**SENTENCE IN THE BRADLAUGH CASE.**

In the Queen’s Bench, on Thursday, before the Lord Chief Justice and Mr. Justice Mellor, the Solicitor-General, with whom were Mr. Straight and Mr. Mead, moved for judgment in the case of “The Queen v. Bradlaugh and Besant.”

Mr. Bradlaugh moved to quash the indictment and in arrest of judgment, and also for a new trial. The motion to quash he made on this lordship’s leave reserved on that point.

The Lord Chief Justice said it was not necessary to set out in the indictment the charge of intent. It was entirely superfluous, and the indictment was good without it. If the indictment had only alleged the publication of an improper work, the effect of which was to deprave public morals, it would have been sufficient.

Mrs. Besant said she must urge that the indictment was bad. The corrupt intent was its vital part. That was negatived by the jury. The indictment must fail on the ground that the presumption of law on which the verdict was recorded was distinctly shout out by the finding of the jury. In a case of such difficulty she ought to be permitted to have a new trial.

The Lord Chief Justice, in delivering judgment, said –I am very clearly of opinion that there should be now new trial. The question was one eminently for the decision of the jury. There can be no better tribunal than twelve men, taken as an average of the intelligence of society, to dispose of questions of this kind –viz., whether this publication was calculated to be subversive of public morals or not: and lest any feelings of prejudice, sentiment, or passion might interfere with the delivery of the judgment of the jury, I thought it right, especially after the powerful address of the learned Solicitor-General to them, who appeared to address himself to the sentiment as well as so the judgment of the jury, to put it carefully before them in all its various aspects, and without the slightest desire one way or another to abuse or influence their judgment, which I thought ought to proceed from their own spontaneous sense of what was right. All parties at the time seemed to agree that the question was one exclusively for a jury. The jury was a most patient and attentive jury. They listened to all that transpired with uninterrupted care and attention. They took time to consider, and they pronounced their verdict that this book was a book that ought not to be published, on the ground that it was calculated to deprave public morals. That being so there is nothing before us on the facts on which to review the judgment or the decision of the jury. But it is said that the verdict of the jury is not a verdict of guilty. That contention fails. The jury were evidently in doubt as to what was the effect of the facts on which their minds were agreed. They were afraid that the tendency and effect of the book is to corrupt public morals; but on the other hand, they were satisfied that the defendants acted under the influence of a strong belief that the evils of overpopulation were so great that it was desirable to have recourse to means of preventing it, and they thought the work was not published with the intention of corrupting the morals of young and old. But upon these facts so specially found it was my duty to tell the jury, and I am still of opinion that I am clearly right, that where persons published a work contrary to good morals, and did it with their eyes open, it is not for them to say that it was done for evil or for good, or to say it was done in ignorance. No one can allege such an excuse for an illegal act. On the whole, no grounds have been shown to justify a new trial, or to quash the indictment on the ground that the whole of the pamphlet, or such portions of it as were relied on by the prosecution, should have been not forth.

Mr. Justice Mellor concurred.

The application was consequently refused.

Mr. Bradlaugh asked the Court to stop execution until the Court of Exchequer had pronounced a decision upon the point he had raised.

The Lord Chief Justice: At present we have not pronounced sentence.

The Solicitor-General then asked for judgment, the record being now in court. He handed in two affidavits in aggravation of punishment. The parties who made them could only be found. Last night, and the affidavits sworn that morning. If the defendants required it he would give them time to answer them.

The Lord Chief Justice: Have you any affidavits, Mr. Bradlaugh and Mrs. Besant?

Mr. Bradlaugh and Mrs. Besant: No.

The affidavit of a person named Rivett was then read. He stated that during the trial and up to Saturday last he had seen sold copies of the book. He went to the defendant’s place of business, where Mr. Bradlaugh gave him a card, which he took to a house in Bethnal Green, where the copies were supplied to him. When he applied to the defendants for copies he was informed by him that he did not sell the copies there, but that he could procure thousands of them at the address given to him.

The affidavit of Mr. Lysaght, reporter, with a copy of the Morning Advertiser containing his report, were put in and read. The affidavit stated that Mr. Lysaght went on Sunday night to the Hall of Science, in Old-street, where it had been announced that the population question would be discussed. Mrs. Besant noted as provident, and both she and Mr. Bradlaugh addressed the meeting. There were about 600 persons present, and there was also a large crowd in the street outside the entrance to the hall. The book was freely sold for 6d, to the persons both inside and outside the hall, and to the youth of both sexes.

The Lord Chief Justice: I see by the Morning Advertiser that a most unjustifiable and unwarrantable use has been made of my name.

Mr. Bradlaugh said the report was so ridiculously incorrect that if anything was to turn upon it he asked that he might have time to answer it.

The Lord Chief Justice – One part of the report is material, where it represents you and Mrs. Besant saying you would go on with the publication lot what would happen.

The Solicitor-General ---That is the only reason why I use it.

Mrs. Besant said that the report was utterly and grossly incorrect from beginning to end.

The Lord Chief Justice – This case has now assumed a character of very, very grave importance. We were prepared, if the defendants had openly announced in this court that, having asked in error, as the jury found – of which finding I think you are entitled to the benefit – but still having committed an offence against the law, if you had been ready to submit to the law, and to do everything in your power to prevent the further publication and circulation of the work, we might have been prepared to discharge you on your own recognisances to be of good behavior in the future. But we cannot but see in what has been said and done pending this trial and since the verdict of the jury was pronounced that, instead of submitting to the law, you are determined to out it no defence by continuing the circulation of the book. The sentences, therefore, to that you, Charles Bradlaugh, and you, Annie Besant, be imprisoned for a period of six months each, that you each pay a fine of £200 to the Queen, and that you each enter further into your own recognisances in the sum of £500 to be of good behavior for the term of two years. No one in this country is above the law. All owe obedience to it, from the highest to the lowest, and if you choose to set the law at defiance you must expect to be dealt with accordingly.

Ultimately the Court stayed execution on consideration that both defendants undertook to pledge themselves that no further publication of the book should take place while they considered defendants’ application to be allowed to bring in a writ of error. They were allowed to go at large on entering into their own recognisances of £100 each.