THE BRADLAUGH CASE: SENTENCE OF IMPRISONMENT

Mr. Charles Bradlaugh and Mr. Annie Besant, who were found guilty on the 21st inst. of publishing an obscene hook, entitled the " Fruits of Philosophy," came up for judgment yesterday (Thursday) before the Lord thief 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 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 he 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 as to what course the trial should take, and what should be the issue which should ultimately go to the jury. Your point was that the parts of the work which were relied upon by the prosecutor as an offence against law were not stated in the indictment.

Mr. Bradlaugh: I understood your Lordship to say that I was putting my arguments before you at the wrong time.

The Lord Chief Justice: Not at all. I declined to quash the indictment that was all.

Mr. Bradlaugh said that so far as he could remember he did not give his reasons fully. His Lordship had suggested, when sitting at *nisi Prius*, he could not see the point at all, and had stated that he would reserve it.

The Loral Chief-Justice: So I have reserved it. If you can show that the indictment was a bad one, it is open for you to do so.

Mr. Bradlaugh: Then I move to quash the indictment, and for an arrest of judgment on the ground that if the work is an obscene one according to the finding of the jury, the words showing the obscenity ought to have been expressly specified in the indictment, but they are not so given. The indictment does not tell us that we are called upon to answer.

Affidavits were then placed before the Lord Chief Justice that the sale of the pamphlet had been continued since the verdict of the jury had been given.

Mr. Bradlaugh admitted, and his lordship said the case had now assumed an aggravated character. The court had been prepared to discharge the offenders if they had obeyed the law, but as they defied it, they would each be imprisoned for six months, and pay two hundred pounds fine.

Execution Ma then ordered to be stayed till the writ of error was decided.