**THE PROSECUTION OF BRADLAUGH AND MRS BESANT**

Mr, Charles Bradlaugh and Mrs. Besant were in attendance on Thursday morning, in the Queen’s Bench, to receive judgment on the findings of the jury last week in the prosecution instituted against them for the publication of an obscene and indecent book, and to argue a point reserved by the Court on the first day of trail as to the formality of the indictment.

The solicitor-General Mr. Straight and Mr. F.Mead appeared for the pro- ecution; the defendants conducted their case in person.

The judges on the bench were the Lord Chief Justice and Mr. Justice Mellor.

The Solicitor General having formally moved for judgment.

The Lord Chief Justice said that he understood that the poster or record of the conviction had not been made up.

The solitor General said he had understood there was difficulty of that sort and that they had not been able to get it ready at Crown Office.

The Lord Chief Justice asked if the learned gentleman knew how long it would take to get it. It would be very inconvenient to have to postpone the case, as there would be a difficulty in getting a sitting. Were steps being taken now to get a copy?

The solicitor –General said he be believed so. It was not the fault of the prosecutor that it was not ready, and it was the business of the associate to have made it out,

The Lord Chief Justice: It is the business of the associate to make it out when it is applied for.

After some further conversation, the Lord Chief Justice said he did not know whether it was the intention of the defendants to move for a new trail.

Mr. Bradlaugh: Yes, my Lord.

The justice Mellor said he extended the time for moving until the day when judgment was be given.

Mr. Bradlaugh said he proposed to move for a new trail. And to move the quash the indictment on the ground that it was bad on the face of it, and that it was unsustainable in point of law . he moved to quash the indictment and in arrest of judgment, on the ground that the indictment was for an obscene libel, and that the words supposed to be criminal ought to be expressly specified in the indictment, and they were not so specified. If the whole of the pamphlet were necessary to support the indictment against the defendants, every word of the pamphlet ought to be set out in the indictment and that if parts of the book were relied upon to austain the charge of obscenity, then the parts should have been set out. He did not know whether the obscenity consisted in the advocacy of checks to the population, or in the language in which the checks were advocated. He asked for a new trial on the ground that the advocacy of checks did not constitute an offence with in the common law. The question of checks was matter for discussion. And if a mistake had been made in the checks advocated it would not create a new offence for which the defendants should be punished.

Mrs. Besant said she moved, as her co-defendant had done, to quash the indictment on the very ground put forward by the Lord Chief Justice, that the whole book was supposed to be in the indictment, and therefore that the whole book must be taken to be obscene.

At the conclusion of the defendant’s address there was some appeal in court.

The Lord Chief Justice, addressing the solicitor General, said it might be urged that the matter relied upon by prosecution to make the publication libelous should be set out in the indictment, in order to enable the defendants, “Admitting the facts, I deny that this contains libelous matter,” and to oballenge the decision of the court upon it.

The solicitor General said the English law had furnished no precedent for such a step being necessary, and as regarded the American law it had been held in two cases that it was not necessary to set out the work in the indictment, but that the more title was sufficient notice to the defendant,

The Lord Chief Justice, in giving judgment said that he was of opinion that there ought not be a new trial in this case no any of the grounds relied upon by the defendants. The case was one peculiarly for the jury, then whom there could not be a better tribunal for the determination of such a question as the morality or the immorality of a work; they representing as the Solicitor-General had happily expressed it, the average intelligence of society. After the very powerful address of the Solicitor General to the jury, in the course of which he had appealed so much to their sentiments as to their judgment, he had thought it right to lay the case before them in all the aspects in which it had been presented by both side in the course of the trial, and the jury, who had exhibited throughout the proceedings the greatest patience and attention had, after deliberation found that the work was of an nature calculated to deprave public morals and in his opinion there was no reason for disturbing that verdict.

The Solicitor General said that the record now being in Court he happy for the judgment; and he handed in certain affidavits praying the publication and sale of the pamphlet by the defendants in large numbers since the trial. Especially at a meeting at which Mrs. Besant presided, and at which numbers of young men and women were present.

Mr. Bradlaugh said that, as a matter of fact he had continued to circulate the pamphlet. The Lord Chief Justice. Then the matter assumes a very serious aspect indeed, because that implies that notwithstanding the verdict of the jury the defendants intend to publish this book. The jury having acquitted you of any intention to break the law. we were disposed to have passed a very lenient sentence upon you but if the law is to be openly set at defiance, the case become a very grave one, and assumes an entirely different character. Mr. Bradlaugh: Then we respectfully submit ourselves to the judgment of the Court. Mrs. Besant: I have nothing to say in mitigation of punishment their lordships having consulted together for some time,

The Lord Chief Justice said: This case has assumed a character of very grave importance. Had the defendants announced openly in this Court that having acted in error, as the jury found they did, and to the benefit of which finding they are fully entitled, and that, after having had a fair and impartial trial, and having been found guilty of doing that which is an offence, they were ready to submit to the law. And would do everything in their power to prevent the publication and the circulation of this work, which the jury have found is calculated to deprave public morals; we were prepared to have discharged them upon their own recognisances. But we cannot but see that in what has been said and done pending this trial and especially since the verdict of the jury has been given, the defendants, instead of submitting themselves to the law, have set it at defiance by this continued sale and publication of the book in question. Therefore that which was before a comparatively light offence now assumes a very grave character, which we must punish with adequate severity. The sentence of the Court upon you Charles Bradlaugh and Annie Besant is that you be imprisoned for six calendar months and that each of you pay a fine of £200 to the Queen, and further that you enter into your own recognisance in £500, each to be of good behaviour for the term of two years. We have thought it right so pass that sentence, because we think that there is an intention on your part to set aside the law. I am very sorry indeed o be obliged to pass such a sentence upon you but it is the result of your own conduct.

On the application of the defendant’s execution was stayed in order to enable them to appeal, they entering into their own recognisances in £100 each, and giving an undertaking to case the publication and sale of the pamphlet into the meantime.