**TRIAL OF MR. BRADLAUGH**

**THIRD DAY – WEDNESDAY, JUNE 20TH.**

The court opened at half past ten, and was excessively crowded. A number of publishers were present to give evidence on the part of the defendants inspecting the open sale of certain books on physiological science.

Mr. Bradlaugh resumed his address by making some explanations respecting what he had said the previous day concerning a paper in the Portnightly Review, on the propriety of late marriages with a view to check over-population, and was proceeding to refer to the remarks of the Lord Chief Justice at a former trial respecting the law of obscenity, when

The Lord Chief Justice said: Is it desirable to be always discussing this question? and let me say that you must address yourself to the jury, and not to me.

Then, continued Mr. Bradlaugh, the first proposition which he would submit to the jury was that it had been proved over and over again that over-population was a fruitful source of poverty, ignorance, crime, vice, and misery; therefore that instruction to avoid a too great increase of children was perfectly moral. He would submit that the advocacy of restraint after marriage with a view of checking population did not tend to obscenity, but to promote the comfort and happiness of mankind. It was not an evil to tell married persons that they could cohabit without having children, and he would say with all the emphasis possible that this pamphlet was not written – not a line of it – in order to prevent marriage. But what it was designed to teach was the possibility of avoiding great evils arising from profligacy, and other habits. According to a statement of Dr. Lankester there were 16,000 cases of infanticide –or murders of children – in London which occurred in a given period. Therefore, he (Mr. Bradlaugh) would contend that to teach how to avoid conception would avoid a great amount of crime and illicit ………………. As it was amongst poor people that the evils of over-population existed, he urged that to teach them how to avoid those evils was conferring a boon upon them for which they would be grateful. He contended also that the advocacy of all checks on population was lawful which did not teach the destination of any form of life. Something had been said by the prosecution about printing this pamphlet in a cheap and popular form. If the authors had expressed themselves in French, Latin, Greek, or some other foreign tongue, of what use would the pamphlet have been to these whose poverty and misery it was sought to remove. If it were considered that there were thousands of labouring men who through the greed of others were only earning £1 per week, and with that money had to feed a large family, clothe them, and find them shelter, and when it was also considered that a pauper union allowance was only 4d. 6d. a week and a loaf for each child, he would ask, how was such a man to give a great price for a book on physiological science, or read it if written in a foreign tongue. He then proceeded to speak of the pamphlet. He believed that he should be able to prove to the jury that there was not a single syllable in the pamphlet on which the Solicitor-General could place his finger at touching obscenity. The whole pamphlet was written with a view of avoiding any kind of excitement. He would begin with the last paragraph on page 8 and the paragraph proceeding it. He then compared the language of three with a work by ………………..on the generative ………..He next read extracts from the works of Dr. Carpenter and others, and insisted that the language used by these persons was more descriptive than that in this pamphlet; the books were even accompanied with plates. The Solicitor-General would probably say that their books were published by Messrs. Churchill, of London, as medical works. But they were in the catalogue of that firm, and any person sending the published price could receive the books through post. It was a fact that the learned Recorder of London, who charged the jury against him and his co-defendant, had given away in a public school a book which gave the same details as the pamphlet which formed the subject of the present trial; and (holding up a book) he had there a book given by Sir John Lubbock to a youth, who would be called, as a reward in a public school. It was worse than his pamphlet, yet the Solicitor-General said his book was a filthy, lewd, and bawdy book. These were the epithets heaped on himself and co-defendant, and he would ask the jury to vindicate them against such ……………..Mr. Bradlaugh then went on to read a large number of extracts from his pamphlet, comparing them with words used in other books. He referred in particular to page twelve of the Knowlton pamphlet, and to J. Marion Sims’s book, published in America. He shewed the jury the plates in the latter book, and read from page 181, also from page 14 of Charles Knowlton’s pamphlet. What, Mr. Bradlaugh said, was so lengthily and plainly described in these books was but briefly and carefully alluded to in the pamphlet he had sold, yet he was charged with selling ………………………………………..several other comparisons of this kind with the language of Charles Knowlton, and then asked whether the fact that a book was published at a ……………..was a proof that it was not impure? Could obscenity be measured by gold? Could it, then, be just to send him to ………for selling for 6d. what was sold by Messrs. Churchill, and numerous other publishers, at a higher rate? What justice, he would ask, was there in the Solicitor-General charging him with publishing an obscene book when so many books, written with greater description, were to be had?

The Lord Chief Justice said he had not interrupted Mr. Bradlaugh in quoting largely from various medical works; but it must be plain that what the Solicitor-General affirmed was, that those books were written by medical men for medical men and, therefore, were considered to contain medical knowledge which it was not essential for the general public to know, or be placed within their reach at a low price. That was the time of his argument, and if instances were multiplied without and of books containing physiological knowledge, the Solicitor-General’s statement would not be vitiated.

Mr. Bradlaugh said his simple proposition was that the whole of the matter in his pamphlet was to be found in other books, such as Carpenter’s Physiology, and the works of Charles Knowlton and Marion Sims, and what he sought was to disseminate such knowledge for the benefit of the poor, with a view to impose a check on the increase of population. After the intimation from the Lord Chief Justice, respecting the special character of the works he had quoted, as being known as medical works, written by medical men, he would not press the quotations, but he should take up one ……..two others. What he should quote from were books published by Hardwicks and ………………Churchill, Bohn, and Smith and Son. What he extended was that there was the same right to give to the poor for 6d. what was offered to the rich for ………… 6d. He then proceeded to read a number of other extracts from medical books which he said could be met with in girls’ schools. Following these, quotations were read from a book sold by Messrs. Samp………Low and Co. and Messrs. T………….. It was not written by a quick, though some might say that it was from the pen of an American professor – Burt Wilder. On the title page were the words: H…………………………………………………which he (Mr. Bradlaugh) would commend to the learned Solicitor-General. What Burt Wilder did in America, Carpenter and others did in England, their books being found in almost all libraries.

Probably the jury knew Paris, or New York, or some other large cities, and he would ask them if they did not see in the streets of such cities what the evils of profligacy, and …………were. Was it not, then, time that something should be done to stop this profligacy, which was created by those who were afraid of marriage. What he and his co-defendant wanted was to make homes happy, to promote early marriages instead of providing for profligacy, or enforced celibacy. It was not a question with the jury whether there should be checks put upon the population, but whether he had done wrong in publishing, at a cheap price, knowledge which it was necessary to give. Let them not blame poor man for being rough and brutal without putting themselves in their places. Let them consider this, and consider what he had said about this book, and then give him a favourable verdict.

Mr. Bradlaugh finished his address at 3 o’clock.

Mrs. Besant then called the following witness, to whom she put questions leading to the answers given.

Alice Vickery, from the Ladies’ Medical College in Paris, where she had studied six years, said she had attended practical midwifery in the Lying Inn Hospital in London, and had also attended the practice of surgery. She had read the pamphlet, and considered it quite worthy of a medical man. Her experience taught her that much suffering occurred through having large families. It was within the knowledge of her experience that poor women often injured themselves by adopting means in their ignorance to prevent conceptive. She had known them to keep up the suckling of a child, and this had injurious effects both on the mother and the child. Pregnancy often occurred during suckling, and it was then very weakening. She did not know that women in Paris used mechanical means with the consent of their husbands to prevent conception. She did not think that physiological knowledge tended to obscenity.

Dr. Drysdale, a medical man of 12 years’ standing, and another of several works, said he had read the pamphlet in question 20 years ago. He did not consider it ………………..Would not consider it likely to inflame the ……………..of the young; but on the other hand would send to moderation and virtue. (Laughter). He had had much experience of the poor in London. He believed great poverty and preventable sickness were caused by large families. Sir William Jenner had told him that when a working man married, the first child would be healthy, but the succeeding children would be more and more rickety. They would also …………………………….of arriving that disease, a healthy and strong children ……………..In London, owing to poverty, the deaths were slightly increasing, instead of getting lower. He found that in Paris people did not think of having more than two or three children (Laughter). He believed thousands of children were born in London to be murdered by starvation. There was a great difference between the mortality of the children of the poor and the barrister class. (Laughter).

The court again adjourned.