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

The trial of Mr. Bradlaugh and Mrs. Besant for publishing an obscene book was commenced, on Monday, in the Queen’s Bench Division of the High Court of Justice, before the Lord Chief Justice and a Special Jury.

Mr. Bradlaugh then read an extract from 14 and 15 Vict., which enacted “that any objection to an indictment, for any apparent defect on the face of it, shall be taken by demurrer or motion to quash such indictment before the jury shall be sworn, and not afterward;” and it was for a defect on the face of the indictment that he moved to quash it.

The Lord Chief Justice ---Surely that contemplates a motion in Banco.

The Solicitor-General, who appeared for the Corporation of London to prosecute, said ---I take it that would be the meaning of the statute. The proceedings were in the Crown Office, and he should have demurred there.

Mr. Bradlaugh –I do not intend to demur, but I do intent to move to quash the indictment.

The Lord Chief Justice---I will reserve that 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 were undefended.

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 jury men.

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. For the defence, it was pleaded that the question of population involved national interests, and that its decision might elicit truth.

The Lord Chief Justice stated that the book referred to in the case of “The Queen v. Hickling” was very like that which had been taken in question the other day in the House of Lords, viz., “The Priest on Confession.”

The Solicitor-General said it was held that the motive was no answer to the character of the publication.

The Lord Chief Justice pointed out that they must prove the obscenity of the book by its tendency to inflame the passions, or by its recommending some course of conduct which was calculated to injure public morals.

Formal evidence of the publication having been given.

Mrs. Besant addressed the Court for the defence, leaving it to Mr. Bradlaugh to establish that similar ground had been taken by a large number of eminent writers. She denied that the work was obscene, argued that the information it conveyed was useful and necessary and thought opinions honestly expressed should not be put down because some police agents did not agree with it. She denounced the prosecution as a disgrace to English justice. Mrs. Besant had not concluded when the Court rose.

The defendants were cheered by a large crowd as they left Westminster Hall.

The trial was resumed on Tuesday morning.

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, pestilence, war, and disease, and trusted that the jury would give the population a chance of adopting a scientific check, which meant happiness and comfort in the home. Quoting Montagu Cookson on the question of population, she said that authority had stated in the Fortnightly Review that if there were no counteracting forces sooner or later the time would come when this little island would be over-stocked to such a degree that the great bulk of the inhabitants would be unable to secure the bare necessaries of life. It must be borne in mind on this point that in 1821 the population of England was 12,000,236 and that in 50 years, or in the year 1871, that number was found to have increased to 22,712,266. 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. Stuart 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 demoralizing effect of overcrowding on young people, irrespective of its aspect in reference to the death rate. 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. They had all heard of the baby-farming cases, and the horrible facts revealed in connection with these matters had brought herself and Mr. Bradlaugh to the distinct conclusion that, however the trial went, it would be their duty steadily and persistently, in no spirit of defiance, but in obedience to the duty which every citizen owed to the country in which he was born, to press this subject right through on the attention of their countrymen, even if in so doing they had to pass through a prison. They would at last win, as every good cause did in the long run, against suffering, it might be, in the beginning, but to bring happiness to others after the suffering was past. The overlaying of children by their mothers was another check to the rapid increase of the population, and on this subject Dr. Lankester had stated that there were no less than 16,000 mothers in London who had committed murder. Mrs. Besant then went on to defend the preventive and indirect checks contained in the Knowlton pamphlet, and to urge the jury to do what they could, in giving a verdict for the defendants, to assist young men to honourable marriage, instead of the terrible substitute for wifehood to which the present state of society drove them. Dissipation was a terrible evil, but celibacy was also an evil, although the lesser of the two. Why, then, condemn as obscene the Knowlton pamphlet, which merely, and in dry physiological terms, devoted itself to the curing of the two evils. The object of the book was not to destroy marriage and permit promiscuous intercourse, but to enable people to marry early, and at the same time avoid those evils which arose from over-population. John Stuart Mill. Professor Leone Levi, and Mrs. Fawcett had all advocated the exercise of prudence in regard to the increase of families after marriage, and were, therefore, indirectly supporting Knowlton. 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 women who could not give birth to healthy or living children. Mrs. Besant here stated that she had concluded her argument with reference to the first chapter of the book, and drew attention to the fact that it did not contain a single suggestion which could be called obscene. The Lord Chief Justice had ruled that it was the intention of the whole work which should be considered, but she contended that it was unfair that a most important chapter should not be accredited with purity.

The Lord Chief Justice said that judging the chapter by itself there was not a word in it which could be construed into an impropriety or indecency, but it would have to be read with reference to the following chapter.

Mrs. Besant said she would put it to the jury, not only that there was no impropriety in the chapter, but that it was against profligacy.

Mr. Bradlaugh then commenced and continued his address until the Court rose.

On Wednesday Mr. Bradlaugh continued his address, arguing that not one sentence in the pamphlet was directed against marriage, and that the subjects in question were discussed quite as fully, and less delicately in “Carpenter’s Physiology,” a book placed in the hands of boys and girls. The Lord Chief Justice interposed, observing that 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 communicated to the poor, to whom it was more essential. Miss Alice Vicary was then examined by Mrs. Besant, and deposed that she had examined the book, and considered it fit for general circulation. Dr. Drysdale said he did not consider there was anything prudent in the work. Mr. Bohn, the publisher of “Carpenter’s Physiology,” and other medical books stated that he had never restricted their circulation. The case was then adjourned.

The trial of Mr. Bradlaugh and Mrs. Besant was resumed on Thursday. Mr. Bradlaugh having summed up for the defence, and the Solicitor-General having briefly replied.

The Lord Chief Justice said a more ill-advised and injudicious prosecution was never brought into a court of justice. When the Solicitor-General said the authorities were compelled to prosecute he did not agree with him, and he should like to know who the authorities were. The policeman seemed to be the prosecutor so long as the Government thought fit to leave the administration of justice without a public prosecutor. If the jury considered the case 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, would justify that which was wrong.

The jury, after an absence of an hour and 35 minutes, returned, and the foreman said the jury were of opinion that the book was calculated to deprave public morals, but they entirely exonerated the defendants from any corrupt motive in publishing it.

The Lord Chief Justice – I am afraid, gentlemen, I must direct you, on that, to find against them your exoneration of any corrupt intention will be taken into consideration, but I must direct you, on the special verdict to find against the defendants.

The jury accordingly found a verdict of guilty.

The Lord Chief Justice – Under the circumstances I will not pass sentence at present.

The defendants were then released on their own recognizances to come up on the 28th inst. for judgment.