**THE BRADLAUGH CASE.**

**SENTENCE OF THE COURT.**

On Thursday morning Mr. Bradlaugh and Mrs. Besant came up for judgment for having published an obscene book. The Queen’s Bench Court was crowded. Mr. Bradlaugh said he had four motions – one to quash the indictment, another for the arrest of judgment, and another for a new trial. The Lord Chief Justice (with whom was Mr. Justice Mellor) remarked that was disposed of, for he declined to quash the indictment. However, he could argue that as a point of law. Mr. Bradlaugh moved to quash the indictment or an arrest of judgment on the ground that the indictment was for an obscene book, and that the words expressed to be criminal ought to be expressly specified in the indictment, and that they were not specified in the indictment. In order to support that indictment the whole of the pamphlet should have been set out, but if particulars of the indictment were sufficient to sustain the charge of obscenity, that then those parts should have been set out in the indictment. He asked for a new trial in the ground that the advocacy of checks to population did not constitute a libel within the common law. The Lord Chief Justice : There are checks consistent with morality, and others not. It is an offence to publish anything which is inconsistent with public morals. Mrs. Besant resumed her argument. The Lord Chief Justice remarked that the offence was that of publishing such a book as this – Mrs. Besant: Containing checks which you lordship said was a legitimate enquiry. The Lord Chief Justice : Because I agreed that the language of the book was not open to objection. There was nothing of indecency in it, and the details were such as if they had been in a medical work they were not open to objection, and you were entitled to argue that it was published as a medical work. When you came to propose checks, then the question is whether it is consistent with public morals, and the jury found that against you. Mrs. Besant then urged that the verdict was really a verdict of not guilty against them, and she moved for a new trial on the ground that the words selected by the jury were self contradictory, and against the weight of evidence, and that when the verdict was finally brought in it was by a misdirection. The jury found that the book was calculated to deprave public morals, but they entirely exonerated the defendants from any corrupt motives in publishing the book. Corrupt intent was charged in the indictment, and having been acquitted of that, she submitted that they were free. The Lord Chief Justice said that one part of an affidavit being badly drawn did not vitiate the good parts of the indictments. Mr. Bradlaugh did not deny the publication of the book since the beginning of the trial, which the prosecution had proved. The Court refused the rule for the new trial. The Lord Chief Justice commenting on the aggravated nature of the offence ordered the defendants to be imprisoned for six months, to pay a fine of £200 each, and to enter into their own recognisances of £500 to be of good behavior for two years. Had the publication of the work not been persisted in by the defendants, he would have discharged them on their own recognisances on a distinct promise by the defendant not to assist in the publication of the work. Pending the argument of a technical point as to the indictment before the Court of Error, they were released on their own recognisances. The decision seemed a great surprise to the defendants.