**THE BRADLAUGH PROSECUTION**

QUEEN’S BENCH, Thursday

(Sitting before the Lord Chief Justice and Mr. Justice Mellor)

THE QUEEN *V*. BRADLAUGH AND BESANT

The Solicitor-General, with whom were Mr. Straight and Mr. Mead, moved for judgment in the case of “The Queen v. Bradlaugh and Besant,” who had been convicted of publishing an obscene book.

After an ineffectual attempt on the part of both defendants to quash the indictment and for a new trial,

Mrs. Besant said his lordship on the trial drew the distinction that the checks advocated made the obscenity of the book; but the jury by their verdict had not drawn that distinction, and she did not know what part of the book they condemned.

The Lord Chief Justice: They condemned the whole of the book.

Mrs. Besant said she did not know what offence she had committed.

The Lord Chief Justice: The offences was the publishing of such a book as this. He was bound to say that the checks were the very gist of the inquiry. He agreed that the language of the book was not open to objection –that there was nothing in the language that outraged dedency, for the details were such that, if published in a medical work, they would not have been open to objection. She was entitled to contend that this was nothing more than a medical book. It was a question for the jury to say whether the proposals contained in the book were consistent with public morals. The jury had determined it against her.

Mrs. Besant said the jury ought not to have been permitted to lay down the law on a question of ethics that had never yet been decided. She also contended that the indictment was bad. The corrupt intent was its vital part. That was negative by the jury. The indictment must fail on the ground that the presumption of law on which the verdict was recorded was distinctly shut out by the finding of the jury. In a case of such difficulty she ought to be permitted to have a new trial.

The Solicitor-General showed cause. He contended it was not necessary to fully set out the words of an obscene libel on the records of the Court. He also objected that the defendants ought to have demurred, and that, having failed to do so, they were precluded from raising the point here.

Mr. Mead followed on the same side.

After some remarks from Mr. Bradlaugh and Mrs. Besant in reply.

The Lord Chief Justice, in delivering judgment, said the case was one eminently for a jury, and he saw no reason to set it aside, and there would, therefore, be no rule for a new trial or arrest of the judgment.

The Solicitor-General then asked for judgment. The record was in court.

After hearing affidavits put in by the prosecution in aggravation of punishment, and having heard Mr. Bradlaugh and Mrs. Besant in reply, sentence was pronounced.

THE SENTENCE

The Lord Chief Justice, in passing sentence, said that if the defendants had not defied the law by selling the book after the verdict he would have discharged them on their own recognisances, but, having done so, the sentence was that they each be imprisoned for six calendar months, pay a fine of £200 each to the Queen, and enter into their own recognizance in the sum of £500 each to be of good behavior for two years. On the defendants pledging themselves to stop the publication until after the decision of the Court of Error, they were allowed to go on bail for that time in £100 each.