysdale, F. R. S., graduate of medicine and a member of the Royal College of Physicians, was then put in the box in order that the objection might be taken formally.

Mr. Bradlaugh (to witness) –Have you read the pamphlet which is the subject of the present charge?

Mr. Drysdale -- Yes; I read it about twenty years ago, and I went over it again the other day.

Mr. Bradlaugh – As a medical man, what is your opinion of that work?

Mr. Straight – I object to the question. I may say it is only put in order that it may be objected to, and that the Judge in Chambers or in full court may be moved in reference to the matter. Mr. Bradlaugh wishes to put this evidence before you, so that he can say that an important legal ground is raised. My objection to the question is that it invites the witness to decide a question which the tribunal has to decide, and that the reply does not involve the experience of the witness from scientific knowledge, but simply related to a question of fact, viz., is or is not the book obscene? which question is for the magistrates now, and the jury hereafter. Every similar question put to any other witness would be objected to by me on the same ground.

Mr. Bradlaugh quoted from “Taylor on Evidence” in support of his contention that the evidence he was tendering was admissible. There were clear cases in which skilled witnesses had been allowed to give their opinions, and to refer to medical treatises they had read in corroboration of the opinions they had expressed. The question was not free from doubt and difficulty, for he knew of no case in which the prosecution for publishing an obscene libel had been defended on the ground that it was not an obscene libel. He contended that the evidence in question was necessary to guide the bench in its judgment.

Mr. Alderman Figgins at once decided that the evidence was inadmissible.

Mr. Bradlaugh said that none of the medical witnesses need wait. He then proceeded with his speech, referring to Dr. Carpenter’s work, entitled “Human Physiology,” alleging that it was worded with greater fullness than Knowlton’s book, or, to put it more carefully, that Knowlton’s pamphlet was worded with greater delicacy than Carpenter’s work. This book of Dr. Carpenter’s he pointed out had been fixed upon by the Privy Council as a prize book for young boys and girls. He also referred to “Kirk’s Handbook of Physiology,” dealing with the same matters as “Carpenter’s Human Physiology.” The whole of the argument, therefore, as to his book getting into the hands of boys and girls in schools would, he hoped, be dismissed from the mind. He could continue this argument at much greater length, but he would refrain, and for the future he would not go into those full comparisons which he had made during the first day of the hearing. He contended that if an indictment would lie against him it would lie 50 times as much against Messrs. Boane for the publication of Dr. Marian Sim’s work.

Attention was drawn to another work published by Messrs. Churchill, Mr. Bradlaugh declaring that a jury might as easily punish the publishers of that as of the Knowlton pamphlet, and holding that it would require skilled evidence to prevent them from so doing. It was true that Messrs. Churchill’s was a medical work, but anyone who went into the shop could buy it, or anyone who sent money for it could obtain it. There could be no comparison between the injurious effect which might be produced on the mind by the two works, that of Knowlton being by far the more chaste in language, and also the plates which usually accompanied medical works of this kind. He also referred to Professor Wilders’ “What Young People Should Know,” and, after generally comparing it with the Knowlton pamphlet, stated that he did not make evil between the lines of that pamphlet, but that it was the corrupt imagination of people, who would make evil anywhere at any time, who found evil in the book. They should be indicted, and not him. He likewise made reference to an article in the Fortnightly Review in which Mr. Montagu Cookson had argued in favour of the view contained in the pamphlet and Chervasse’s book, published by Messrs. W. H. Smith and Son, remarking that publication could not be obscene, because Messrs. Smith had a Parliamentary character for their literature. Chervasse’s book was much less delicate than Knowlton’s pamphlet, and yet a sale of upwards of a quarter of a million was boasted for it. He then directed notice to the work entitled “Hints to Mothers,” holding that it was a monstrous construction of the law to say that the Knowlton pamphlet was obscene, whilst that he referred to was not.

Mr. Alderman Figgins said that in the book referred to advice was addressed to mothers; but the Knowlton pamphlet sought to prevent women from becoming mothers.

Mr. Bradlaugh referred to several other works, stating that his contention was that the common law never intended to make such publication as his obscene at all, and that his wish was in this matter to present to the masses prudential views on the subject of population. He conscientiously believed he was doing his duty in putting this information into the hands of the people.

Ultimately both Mr. Bradlaugh and Mrs. Besant were committed for trial.