**THE CASE OF OBSCENITY**

**SENTENCE OF MR. BRADLAUGH AND MRS. BESANT**

Mr. Charles Bradlaugh and Mrs. Annie Besant, who were found guilty on the 21st inst. of publishing an obscene book, entitled The Fruits of Philosophy, came up yesterday for judgment before the Lord Chief Justice and Mr. Justice Mellor, sitting in banco in the Queen’s Bench Division of the High Court of Justice, and also to argue the point reserved by the Court on the first day of the trial, when Mr. Bradlaugh, before the jury were sworn, moved to quash the indictment.

The SOLICITOR-GENERAL formally moved for judgment.

Mr. Bradlaugh said he had a motion to quash the indictment, a motion for the arrest of judgment on the same ground, and there was a motion for a new trial which would be made by his co-defendant. He did not know in what order their Lordships would like the motions to come on. The motion to quash the indictment was one he had made before the Lord Chief Justice during the trial, but his Lordship was of opinion that it had been brought on at the wrong time.

The LORD CHIEF JUSTICE- That was not so. The discussion was not as to what course the trial should take and what should be done, but the issue which should ultimately go to the jury. Your point was that the parts of the work which were relied upon by the prosecution as an offence against law were not stated in the indictment.

Mr. Bradlaugh – I did not state my objections fully to your Lordship. I asked if I might state the grounds for my motion, and you said “No.”

The LORD CHIEF JUSTICE – I beg your pardon. You did state the grounds very distinctly, that the Solicitor-General had not set out the parts of the work upon which he relied. The question put to the jury was whether the whole of the book was an offence against the law.

Mrs. Besant argued that the finding of the jury was really a verdict of “Not Guilty,” inasmuch as they acquitted the defendants of any corrupt intention.

The LORD CHIEF JUSTICE said that she was wrong in her law. If a person did an unlawful act, he must abide by it, whatever his motive. The jury had found that the book was obscene, and it was the duty of every good citizen not to set himself above the law, even to do what he considered a good thing. He said the case was one peculiarly for the jury, and there should be no new trial on any of the grounds alleged.

The SOLICITOR GENERAL put in affidavits, showing the sale of the work since the verdict.

After a consultation with Justice Mellor,

His LORDSHIP said the defendants had announced in Court that, having acted in error, as the jury found they did, they were ready to submit to the law, and on that assurance the Court was prepared to have allowed them to go at liberty on their own recognizance, but instead of this they had since the verdict set the law at defiance by continuing the publication. The offence now assumed a very grave character. The sentence was that they be imprisoned for six months and pay a fine of 2001, and enter into recognizances in 5001 to be of good behavior for two years.

On the application of defendants, execution was stayed to enable them to appeal, they undertaking to cease the publication of the work meanwhile.