THE PROSECUTION OF MR. BRADLAUGH

Yesterday in the Queen’s Bench Division, before Lord Chief Justice Cockburn and Mr. Justice Mellor, Mr. Bradlaugh moved for a writ of certiorari to bring up the joint committal of himself and Mrs. Annie Besant, in order that it might be tried in this division before a special jury. They had been committed for trial at the next session of the Central Criminal Court, on a charge of misdemeanor for having published an obscene book, and in the ordinary course the indictment would be laid before the grand jury on the 7th of May. The grounds upon which he asked their lordships to grant him the writ of certiorari were, in the first place, that the question to be determined was peculiarly one to be tried by a special jury. He and his co-defendant maintained that the publication in question was a scientific treatise upon the population of this country, and Lord Campbell, speaking in his place in Parliament, had stated that the law was only intended to apply to works written for the single purpose of corrupting the morals of youth, and which were of a nature to shock the sense of decency of a well-regulated mind, and that this nature of the work was question to be decided by a jury. When before the magistrate he had proposed to put in a great body of scientific evidence to show that the subject of the work had been treated of by men of the highest reputation, and that it contained scientific matters dealt with for a scientific purpose, but that evidence, being objected to by the counsel for the prosecution, had been rejected by the magistrate. He had given due notice to the authorities of his intention to publish the work, and it was admitted that he was *bona fide* endeavouring to obtain a decision upon its character. He sought to have the question of the admissibility of the evidence to which he had referred determined by a superior court, and he had also to add in support of his application that great excitement existed in reference to the case in the district from which the common jury would come, articles having been published in newspapers circulating there commenting severely upon his conduct, and recommending that he should be sent to hard labour. Under all the circumstances, he submitted that he was entitled to the writ for which he prayed.

Mr. Justice Mellor asked whether this was a Government prosecution.

Mr. Bradlaugh replied that it was instituted by the City authorities, who neither opposed nor assented to his application.

The Lord Chief Justice: The fate of this application must depend the real and true nature of this work. If upon looking at it we think that its object is the legitimate one of promoting knowledge upon a matter of public interest, then we should be inclined to prevent the occurrence of a miscarriage of justice by allowing the case to be tried before a special jury. If, on the other hand, we think that the scientific character attributed to the work is a mere pretence and cover for indecency we shall allow the ordinary procedure to prevail, and the case must be tried in the Central Criminal Court in due course. It appearing that this is a *bona fide* attempt to determine the character of the work, the defendants may remain on bail on their own recognisances.

Judgment postponed.