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THE
HALL OF SCIENCE
LIBEL CASE

WITH A
FULL AND TRUE ACCOUNT
OF
"THE LEEDS ORGIES."

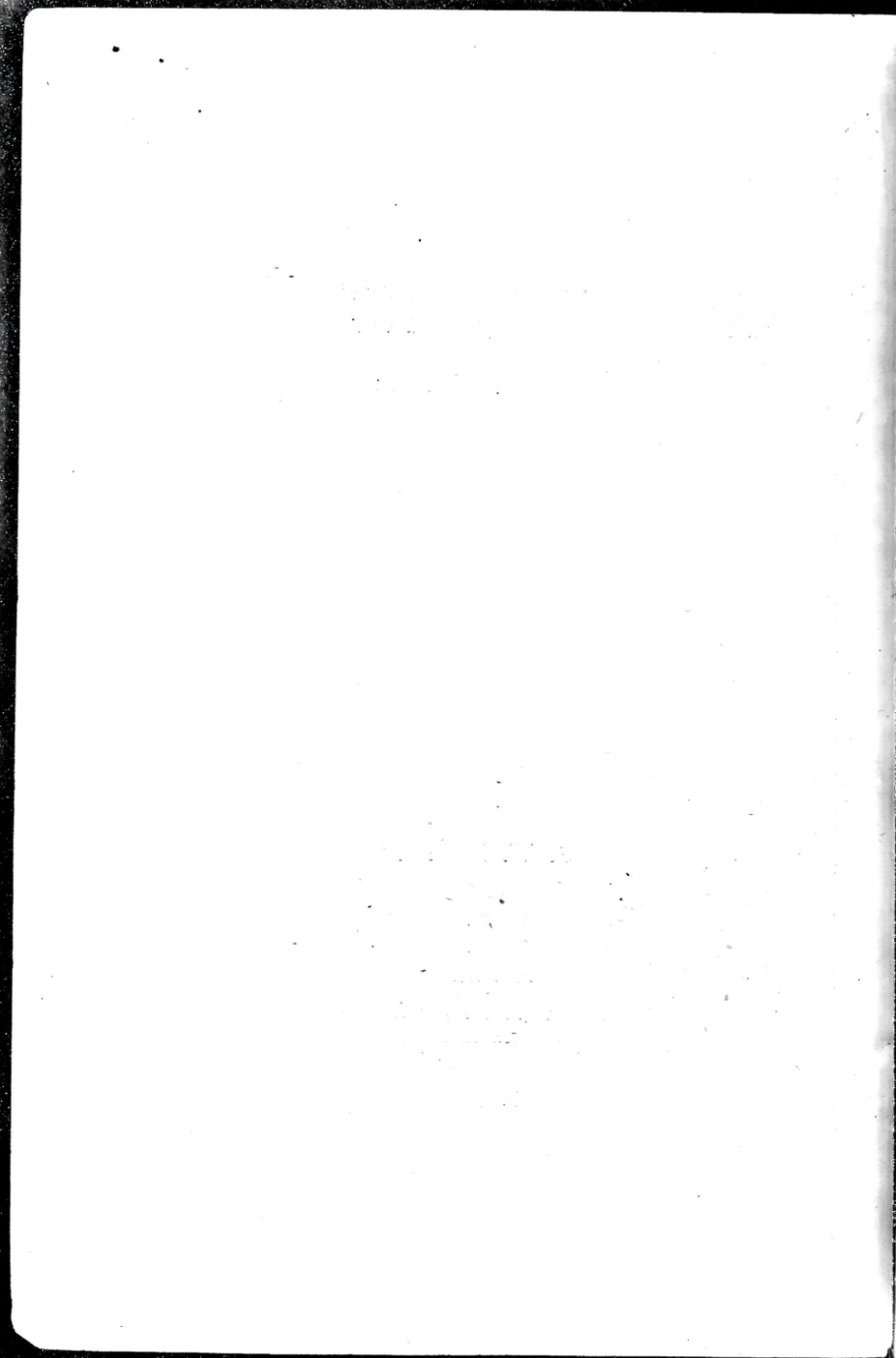
EDITED, WITH INTRODUCTION,

BY

G. W. FOOTE.

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LONDON:
R. FORDER, 28 STONECUTTER STREET, E.C.



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NATIONAL SECULAR SOCIETY

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This policy of defamation has been carried on systematically against Secularism by the men (we never knew a woman amongst them) who claim to be engaged in maintaining Christian Evidences. It seems their ambition to make people cease to regret "the rarity of Christian charity. They pursued Charles Bradlaugh to the day of his death, and continued to befoul his character when the charity which is not Christian usually suggests a tolerant if not a tender silence. On one occasion he was tempted into a legal vindication. He prosecuted a fellow who had *printed* (it had often been *spoken*) the lie that he had taken out his watch, and challenged any God there might be to strike him dead in five minutes. Bradlaugh won the prosecution, but he never succeeded in getting his costs, much less the damages; and as this is an accident one is very liable to in prosecuting slanderers, a poor man is apt to pause a long while before resolving on litigation.

One of the persistent charges against Bradlaugh was that he was responsible for a book called the *Elements of Social Science*. He had reviewed it when it was sent to him as editor of the *National Reformer*, and recommended it to social students and reformers on account of its able and sincere treatment of social problems, although he warned his readers that he strongly dissented from some of the writer's opinions. Now the author of this work expressed his opinion that the institution of marriage, at least as it exists in most "civilised" countries, is a terrible evil; in fact, he advocated, forty years ago, pretty much what is now advocated with much applause by writers like Mrs. Mona Caird and Mr. Grant Allen. Bradlaugh, however, would have none of this. Radical as he was, he was in some respects really old-fashioned. He was tender to children, chivalrous to women; and he would listen to no attack on marriage, which he regarded as their security. Yet, because he had expressed a qualified approbation of the *Elements of Social Science*, these gutter friends of Christian Evidences took to the practice of saying that he "recommended it," without any sort of reservation. Some of them went to the length of calling it the Secularists' Bible. They would pick out a few strong sentences from hundreds of pages: one about the evils of legal marriage, another about the evils of

celibacy, and perhaps another—very much on the lines of a famous passage in Lecky—about the social uses of prostitution. Having read these passages to an ignorant, inconsiderate audience, as samples of the whole volume, they would exclaim, "Such are the tenets of Secularism! Such are the teachings of Bradlaugh!"

Contradiction had no effect upon these blackguards. They knew their game, and they played it. Their one object was to damage Bradlaugh and his party, and they were not constructed to care about the means they employed for so laudable an end.

Another device for damaging Bradlaugh, and also the Secular party, was to circulate absurd—but, alas! too greedily swallowed—reports concerning the Hall of Science, where the Executive of the National Secular Society held its meetings, and where its President usually lectured when in London. This building was erected in a small way at first, with a corrugated iron roof; and although it was subsequently enlarged and improved, the Christian Evidence lecturers continued to call it "a cowshed." They also derived a peculiar satisfaction from its being, as they said, opposite a lunatic asylum; whereas it is really midway—though on the opposite side of the street—between the St. Luke's Asylum and the Parish Church. They appeared to be always haunted by the subtle flavor of this brilliant witticism.

There is no necessity to mention all the calumnies that were circulated against the Hall of Science. Bad as they were, it was best to treat them with silence, as they were never specific enough to furnish ground for an action. But some time after Bradlaugh's death a Christian Evidence lecturer of peculiarly reckless brutality ventured upon a really specific accusation. His actual language will be found in the Report which follows this Introduction. The substance of it was that, in 1879, during Bradlaugh's leadership of the Secular party, there was a class held at the Hall of Science for teaching boys unnatural vices!

This abominable accusation was made in a speech at Leeds by a person named Walton Powell, which speech was fully reported in a monthly paper called the *Anti-Infidels*, owned and edited by W. R. Bradlaugh—a brother (heaven save the mark!) of the great Bradlaugh. This person, who

knew that his elder brother had good reason to despise him, actually tried to obtain admission to Bradlaugh's sick-room just before his death. He was of course repulsed by Bradlaugh's daughter, and he waxed pathetic over the circumstance in his journal. Yet it was this "brother" who first published this libel of Powell's—a libel that was calculated to cover the dead leader of Freethought with infamy.

Directly the libel was brought to my notice I resolved to take some kind of action against it. I saw it announced that the debate, in which Powell uttered this filth, was to be reprinted in the form of a pamphlet. I therefore waited until the pamphlet was ready, when I had copies of it purchased. I then appealed to Mr. R. O. Smith, the old lessee and manager of the Hall of Science, who was clearly responsible for the conduct of the establishment. If any such offence had been committed there, he would have been the person liable to indictment. Mr. Smith, therefore, agreed to take action jointly with the National Secular Hall Society (Limited), which had recently acquired from him the lease of the premises.

Our solicitors advised us against a criminal prosecution. They also advised us to proceed against the printer and publisher of the libel. Accordingly a civil action was entered against them for damages.

After the service of the writ, it was announced in the *Anti-Infidel* that when the trial came on the charges in the libel would be substantiated, and an appeal was made for funds to expose the "infidels" and blast them for ever.

On October 18 (1894) I wrote an article in the *Freethinker*, as President of the National Secular Society, and Chairman of the Board of Directors of the National Secular Hall Society (Limited), explaining how the case stood, and stating when it was likely to come on for trial.

John Snow, the publisher of the libellous pamphlet, pretended to feel aggrieved by this article, and cited me to appear in the Court of Queen's Bench on Tuesday, October 30, to face a motion for my committal to prison for contempt of court. The application was heard by Justices Wright and Collins, who declined to make any order, and even the question of costs was to stand over until the main case was disposed of.

Mr. Justice Wright asked for a copy of the original libel. I did not have it with me, but John Snow's counsel foolishly handed it up to the judges. Mr. Justice Wright read it with a look of disgust, and passed it over to Mr. Justice Collins, who read it with a similar expression. And then the following colloquy ensued between the Bench and John Snow's counsel :—

MR. JUSTICE WRIGHT : Have you read the "original libel"? Nothing could possibly be worse than the libel. It is the worst libel I ever read, if you do not justify it.

MR. RAWLINSON : I am sorry your lordship should say that, because I have not in any way to answer the case before your lordship.

MR. JUSTICE WRIGHT : I am not saying you cannot justify it. What I do say is that, if you cannot justify or excuse it, it is about as bad as a libel can be. I am not for one moment saying it is wrong, still there appears to be a great deal of provocation.

The application for my committal to prison was an ignominious failure. The judges did not even require to hear my defence. I suffered a loss of about £20, but I gained the expression of Mr. Justice Wright's opinion that the libel was the worst he had ever read.

The main case was not heard until Monday, February 18, 1895. Mr. Justice Lawrance presided. The senior counsel on our side was Mr. Lawson Walton, M.P.; the junior counsel, Mr. Cluer. Mr. Murphy, Q.C., and Mr. Rawlinson appeared for the defendants.

Mr. Lawson Walton, M.P., our senior counsel, had the case remarkably well in hand. He is a first-rate speaker, with a real oratorical faculty. I listened to him as a connoisseur, and I was delighted. His plea for freedom of thought and speech for all inquirers, his reprobation of bigotry, and his censure of the "charity" which thinketh all evil of opponents, were delivered in beautiful language, and with great force and sincerity. Mr. Murphy, the senior counsel on the other side, struck me as an excellent brow-beater. There was an absence of "breeding" in his whole manner. He bluntly told Mr. Smith that his opinions were important in estimating the value of his character. He had no case, and he knew it. His object was to excite prejudice,

and to introduce illegitimate evidence. In this attempt he was foiled in a masterly manner by Mr. Walton. Finding the game was up, Mr. Murphy decamped, leaving the poor, battered case in the hands of his junior, Mr. Rawlinson; a gentleman of loose, shambling, but fluent eloquence, with a great gift for worrying a point, and pressing an obvious absurdity as though it were a cogent argument. Mr. Rawlinson is of a pious turn of mind. He occasionally indulges in open-air preaching. I hear that he was very interested in this case, and that he pleaded for Snow & Co. gratuitously. If this be true, he has furnished a fresh illustration of the truth that what is got for nothing is generally worth it.

Judge Lawrance did not exhibit any particular ability. What little he did display seemed rather at the service of the defendants. He never uttered a word in reprobation of a libel which Mr. Justice Wright said was about the worst he had ever read. He appeared to regard it as one of those things which a Christian disputant might be expected to say in a moment of exaltation. His lordship remarked that people forgot themselves in politics, for instance, as well as in religion; as though it were common, in political controversy, to accuse opponents of crimes like the promotion of unnatural vices! On the whole, his lordship created the impression that he would not be displeased by a verdict for the defendants. Of course an English judge is beyond suspicion of partiality; but, as a matter of fact, Justice Lawrance, when he sat in the House of Commons, was a rabid opponent of the late Charles Bradlaugh.

The line of defence adopted by the other side was a singular exhibition of Christian morality. When the action was begun, the defendants boasted that they had at last an opportunity of publicly establishing the vile immorality of Secularism. They promised their dupes that when the case was tried the charges in the libel would be "proved up to the hilt." Christian Evidencers went about chuckling. It was rumored that a whole army of detectives would appear as witnesses to cover the Atheists with confusion. I heard all this, and I smiled. It soon came to my knowledge that the gang of libellers were quarreling amongst themselves. W. R. Bradlaugh bitterly complained of being led into a trap

by Powell. There was not a shadow of a shade of evidence obtainable; the libel was a mere malignant invention. But it was against the rules of Christian Evidence to confess an error and offer reparation. The sole desire of the libellers was to save their own skins. Accordingly they instructed their counsel to plead that they never meant their accusations to apply to the Hall of Science, but to a hall at Leeds. This was a policy of desperation. It has been a jest among Christians for twenty-five years that the Hall of Science is opposite a lunatic asylum. It is also known to be the headquarters of the Secular party. Yet, although the place referred to in the libel was "the headquarters of the Secularists" and "opposite a lunatic asylum," these good Christians, these champions of virtue, these guardians of morality, set up the monstrously base and lying plea (at the eleventh hour) that the place referred to was two hundred miles away in Yorkshire!

It is easy to see what the libellers were depending upon. Their trust was in the Christian prejudices of the jury. But the libel was too gross to be countenanced by any dozen men who had no interest in its circulation. The jury returned a verdict for the plaintiff, with £30 damages. The libellers had also to pay costs, and their total bill amounted to something like £250.

Thirty pounds was a ridiculous sum as damages. But the great thing was the *Verdict*. It was the opening of a new era. It was the first serious intimation to the baser sort of Christians that they could no longer count on being able to libel Secularists with absolute impunity.

Mr. Murphy repeatedly asked why I was not put into the witness-box. I have to reply that the defendants have only themselves to thank for my absence. On their own motion, the National Secular Hall Society was struck out of the case, as having no real status in the claim for damages. Had they not taken this step, I should have gone into the witness-box as the Chairman of the Board of Directors. As it was, there were witnesses enough without me; and I was far more useful in close proximity to our solicitor and counsel during the trial. Certainly I was under no obligation to give Mr. Murphy an additional opportunity of appealing to the prejudices of the Christians upon the jury.

I have not a high opinion of the intelligence of the promoters of this branded libel on the Hall of Science, but they are not so imbecile as to expect to be taken seriously in pretending—at the eleventh hour—that the libel really referred to a hall at Leeds. The object of the defence, in this respect, was simply to create prejudice. Our counsel very properly declined to discuss the Leeds affair, and the judge should have checked the attempt to introduce it, instead of allowing it to weigh—not indeed as evidence, but as an insinuation—with the jury.

What could not be gone into at the trial must be gone into now. I think it necessary to put the reader in possession of the real truth about the "Leeds Orgies," which the Christian Evidence people have always affected to regard as a practical demonstration of the "filthy immorality" of Secularism.

The Lecture Hall, in North-street, Leeds, was built by a few persons, mostly Secularists, who formed themselves into a Company for the purpose. This hall was rented by the local Secular Society, which met in it every Sunday for lectures, and some week-nights as well. A flourishing Secular Sunday School was also held there in the afternoon. When the Secularists were not using the hall themselves it was let in the ordinary way of business, the place being licensed for music and dancing.

On Friday, August 30, 1878, it was let for a Fancy Dress Ball. The parties who hired it had engaged it twice previously, and there had been no cause of complaint. But the police had warning—or they said so—that the third gathering was to be a scandalous and obscene affair. Detectives waited upon Mr. Stead, of the Secular Society, who looked after the letting. This gentleman was for preventing the meeting, but the detectives wanted to go on with their business, and he promised them every facility for watching the proceedings. They also waited upon Bancroft, the hall-keeper, in the hall itself, and told him they wanted to secrete themselves where they could see without being seen; but there was no convenience in the building for such a purpose. However, they came again while the ball was in progress, and gained admission; and the result was a prosecution.

The following report appeared in the weekly supplement to the *Leeds Mercury* for September 7, 1878 :—

“STRANGE PROCEEDINGS IN A LECTURE HALL.—At the Leeds Borough Police-court, on Monday, before Mr. Bruce, the stipendiary magistrate, an elderly man, named William Pratt, was charged, on a warrant, with selling beer without a license, and, along with Edwin Bancroft, was charged with assisting in the management of a disorderly house. Mr. Ferns prosecuted on behalf of the Chief Constable; Mr. Alfred Watson defended Pratt, and Mr. Dunn defended Bancroft. Mr. Ferns applied for a remand to allow time to get the necessary evidence, but Mr. Bruce suggested it would be better to hear one of the witnesses in order to see the nature of the charge. Detective-Superintendent Ward then stated that, in consequence of information received, he, along with Detective-Sergeants Napp and Tinsley and Detective Eddy, visited the North-street Lecture Hall about 12.50 on the morning of the first inst. The door was fastened; but on making use of the password, ‘Rachel,’ the prisoner Bancroft admitted them. On proceeding upstairs to the large hall, they found about a hundred persons assembled—three women, and the rest men. About twenty or thirty of the men, however, were dressed in female’s clothes. There were two dressing-rooms—one on each side of the orchestra, and persons were going into and out of them. A man named Strong was present in charge of a box containing spirits—gin and whiskey. Some of the men were only partially clothed, and one man, who was dancing in the middle of the room, had only a cloak and a girdle on. As he danced the cloak flew back and exposed his body. Whilst dancing, one of the men, dressed as a woman, purposely fell, and a number of other men threw themselves upon him whilst on the ground, and indecent familiarities took place. During the dance the dancers kissed and conducted themselves indecently towards each other. The prisoner Pratt was in the room the whole of the time, and Bancroft came in occasionally. Whilst there he saw a large stone bottle, which would hold about six gallons, and also some glasses which had contained beer. The person who held the music license for the hall had been summoned for Thursday next, for keeping it open during prohibited hours. Upon that evidence Mr. Ferns applied for a remand. Mr. Dunn said he should not be able to get his witnesses for the defence ready that day, so that he had no objection to the remand. All he asked was

that his client (Bancroft) should be admitted to bail on his own recognisances. Mr. Watson also applied for bail on behalf of Pratt. Mr. Ferns objected to bail being granted on the ground that the 'particulars of the case were too monstrous to admit of such a thing.' The prisoners were accordingly remanded until Thursday, bail being refused.—On Thursday the case was resumed. Mr. Bruce said he was satisfied that what had taken place was sufficient to bring the room under the head of a 'disorderly house.' He should order Pratt to be imprisoned for a month, and should fine Bancroft 60s., including costs. In passing sentence, Mr. Bruce said he did not consider Bancroft the main offender in the case. The main offenders were the people who chose to let the hall for purposes of a most lewd and obscene entertainment. The charge against Naylor was about to be taken, when Mr. West, barrister, who appeared on behalf of the proprietors of the hall, stated that his clients had no knowledge whatever, directly or indirectly, of the purpose for which the entertainment was got up. After what had been stated it was evident that, under the 102nd section of the Act, the music licenses had been forfeited, and if the Bench thought so he would bow at once to the decision without going again into the evidence. Mr. Bruce considered that the proceedings which had taken place were most improper, and ordered the license to be forfeited. He also added that, considering the position Mr. Stead occupied as a member of the Lecture Hall Company and of the Secular Society, both parties were equally affected."

A much longer report appeared in the *Leeds Express*, and another in the *Leeds Daily News*—the latter being written by a Christian, who spiced his report with what he perhaps regarded as fair attacks upon the "infidels."

Let us see what the "infidels" had to do with the matter. The parties who hired the hall were not Secularists. Mr. Stead, of the Secular Society, would have stopped the gathering if he had not thought he was furthering the ends of justice by letting the detectives deal with it in their own fashion. Bancroft, the doorkeeper, was a Secularist, but he always denied the allegations of the detectives. After the first day's hearing before Stipendiary Bruce, he was actually refused bail, on the ground that the charges were so "horrible." Two days afterwards he was sentenced to a fine

of sixty shillings ! There was no evidence against him, but he was technically liable as doorkeeper. He was fined, just as he was refused bail (contrary to the spirit and practice of English law), simply because he was a Secularist.

Stipendiary Bruce, who frequently sneered at Secularism, remarked that "the main defendants in the case were the gentlemen who belonged to the hall, and who let the place without exercising any supervision, for the purpose of a lewd and obscene entertainment." This was merely an expression of Mr. Bruce's bigotry. The gentlemen belonging to the hall did not let it *for* a lewd and obscene entertainment ; they let it for a lawful and reputable purpose ; and it was entirely owing to the policy of the detectives that the entertainment took place at all.

Mr. Joseph Symes, who was then the resident Secular lecturer at Leeds, issued a pamphlet on this subject. He threw doubt upon the detectives' evidence. It seemed to him, as it seems to me, a monstrous thing that the detectives should be in the hall for an hour, witnessing the most indecent practices, without making a single arrest. They arrested no one until the next day, and then only Bancroft, who was not really implicated, and Pratt, who was nominally the conductor of the ball. Why did they not arrest the *real* culprits, the obscene wretches who had been under their eyes for a whole hour ? The only answer I can think of is this : Either the detectives grossly exaggerated what they saw, or they had reasons for not bringing the guilty persons to justice.

Now, as a matter of fact, many of the persons present at the ball were *young men belonging to well-known Christian families* in the neighborhood. Mr. Bradlaugh had a list of them in his possession, and he advised the Secular Society at Leeds to be represented at the trial. The Society, however, took the view that they had nothing whatever to do with the case ; *they* had committed no offence, and they declined to be mixed up in the matter. Still, it would have been better if they had taken Mr Bradlaugh's advice. There would then have been an exposure that would have covered the Christians with confusion ; whereas the "dignified" policy they adopted left a door open for a multitude of misrepresentations.

Unfortunately the Christian Evidence people were assisted in their work of calumny by the editor of the *Secular Review*. I am very loth to refer to this matter, but, as the name of this paper occurs in the verbatim report of the trial, I have no alternative. Mr. Murphy questioned one of our witnesses as to "a paragraph in that paper about the obscenity alleged to have occurred at the Hall of Science at Leeds." (There was no hall in Leeds bearing that name.) The issue referred to was June 26, 1886; nearly eight years after the Leeds affair.

Mr. Stewart Ross, the editor of the *Secular Review*, which has since changed its title, had a bitter quarrel of his own with Mr. Bradlaugh; and, being a man of vehement temper—which time and experience have no doubt softened—he chose to maintain that the Leeds "abominations" were the result of Mr. Bradlaugh's teachings, and allowed himself to write of "the unspeakably obscene character of the orgies of the Leeds Branch of the National Secular Society." This is the language of a man in a reckless mood, passionately bent on injuring his enemy. Its falsehood and absurdity are obvious in the light of the real facts of the case; and, judging from the eulogies on Mr. Bradlaugh which Mr. Ross has penned of late years, it is reasonable to infer that he regrets the intemperance of this old attack. It must be a severe punishment to find himself cited as a kind of witness against the reputation of Freethinkers, to the detriment of particular persons whom he knows to be as honorable as himself.

Before I leave this Leeds affair, I will press the following points upon the reader's attention: (1) That the parties who organised that ball, and attended it, had no sort of connection with the Secular Society; (2) That the member who let them the Hall, in the ordinary way of business, would have stopped the entertainment, had it not been for the detectives, whom he offered every facility; (3) That the real culprits, the men alleged to have been guilty of abominable practices, were never proceeded against; (4) That the two men, Pratt and Bancroft, who were refused bail on the Tuesday because the charge was so "horrible," were on the Thursday sentenced to the petty punishment of a month's imprisonment and a fine of sixty

shillings ; (5) That, if the obscenities related by the police actually occurred, there must have been some very strong reason for bringing the case to such a sudden termination ; (6) That this reason could be no other than a desire to screen the most guilty parties ; (7) That this desire could only spring from a certain knowledge that *they did not belong to the Secular party.*

Supposing that Bancroft, who was a Secularist, had really committed an offence as the street-door-keeper, meriting a fine of sixty shillings—or as much less as the sum would amount to, after allowing a discount for the fact that a Christian was punishing a Secularist ; what is there, I ask, in this to justify, or even excuse, a constant attack for nearly twenty years on the “morality of Secularism” ? If I were in the humor for reprisals, I might remind these charitable calumniators of Secularism of a certain member who was expelled the House of Commons for evading justice ; who was accused, not of indecency, but of unnatural crimes, for which he was liable to many years’ penal servitude ; who finally surrendered, and was found guilty and sent to prison. That man was a leading Christian in the city he represented, and held Bible-classes of young men at his residence, where those criminal intimacies were formed and ripened.

I might pursue this policy of reprisal to a considerable length, but I will refrain. I have (I hope) exploded for ever this calumny of the “Leeds Orgies,” as far at least as the considerate and impartial are concerned. I have only to say, in conclusion, that when the character of the Hall of Science was taken into court its worst enemies had not the courage to utter a word against it *in the witness-box*, where they are liable to cross-examination, and acutely sensible of the unpleasant consequences of perjury.

April, 1895.

G. W. FOOTE.

POSTSCRIPTS.

(1) MR. R. O. SMITH, who was never, I believe, in a witness-box in his life before this trial, made two little slips in his evidence, which did not, however, in any way affect its general tenor and credibility, and were, in fact, quite unessential. I corrected these slips at the time in the *Freethinker*, and I am obliged to do so again in issuing the verbatim report of the trial in a separate form. Under cross-examination by a brow-beating counsel, Mr. Smith did not sufficiently discriminate between inference and knowledge. He admitted that I had collected funds on his behalf. What he should have said was, that I had deposited a certain sum of money with our solicitors, on behalf of the National Secular Hall Society (Limited), which was originally one of the plaintiffs in the action. Mr. Smith also gave an affirmative answer to the question whether he built the Hall of Science with his own capital. Subject to qualification—which it was not easy to give on the spur of the moment, especially as it did not affect the main question—this answer is perfectly true. The qualification is that Mr. Smith was assisted in building the Hall of Science by a subscription of £1,298, paid over to him by Mr. Bradlaugh on behalf of the Secular party.

(2) The verbatim report of the trial was made by the well-known Press Association. I mention this fact to disarm suspicion and prevent misrepresentation.

G. W. F.

THE HALL OF SCIENCE LIBEL CASE.

ON Monday, February 18, before Mr. Justice Lawrance and a Common Jury, in the Queen's Bench Division of the High Court of Justice, the case of the National Secular Hall Society and another *v.* Snow and another came on for trial.

Mr. Lawson Walton, Q.C., M.P., and Mr. Cluer appeared for the plaintiffs; and Mr. Murphy, Q.C., and Mr. Rawlinson were for the defendants.

The officer of the court, by his lordship's direction, ordered that all women and children were to leave the court.

Mr. CLUER said the plaintiff was Robert Owen Smith, and the defendants were John Snow and Messrs. Cook & Co. The plaintiff claimed damages for a libel, printed and published by the defendants. Defendants admitted the publication, but denied that it in any way referred to the plaintiff.

Mr. LAWSON WALTON: Gentlemen of the jury,—As, no doubt, you have gathered from the announcement just made by the officer of the court that all women and children are to leave the court, this is a somewhat painful and distressing case. Mr. Robert Owen Smith, the plaintiff, has come into court to meet a libel, published (as he thought and you will probably have no doubt) of him, possibly in common with other persons, of a most flagrant kind. The defendants are the printers and publishers of the paragraph which Mr. Smith impugns, and they are responsible for having given to the world one of the most atrocious charges which, perhaps, can be launched against the character of any individual. The libel appeared in a publication which professed to be a report of a public discussion which took place in the city of Leeds between a Mr. Powell and a Mr. Fisher. The pamphlet was headed "Is Secularism Degrading?" and it placed into the mouth of one of the controversialists the charge of which Mr. Smith complains. It runs thus: "Now, sir, in the Hall of Science in the Dancing Academy, the headquarters of the Secularists, which is built just opposite a lunatic asylum—(laughter)—they had held meetings—and

this is vouched for in the daily *Standard* of August 11, 1879 —where they got boys together and taught them the act of self-abuse, in order, so they said, to make muscular and strong the organs of procreation. I am in a mixed audience, and cannot open my mind freely." I think, notwithstanding the mixed audience, that disputant had opened his mind freely, and had used his tongue with equal freedom. That charge, of as horrible a course of instruction for the young as the human mind can conceive, was fixed to a class of persons, not designated by name, but sufficiently designated by description to lead every person acquainted with the facts to come undoubtedly to the conclusion at whom it was directed. *They* have had meetings. *They* have established a dancing academy, and in that academy they have given this atrocious and horrible instruction. The question which arises, and which appears to be the only question involved in the inquiry, is the identification of the persons against whom the charge was launched. Who were the individuals referred to in the expression as "they"? Who was responsible for founding the National Hall of Secularism which existed in the City of London? Who had organised, at the headquarters of Secularism, the meetings for the purpose of propagating Secularist opinions? Who established the Dancing Academy in connection with the hall, and who organised these classes for the young in which this horrible doctrine was supposed to be propagated? Unfortunately, Mr. Robert Owen Smith has had to come forward, because, undoubtedly, to every person who is acquainted with his relationship with this Hall of Secularism, and his connection with the classes, there can be no doubt that, if anybody was responsible, Mr. Smith was responsible; and if anybody was to come forward and clear his character from these odious accusations, that person was Mr. Smith; and I will tell you why. Mr. Smith, in the year 1868, purchased the site upon which the Hall of Science, in Old-street, was built. That was the very year in which Mr. Bradlaugh, perhaps one of the best-known lecturers at the Hall of Science, first stood for the borough of Northampton. Mr. Smith built the hall with his own capital, and conducted it at his own expense. The lecturers were paid by him, and any receipts from them were received by Mr. Smith, and were applied by him to meeting the expense of the venture. Mr. Bradlaugh, Mrs. Besant, and various other persons of Secularist opinions, lectured from week to week at the Hall of Science; and, after a while, Mr. Smith established in connection with it a Club and Institute. Classes were opened for the instruction of the young, entertainments were given of a special character, and among other classes was one for teaching dancing. Mr. Smith organised these

classes, superintended them, and some of them he actually conducted himself. Under his supervision the art of dancing was taught to young people by dancing masters whom he employed, and I hold in my hand the public bills which were issued, and the tickets which were issued; and on the face of them Mr. Smith was publicly described as the Secretary and Manager of the hall, and of all the undertakings and classes held in connection with it. Therefore, the Hall of Science which was referred to in the paragraph owed its origin to Mr. Smith's enterprise, to his capital, and its operations to his supervision and personal management. Therefore, if it is suggested that, at that Hall of Science, practices which outrage human nature took place at classes actually superintended by Mr. Smith himself, the person who came forward to meet an accusation of that sort, and the only person against whom it can be levelled, and popularly regarded as such, is Mr. Smith, the plaintiff in this action. When this paragraph appeared a letter was written to the defendants, who had given it to the world, and to the defendants alone. The obscure libeller and slanderer, who said what he had to say in some obscure hall in a provincial town, is a comparatively unimportant person, and the slander was a comparatively unimportant matter. But here, in the City of London, under their own names, the two defendants, as publisher and printer, gave to this slander the prominence of print, and the currency of a pamphlet scattered broadcast over the whole country. Mr. Smith therefore wrote to these two defendants, and called upon them for some explanation and retraction of this horrible accusation. They met that appeal with absolute silence. Neither of them deigned to answer the letter which was written to them. Absolute silence on the part of both of these defendants. But some third person, who had not originally uttered the slander, and to whom no letter was written, voluntarily put himself into the breach, and made himself responsible for the charge. Mr. Smith had, under advice, sought to hold the two defendants—the printer and publisher of this pamphlet—as primarily answerable; and it was from them alone he was determined to have some retraction, as public as the original charge was which had been made. Unfortunately, the matter does not rest there. This accusation was not met by silence, but it was met by persistent repetition; and I shall be able to show you that another publication, which was issued by one or both of the defendants, and which describes itself as the *Anti-Infidel*, made an appeal for subscriptions from the credulous public—who, I suppose, are willing to believe any foul thing, in their wealth of charity, of anybody who does not share their own religious opinions. An appeal was made for contributions—for the purpose of

retracting? No; but for the purpose of proving the charge up to the hilt; and in this publication an assurance is made that the charge is going to be proved up to the hilt. What is their course now? They originally start by bluster, and they now meet us in this Court of Justice with the cowardice of the person who would make such a charge, and then say that they will prove it to be true. Now, do they say it is true? Do they use the subscriptions raised by the credulous public for the purpose of proving it is true? No! The appeal, I presume, resulted in the flow of the money they desired; and, having obtained these funds, they put them into their pocket, and come into court, and try and back out of it, and escape their responsibility for having made it; and the defence, and the only defence, that they have put upon the record is this: It is true it was said—we don't say whether it is true or false; but we certainly say we did not say it of Smith. I doubt not that you will deal with such a defence in the way that it merits. If they did not say it of Mr. Smith, of whom did they say it? If they did not speak of the person who organised the classes, and who personally superintended them, then who was the man responsible for this outrage? Why did they not care to take the first chance of exonerating him, and repudiating the suggestion that he was the person referred to. Instead of meeting the challenge, they tell the world, when Mr. Smith is suing them, that they are going to prove the truth of the charge up to the hilt. The defence has only to be set out for you to grasp the true situation, that there is, and can be, no answer to the action. Why are the defendants here if all this could not be proved, as they did not suggest it could? Why, if it cannot be seriously denied that Mr. Smith is seriously reflected upon, are the defendants here in a public court of justice to resist the accusation? I think you may guess. They are here because they think there are persons so steeped in religious prejudice that they will believe to be true any gross accusation made against persons who do not share their views, and because they think that, on the jury, there may be a man so biassed by his religious opinions that he cannot do justice to a fellow citizen who does not happen to share his opinions. I hope they will be defeated by your verdict, and that you will show that spirit of justice which shines among the highest virtues. On behalf of Mr. Smith, I ask you by this action to clear his character from a stain cast upon him for which there is no sort of justification; a stain on a long record of an honorable life, and to give him the only reparation which the law allows for such an injury.

Mr. ROBERT OWEN SMITH, the plaintiff, then went into the witness-box and made affirmation, giving his address as 81 Ridge-road, Hornsey. He was examined by Mr. Cluer.

In 1868 did you take a lease of the premises on which the Hall of Science in Old-street is built?—I did.

Did you yourself have the building erected there?—I did.

And paid for it?—Yes.

What position did you hold from 1868 to 1892 with reference to the Hall?—I was the leaseholder and proprietor. I was also secretary and manager of the Club and Institute, which was established by myself, up to 1881. Through ill-health I gave up the secretaryship and management, and was the treasurer of the Club; and I was the sole proprietor and organiser of the lectures given there.

Was the Hall of Science the headquarters of the Secularist party?—It was; and their council meetings were held there.

Is it an annual meeting you refer to?—No; monthly.

And they meet there regularly?—Regularly.

Were there lectures delivered at the hall?—Yes; every Sunday evening, and sometimes Sunday mornings and week nights.

Who arranged the lectures?—I did.

Did you pay the lecturers?—I did.

Had you control over the hall and the meetings that took place there?—I had.

And did you personally attend to it during the years from 1868 to 1892.—I did.

When was it that you started a series of dancing classes there?—In 1869.

Would you look at this? Is that an advertisement of the dancing classes?—Yes.

Was that inserted by your authority?—It was; and my name is at the bottom of it.

The JUDGE: What is the book?—It is the North London College and School Guide.

Mr. CLUER: Is it a fact that every day in the week there was dancing carried on under your superintendence?—There was.

Did you personally supervise those classes and see to them?—I did.

For how many years did you personally look after them?—From 1872 to 1881.

At that time did you actually yourself give dancing lessons with assistance?—I did.

Was any instruction given there during that time without your supervision?—There was no instruction given there that I was not responsible for. I did not give instructions in science, because I was not a duly-qualified teacher. All the classes held there I was responsible for, and for everything that took place in the building. Science classes were taught by Dr. Aveling.

Were there classes in which the pupils were examined by a Government department?—In connection with South Kensington.

And examinations were held on the subjects taught in the science classes of the subjects prescribed by the South Kensington school?—They were.

And lectures delivered by responsible, qualified persons?—Yes.

I believe the Rev. Stewart Headlam was one of the lecturers?—Yes; he has given lectures there, and he was a member of the Science Classes Committee, who were responsible for the teaching. The authorities at South Kensington insist on having a committee on which there must be one clergyman. I was also on the Committee.

With reference to the club, did you establish a club and institute?—I did.

Were you daily on the premises?—Daily.

That was your business, you had no other?—Yes.

What date was it that the club was established?—1870.

Were you a member of the club yourself?—I was secretary and manager.

Did you see yourself what went on from time to time among members of the club?—I did.

Will you just look at this copy of the libellous pamphlet, *Is Secularism Degrading?* Will you tell me, with regard to the paragraph in question, first, was the name of the building in Old-street the Hall of Science?—It was.

Had you there a dancing academy?—I had.

Is St. Luke's Lunatic Asylum nearly opposite your place in Old-street?—Yes.

Your place is on the South side, and that is on the North?—Yes.

Before you saw that pamphlet, had you ever heard of any such report, as is there vouched, in any paper called the *Daily Standard* or any other paper?—Never.

Mr. JUSTICE LAWRENCE: What is the *Daily Standard*?

Mr. CLUER: There is no such paper, I believe. (To the witness) Is there a word of truth in the suggestion that is made in this libel?—There is not.

Cross-examined by Mr. Murphy, Q.C.: This pamphlet purposes to be a debate between Mr. Walton Powell and Mr. Greaves Fisher. Is that so?—Yes.

And the preface seems to be in these words: "In October last Mr. Walton Powell, President of the Liverpool Branch of the National Anti-Infidel League, conducted a crusade in Leeds; and as the debate, of which the following pages contain a report, arose out of that discussion, it is now published in the belief that it will excite thought on matters of importance to society, and enable readers to answer for

themselves the question, 'Is Secularism Degrading?' and that appears to be signed by W. R. Bradlaugh, President of the Anti-Infidel League. Is there such a person as W. R. Bradlaugh?—There is.

The next thing we find is this: A reporter's certificate, dated January 1894, certifying that it is a correct transcript of the debate between Walton Powell and Greevz Fisher, at St. James's Hall, Leeds, October 17, 1892, signed by two reporters. Then there is the debaters' certificate as to accuracy, signed by Mr. Powell and Mr. Fisher. Then follows what purports to be a verbatim report of this debate, as it is called. When first did you hear of this pamphlet?—I cannot tell the exact date.

Shortly after it took place?—Yes.

And you knew the name of Powell, who used these words, and you knew the name of Bradlaugh too?—I knew of Bradlaugh, but not Powell.

Did you make any complaint of the publication at the time?—I did not.

Although it was published in the papers. Have you made any complaint to Mr. Powell, the utterer of these words?—I have not.

The debate took place at Leeds?—Yes.

Had there been, to your knowledge, in the year 1878, a great scandal about some immoral proceedings at a hall in Leeds?—I heard something.

Very disgusting proceedings had taken place there?—I don't know.

Did not you ascertain that? Was it not a matter of discussion, to your knowledge, of this trial that took place in 1878?—There was a trial.

And evidence was given of very disgusting proceedings at a hall there?—I was not aware of it.

Do you seriously say that you did not know the trial was with reference to certain obscenities at a hall in Leeds?—I was under the impression that it was for disorderly conduct; but I did not read the trial.

And had never heard it discussed?—I had heard that proceedings were taken.

And that evidence was given of disgusting conduct in the hall?—No.

You say that? Think! You never heard it alleged that evidence was given of disgusting proceedings in a hall between boys and young men. Have you ever heard of it? I beg for a distinct answer to a plain question.—I have not.

Do you know Mr. Foote?—I do.

Has it been discussed in his presence and in yours?—I don't know.

Come, do yourself justice in this matter. Do you say you never it heard alleged that evidence was given of disgusting conduct in the hall in the year 1878?—I am not aware of any of the proceedings in relation to the matter.

I am not asking whether you are aware; my question is whether you heard it discussed.—Not to my knowledge.

How can you have heard it if it was not to your knowledge?—I will say no more than that.

Do you persist in saying you never heard the matter discussed?—I don't remember on any occasion it was discussed, in my presence, with Mr. Foote.

With anyone?—Or with anyone.

You never heard of it before?—I have heard of the proceedings.

Have you heard it suggested before that evidence was given of disgusting proceedings in the hall at Leeds?—I have said I believe it was for disorderly conduct, but I really don't know any more about the matter.

Have you never heard until this moment?—I have heard that evidence was given.

Never heard it suggested?—No.

Have you not seen the report in the public paper of what occurred there?—No, I have not.

Have you never seen the report?—No, I have not.

Did you ever hear of a place called the Secular Hall, Leeds?—I have heard of a hall at Leeds used for Secular purposes and lectures.

Lectures in connection with gentlemen of your opinions?

—Yes.

And owned and leased by gentlemen connected with them?

—I have no knowledge who was the owner.

Well, leased by persons of your opinions?—I believe so.

Did you hear there was a prosecution about something that occurred there?—I did hear there was a prosecution in connection with proceedings held at that hall. I do not know whether the proceedings were against the persons who leased it, or against other persons.

Did you never hear of this charge?

Mr. WALTON: I object. My friend is referring to a matter extremely remote, because we are dealing with a hall specifically described; and now he is travelling to some other matters in another part of the country. The witness has already said he saw no report relative to that prosecution. My friend is not entitled to suggest that such a report did appear, unless he can prove it by his witnesses. He is not entitled to hold by this witness that there was a report after the witness has said he did not see it.

Mr. MURPHY: I disagree entirely with my friend. My friend says the article here points to his hall. I say,

Nothing of the sort. The debate was carried on at the Secular Hall at Leeds, which is another hall entirely. I am going to put to the witness —

Mr. WALTON: My friend is not entitled to read a document with the object of suggesting to the jury certain facts (of course that is his object), after witness has said no such paper was ever seen by him.

Mr. JUSTICE LAWRENCE: Yes; but he may put it to him.

Mr. WALTON: The opening out of a newspaper is a way to suggest facts which he is not entitled to prove. I think it is most irregular. If the witness says he did not see these reports, that is the end of it.

Mr. MURPHY (to witness): Have you not been present when the report of these trials has been discussed?—I may have been present when the matter was talked about.

The report of this trial?—No.

Never in 1878?—No; I don't know the date. I have never been present when the report of the trial was discussed.

Nor about what was reported to have occurred then?—I have said before that I have heard this matter talked about.

Have you never heard it suggested that disgraceful proceedings took place there?—No, I have not.

Do you read the *Secular Review* sometimes?—No; I have seen it.

Did you ever see the passage speaking of the unspeakable, obscene character of the orgies seen in the Leeds Branch of the National Secular Society?—No. You are speaking from the *Secular Review*?

Yes. You have never taken pains to ascertain what took place at Leeds?—No.

We have heard something about subscriptions. Have you and Mr. Foote been applying for subscriptions in support of this action?—I have not.

Has Mr. Foote, with your knowledge?—Yes; on my behalf.

Was it with your authority that this passage was written: "The London Hall of Science, for instance, has been the constant object of calumny. It is said to be opposite a lunatic asylum, though it is not. It is really midway between the church and the asylum, and on the opposite side of the road. The position is a good one, as it gives us an opportunity of intercepting persons whose wits may be disordered by the House of God"?—No, not on my authority.

Is the *Freethinker* one of your party's papers?—Yes, it represents the Society's views, but it is Mr. Foote's paper.

It was one of the papers in which you advertised for subscriptions to conduct this trial?—Yes.

And on the 15th April it contained the passage I have just read?—Yes.

Without any protest from you?—Yes.

And the same number contained an appeal for subscriptions?—Yes, I believe so.

Mr. MURPHY: I did not read the whole of the quotation, to do Mr. Foote justice: "It gives us an opportunity of intercepting persons whose wits may be disordered by the House of God before their arrival at the house of imbeciles."

Mr. WALTON: I submit my friend is not entitled to read this, unless he has called evidence to connect it with the plaintiff. Mr. Smith says it was not issued by his authority.

Mr. MURPHY: I entirely disagree. The witness has said this paper was issued for the purpose of obtaining subscriptions for this trial, and was issued by the Society.

Mr. SMITH: No, not by the Society.

Mr. WALTON: That does not make the witness responsible for the language Mr. Foote may have used. The paper was not issued by the plaintiff, and it does not belong to the Society.

Mr. JUSTICE LAWRENCE: I do not understand it.

Mr. WALTON: The witness went on to say it was not the property of the Society, but belonged to Mr. Foote, and that it only represented the views of the Society.

Mr. MURPHY: He saw the article, and used the paper to collect subscriptions.

Mr. WALTON: My friend is not entitled to use this. The article is published by some other person without being submitted to Mr. Smith. It is true it contained an appeal for subscriptions, but that does not make Mr. Smith responsible for the language used in it. Until my friend shows that Mr. Smith authorised the publication of the article he cannot be held responsible.

Mr. JUSTICE LAWRENCE: I understood him to say he saw it.

Mr. WALTON: Yes, after it was published.

Mr. MURPHY: He saw it, and used it for the purpose of obtaining subscriptions.

Mr. SMITH: I did not use it to get subscriptions.

Mr. WALTON: I think it was in October that this appeal for subscriptions went out?

Mr. MURPHY: No; you are wrong.

Mr. WALTON: Well, they are Mr. Foote's views, and not Mr. Smith's. The whole object of my friend is to prejudice this gentleman. If he says, I have not published it, it is clear my friend can't use it.

Mr. MURPHY: The whole object is to make this gentleman responsible for their opinions.

Mr. WALTON : My friend must prove that Mr. Smith published this article.

Mr. MURPHY (reading) : "The solicitor is instructed to accept no offer of compromise. The case must be determined in court, where all the circumstances can be clearly understood"—was that with your consent?—No, it was not.

Was this with your consent : "There happens to be a man of reckless scurrility—"

Mr. WALTON : I object to this. He cannot produce this till he has shown Mr. Smith is responsible for the publication.

Mr. MURPHY : I am going to ask him if he authorised this.

Mr. WALTON : But before you can read the passage you must first show the witness published it. You are not entitled to get the advantage of reading the passage, and then ask the witness was that published with his authority. If it is his publication, you must first show the witness was responsible for it, instead of taking it as the foundation of your question. The witness said he never saw it before it was published. It was not published by him, but was published by Mr. Foote.

Mr. JUSTICE LAWRENCE : I did not know he said he did not see them before they were published.

Mr. SMITH : I had not seen these things before they were published, my lord.

Mr. MURPHY : Did you see them after they were published?—Yes.

Did you afterwards agree with Mr. Foote that he should write in the same *Freethinker* and invite subscriptions for this case?—I did not agree with him in anything. He did not consult me.

Did you know he was doing it?—I did not know until the articles and paragraphs appeared ; but I knew he was going to solicit subscriptions in the *Freethinker*.

And you thought it right that he should do this?—I could not help myself. It is his own paper.

You left him to write what he thought proper, and to ask subscriptions for your case?—Yes ; of course he would write what he thought proper.

I will put the matter in another way. Does this passage represent your opinions ? "It is said to be opposite a lunatic asylum, though it is not. It is really midway between the church and the asylum on the opposite side of the road. The position is a good one, since it gives the opportunity to intercept persons whose wits may be disordered by the House of God before they arrive at their destination in the house of imbeciles." Does that represent your opinions ?—Are my opinions under discussion ?

Yes ; your character is at stake.—My character ?
Does that represent your opinions ?—They are not my opinions.

You are not shocked by them ?—No, I am not shocked. (Laughter.) Abuse is given on both sides in this question.

That was in the course of the debate, was it not ?—I was not at the debate.

You have read it ?—I have read it.

You have not applied to Mr. Powell, or to Mr. Bradlaugh, I understand ?—No.

Here is a book called *The Elements of Social Science*. Are you familiar with it ?—Yes.

Is it sold by your Society ?—Yes ; by members, not by the Society.

I see in the book the passage : “Prostitution is a valuable substitute until we have reached a better state of things, by banishing the marriage laws.” Are those your opinions ?—No.

But it is one of your books, which you sell ?—No, it is not sold by the Society. It is sold only by members of the Society.

Is it sold at a shop over which your Society has control ?—No ; our Society has no control over any shop.

Is it sold at the hall ?—Yes.

By the Society of which you are a committee-man ?—Yes.

Is this a passage from that book : “The laws of exercise, and the health of the reproductive organs and emotions, depend on their having sufficient means of normal exercise ; and the want of this tends to produce diseases in men and women ” ?—I have read that.

Is that one of the books you sell ?—It is one of the books sold.

Have you seen advertisements of this pamphlet ?—I have not.

Re-examined by Mr. Walton : Have you any connection with either the printing or the publication of this work, *The Elements of Social Science* ?—No ; all the books we sell we do not approve of. We do not approve of every doctrine. We sell books containing all sorts of doctrine ; but it does not follow we approve of them.

You do not hold yourself responsible for the opinions of every professor of Freethought ?—Certainly not.

Freethought means freedom of thought on the part of every member of society ?—Yes.

And this book my friend has referred to, which is written by a doctor of medicine, has on its frontispiece this quotation from J. S. Mill : “The diseases of society cannot be prevented or cured without being spoken of in plain lan-

guage." How many years has that book been before the world?—I have known it for thirty years.

Has any effort been made to suppress this book as immoral or illegal?—Not so far as I know. I do not agree with the writer of the book.

But he is entitled to his own opinions?—Certainly.

And the law allows him to sell the book?—Yes, but they are not my opinions.

Have you ever made any charges of immoral misconduct or any accusation of that kind against your opponents?—I have not. I am not in the habit of making charges.

It is now suggested that this pamphlet had reference not to what took place at the Hall of Science in London, but at the hall in Leeds. Have you ever, till this moment, heard the suggestion?—No, I was not aware that there was a Hall of Science in Leeds. I do not think there is a hall called the Hall of Science there.

Did you instruct your solicitors to write to the defendant before the action commenced?—Yes.

Mr. MURPHY: The only one I know of is the one issuing the writ.

Mr. WALTON: In answer to that letter, or at any time during this action, have you ever heard it suggested by anybody that the Hall of Science here mentioned was the hall in Leeds?—I have not. I am informed there is no Hall of Science in Leeds.

Is there any other headquarters of Secularism except that with which you and the late Mr. Bradlaugh were connected?—No.

Is there any other Hall of Science opposite a lunatic asylum?—No.

Is there any Hall of Science in the kingdom to which this description can apply except your own?—No; it has been specially spoken of as being opposite a lunatic asylum. It is some twenty-five years since I first heard the expression.

Have you any sort of connection with what has been described as the Hall of Secularism at Leeds?—No; and I am not aware of what goes on there.

Or any responsibility for what happens there?—No.

You are told fifteen years ago there was a prosecution of some persons at Leeds in connection with the hall. Do you know anything about it? Have you ever heard it suggested that that prosecution referred to disgusting conduct in the nature of that imputed?—I never knew any of the facts. I knew there was a prosecution there, but I did not know the facts connected with it.

Do you happen to know if the prosecution was withdrawn?—I do not know how it terminated.

Suppose there had been a conviction, would you have expected to hear of it?

Mr. MURPHY: You may have expected a good many things.

Mr. WALTON: Did you ever hear of anybody being convicted in connection with it?—No, I did not.

By Mr. MURPHY: Have you seen the advertisement of this pamphlet in the *Torch*, under the head of "The Leeds Orgies. Full account of the Abominable Proceedings in the Leeds Secular Hall. Demoralising Result of Secular Teaching"?—I never saw the *Torch*, and never heard of it.

Mr. WALTON: The date is significant. It is February 1, 1895, and the writ was issued April, 1894.

Miss EDITH VANCE was the next witness. She made an affirmation, and was then examined by Mr. Cluer.

Are you the secretary of the National Secular Society?—I am.

Did you, on April 14, go to the defendant Snow's place of business?—I did.

Five days after the writ in this action?—Yes.

Did you purchase there, from his place of business, a copy of the publication of this libel?—Yes.

Mr. MURPHY: I have nothing to ask the witness.

Mr. ROBERT FORDER, examined by Mr. Cluer: Have you known the plaintiff since 1868?—I have.

Have you constantly been at the Hall of Science yourself from that time?—From 1868 to 1870 there was a break, but I came back in 1871. I became committee man in 1873, and I was elected paid secretary.

Mr. JUSTICE LAWRENCE: We don't want all this history.

Mr. CLUER: In 1873 you were a committee man?—Yes.

From that time had you an intimate connection with the hall?—Yes.

Was Mr. Smith there?—Yes, as a rule, every night.

Who was the person responsible for the meetings, lectures, and classes that went on there?—Mr. Robert Owen Smith.

Did you know that science and art classes went on there?—Yes; I was secretary of them.

Did Mr. Smith supervise what went on at the Hall?—Yes.

Was he known among Secularists generally as the manager?—Yes, of the hall. We hired the hall for the science and art classes of him.

Was he known generally as the person who conducted the dancing academy there?—Yes.

By Mr. MURPHY: Who were you who hired the hall?—The Society engaged the hall every Sunday.

Were you your own manager?—No; Mr. Smith managed them all.

He was the lessor of the hall and manager of it?—Yes; on Sundays.

It was only on Sundays you held it?—Yes; but we were entitled to it on Good Fridays, Christmas Days, and every Sunday, and generally also on Wednesday evenings.

He managed the dancing?—Yes; with lady assistants.

Mr. CHARLES WATTS, examined by Mr. Cluer: Have you for many years known the Hall of Science?—Yes; and Mr. Smith in connection with it.

Who was responsible for the conduct of the classes?—Mr. Smith.

He would be regarded as responsible for the conduct of the classes of the Dancing Academy and for the Society's meetings held there?—Just so.

By Mr. MURPHY: What did you say you were?—I am a journalist and lecturer.

Lecturer for any particular body?—No.

A general lecturer?—Yes.

What connection, if any, have you with the Hall of Science?—I was on the committee.

How long have you been so?—Since my return from America, about two years ago. Formerly I was there for ten or twelve years.

Where were you in 1879?—In London.

It is suggested you were in America?—No; I went to America in 1884.

Then you were in London at the time of the Leeds trial?—Yes.

Did you hear of the trial?—Yes, I heard of it.

Mr. WALTON: I object to this. This cannot be relevant to the question of damages—what he may have heard about the Leeds trial—until my friend is in a position to make the evidence at the Leeds trial pertinent to this matter.

Mr. MURPHY: I really don't know what the meaning of this objection is. The question is whether these words uttered in the reports pointed to something in London. All the surrounding circumstances must be taken into account, in order to see what the words meant. One of these things was whether there was a trial at Leeds immediately before, and what occurred at it. My friend assumes that this relates to the Hall of Science in London. My case is that it does not.

Examination continued: You have heard of the trial at Leeds?—Yes.

Did you hear evidence was given there of abominable practices?—I did not.

Never heard it suggested till to-day?—Never.

Do you know a paper called the *Secular Review*?—I have not read it lately, I used to.

Were you not editor of it?—I was.

In what year?—Up to 1883.

And not after that?—Not after that.

Had you a kindly interest in it after that?—No, no interest directly, kindly or unkindly.

On June 26, 1886, will you undertake to say you did not see a paragraph in that paper about the obscenity alleged to have occurred at the Hall of Science at Leeds?—In 1886 I was in America.

Was it never discussed in your presence?—Never.

There are many of these Halls of Science in different parts of England, are there not?—I only know of two; one in London, and one in Sheffield.

One in Leeds?—No, that is not a Hall of Science; it is never known by that name.

So far as you know?—That is all I can say.

Mr. WALTON: I put in a paper called the *Anti-Infidel* of May, 1894. It is printed by the defendant Cook, and is published by the other defendant, J. Snow & Co. The letter appears on the first page of the paper. The passage I rely upon is the last paragraph in the first column [stating that when the case came into court the libel would be proved up to the hilt].

Mr. MURPHY insisted the whole article should be read.

Mr. WALTON thereupon read the whole of the letter, and upon concluding said that was the plaintiff's case. The Court then rose for luncheon.

After the luncheon interval Mr. MURPHY proceeded to open the case for the defence. He said: That the statement which is contained in this paragraph is untrue I am not here to dispute. My client does not pretend to justify it. It was set out in this book as having been stated publicly at this debate—about that there can be no sort of doubt; but to say that it was true at present is a thing my clients have not said, and do not say. That they are legally responsible I do not also dispute. One is the publisher and the other the printer of the pamphlet. The publisher's position in this particular matter seems to be this. He allows his name to be used as the publisher of the pamphlet, and he gets a commission, which, in this particular instance, if the number which had been sent to him had all been sold, would have produced the magnificent remuneration of 16s., and in respect of that matter he stands his trial for libel. The printer, on the other hand, has had his remuneration for printing the pamphlet, and I think you will find it is not of an extravagant character. The one was employed to print, and the other to publish, by Mr. Bradlaugh, whose name has been mentioned; and it has been known to the plaintiff and to the committee of this National Secular Hall Society ever since the time of the discussion, when Mr. Powell was the

person who uttered these words, subsequently that Mr. Bradlaugh was the person who authorised their publication in the shape which they are at present. For reasons best known to himself, the plaintiff, who is most anxious to vindicate his character, which he says has been assailed, but which I deny, has passed by the man who used the words and the man who authorised their publication, and has come upon the printer and publisher, neither of whom, it will be proved, ever had any idea that there was any libel contained in the words at all, much less that the plaintiff was the person designated by them. It is a lawful course for a man to take; whether it is a just or a fair one is another question. It has been said that the plaintiff came into court without the slightest idea that there could be any question that the Hall of Science in London was not the one designated by Mr. Powell when he spoke at Leeds. Do you believe it? Do you believe that these gentlemen, one and all, have come up here and told you the full truth as to whether or not they ever heard of a disgusting trial at Leeds in the year 1878? What do you think of the way in which the plaintiff answered my questions? Had he answered them in a straightforward way? Do you think you got his whole mind? Do you think he told you all he knew about the trial? Do you think he ever heard it suggested there was a scandal attached to the proceedings of 1878 which came before the public, and published in the newspapers of the time in reference to the occurrences in the Hall of Science, or the hall connected with the Association, whatever it might have been called, in the year 1878? You are men of the world. I could not force them to say more than they did; but was the impression left on your minds that they were telling the whole truth about the matter? Judge for yourselves. The President of the Society (Mr. Foote) is, for aught I know, in court, sitting in front of my learned friend. Does he know nothing about it? Why was not he called? His name has been frequently mentioned, and he is the person who was employed to collect subscriptions in support of the action. Where is he? He is a gentleman whose opinions on the subject of the proximity of the lunatic asylum to the place of worship you have just heard would be valuable. Where is Mr. Foote? Does he know too much about the Hall of Science, or the hall at North-street, Leeds, about which it is suggested this trial took place? Do you think this discussion has been going on all the time without any inquiry being made by the authorities as to what took place at the trial? Gentlemen, don't believe it for a moment. Bring your own good sense to bear on the matter, and then

you will be in a position to see whether the article points to anything that occurred in London, as distinguished from what occurred in Leeds. The pamphlet purports to give an account of a public discussion, not in London, but in Leeds, between two advocates of the two systems. The subject was whether or not Secularism was degrading, and you won't expect me to attempt to justify the course of that debate upon the one side or upon the other. If there are people who think that the cause of religion, upon the one hand or upon the other hand, is advanced by discussions of the character you have heard, let them have their opinions. You won't get me to express an opinion favourable to the one or to the other. What I have got to do is to defend my client as best I can against the proceedings in this libel action, which neither of them ever contemplated or intended. They may be legally responsible, and, in one sense, may be morally responsible in not having read this article and pamphlet, and inquired what was referred to, and justify the statements made before they published them ; but as regards any feeling in the mind of either of them, either against the National Secular Association or against Mr. Smith, before the end of the case you will be satisfied, I am certain, that they had no malice of any sort or kind. Of Mr. Smith I believe they never heard until this action, and certainly it is a very strange thing that it should be in the year 1895 that Mr. Smith should emerge from his comparative obscurity in order to fight the battle of this Secular Association. When this action was commenced, it began as one would have expected. It was an action brought by the National Secular Hall Association, Limited, and another. That another was Mr. Smith, but the real plaintiffs in the matter were the Association. It was found, as the action went on, that they had no *locus standi* in the matter, and their names were struck out, so that they had to fall back on the "another." Mr. Smith nobody had heard of until this matter was brought to its present shape. What is the answer to this case ? It is this. It is made on behalf of my client, who knew nothing about the facts. That the debate at Leeds took place in reference to matters that were familiar to the audience, we have proved. They all knew about the trial of 1878. Somebody has got the name of the *Daily Standard* in, showing the muddle that Mr. Powell must have got into. He was obviously referring to the Leeds *Daily News*, which did contain a report of the trial—a trial which disclosed, if the evidence was to be believed, the existence of obscenity and filthy practices in this hall, and which was disclosed in the course of the prosecution. It was a prosecution against licensed premises, and the license was opposed by the police ; and it was the subject of discussion,

not merely in Leeds, but all over the country. Perhaps that is the reason why we do not see Mr. Foote. He is a journalist, and is familiar with the subject of Secularist literature, and would know how far discussion went at Leeds. He is not called, and you can draw your own inference. I have been wondering to see whether they would call witnesses to say: "We have read this article. We know Leeds, and we know London; and, when we read the article, we saw at once that Mr. Smith was the person pointed to." No such person is called, and you are left in the dark. Every attempt has been made to exclude me from throwing any light on what took place in 1878, in order that you might be invited to take a leap in the dark, and find a verdict for the plaintiff. I shall ask you to keep your judgment open, and say whether or not it is more probable that the people were talking in Leeds to a Leeds audience, and were referring to matters that took place at the North-street Hall, Leeds, and not in London. That is the main question, and the one upon which I propose to address you. I shall lay before you, as one of the surrounding circumstances in the case, the papers from the British Museum containing an account of the trial. I shall also lay before you such papers referring to the Leeds scandal in order to enable you to form a judgment as to whether the speech of this gentleman pointed to the plaintiff. No doubt it is a very convenient matter for the proprietors of the Hall of Science to come here and obtain a cheap popularity, with the assistance of other people's money, by bringing an action of this sort; and, if it ever becomes a question of damages, I beg you will remember some of the views expressed by the champion of this hall, and say what damages ought to be awarded to persons of such a character. People who sell such a book in their own hall as the one that I have read passages from to you, admitted by the plaintiff to be part of the current literature of this sect—what title have they to come and ask for damages, even if they are unjustly assailed? Let them sue Mr. Bradlaugh or Mr. Powell, the people who are responsible; but don't let them go and make victims of the printer and publisher, even though, perhaps, they ought to have exercised some supervision, even although the name of Smith was not known to them at the time, and they never anticipated, for a single moment, the feelings of him or his friends could be affected by the paragraph in question.

Mr. GRAVES was then called. He said he was an officer of the British Museum, and produced from their custody a file of the *Leeds Daily News*.

Mr. WALTON: I take your Lordship's opinion whether it

is admissible evidence to produce the file of a newspaper. I do not see on what issue this has bearing.

The JUDGE: I understand Mr. Murphy's case is that this matter had reference only to what took place in 1878.

Mr. WALTON: My friend says that the Hall of Science referred to is the Hall of Science so called at Leeds. That is the first proposition, and that is evidence which can be proved by calling persons who will describe the situation of this hall in Leeds, and tell us how it is known; but it cannot be proved by producing the file of a newspaper.

The JUDGE: This witness only produces a file of the paper. The use made of it after is a different thing.

Mr. WALTON: I object to the file going in at all as evidence.

The JUDGE: This is the paper which I suppose Mr. Murphy means is referred to as the *Daily Standard*.

Mr. WALTON: Of course London should be Leeds, and *Daily Standard* should be *Daily News*. His friend could not put in the *Daily News*, and say it was meant instead of the *Daily Standard*.

Mr. MURPHY: The view I present is this. The question for the jury is: Has the plaintiff made out that the pamphlet refers to the London Hall of Science, and to the orgies there? I propose to prove, not the facts of what occurred in the Hall of Science at Leeds, but that it was a matter of discussion amongst newspapers at the time referred to in the pamphlet; that there had been in the hall at Leeds orgies of a scandalous description. That will enable the jury to decide one way or the other.

Mr. WALTON: My learned friend is trying to draw a herring across the scent. When the question as to whether the Hall of Science described here as the headquarters of the Secularists, and the situation in which it is in reference to a well-known public institution, is the London hall, how could his learned friend propose to show, not that it was an accurate description of the Hall of Science at Leeds, but that certain proceedings, which he does not propose to prove, took place in another institution, which is not this institution, and to which this description does not apply? I submit we have nothing to do with any proceedings except those in the Hall of Science, which corresponds to the description.

The JUDGE: This took place in October, 1892. Was he clearly referring to something which took place in 1879?

Mr. WALTON: At a place indicated. If his learned friend could prove that the place indicated was not the place I have referred to, let him do so.

The JUDGE: It may be that the paper is not sufficient proof.

Mr. WALTON : That is my objection. The production of the paper is evidence of nothing, and I submit is irrelevant. The contents of the paper are not proved, and can have no bearing on the inquiry. I object to its production.

The JUDGE : Well, I think the paper had better go in now. What use is made of it is a different matter.

Mr. MURPHY : I may as well meet the matter now. I have got no witnesses from Leeds, but I press the paper upon these grounds. It would have been open for me to have proved that during the meeting someone called out : " Oh, you are referring to the hall at Leeds." That would be evidence to satisfy the jury that the speaker was referring to what took place in Leeds. In the same way, publication of the paper is known to the audience that was being addressed at Leeds.

Mr. JUSTICE LAWRENCE : That is a long way from producing the paper, saying you put everything in it in.

Mr. MURPHY : I don't put it in as evidence of what occurred there, but as evidence of what the speaker was speaking about. The paper shows there is a scandal at Leeds.

Mr. WALTON : Let him call Mr. Powell, and ask him what he was referring to.

Mr. MURPHY : My friend is inviting me to call a person whom he won't bring an action against. I decline to do it. I propose to read an account of a trial in 1878, dated September 6, 1878.

Mr. WALTON : The paper referred to in the libel is August 11, 1879.

Mr. MURPHY : I am quite aware they were wrong dates, wrong names, and wrong towns.

Mr. WALTON : I ask your Lordship to rule that it is not evidence.

The JUDGE : I think not.

Mr. MURPHY : I tender it as containing an account of a trial in which obscenity took place at the Hall.

Mr. WALTON : My friend is not entitled to use that description, because I don't agree with him. There is no suggestion in this report to which the term " obscenity " can apply. He is not entitled to describe an article which he is seeking to prove, bearing on the case.

The JUDGE (to Mr. WALTON) : Your people knew nothing about it, except that there was a charge of disorderly conduct.

Mr. WALTON : They do deny that they ever heard the conduct was obscene.

Mr. MURPHY : Your lordship rejects it.

The JUDGE : Yes.

Mr. MURPHY : I ask your lordship to take a note of the objection.

Mr. RAWLINSON (to witness) : Do you also produce another Leeds paper ?

Mr. MURPHY : You need not go through the form. I have another witness on another paper, but the objection will be the same.

Mr. John Snow, one of the defendants, was then examined by Mr. Rawlinson. He said he was a publisher and bookseller, carrying on business in Ivy Lane, London. His name appeared on the pamphlet.

As a matter of fact, what connection had you with the production of the pamphlet?—I am merely agent for the sale of the pamphlet.

That is a common practice in your trade, I think?—It is.

You receive so many copies from the printers, and sell them and account to the proprietors?—Yes.

On what terms do you receive them?—I sell them at a commission of 5 per cent.

That is all the connection you had with the production of these pamphlets?—Yes.

Before this action was brought had you ever heard of Mr. Smith?—Never heard of his name before.

I need hardly ask you whether you had any feeling of any sort against him?—None.

You knew that this pamphlet was a reproduction of what had already been published in some other paper?—Yes.

It also appears that it is a verbatim report of what occurred at Leeds?—Yes, certainly.

So far as you were concerned, had you any knowledge at all even of the existence of this paragraph in the middle of the pamphlet?—Not until I received a letter from the plaintiffs' solicitor.

The JUDGE : What is the date of that ?

Mr. RAWLINSON : 6th April, 1894. (To witness) In that letter there was no indication to you as to what part of the pamphlet was complained of?—None whatever.

And no suggestion that Mr. Smith was in any way connected with the Hall of Science, which it now appears he is connected with?—No.

And at that time had you any idea of what was complained of in the pamphlet?—None.

Now since this action was brought have you, through your solicitor, collected a large number of different papers, Secular or otherwise, having reference to the conduct of Secular halls at Leeds?—Yes.

Amongst others have you received a copy of a review called the *Secular Review* ?

Mr. WALTON : How is this evidence, passages which may have appeared in other contemporaneous papers ?

Mr. RAWLINSON : In this way. The question here is

whether or not the audience who heard this remark would apply it to the Leeds or London hall. I venture to submit it is evidence of a discussion which appeared in the Secular papers published by people who held the same line of thought, to show, as a matter of common notoriety, it was a subject which had been under discussion between Christian and Secular debaters shortly before the time of the speech complained of. I propose to bring a large number of papers to show the Leeds question had been discussed, and it was a matter of public interest at the time, and therefore to ask the jury to hold that when the speaker referred to a hall, speaking at Leeds, he referred to a hall in Leeds, and not in London.

Mr. WALTON : It is a very simple issue. The question is whether Mr. Powell said this having reference to a building in Leeds. That could be proved by calling persons who heard it and the person who spoke it, and proved by giving a description of the building in Leeds, which would answer the description given in this article. It is not proved by throwing in a large armful of newspapers and saying, If you look at them you will see the speech discussed.

Mr. RAWLINSON : I propose to show that the speech on conduct at Leeds was the subject of public discussion.

The JUDGE : You don't find in the pamphlet that it was a subject of discussion.

Mr. RAWLINSON : Up to that time it was an important subject of discussion ; and in the pamphlet itself it was also the subject of discussion.

Mr. WALTON : Your lordship has already ruled upon that point.

The JUDGE : You cannot put papers forward as evidence of what took place in Leeds. There is surely another way of getting it.

Mr. RAWLINSON : I don't care what took place at Leeds.

The JUDGE : You have got a faint denial from the plaintiff of having heard that some scandal had taken place at Leeds. Had not you better be content ?

Mr. RAWLINSON : I am showing that this subject was under discussion between the parties during all these years, and that it was referred to by these gentlemen on that occasion. That is the line of my argument. Of course it is a very loose description on page 29 of the pamphlet. In other parts of the pamphlet the matter is put more accurately. I don't know that I can put it any further than that.

The JUDGE : You have got the pamphlet there, and if you can find a case in that, so much the better.

Mr. RAWLINSON : Then I will deal with the pamphlet, and I shall hope to alter your lordship's mind, to a certain

extent, so as to show what I mean. I submit I am entitled to prove what he was referring to.

Mr. WALTON : He describes it, not as having happened at a Hall of Science, but at the North-street Hall, Leeds ; but that was in his first speech.

Mr. RAWLINSON : I submit it is the same subject.

The JUDGE : Then you are met with the same difficulty. If you can call somebody who is able to tell us what happened, all very well ; but at present it is like asking to put in a copy of the *Times*, and saying you are not going to call any witnesses, asking me to believe everything in it.

Mr. RAWLINSON : If it was a subject of ordinary interest, I should be entitled to read articles in publications which appear to show that it was an article of public interest. Here I am asking your lordship to allow me to read a matter which must have been known to the Secularists at the time.

The JUDGE : Already you have got proved by the plaintiff that something had taken place at Leeds, and that the matter had been discussed in his presence. You have got that. Mr. Smith says himself he was present when the report of the trial was discussed.

Mr. RAWLINSON : I was wishing to tell your lordship what the nature of the scandal was.

Witness was then cross-examined by Mr. Walton.

I understand, Mr. Snow, you publish numerous publications of this class ?—Yes.

Do you publish a paper called the *Anti-Infidel* ?—I do.

With your name upon the face of it ?—Yes.

And I think you were the first in the pages of the *Anti-Infidel* to give this discussion to the world ?—The proprietor, Mr. Bradlaugh, was.

I am speaking of you as publisher. You published it under your name ; is that so ?—The discussion was published in the *Anti-Infidel*.

Do I understand you to tell the jury you published that discussion in the newspaper, without troubling yourself to read it ?—I did not read it.

The JUDGE : What had Mr. Bradlaugh to do with it ?—He is the editor and proprietor.

Mr. WALTON : What is the circulation of the *Anti-Infidel* ?—I sell about 2,000.

I did not ask you what you sold.—I only receive it from Mr. Bradlaugh on sale.

How many copies pass through the press ?—I don't know. I am not the printer.

You have no idea ?—No.

Not the remotest ?—No.

The JUDGE : You did not print the pamphlet, I understand ?—No.

The JUDGE: It was sent to you to sell, the same as the *Anti-Infidel* was?—Yes, on the same terms.

Mr. WALTON: It appeared in pamphlet form, with your name on frontispiece?—Yes.

Do you regard yourself as responsible for what appears under your name as publisher?—No.

Mr. RAWLINSON: That is a legal question which your lordship may have to decide later.

The JUDGE: If he does regard himself as liable, and he is not legally so, it won't hurt him to say he is.

Mr. WALTON: You tell that to the jury. You issue a pamphlet with your name on the front, and you do not consider yourself responsible for having given it to the world?—I am responsible for the copies I sell, of course.

Are you responsible for allowing your name as publisher to appear on the document for its contents?—Responsible for the name appearing.

Before you allowed your name to appear on this, do I understand you did not trouble to read it?—I did not see it before it was put on.

Your attention was called to it by the solicitor later?—It was.

That was a serious letter?—It was.

Did it complain that this pamphlet contained a serious libel both upon Mr. Smith as the manager of the Hall of Science, and upon the National Secular Hall Society, Limited?—I don't think the letter did.

Let me read it; perhaps you did not read it?—I did read it.

Mr. WALTON (reading): "I have received instructions from the National Secular Hall Society, Limited, and from Mr. Owen Smith, the late manager of the Hall of Science, to commence an action against you and the printer for certain defamatory libels." Did you, after you got the letter, take the trouble to read the document?—I did.

Did you come across the passage in question?—I did not notice it particularly when I received the letter.

When did you first notice it?—On the receipt of the writ.

Did you answer the letter?—No, because I thought I had better see the proprietor of the pamphlet first.

When you did read the passage, did you think it a very shocking libel on somebody?—I thought it was a libel on the Hall of Science.

In London?—Well, I did not know where it was.

Do you really tell the jury that?—I do.

You are the publisher of the *Anti-Infidel* and similar literature, and did not know where it was?—No; I had never seen it.

Did you know it was in London?—I knew there was one in London.

Did you know it was the one in London that was suing you?—I did not suppose anything about it.

Did you say you did not form any opinion?—No.

Did you think it was any other Hall of Science in London?—I did not know.

You did not know which it was?—No.

And you did not trouble to inquire?—I went to see Mr. Bradlaugh.

Did you ascertain from him that it was any other hall than the one in London that was referred to?—No.

You thought, then, it was the Hall of Science in London?—I thought it might be.

And was no other?—Well, I knew of the hall in Leeds.

Did you think that the one referred to?—I thought it quite possible?

You swear that?—I do.

Then you thought it did not refer to the plaintiffs?—I thought not.

When you were served with a writ?—Yes.

That you swear?—Yes.

Then, having come to the conclusion that this did not refer to the plaintiffs at all, did you write and tell them so?—No.

Why not?—Because I saw Mr. Bradlaugh.

I am not speaking of what you said to Mr. Bradlaugh, but of what you said to these gentlemen complaining of the libel?—I said nothing.

Why not?—Because I did not know him. (Laughter.)

You think that is a serious answer?—I do.

And you tell the jury you thought it did not refer to him?—I put the matter in the hands of my solicitor.

I see. Did you continue to publish the *Anti-Infidels* after the action had begun?—Certainly.

Did you happen to have been publishing it in May and June, 1894?—Yes.

In May and June, 1894, you were strongly of opinion that this did not refer to the plaintiffs who were suing you?—I cannot say what happened in May and June. This was in April.

Did you change your opinion before May, 1894, as to whom the libel referred to?—No.

Then you thought it did not refer to the plaintiffs?—I thought so.

Will you tell the jury, if you did not think the action referred to the plaintiffs, how you came, in May, 1894, to publish a letter containing this passage: "The fact that Mr. G. W. Foote can only bring forward one solitary paragraph

on which he thinks it even possible to base an action is a tacit admission on his part that every other charge concerning the filthy and immoral literature issued from the Secular press, and the vile conduct and practices of Secularists themselves, has been proved up to the hilt. When the case comes before the court the evidence lacking in the involved paragraph will be forthcoming, and then the charges will be proved up to the hilt?" How came you, if you thought in May, 1894, that this paragraph did not refer to the plaintiffs at all, to publish a statement that you were going to prove the charges up to the hilt?—Mr. Bradlaugh wrote that; I did not.

You published it. Do you mean to say you did not read that?—No; I don't mean to say so.

And do you mean to tell the jury you allowed these gentlemen to come into court under the impression that the libel referred to them, without having in any way sought to correct that opinion? You know now, perfectly well, it refers to them? It was only my opinion.

Have you any doubt about it?—Oh yes.

Do you suggest there is no Hall of Science in London?—No, there was one.

In 1879?—I cannot say what year.

Did you ever hear of a Hall of Science in Leeds, so-called?—Yes.

The National Secular Hall is referred to in this libel. Is there any Hall of Science in Leeds the headquarters of the Society?—I don't know.

Can you suggest any Hall of Science in the United Kingdom which can be described as the headquarters of the Secularists, except that managed by Mr. Smith?—I cannot suggest any.

Or any situated, as that is near a lunatic asylum?—I don't know where it is situated.

Inasmuch as this Hall of Science is a Hall of Science in London, and inasmuch, therefore, as Mr. Smith manages it and conducts it, you now understand that the passage refers to him?—He says it does.

Have you any doubt?—Oh yes.

If what he says is true, it must?—Yes.

Have you offered any retraction or apology yourself?—No, I have not.

Are you indemnified in respect of damages and costs?—Yes.

Re-examined by Mr. RAWLINSON: My learned friend has asked you about the Hall of Science in Leeds in 1878. Did you know when it was shut up?—I can't say from my own knowledge.

Only from what you have read?—Yes.

The JUDGE : Is it shut up ?—It is, I believe.

Mr. WALTON : There is no such building, and never was.

Mr. RAWLINSON : There was a Secular Hall.

Mr. WALTON : There is this hall in North-street, Leeds ; but it has not this description. It was not called the Hall of Science. I am instructed that that is a malicious and malignant fabrication.

Mr. RAWLINSON : The Secular Hall was the one I asked about. You can, if desired, tell what has become of the hall in Leeds?

Mr. WALTON : My friend is not entitled to that.

The JUDGE : You are both knocking your heads against a brick wall. One of you refers to the Secular Hall, and the other to the Hall of Science.

Mr. RAWLINSON : I was only going to ask the date.

The JUDGE : Mr. Walton says there is no Hall of Science at Leeds.

Mr. Cook, the second defendant, was then called, and said he was the printer of this pamphlet.

Were you instructed to print it in the ordinary course of your business ?—Yes.

At the time you printed it did you know of this paragraph, the subject-matter of this action, being in at all ?—I did not.

It was printed as a reprint of what had been in the *Anti-Infidel* ?—Yes.

And that was a copy of a report of a meeting held at Leeds ?—Yes.

You never heard of Mr. Smith before this action ?—No.

Cross-examined by Mr. WALTON : Are you indemnified too, are you in that happy position ?—Yes.

Damages and costs ?—I don't know.

Which ?—I don't know.

Both ?—I don't know.

Which do you think ? (Laughter.)

The JUDGE : Have not you got what you want, Mr. Walton ?

Mr. WALTON : I think so.

Mr. RAWLINSON then addressed the jury for the defence. He said : I shall detain you a very short time in summing up the evidence laid before you. The point which my learned leader, Mr. Murphy, made when he addressed you is one which I think is certainly worthy of your consideration. The main question for you is, Was this remark, which was made by Mr. Powell, reasonably to be understood as referring to the London Hall of Science, or was it referring to a Secular hall in Leeds, about which scandals had arisen. And a prosecution had taken place shortly before the date referred to in the pamphlet ? I do call your attention most carefully to this. As appears from the pamphlet, these two disputants, Mr. Powell and Mr. Fisher, made alternate speeches. Mr. Powell first made a speech, and Mr. Fisher

replies at some length. Mr. Powell again replies on him, and so the combat is carried on. In his first speech Mr. Powell opened the case against Secularism in great detail, and in that opening, one very short part of which I shall read to you, he deals in detail with the charges of disgusting conduct against the National Secular Hall at Leeds. There is not the slightest doubt as to what he is referring. When he refers to the "rotten proceedings" at the National Secular Hall, he is obviously referring to the scandal which was well known to his audience, because he does not go into detail. Mr. Fisher then makes a speech of some length, and then Mr. Powell has the reply upon him, and it is in the second speech that this paragraph occurs. If it was meant to have referred to the London hall, you would have found it set out in his first speech. As it is, you find it in the second speech, which is a continuance merely of his first speech. He puts his case in his first speech, and details very shortly the proceedings which occurred before the Leeds magistrates, and then goes on to the *Elements of Social Science*. In his second speech he again refers, as I submit, to the Leeds Hall in the paragraph complained of, then reverts to the *Elements of Social Science*. My friend very properly objects when I want to put in the Leeds *Daily News*, because it is not the *Daily Standard*, so I cannot show you to what this libel refers. It is spoken by a man who is summing up his case replying to Fisher. He has identified the hall before in detail, and he sums it up, saying: "If you doubt me, look at the *Daily Standard* of August 11, '79." There is no such paper, and so you are asked to take the words verbatim, and say, if you take the man as having spoken exactly what he knew, you cannot have the slightest doubt it applied to the National Secular Hall in London, and it was impossible to apply them to the hall in Leeds. The point I wish to make here is this: Mr. Fisher, one of the disputants, was a member of the Council of the National Secular Society. He went down to speak as representing the Secular Society to that extent. He was a member of the committee, fighting their side of the case. After this remark had been made he had a reply, and he made full use of his opportunity and entered fully into the reply. If he had thought it applied to the London hall, would not he have replied at once and said: "What a scandalous lie you have told? There has never been a suggestion against the London Hall of Science. There has never been a suggestion that the Hall of Science allowed unnatural offences to take place in their hall?" He was in Leeds; he was present there carrying on the dispute. If he thought it meant London and not Leeds, would he not have answered it? Of course he would; but he does not, because he knows

perfectly well it has been referred to properly in the first speech, and he knew what was being referred to—the hall at Leeds. If he had, the answer would have been: “We know the class of thing that went on there; we know what came out before the magistrates.” I am entitled to use that as a fair argument here. My learned friend has suggested that I ought to call Mr. Powell. As a matter of fact, we cannot call him to help us in this matter. He is not helping us; but why does not my learned friend call Greaves Fisher, the member of the National Secular Society who took part in the debate, and who did not answer the charge. He must have known perfectly well to what hall it referred, and the whole facts of the case. Why is he not called? My friend comes down here and defends, with the ardor which is perfectly right, the idea that anything could be meant about Leeds instead of London. Why does he not call Mr. Fisher to come and say, “I knew he meant the Leeds hall”? Remember that my friend has opened the case saying they had no idea of the case they had to meet. The defence, in this matter, was put in on June 4, 1894, and that defence was this: “They admit that the words set out in the complaint were printed and published by them; but they deny that the said words had any reference to the plaintiff, either in reference to the position as alleged, or at all.” Could you expect a clearer denial than that? We have said from the beginning that this does not refer to the plaintiff at all. Greaves Fisher must have known it never referred to them, and he did not reply on it. It was not until it was printed by Cook and published by Mr. Snow that the action was brought against us. My friend has made a very strong point about why we did not answer that solicitor’s letter more fully before the action was brought. Can he suggest any sort of answer we could have made? We know that Mr. Powell had not been attacked in the matter; that no action had been brought against him. He had spoken the words complained of, and could have been attacked. They knew we had done it at the request of Mr. Bradlaugh, the proprietor of the *Anti-Infidel*. We are the first to get the solicitor’s letter. What possible answer could have been sent to that? A great point has been made that no answer was made to it; but what sort of reply was there to a solicitor’s letter of that kind? Does it request an apology or withdrawal? Does it tell us what part of the pamphlet of forty pages was complained of? Never a word suggested as to what the libel complained of was. Never a suggestion it was that passage subsequently taken out and put in the statement of claim. Never a suggestion that it applied to Mr. Smith as manager of the hall. The answer is obvious: we cannot, because we don’t know what part we are

attacked about. The letter does not ask for an apology or withdrawal, but simply says: "I wish to have the address of solicitors to accept service on your behalf, and if you do not send it I will serve you personally with a writ." I can only say that my friend must be consciously hard driven when he had to come to such a complaint against the defendant in this case. Directly he puts in his defence he says: "I admit I published the words, but they do not refer to you, either in your position as manager of the hall or refer to you in any way." What more can my friend wish for than that? Have we had a chance from beginning to end of more clearly expressing our case than we have to-day, and in our defence? Now, I have put the simple facts before you. I don't think anything the plaintiff has done here will make you think he is entitled to large damages in this matter. Do you think his character has been seriously affected? They all knew the attack was made in Leeds, and the whole subject of the controversy was in Leeds; and do they mean to say the plaintiff was damaged at all, looking at all the circumstances? Further than that, are there any matters in the conduct of the defendants which make you think they ought to pay larger damages than they ought to if they are wrong? Both the defendants knew nothing at all about the libel before it was put in print. They were very negligent, and possibly they ought to have read it before they put it in. But I say there is nothing which defendants have done which should lead you in any way to unduly press the case against them. The last topic of prejudice is this: They have been indemnified; and, it is suggested, by Mr. Bradlaugh, on whose behalf they were published. If you think that is a topic which you ought to take into account, by all means do so. But the main question is: Did the audience who heard the statements, and the persons who read them, not know perfectly well from the context, and from the fact that Fisher did not reply in any way to the charge—must they not have known that the real sting of the libel was against the Leeds hall, and had no reference to the London hall, still less to Mr. Smith, whom nobody ever heard of? (To the Judge): I do not know whether I ought to have taken the point as regards the question whether the publisher is liable. As Mr. Snow was merely a conduit pipe for the selling of the book, under a case which I will hand up, he would not therefore be liable, as he was in the position of a mere news-vendor. Where a publisher publishes, it is another thing; but here the evidence is that he simply received copies from the printer, to sell on commission.

The JUDGE: His name is put on them as publisher.

Mr. RAWLINSON: But that is only a custom of the trade.

He certainly sold them on commission. If necessary, I will put the point before your lordship later.

Mr. WALTON then addressed the jury on behalf of the plaintiff. He said: I am not surprised that my learned friend has not more than once in the course of his speech referred to three persons who are before you in this litigation; and, before I advert to one or two material observations which, it occurs to me, I ought, on behalf of the plaintiff, to make, I think it would not be inadvisable to ask ourselves for a moment, Who is Mr. Smith? who are these two gentlemen in the position of defendants? Mr. Smith and his connection with the Hall of Science, referred to in this libel, has been made abundantly clear. My learned friend has had the opportunity of cross-examining Mr. Smith; and, with that opportunity, with the large license which the law gives him—with the little scruple which has characterised my learned friend's method in using that license, which you have witnessed—he has completely failed to discredit and disparage Mr. Smith; but my learned friend has had no instructions to suggest that Mr. Smith has not been a man of eminent respectability and of unimpeachable character, and who has borne himself honestly and honorably in all relations of life. It is perfectly true that Mr. Smith has what some of us would regard as a misfortune—not those religious opinions which many of us hold. But, except the fact that his religious opinions differ from those of the majority of us, there is no kind of suggestion that Mr. Smith is not moral and trustworthy in every relation of life. Mr. Smith has been connected with this building called the Hall of Science in a very intimate way. He helped to found it; and within those walls men of the most eminent character, men who lectured in the cause of Freethought, have lectured; men who, although they have suffered for their opinions, won the respect of the British people. These men here have had the opportunity—which I trust every man may be afforded—in the light of day of expressing freely, to the people who thought them worth hearing, the views which they entertained. And it turns out further that Mr. Smith, through a long course of years, endeavored to make the Hall of Science a centre of education and instruction. He connected it with the Art and Science Classes of South Kensington. He had associated with him a clergyman of very free opinions, but of the very highest character—the Rev. Stewart Headlam, who was a member of the committee, and co-operated with him. He had, in addition, entertainments for the amusement of the young people who were members of his Society, and whose parents were connected with the movement; and in this way it is obvious that, in the actual conduct of these very

classes, the foundation of the dancing academy, admission to which was by ticket, the regulation of these proceedings, the supervision, and the mode in which it was conducted, Mr. Smith is regarded by his own people—by the Secularists throughout the country—as a respectable person. Mr. Watts only told us what is obvious. He said: "I regard Mr. Smith as responsible in this matter." Mr. Smith of himself says: "I am responsible. I was actually present at these instructions, and actually superintended these very classes. A state of things such as that indicated would have been impossible without my knowledge, and could not have occurred without my authority"; and therefore Mr. Smith, with the long years of respectable character which he is bearing, comes face to face with these honorable and moral and honest men, who hold Freethought in relation to religion. Mr. Smith is compelled to come into court, and to challenge from them some sort of substantiation for this monstrous attack levelled against him. It is essential that Mr. Smith leaves this court to-day with your verdict, with damages marking your sense of the attack made against him, and his right to invite an expression of opinion against him. Who are the defendants? They have been put into the box, and, if they had to pay these damages and costs, I could understand why my learned friend should call them, and make an appeal *ad misericordiam* that you should take into consideration their own negligence and own general respectability in awarding that sum; but why they should be put forward when they are not the real defendants, and when the verdict will not involve them in any damages, when they are merely show defendants for the spirits that are stabbing in the dark, wreaking their malignity in the dark, and were not put into the box, gentlemen, it is very difficult to understand. Of course Mr. Cook is only the printer, and of course Mr. Snow is only the publisher, and your verdict will be a verdict against them. But through Cook and Snow you are hitting those men who, for aught I know, have been sitting here within sound of my voice, and who have put in motion the printing press which gave currency to this malignant attack, and who dare not answer for it and submit themselves to cross-examination. After Snow and Cook have told us they will not be affected by your verdict, you need give very little consideration to the sort of appeal which my learned friend has addressed to you. Even though they are the defendants, I fail to see how they can ask for any consideration in the matter of this action. Mr. Powell, the obscure person who goes from Liverpool and vanishes into the obscurity from which he emanated, might have been made a defendant in this action. What would have been said then? They would have said

that what Mr. Powell stated he said in the heat of the moment, and it was an excess of zeal; and, therefore, he made a statement which, in calm moments, he would regret. It is these defendants who have given prominence to the libel. They have put it into the hands of every person interested in the matter throughout the kingdom, and they have professed to refer to a paper called the *Daily Standard*, which most men would understand referred to one of the most influential London papers. The defendants, who carelessly printed and carelessly published a document such as this, are not in a position to ask for any consideration from the jury when they have to do justice to the unfortunate man who may have been injured by the publication for which they are responsible. Now, let me consider for a moment how my learned friend, on behalf of the defendants, has sought to meet the case. I do not wonder at the line he has taken. I think I proved a true prophet in my opening. I ventured to predict what the real defence to the action was, and what the real tactics were which Mr. Murphy was instructed, on behalf of these persons, to pursue; and I do not wonder he tried to induce you to disregard the motive of justice, which is, perhaps, as sacred as any other motive in human nature, to disregard the motive of justice, because you disapprove of the opinions of the man who asks you for the justice of your verdict. My learned friend produces this book called *The Elements of Social Science*, and reads pages from it, and from the work of another Freethought writer; and he said to Mr. Smith, Are these the opinions of Freethought writers? are they your opinions? My learned friend knew perfectly well they are not the opinions of Mr. Smith, and he said so at once. He said: I am a Freethinker, and belong to the school which says that every man is entitled to speak and think freely on those subjects, and these are the opinions of honest men published in the light of day. It challenges the interference of society and the interference of the police, and neither society nor the police have interposed in any way to stop the dissemination of these books. We may dispute them and think them in error; but every person thinks differently. Here is a book which for forty years has been on public sale, being sold up and down the kingdom, dealing with matters of great importance, and it has never been challenged by any public authority, charged with the administration of the law in the matter. Mr. Smith says it is perfectly true it is sold on a bookstall which is licensed to a bookseller by the person who owns the Hall of Science in Old-street; but he is entitled to sell any books he likes. If they ought not to be sold, the police can interfere; but we simply let the man the bookstall, and he sells what books he likes, and Mr.

Smith says it would be an impertinence to come forward and attempt to revise his list and proceed to make out an index of certain books which I, Mr. Smith, in the exercise of my superior wisdom, will not allow him to sell. That is an affair between the owner of the book shop and the police. And this book has laid on this bookstall for thirty or forty years without any sort of challenge. It is the kind of line by which my learned friend hopes to disparage Mr. Smith in your estimation. I think all of us draw a strong line between opinion and moral conduct. My learned friend would be the last man to say this was a country in which opinion ought not to be as free as air. There was a time when those who professed different religious opinions had no tolerance, even in courts of law, or in society; but, fortunately, the time has come when every man is entitled to express his views freely; and just as we give freedom to men for religious opinion, so we allow freedom to other opinions, conscious that the forces of orthodoxy are stronger than the forces of error; and therefore we need have no fear of error. Against Mr. Smith's moral conduct, and the character of all the men associated with him, there is not a suggestion in this case; and yet this libel is not a libel of his opinions, but of his conduct, because it alleges a condition of things which makes the best feelings of one's nature rise in revolt. It is not that he taught these lads Freethought; that he taught them to disregard the Divine Being; that he gave them his views about the future state; that he expounded the tenets of Secularism; but it is that he taught practices which can only be mentioned in order to be scouted in every society of human beings. It is not a matter of religion, depending on orthodoxy or heterodoxy of religious opinions; but it is a matter of ordinary common decency, in connection with which this libel has been published. What is the sort of defence which has been put forward? First we have what I may describe as the illegitimate defence; then we have the legitimate defence. The illegitimate defence I described, while my learned friend was cross-examining, as drawing a herring across the scent; and it has been admirably illustrated by the tactics in this case. We have had to deal with what occurred, in the year 1879, in connection with the Hall of Science in London; but my learned friend has sought to divert the whole of our attention to what occurred at a different place and at a different time; to what occurred, not in London, but in Leeds; not at the Hall of Science, but at the North-street Hall in Leeds; and my learned friend has suggested, in what is the most dangerous and the most illegitimate mode conceivable in a court of justice—he has suggested that these proceedings were in relation to obscene and improper conduct. The sug-

gestion is absolutely false. There is not a tittle of evidence to support it. The only evidence is that given by Mr. Smith himself. He said he heard that certain proceedings had been taken against a place in North-street, Leeds; but what those proceedings were Mr. Smith had never heard. He never heard until this moment that they spoke of obscene conduct, or that the nature of the conduct was obscene; and, so far as Mr. Smith is aware, that prosecution was withdrawn. He never heard of a conviction as in fact having taken place, and Mr. Murphy would have been the first one to prove it.

Mr. RAWLINSON: You ought not to say there was no conviction.

Mr. WALTON: I say it was a charge of disorderly conduct. My learned friend is a lawyer, and knows that if, a publican allows dancing to take place in his house, he can be charged with keeping a disorderly house; and the prosecution against the Jockey Club at this moment is for disorderly conduct. My learned friend ought to be the last to make cheap capital out of the facts, because he knows perfectly well that, if you allow proceedings to take place on premises and you are not properly licensed, you are charged with allowing disorderly conduct to take place if you allow the public to take part.

Mr. RAWLINSON: The proceedings were not against a licensed house.

Mr. WALTON: I quite understand my learned friend's restlessness—(laughter)—and his anxiety to make up a case which cannot be proved by evidence of what took place. Where is the conviction—where is it? In the imagination of those who instruct my learned friend, in whom they have succeeded in infusing some of the spirit which seems to have characterised the proceedings on their part. Nothing would have been easier than to have called the police who laid the prosecution. Nothing could have been easier than to have put in the conviction; but we are told, and that is the whole evidence you are told by Mr. Smith, that the prosecution took place; but, so far as he knows, no conviction occurred, and if it occurred he would have been the first to hear of it. I say this effort to draw this question into a trial of what happened at Leeds, in another place, and for which other persons are responsible, is done in order to confuse your minds as to the real issue. That is the illegitimate defence, and, like all illegitimate defences, tries to establish itself by illegitimate means; and my learned friend, instead of bringing witnesses from Leeds to prove the facts, comes here with an armful of newspapers. A more irrelevant and and fruitless inquiry I cannot imagine

These papers, some of which have been raked up from the cellars of the British Museum, he wants to scatter around, and create a confusion as to what we have to try. I am perfectly certain if any witnesses came up from Leeds we should have listened to them with the greatest respect; but, as there is no substance in this sort of suggestion, they have endeavored to infuse into these proceedings an animus which can only have been introduced to confuse your minds. What is the real defence? It is that this was not spoken of the Hall of Science in London at all, but spoken of the Hall of Science in Leeds. In the first place, that defence would have been established by calling two or three witnesses. It would have been established by calling the speaker of this at the discussion, who would have told us what hall he was referring to, and by calling the people to whom he was speaking; but, instead of calling them, they leave you to imagine that this description applies to a hall in Leeds. If you look at it, there is no Hall of Science in Leeds at all. The only Hall of Science out of London is the one at Sheffield. It is true the Secularists have a hall at Leeds, but they don't call it the Hall of Science. But this is referred to as the headquarters of the Secularists, which is in Old-street. Then you have a reference to a newspaper called the *Daily Standard*, which is not produced, but the Leeds *Daily News* is attempted to be set up as the one meant. Such efforts are only the sort of devices which we expect from persons having a hopeless case. Now how is this case met, because that is the real question for your consideration? It is obvious they knew perfectly well (both Snow and Cook) the very serious nature of this libel. The solicitor's letter has been read, and when that letter was received I should have thought that one course—and only one course—could be pursued by honorable men anxious not to do injustice to anyone. Honorable men in a matter of this kind would be most anxious not to do an injustice to people against whom a prejudice was entertained, because there are some men of whom if you say a foul thing it does not matter, because no one believes it; but if a man happens to be a Secularist, there are a great many evil-minded men who will believe it. And the defendants knew this was being said of persons who were Secularists. If they were anxious to act honorably, they would have been the first to repudiate the libel and make reparation. Mr. Snow said he thought it did not refer to the plaintiff. Why did not he write so at once and say they were mistaken, withdraw it, and offer an apology? Because he had those behind him, those who had indemnified him, and were putting him forward to bring this into court to satisfy their fanatical prejudice. Instead of that, Mr. Snow published a letter, signed under

the name of the man he represented, and those who were supporting him in the matter, which contains this passage : "When the case comes into court we will not say, 'It is not true what it was I said about you' ; we will not say, 'It is a mistake,' and ask the jury to give as little damages as they can, because we are poor printers and publishers. Not that sort of defence at all. But, when it comes before the court, the evidence lacking will be forthcoming, and that charge, like others, will be proved up to the hilt." So that we get, until the last moment, when they are anxious to save their skins—we get the language of bluster. "It is true. Take us into court, and we will prove it. You did give this instruction. You (the plaintiff) are responsible for the Hall of Science, where it took place. We shall prove it, and publish it to the world ; and kind friends will come forward with their subscriptions, and we will fight under the flag of truth." Now, instead of fighting under the flag of truth, they are skulking and crawling away, and making piteous appeals to the jury. I should have had some respect if they had stuck to their guns, and, having got the public money, had tried to prove their case, and failed. But, having got it under this brave profession, the courage oozes and the bravery vanishes, and they now say : "We are poor publishers and printers. Let us off, because we are only agents." I ask you to give Mr. Smith such a verdict as will enable him to still hold up his head, so that those who may be connected with this matter will have no ground for saying there was one tittle of evidence of the monstrous and barbarous charge made against him. (Subdued applause.)

Mr. JUSTICE LAWRENCE, who was very indistinctly heard, in summing up, said : Gentlemen of the jury, the question you will have to consider is, how far the defendants have made out that which they say is an answer to the case—viz., that this matter had no reference to the plaintiff's place at all ; that it was not known to the man who uttered the slander first—Mr. Powell. Smith was not known to him, and he was not known to Mr. Cook or to Mr. Snow, the other defendant, the publisher and printer of the libel ; and it is said that the transactions had no reference to the Hall of Science in London at all. A great many considerations have been imported into this case, necessarily from the very nature of the case. All I can suggest is, that you should do the best you can in the matter, and not allow whatever feelings you may have on one side or the other to interfere with you in the discharge of your duty. Look at it just as you would at an ordinary case. The matter is a very simple one. Smith, the plaintiff, is the manager and treasurer and organiser of lectures, etc., at the Hall of Science in London, and he held that position till, I think,

1892, when it was turned into a Limited Company. (To Mr. Walton) What position does he hold now?

Mr. WALTON, Q.C. : He is a director of the Company, and that is why the action by the Company was discontinued, because the Company were not the proprietors of the hall at the date referred to. The action was originally brought by the Company, but when it was seen that the Company were not the proprietors of the hall in 1879, the action was discontinued.

Mr. JUSTICE LAWRENCE : Now, Mr. Smith says it was his duty to carry on the business of this Company, and to do so he had lectures and science classes, and was generally responsible for the management of the hall. The debate took place in October, 1893, and the plaintiff says he heard of it soon afterwards, and made no complaint against Mr. Powell, who said there had been a great scandal at Leeds. He also said he had heard of the trial in 1878, but he did not read it, and did not know what the evidence was. He says he knew Mr. Foote, but never heard the matter discussed in his presence, and he had not seen the report of the debate. He says he did not know who owned the Secular Hall at Leeds ; but he seemed to say he had heard the report of the trial discussed. Now, gentlemen, Mr. Murphy has asked you to say that Mr. Smith's answers were not satisfactory on that point, and that he was not clear in giving a distinct denial to the statement ; but that the fact was he knew exactly what had taken place at Leeds. On that point you must judge by your own conclusions from the evidence given before you. With regard to the suggestion that the defendant has been indemnified of the costs of this action, the plaintiff also seems to have been getting up money for the costs of the trial ; so there is not much to be said on either side, because " what is sauce for the goose is also sauce for the gander." (Laughter.) It appears that both of them were getting up public funds for the trial. No point has been made that plaintiff was not responsible for the management of the Hall ; and Mr. Charles Watts said he was on the Committee, and always looked upon Mr. Smith as the responsible person of the Company. Then a copy of the *Anti-Infidel* was put in, in which portions of the letter from Mr. W. R. Bradlaugh were printed, and on this it is said, on behalf of the plaintiff, that the points taken by Mr. Bradlaugh there were that, if this case went on, the charges made in the libel would be proved. Well, that was said to depend on what was the defence in the action ; and I may have a word more to say about Mr. Bradlaugh's position, and the letters written by him in the case, because he is the person responsible for them and the person making profit out of it as the owner of the *Anti-*

Infidel. Therefore, he is one of the persons who would be primarily responsible and liable for any injury the plaintiff might have sustained. Well, Mr. Murphy's case is shortly this: That the observations made by Mr. Powell at Leeds had reference to what had taken place at Leeds, and that Mr. Powell, like a great many other public speakers, not only in matters of religion, but in other matters which we read of every day—say politics, for instance—(a laugh)—Mr. Powell was like a good many more people who used extremely strong language, and had gone a great deal further than they were entitled to go, or would have gone in their calmer moments. There can be no doubt at all about that; and it is said here that what Mr. Powell had done was to mix up two or three things, and what he really intended to convey was that what he was saying had reference to the scandal that took place in Leeds in 1878. That there had been a scandal at that time there can be no doubt from the evidence of the plaintiff himself. Mr. Walton is quite right in saying he won't permit anybody to say that it was so of the Hall of Science, because there is no evidence about that. There had been something in the shape of a prosecution in Leeds, which may have been for only keeping a disorderly house—we are left in doubt; but there had been something—a prosecution which was of interest to Secularists generally, because the plaintiff said the matter had been talked about before him, and Mr. Watts remembers the Leeds trial. But I suppose we shall never know the real truth about the Leeds trial. That being the state of things, let me read you the parts of the pamphlet relied on by the plaintiff. It is said the Hall of Science was not the proper name, and that it should have been the Secular Hall, and therefore it could not refer to the London hall. It was said by the plaintiff: "The dancing academy must refer to me because there is no proof that there was a dancing academy at Leeds"; and then he relies on the fact of its being near a lunatic asylum, thus completing the identification. These things are said by the plaintiff to point—and can only point—to the Hall of Science in London. It is said by the defendant that the date 1879 was wrong, and was intended for 1878; that it was wrong to call it the Hall of Science; it should have been the Secular Hall in North-street, Leeds, and that the *Daily Standard* should be the *Daily News*. All that is said to be a mistake made by the speaker in the heat of debate, and what he really meant was the hall in Leeds; and the reference to 1879 was a reference to what had already taken place in 1878 in regard to the hall at Leeds, and not to the London hall. It is to be noticed that Mr. Powell was a Liverpool man; he was said to be an obscure Liverpool man, who had emerged from there, had

spoken, and had retired again. Mr. Fisher was a Leeds man ; and Mr. Powell, I observe, talks about certain books sold by Kingfisher of Leeds, and in one discussion Fisher acknowledges he is the person who sold the books referred to. Then he goes on to make the charge complained of. The question you have got to decide is whether that really had reference to the place in London, or whether it had reference—badly expressed by a man in the heat of debate—to the proceedings which had taken place in Leeds, and was intended and taken to be understood by those who heard him to have reference to the Leeds hall only.

Mr. WALTON : May I say, so far as the libel is concerned, would not the question be whether persons reading this pamphlet would not take it to refer to the London hall ?

The JUDGE : Quite true. It is not what was spoken at Leeds. The question is this : Without knowing anything further, would anybody taking up this book, and reading what was said there—and you have heard the most that can be said, and the best way it can be put for the defendants—the question is whether a person taking that up would apply it to the Hall of Science in London, and so apply it to the person—namely, the plaintiff—who was responsible for the manner in which that business was carried on. Mr. Murphy produced a paper which is not the *Daily Standard*, but is the *Leeds Daily News* ; but of course he cannot go any further than that. Mr. Snow then comes, and it turns out that the contents of the pamphlet had been published week by week, so far as I can gather, in the *Anti-Infidels* ; and therefore it must have been going on for some time between October and January. It is dated January, 1894.

Mr. RAWLINSON : The pamphlet was not published until March, I am told.

The JUDGE : There is the whole of the evidence upon the one side and the other. There are only one or two other considerations. We have heard a great deal why Mr. Powell has not been called on one side, and Mr. Fisher on the other. You always have, in cases of this kind, complaints by learned counsel on each side. They have each got complaints, and I suppose the answer to them really is—Mr. Walton does not hesitate to say : “ I have nothing to do with Mr. Powell. He is not worth powder and shot, and I am not going against him.” I do not know what your view is ; but, when you are considering the position, one would have thought there was some reason why Mr. Bradlaugh should not have been made a party to the case. It may be that they think he is not worth going for. I don't know. He is the owner of the pamphlet and of the *Anti-Infidels*, and he was the person who was going to take any profits, and when you cannot get the man who is going to profit by the libel then

you generally go for the printer and publisher. There may be some reason, but no reason has been forthcoming, as to why Mr. Bradlaugh should not be made a party to this suit. Mr. Bradlaugh was the person who, if any profit was to be made, would be entitled to it. But the writ reached the printer, who, I do not suppose, ever takes the trouble to see what he is printing; and the publisher, who only had a certain number of copies sent to him, having no control over the matter at all. But for some reason, best known to the plaintiff, Mr. Bradlaugh was not included. He seems to have been one of the principal parties concerned. There are the whole facts. The question is, Did these words refer, or would they reasonably be taken by anybody reading the pamphlet to refer, to the plaintiff, or do you think that the defendants' case is made out that they referred, and ought only to be taken to refer to, the case at Leeds and the Leeds hall? If you find they refer to the plaintiff, then comes the question of damages. That is a matter for you entirely to deal with. The libel, no doubt, is a serious one. The action is brought against two men, who are, as far as they are concerned—if there is any injury to the plaintiff—are not nearly so much concerned with the matter as the parties who get a profit by it, and who have been let go—viz., the man who spoke the words and the man who was the owner of the pamphlet. That may make a difference to you when you come to consider the amount of damages to which the plaintiff is entitled. It is for you to say whether you find for the plaintiff or defendant. If for the plaintiff, what damages do you think he is entitled to?

The jury retired at 4.30, and, after a deliberation of three-quarters of an hour, came into court and gave a verdict for the plaintiff, with £30 damages.

On Tuesday, February 19, Mr. Lawrence Walton, Q.C., who appeared for the plaintiff, said, in the case of the National Secular Society and another *versus* Snow and another, in which the jury, the day previously, found for the plaintiff, he had now to apply that judgment be entered in accordance with the finding of the jury.

Mr. JUSTICE LAWRENCE assented, and judgment was entered accordingly.

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