

# JUDICIAL SCANDALS

AND

# ERRORS

BY

GEORGE ASTOR SINGER, M.A.

I.

PRESS CENSORSHIP AND COMPROMISE.

LONDON

THE UNIVERSITY PRESS, LIMITED  
WATFORD, LONDON

1899

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## P R E F A C E .

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Authors and artists will remember the sad fate that befell old honest Vizetelly, the publisher of Zola's great works, who was convicted and sent to prison for "publishing an indecent libel with the intent of corrupting the morals of Her Majesty's subjects." His crime consisted in editing translations of the eminent writer's novels which the civilized world, long before Vizetelly's imprisonment, had recognised as masterpieces of art.

Vizetelly has died from the effects of his imprisonment, and it must have been some satisfaction to his numerous friends to witness the reaction a few years later when his persecutors bowed before the great novelist, when the most prominent members of society, Politicians, Literary men, and even Bishops vied with each other in entertaining the illustrious author of the Rougon-Macquart series. An English judge had sent poor old Vizetelly to prison for publishing the works which to-day every educated Englishman considers as the best productions of French literary genius.

Thus in the last two decades an important change in English prudery and conventional hypocrisy has undoubtedly taken place but the judicial system of this country unfortunately allows the prudes on the prowl, who are to be found everywhere, to repeat the attack and to indulge in idiosyncrasies which in the year 1898 culminated in the prosecution of a bookseller for selling a purely scientific work, written by an author of world-wide renown and published by a respectable firm.

The undoubted sincerity and honesty of English judges combined with the apparent or real impartiality of the jury, to John Bull seems a guarantee of fair play in civil actions as well as in criminal cases. But the public is not acquainted with the intricacies of judicial procedure, it knows nothing of the preliminary work behind the scenes and is dazzled by the display exhibited at the so-called trial which in many cases is nothing but a theatrical effect, fire-

works which frequently conceal a great wrong and leave the strongest as the victor in an unfair combat.

As the English judge, even if prejudiced, possesses a high sense of duty, great experience as a lawyer and a certain amount of shrewdness, and as, on the other hand, the jury as a rule is known to follow the direction of the judge, the work to be done by the representatives of the parties to an action or prosecution really consists in the attempt to deceive the judge, and he who manages this deception best will be the victor whether the right be on his side or not.

Therefore a very great part of legal work is of a doubtful nature, akin to trickery, which is facilitated by the peculiar semi-official capacity of the solicitor and the absolutely irresponsible position of counsel.

It is natural that amongst the three or four thousand solicitors in the Metropolis who are the moving spirits in all judicial actions, many are not of an irreproachable character. The numerous convictions of dishonest lawyers, and the prosecution of many more by the Incorporated Law Society prove that in England a much greater proportion of Solicitors indulge in doubtful practices, than in any other country with the exception perhaps of the United States.

The peculiar position of the Solicitor as a mediator between client and counsel partly accounts for this abnormal condition and an antiquated system greatly facilitates underground and dishonest practices.

It is affirmed that in England in one single day more perjury is committed than in the whole of Europe in a year, but this, if true, may be to a great extent due to the pernicious system of admitting plaintiff and defendant to swear affidavits in their own cause at every stage of a pending action. This practice is absolutely unknown in continental countries. Perjury certainly has something to do with the perversion of justice, but a greater danger arises from the peculiar relation between Client, Solicitor, Counsel, and Judge.

In the attempt of a Solicitor to fleece his client and to obtain the largest possible amount, for real or imaginary services, the client's interest is often ignored to an incredible extent, especially in cases where the greed of the lawyer prevents him from paying over

counsel's fees (paid to him by his client) which inevitably causes the collapse of a case or the conviction in a criminal prosecution.

The principal object of *Judicial Scandals and Errors* will be an impartial inquiry into dishonest manipulations in civil and criminal actions which have led to a gross perversion of justice. An examination in the judicial system, wherever it seems to be at fault, will follow.

The amount of wrong done in criminal courts, the conviction of the innocent, if poor, and the escape of the guilty, if wealthy, is alarmingly large, and every endeavour to lessen the evil must be welcome.

The attack made by unknown persons hiding behind the Commissioner of Police on a scientific work of undoubted merit and the suppression of this publication by a compromise with a London bookseller, although apparently unimportant in itself, is typical in its detail, and this circumstance justifies my submitting this case to the judgment of a wider circle.

GEORGE ASTOR SINGER, M.A.

PARIS, *December, 1898.*

From the *Cologne Gazette* (translated):—

“PROSECUTION OF SCIENTIFIC WORKS IN GREAT BRITAIN.

“Hypocrites and prudes in old England are on the war-path again. Not against music halls and theatres but against scientific, medical, and anthropological works is their zeal directed this time, and very successfully too.

“The laughter of the civilised world does not dishearten these fanatics, if they hear it. They suffer from a peculiar kind of mania which in this epidemic form is only to be found in England. But it would be a gross libel on the great English nation to state that the majority of educated Englishmen approves of these antics. Yes the influence and power of the prudes must not be underrated, if we take into consideration that the police is at their disposal to suppress such important scientific works as Dr. Havelock Ellis's *Studies in the Psychology of Sex*.

"Havelock Ellis's name is so well known all over the world as the author of *The Criminal* and *Man and Woman*, and as a scientist of eminence and undoubted integrity, that it seems superfluous to discuss the contents of the incriminated book.

"A bookseller in London who, like hundred others, sold this work, one day in the year 1898 was arrested, imprisoned, and intimidated to plead guilty:

"to being a person of a wicked and depraved mind and disposition, and unlawfully and wickedly devising, contriving, and intending, to vitiate and corrupt the morals of the liege subjects of our Lady the Queen, to debauch and poison the minds of divers of the liege subjects of our Lady the Queen, and to create in them disordered and lustful desires, and to bring the said liege subjects into a state of wickedness, lewdness, and debauchery, etc., etc.

"Who is laughing? Silence!

"In *Culturstaaten* (cultured states), as a rule, the nation is proud of the scientific achievements of medical and anthropological authorities, but in England many prefer the Bible as a medical text-book to Lord Lister's works, and *Christian Science* the newest hocus-pocus to medical practice in general.

"Amongst the many hundreds of poor victims of the art of Christian Science there was lately a well known literary man (Harold Frederic). A prosecution for manslaughter was started but soon abandoned or suppressed, perhaps by the same authority who sanctioned the prosecution of Dr. Havelock Ellis's works. It is a truly melancholy fact that in England the police, and even an English judge, can be had to assist in the suppression of scientific books, and it is rumoured in the metropolis that the next attack will be directed against Professor Krafft-Ebing's *Psychopathia Sexualis*, and against Westermarck's well known work, *The History of Human Marriage*. We will next hear that the British Museum library has been searched for the works of Westphal, Moll, Charcot, and Virchow, and that Darwin's great works will be brought before an Old Bailey jury. What a glorious prospect!

"If the government does not command a stentorious *Halt* (stop), one day in the near future the tinker, the tailor, the candle-stick maker, presided over by the Recorder of London, will sit in judgment over the *Origin of Species* and the *Descent of Man*.

"The spinster who, having been informed by a friend that her canary was of the male sex, henceforth covered his cage with a dark cloth each time she was exhibiting her virginal form before the dressing glass, and the very respectable matron who provided the Venus of Milo in her artist-husband's studio with a petticoat, skirt and bodice, should both be consulted by the English Home Secretary when instructions are given to the police for the suppression of scientific works. The rest may be left to the Recorder of London and to an Old Bailey jury as the most competent judges in the realm of Anthropology and Physiology."



## JUDICIAL SCANDALS AND ERRORS.

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LAWYERS know or feel instinctively that wherever in criminal cases a compromise has been effected between the prosecution and the defence some coin of the realm has passed. The illegality of the act is passed over silently by all the parties concerned in the transaction.

That such compromises are more frequent in England, where nearly all the prosecutions are of a more or less private character, than in France, Germany, Austria, or Italy, where invariably the public prosecutor acts for the crown, and in his official position is inaccessible to bribes and proposals for an amicable settlement, is only the natural and inevitable result of our procedure in criminal cases.

Many mysterious transactions, which amount to blackmail and extortion, would come to light if the parties to the deal were not compelled to silence in their own interest.

A compromise in cases where the police authorities or the Government appear as prosecutors, absolutely unknown on the continent, is comparatively rare even in this country, and the legal authorities strongly disapprove of the pernicious system of inducing an accomplice to turn *Queen's Evidence*. Quite apart of the indignity and immorality hidden in these transactions they carry the danger that the principal offender to save his own skin gives false evidence and that justice is perverted.

Much more dangerous than the admission of Bill Sykes to tender queen's evidence is a practice recently adopted by the prosecution in the Bedborough case, which promised to become a test case of the highest importance, but which collapsed in the end in consequence of a compromise effected between defence and prosecution on a perfectly new basis. The accused himself and his solicitor obtained by the transaction a considerable benefit, while the Commissioners of Police, the prosecutors in this remarkable case, extri-

cated themselves from a difficult position by an act which under all circumstances must be subject to severe criticism.

The old system of making the accused turn *Queen's Evidence*, and of compelling him to state on oath in a public court that he was not the principal offender, bad enough as it is, was abandoned in this case, and the culprit was allowed to make a secret statement to that effect at Scotland Yard to a detective.

On this private statement which naturally made Mr. G. B. Higgs (this is the real name of George Bedborough) appear as innocent as the new born babe, the prosecution based the speech which resulted in the suppression of a highly important case and in the slander of Dr. Havelock Ellis, a scientific author of world-wide renown, as also in the wanton persecution of Dr. R. de Villiers, the well-known Editor of the *University Magazine*.

It will be necessary to examine the facts surrounding this extraordinary case most minutely so as to understand the real nature of the deal which illustrates the dark side of our judicial system better than any case which has come to my knowledge in recent years.

That I am personally interested in this case, having provided the larger part of the amount required for the defence of the accused, gives me access to letters and documents which prove beyond doubt that, as in most similar cases, sordid considerations have caused this perversion of justice, which certainly amounts to a judicial scandal if we consider the consequences of the transaction.

#### THE POLICE AND THE PRESS.

On May 31st, 1898, Mr. G. B. Higgs, who, under the name of George Bedborough, carried on the business of a publisher and bookseller in London, was arrested by the police for "publishing an obscene libel with the intention of corrupting the morals of Her Majesty's subjects."

The book on which this charge was based was Dr. Havelock Ellis's first volume of his great work "Studies in the Psychology of Sex." The accused had nothing to do with the production of this book, neither as author nor as printer or publisher. He had simply sold copies of the same to disguised detectives. The police authorities were fully aware that the author was a well-known man

of science, that the printer was Mr. A. Bonner of Took's Court, and that the publishers were the University Press, as these names appeared on the book in bold type.

Dr. Havelock Ellis appeared in person at the first and second hearing of the charge before the magistrate, declaring through his counsel that he was prepared to undertake the whole responsibility for the incriminated publication.

The publishers were also represented at the police-court proceedings by Messrs. C. O. Humphreys and Son, the well-known solicitors.

For some reason or other Dr. Havelock Ellis's offer did not suit the prosecution nor Sir John Bridge the magistrate, who stated that not the writing or publishing of the book in question but the sale to the detectives, *i.e.* the indiscriminate sale alleged to have been practised by Mr. Bedborough, constituted the offence.

Articles contained in the *Adult*, a magazine owned and edited by the accused, were included in the charge, and Mr. Bedborough was committed for trial.

It was soon apparent that Dr. Havelock Ellis's work was not the real, or at least not the principal, object of this prosecution, but that it was aimed at the University Press Limited, which had published a number of philosophical, social, and theological works. The University Press also owned the *University Magazine and Free Review*, a periodical devoted to the free discussion of political, social, and religious subjects.

Bedborough, besides his own publications, sold the books and magazines published by the University Press in the same way as other London booksellers and on the same terms. But his connection with the Legitimation League, a society founded for the purpose of securing equal rights for legitimate and illegitimate children, gave the prosecution a welcome opportunity to cast a slur upon a firm of respectable publishers, who were never in any way connected with this society, or with any of Mr. Bedborough's undertakings.

It cannot be ascertained who hides behind the Commissioners of Police, who appeared as nominal prosecutors in these proceedings, but from the facts hereafter explained the reader will infer that the police have acted throughout on higher orders.

The first suspicion that Dr. Havelock Ellis's work formed only the pretext for an unheard of persecution arose in the minds of the defence through the fact that the police in raiding Mr. Bedborough's premises seized all the books lately published by the University Press, particularly

*The Free Review*, edited by G. Astor Singer.

*The University Magazine*, edited by Dr. R. de Villiers.

*Pseudo-Philosophy at the End of the Nineteenth Century*, by Hugh Mortimer Cecil.

*The Dynamics of Religion*, an essay in English Culture History, by M. W. Wiseman.

*The Saxon and the Celt*, by John M. Robertson.

*Montaigne and Shakspeare*, by John M. Robertson.

*The Blight of Respectability*, by Geoffrey Mortimer.

None of these publications did ever form or could ever have been the object of a direct prosecution, yet the police seized these works indiscriminately, and it became evident from this and subsequent proceedings that English prejudice and prudery were to be worked for what they were worth for the purpose of suppressing publications which were in no way connected with the alleged offence "of publishing an obscene libel with the intention of corrupting the morals of Her Majesty's subjects."

This secret intention is proved beyond doubt by the speech of the counsel for the prosecution at the trial, which I will fully examine in its true light hereafter.

It must be of interest to the lawyer as well as to the student of politics to learn how successfully this plan to suppress a well-known magazine and to send its editor into exile has been carried out by those entrusted with the task.

#### STUDIES IN THE PSYCHOLOGY OF SEX.

The first volume of Dr. Havelock Ellis's work *Studies in the Psychology of Sex* was published by the University Press Limited in February, 1898. It was the first and only work on the vital question of sex published by this firm, whose managing director and principal shareholder I am. As such I share the responsibility for its publication with the author.

Dr. R. de Villiers, the Editor of the *University Magazine*, in 1897 called my attention to the German edition of this volume,

and to the general praise which the same had found in scientific circles on the Continent and in the United States of America. The name of the illustrious author of many scientific works however would alone have been a guarantee for me that the book was of the highest and noblest aim, and that it was written in the true scientific spirit which characterises Dr. Havelock Ellis's well-known writings.

Indeed my decision to publish this book needs no justification before the scientific world. I submitted the M.S. to medical men and to psychologists, who unanimously declared it to be of the greatest importance, not only for the medical profession, but also for teachers, lawyers, clergymen, and students of psychological problems.

So I decided upon its publication, and the book was printed by Mr. A. Bonner.

As however it was not desirable that this book should come into the hands of inexperienced youth I gave instructions that all copies supplied to booksellers, including, of course, those supplied by the University Press to Mr. Bedborough, should bear a label with the inscription :

"This book is a scientific work intended for Medical Men, Lawyers, and Teachers.  
It should not be placed into the hands of the general public."

To Mr. Bedborough-Higgs the book was supplied in the usual way, and the only explanation why the authorities selected this man out of many other booksellers in London who sold the book is that he was connected with, or rather that he was the moving spirit in, a society which advocated "Freedom in Sexual Relationship," a Free-Love Society, of which he was the head and soul. Another reason may have been that Bedborough-Higgs was without means, and thus, as the police was led to believe, would be unable to defend himself against a powerful official prosecution. Anyhow, as subsequent events proved, the police authorities were right in their calculation that poor Bedborough-Higgs was not made of a material to withstand the attack. He collapsed ignominiously, and to the joy of the prosecution cut a very sorry figure in the subsequent proceedings.

#### A SOLICITOR'S CHANCE.

The most interesting part of the comedy is the association of the

accused with a London solicitor for the purpose of extracting money from the public for his defence which this gentleman never intended to carry through, as proved subsequently by counsel for the prosecution in his speech before the Recorder of London.

A few days after Bedborough's arrest I received in New York a cable from Dr. de Villiers, the Editor of the *University Magazine*, requesting me to guarantee at least part of the expenses for the defence of the accused, and particularly the payment of counsel's fees. I consented, and part of the money was paid to Mr. Wyatt Digby, the solicitor selected by Mr. Bedborough for his defence.

"A storm of indignation," Dr. de Villiers wrote, "has broken over the country, and especially over the scientific world, when the new practice of prosecuting a bookseller for selling a scientific work became known through the newspapers. A protest was raised by medical and anthropological societies against this wanton attack on an author's repute. We must have funds for the defence as Bedborough is a poor devil, and you should guarantee the payment of counsel's fees and solicitor's costs to a limited amount, while a Free Press Defence Committee is formed to provide further funds."

Unacquainted with the bye-ways of the laws in England and the tricks of London solicitors, I was unaware that by providing these funds I practically caused the insult offered to the author by the prosecution at the trial, and, in fact, the collapse of the defence, which it was intended to place on a sound basis by engaging a leading counsel to defend the accused as well as author and publisher.

#### HOW THE POLICE PROCEEDED.

A Scotland Yard detective, Mr. Sweeney, one of those innocent souls, whose morals are so easily corrupted, was sent into the lion's den to prove that the secretary of the Legitimation League sold books *with intent to corrupt the morals of Her Majesty's subjects*.

He represented himself as a friend of L. Harman, the president of the Legitimation League, and showed himself enthusiastic for the cause of securing equal rights for legitimate and illegitimate children. Mr. Sweeney accepted an invitation to the meeting and annual dinner of the League, at which he was present listening to the speeches of other enthusiasts. It seems that these proceedings

were rather harmless, anyhow the detective's morals had not been corrupted then and there, so that to attain the object in view he cultivated the secretary's friendship with the view of obtaining better evidence of his pernicious designs on English morality.

Amongst the many books sold by Mr. Bedborough he found one with an attractive and yet mysterious title: "Studies in the Psychology of Sex," by Dr. Havelock Ellis. Forthwith he acquired a copy, and to prove the sale and the mercenary corruption of his morals, he paid for it. As the detective is a grown-up man, and as his innocence was concealed, Mr. Bedborough knowing him only as an enthusiastic follower of the Legitimation League, of course he obtained a copy of this scientific work without any difficulty. After corrupting his morals with it he took it straight to the Commissioner of Police, whose morals no doubt were likewise corrupted, so that the inevitable consequence was that Mr. Sweeney received instructions to swear an information at the Bow Street Police Court, which in due course led to the arrest of Mr. Bedborough, and to the seizure of all the dangerous books in his possession. The magistrate, shocked by the accused's depravity as described in Mr. Sweeney's information, refused to admit the prisoner to bail, but at a later application fixed it at £1,000.

Thus for the English public the gravity of the offence was established forthwith and beforehand.

At the conclusion of the proceedings before the magistrate, Mr. Ivory, representing Mr. Bedborough, and seeing that Sir John Bridge had made up his mind to send the case for trial, said that he could not hope to convert the learned magistrate from the view to which he had given expression, and would only say that the accused was prepared to contend that the works referred to in the case were not obscene.

"I shall be prepared to maintain that this is not an obscene publication, but a scientific work if it be approached—as it is intended it should be—by persons of scientific mind and a desire to learn. (Mr. Ivory went on to quote the case of 'Reg. v. Hickling,' with the object of showing that the question of obscenity of a work depended upon the method of its publication. Many scientific works would be obscene if they were published broadcast at the corner of the street; but they were not obscene if they were only circulated among scientific men.) The price and method of the publication of the 'Sexual Inversion' showed that that was the intention in this case. The

practices mentioned in the book were not advocated by the author, as the prosecution had stated, and at the proper time he would challenge his learned friend to prove what he had stated on this point. In conclusion Mr. Avory read the last paragraph in the book as follows:—‘Here we may leave the question of Sexual Inversion. In dealing with it I have sought to avoid that attitude of moral superiority which is so common in the literature of this subject, and have refrained from pointing out how loathsome this phenomenon is, and how hideous. Such an attitude is as much out of place in scientific investigation as it is in judicial investigation, and may well be left to the amateur. The physician who feels anything of disgust at the sight of disease is unlikely to bring either succour to his patients or instruction to his pupils.’”

Sir John Bridge, when committing the accused for trial, had all the information concerning the author's, printer's, and publisher's part in this publication before him, yet no action was taken against either, and the indictment, which included certain articles in the *Adult*, was practically confined to the way of selling the incriminated book and magazine.

#### A GRATUITOUS ADVERTISEMENT.

As the demand for Dr. Havelock Ellis's book increased very considerably through the advertisement given to it by the police-court proceedings, and as I did not wish this work to fall into the hands of the young and of persons for whom it was never intended, I ordered the sale to be stopped at once, and the author consented to this step. Amongst those anxious to acquire the book were many students at Oxford and Cambridge, boys at Eton, Rugby, and Harrow, even girls at boarding schools, all of whom would never have heard of its existence if the great publicity given to the police-court proceedings by the entire press in Great Britain had not called their attention to this medical work.

Not one single copy however was supplied to serve this morbid curiosity, and the Editor of the *University Magazine* perceiving the danger of spurious reprints of the work being published in Paris and New York to satisfy the great demand created by the police addressed the following letter to the Home Secretary:—

“SIR,—May I call your attention to a grave error of judgment committed by the Commissioners of Police in the prosecution of a London Publisher and Bookseller for selling a scientific work entitled ‘Studies in the Psychology of Sex,’ by Havelock Ellis, the eminent author of many valuable works of science and editor of the Contemporary Science series (Walter Scott).

“I am confident that you will not underrate the very serious consequences



of this prosecution if you will consider the following facts with which the undersigned, having in 1897 advised the University Press to publish this work, is fully acquainted.

“(1) During the year 1897 and up to the arrest of Mr. Bedborough, Dr. Havelock Ellis’s work which follows in the footsteps of Professor von Krafft-Ebing’s well known book ‘Psychopathia Sexualis’ has been demanded and supplied exclusively to the medical profession, to lawyers, teachers, and clergymen, and to booksellers. The publishers have taken every possible precaution that the book should not be sold to the general public, and all copies sold to booksellers bore a label with the following inscription:—

“‘This book is a scientific work intended for medical men, lawyers, and teachers.

“‘It should not be placed into the hands of the general public.’

“It may thus be supposed that the trade in general has supplied this book only at the request of professional men for whom the work is of paramount importance.

“The publishers have abstained from advertising the book in any newspaper, and review copies have been sent only to medical journals. The price was that of other scientific works of similar dimension.

“(2) Since the commencement of the proceedings at the Bow Street Police Court, the wise precautions of the publishers however have been frustrated by the extensive advertisement caused by these proceedings all over Great Britain and America, so that the publishers as well as booksellers in all parts of the English speaking world are inundated with orders, not only from adults but also from boys at the public schools, from students at Universities, and from persons for whom the book has never been intended.

“The publishers, following my advice, have forthwith withdrawn the book from sale, but they are unable to stop the sale of copies which are in the hands of booksellers all over the country.

“It will thus appear that the Commissioners of Police who charge a bookseller in London with selling the book to detectives *with intent to corrupt the morals of Her Majesty’s subjects*, are practically guilty of the very offence of which they accuse Mr. Bedborough, as by their ill-advised act the book has been played into the hands of persons who otherwise would never have known of its existence.

The almost inevitable consequences of the withdrawal of the book by the University Press, simultaneous with the great demand created by the police, will be the spurious re-publication of this work in Paris and New York; and the public schools at Eton, Harrow, etc., will be flooded with circulars by unscrupulous foreign publishers, who will profit by the gratuitous advertisement given by the Commissioners of Police to this publication.

“This advertisement has increased with every hearing at the police court, and will find its climax at the trial.

“If it should be in your power to arrest the progress of the mischievous practice of the police of making scientific works of this description popular, you could do much to prevent the corruption of public morals.

“Should on the other hand this newly initiated practice of prosecuting

booksellers for selling medical works dealing with obstetrics or sexual disorders be continued in the future, the young will obtain access to many books the existence of which was necessarily unknown to them until now.

"The public in general and the medical profession in particular will be grateful to you if you will oppose such tendency in the future, if you should not have the power to interfere in the present grievous blunder of the police.

"I have sent a copy of this letter to the Commissioners of Police and to the Press.

"I am, Sir,

"Your obedient Servant,

"R. DE VILLIERS."

The speech for the prosecution by Mr. Matthews at the trial seems to point to the possibility that this honest letter to the Home Secretary must have raised the ire of the parties responsible for the prosecution, and must have induced them to apply to the magistrate for a warrant for the arrest of Dr. de Villiers, who had actually nothing whatever to do with the publishing of the incriminated book.

Innumerable letters of sympathy were received by the author of the book as well as by the Editor of the *University Magazine*, and a Free Press Defence Committee was formed by Mr. Henry Seymour. Many eminent authorities and literary men joined this Committee, many who were not at all in sympathy with Mr. Bedborough's views on Free Love or Legitimation, but who felt the necessity to protect the press from arbitrary interference by the police, and who abhorred the newly-established press-censorship. The Free Press Defence Committee issued the following circular:—

"FREE PRESS DEFENCE COMMITTEE.

"THE BEDBOROUGH PROSECUTION.

"An appeal is hereby made to all lovers of free inquiry, free discussion, and free publicity. The following are the facts which necessitate this appeal:—

"Mr. George Bedborough is being prosecuted by the police for selling a book entitled *Sexual Inversion*, written by Dr. Havelock Ellis, whose name is widely and honorably known in science and literature. This volume is the first of a projected series on 'The Psychology of Sex,' a subject which is investigated freely on the Continent by medical and sociological experts,

who are continuing the researches initiated by the famous criminologist, Lombroso. It is written in a spirit of scientific detachment. It throws light upon certain abnormalities, with a view to their rectification; it is unpleasant in the same way that a treatise on cancer is unpleasant. But it is surely maintainable—and this may be said without prejudice to whatever is *sub judice*—that to call such a book obscene is an abuse of language, to stop its circulation amongst adult students is a gross violation of the freedom of the press, and to imprison a man for selling it to an adult customer is an outrage on the primary rights of free citizenship. Since the commencement of the prosecution other charges have been brought against Mr. Bedborough, founded upon publications seized by the police in raiding his rooms at the time of his arrest. These publications were all advertised and sold openly, and there was no need to resort to such methods of incrimination. They are copies of the *Adult*, the monthly organ of the Legitimation League, an organisation which exists for the purpose of ventilating sexual problems, particularly in relation to marriage and the status of women; and also copies of various pamphlets issued under the auspices of that body.

“It should be mentioned that Mr. Bedborough is not arraigned for any writings of his own. He is called upon to bear the burden of the defence of the writings of others, with whom he is not necessarily in agreement. Neither the writers of the pamphlets and periodicals, nor the author, printer, or publishers of the book in question are included in the indictment. He alone is singled out as the victim of this ill-advised, and perhaps malicious prosecution.

“The Free Press Defence Committee has been formed in order to resist this police attack upon liberty. Its members belong to many different schools of opinion. They are not in any way concerned with the particular views entertained by Mr. Bedborough, or set forth in the writings which form the ground of the prosecution. The present is neither the time nor the occasion to express either agreement or dissent. The one thing to be done is to defend the liberty of *all* opinions. It is always the bigots who choose the point of attack, and it is there that the friends of freedom must rally.

“The most important thing is that Mr. Bedborough should be properly defended, and the Free Press Defence Committee is pledged to obtain for him (if possible) the requisite support. A fair amount has already been subscribed, but far more will be required, especially as the case will probably be taken to the Court of Queen’s Bench. It is hoped, therefore, that subscriptions will be forwarded without delay to the Honorary Treasurer, Mrs. Gladys Dawson, Bedford Hotel, Covent Garden, London, W.C.

“The Committee appeal most earnestly to all who value the freedom of the press to lend their aid in this emergency. It is not enough to condemn the prosecution as unwise. This alone will not protect the principle which is assailed, nor save the living victim from the sufferings and indignities of imprisonment. The prosecution must be actively resisted. This is what the Committee calls upon every lover of liberty to assist in doing. A strong, united stand against oppression at this moment will strengthen the securities of freedom in the future.”

Amongst the great number of gentlemen and ladies who joined the Committee I may name the following:—

Grant Allen.	George Moore.
T. B. Askew.	F. H. Perry-Coste.
E. Belfort Bax.	William Platt.
Robert Braithwaite.	Frank Todmore.
Robert Buchanan.	H. Quelch.
Mona Caird.	John M. Robertson.
Edward Carpenter.	W. Stewart Ross.
Joseph Collinson.	Henry S. Salt.
Walter Crane.	William Sharpe.
A. F. Cross.	George Bernard Shaw.
Thomas du Deney.	George Standing.
Mrs. Despard.	Edward Temple.
Dr. H. Densmore.	W. M. Thompson.
G. W. Foote.	John Trevor.
Frank Harris.	Charles Watts.
George Jacob Holyoake.	Dr. T. M. Watt.
Geoffrey Mortimer.	

The English Press, with the exception of the reptile and mugwump section, expressed its view with much frankness against the police prosecution, and aided thereby the work of the Committee.

A few of the numerous articles on the subject which appeared after the committal of the accused will be found in Appendix I. At many public meetings held in the Metropolis the new system of suppressing scientific works initiated by the Commissioners of the Police was denounced, and probably the party who instigated this prosecution became doubtful as to its success, but yet it could rely on the stupidity of a prejudiced Old Bailey Jury as the application to remove the case to the High Court and a special jury had been refused.

#### A MYSTERIOUS LETTER.

A strange thing happened after the decision of the magistrate to send the case for trial had been given.

A number of booksellers in London and in the principal provincial towns, mostly customers of the University Press Limited, received the following communication by post:—

“PRIVATE AND CONFIDENTIAL.

“Criminal Investigation Department,

“Scotland Yard, W.C.

“SIR,—The arrest and committal of a London bookseller should serve you as a warning.

"Take notice that the police will arrest and prosecute any bookseller who in the future should sell the atheistic and abominable publications of the University Press.

"A CHRISTIAN."

It is, of course, certain that these letters did not emanate from the police or from Scotland Yard, nor could the same have been sent with the knowledge or approval of the Scotland Yard authorities, but it is more than probable that some person or society connected with the prosecution or interested in the proceedings had written them with the view of frightening booksellers. This ruse succeeded admirably because many of the more timid booksellers "to avoid arrest and prosecution" refused to sell the *University Magazine* any further, and in consequence of this boycott the monthly issue of this publication had to be suspended.

It will surprise my readers that the tenor of Mr. Matthews' speech before the Recorder is somewhat similar to this mysterious message, in so far as the University Press is named as the real offender, so that we must ask whether this crusade was really directed against Mr. Bedborough or against the University Press, with which Mr. Bedborough was not connected any more than any other bookseller in London.

#### AFTER THE COMMITTAL.

The committal of Mr. Bedborough took place on June 21st, and the time which elapsed since then to the day of the mock trial on October 31st was used by the Free Press Defence Committee to collect funds for the defence of the accused, and in this endeavour its able secretary, who devoted much of his time and energy to this task, was fairly successful.

But alas in the meantime Mr. Bedborough and his shrewd solicitor had discovered that the cheapest and most profitable way out of the difficulty would be to come to terms with the Commissioners of Police, and to appropriate the funds.

Although it is not likely that Mr. Wyatt Digby divided the spoil with Mr. Bedborough, there is not the least doubt that the latter played into his hands by concealing his arrangement with the prosecution from the Committee and from myself, and thereby caused the amount of about £400 to be passed into the possession of the solicitors.

Mr. Matthews's speech describes best and in clear language what happened while Mr. Wyatt Digby used pressure to obtain as much money as possible from the Committee, and while by an unworthy trick the same gentleman extracted a further sum of £150 from my wife for the purpose of paying counsel's fees for his client's defence.

#### A PENITENT SINNER.

Mr. Bedborough, according to counsel's statement, after his committal, went to Scotland Yard, and by the authorities there was allowed to make a statement to the effect that he was only a very subordinate sub-agent of the Editor of the *University Magazine*, Dr. R. de Villiers, and that this gentleman was the real culprit. He offered to plead guilty to three counts in the indictment as a matter of form if the prosecution would give him a guarantee that he would not be sent to prison.

The Commissioners of Police, if they were the real prosecutors in this prosecution, must have had grave doubts as to the success of the impending trial, or there must have been some other reasons that they decided to accept the bargain proposed by Mr. Bedborough.

It may be that they were incensed by Dr. de Villiers's letter to the Home Secretary, and felt a kind of satisfaction in substituting that gentleman for the wretched prisoner who made this proposal.

As matters stood the proposed settlement would amount to a victory for the police, a clever speech by counsel would make it appear a real triumph over these wicked publishers, and smaller obstacles could easily be overcome.

Indeed such an arrangement, if not quite honest and above board, seemed satisfactory to all parties immediately concerned, to the prosecution, to the accused, and last, not least, to the solicitor for the defence, Mr. Wyatt Digby, who, without paying counsel's fees, could easily manage to retain the large amount received for the defence.

Not less interesting than the carrying out of the arrangement arrived at between the parties is the story of Mr. Wyatt Digby's successful endeavour to get hold of as much money for the defence of his client as could possibly be obtained under the circumstances. Part of his scheme was to keep the arrangement secret until a few

days before the trial, and in the meantime to secure the largest possible amount from the two sources which were open to him.

The following letter will show how eager Mr. Wyatt Digby was to secure the amount of my guarantee, and how anxious to obtain adjournments of the trial to gain time for the purpose of collecting further funds from the Free Press Defence Committee:—

“Wyatt Digby and Co.

“5 and 6, Clements Inn, Strand,  
“London, W.C.,  
“July 14th, 1898.

“Reg. v. Bedborough.

“DEAR SIRS,—It is necessary now to make some arrangements with regard to counsel's fees herein.

“We fully appreciate the contents of your former letter as to your guarantee, but shall be glad if you will give us a call at your earliest convenience so that we may discuss the matter for future arrangements.

“Yours faithfully,

“WYATT DIGBY AND CO.”

“The University Press Limited.”

All this time (in July) it was already arranged between the prosecution and defence that the case should not be taken until after the vacation at the end of October, 1898. Yet on July 21st Mr. Wyatt Digby addressed the following letter to the Editor of the *University Magazine*:—

“Wyatt Digby and Co.

“5 and 6, Clements Inn, Strand,  
“July 14th, 1898.

“DEAR SIR,—Referring to your letter of the 19th and ours of yesterday we presume that you asked Mr. Singer to cable the money over as if it is only sent by post it will not arrive in time for the trial, and of course it ought to be here not later than Friday, or at the very latest Saturday morning. Of course we do not wish to press the matter, but we think it right to point this out. We are doing everything possible in the case, and shall leave no stone unturned to secure success, and our only anxiety is that we may be prevented from taking the necessary steps for want of funds.

“If it is not clear that the money will be cabled, will you be good enough to send a further cable asking for this to be done.

“We are,

“Yours faithfully,

“WYATT DIGBY AND CO.”

“R. de Villiers,

“University Press, Watford.”

I suspected these gentlemen, and instructed my representative

not to pay the amount until our own solicitors, Mr. C. O. Humphreys and Son, should advise us to do so.

On August 10th the following communication was received from Mr. Wyatt Digby:—

“Wyatt Digby and Co.

“5 and 6, Clements Inn, Strand,  
“London, W.C.

“DEAR SIRS,—It is necessary that we should be at once put in funds for the necessary expenses which have been incurred and for the further expenses which have now to be incurred, and it is absolutely necessary that we should have £150 at once for the purpose of preparing for the trial as there is no time to be lost.

“Hoping to hear from you with a cheque by return.

“Yours faithfully,

“WYATT DIGBY AND Co.”

Mr. Digby must have been afraid that the terms of the settlement proposed by Mr. Bedborough to the police might become known before he would be able to secure all the cash available from the two sources, and on August 31st he wrote the following epistle:—

“Wyatt Digby and Co.

“5 and 6, Clements Inn, Strand,  
“London, W.C.,  
“August 31st, 1898.

“Regina v. Bedborough.

“DEAR SIR,—We are surprised that we have not received any reply to our letter of the 9th inst. The Committee have now paid us the sum of £50, which, we understand, is all the money they have in hand, and they have promised a further £50 on the day of the trial (which will be personally subscribed by them as sufficient funds have not been received from the public). They have also guaranteed the sum of £50 to be paid at some later date which at present cannot be fixed, and will also be obtained by subscription among themselves. This makes in all the sum of £150, which is the total amount they are in a position to provide now or at any future time. We have previously received the sum of £140, namely, £50 from yourself and £90 from the Committee. This amount has been expended in regard to expenses prior to trial, including counsel's fees before the magistrate, costs of applications for *certiorari*, and other costs.

“As to the counsel's fees on trial it has been arranged to brief Mr. Avory and Mr. Rose-Innes. Their fees on the trial, assuming the case to last three days (which is the least time it can be reasonably expected to take), will amount to 110 guineas and 68 guineas respectively, making a total of about 180 guineas.

“Of course, the case may last longer than three days, in fact it is not



unlikely that it will occupy as long as a week, and in this case further fees will have to be paid beyond the 180 guineas. Counsel's fees will have to be paid when the briefs are delivered.

"In addition to the counsel's fees, of course there are payments to witnesses, which will be heavy, and there are solicitor's charges, and other expenses which must necessarily amount to a very considerable sum. The amount which we have received, and are to receive from the Committee, will not be sufficient for the purpose of providing the witnesses' fees and expenses and our costs; therefore it is necessary to look to you under your guarantee for the amount of counsel's fees, and you will see that the £150, the balance guaranteed by you, is not sufficient for this purpose.

"However we have now agreed with the Committee that we will carry the matter through to a conclusion and do everything possible to ensure a successful defence on their carrying out their arrangements as above mentioned, conditionally on your providing us with the £150 toward counsel's fees a sufficient time before the trial. If we receive this, counsel will be briefed, and the matter will go to trial, but we are compelled to say that we cannot deliver the briefs until we get your cheque for £150. At the very latest the briefs must be delivered to counsel by September 6th if they are to have sufficient time to get up the case. We must therefore rely on you to send us the cheque as promised by that date.

"We are sure that you will understand that we have no desire to put any undue pressure or to require payment of more than is necessary, but it is essential that there should be no hitch in regard to the matter on the eve of the trial. If you would prefer we should be quite satisfied if you would send the amount to Mr. Seymour, as secretary to the Committee, or to Mr. Bedborough, or to both jointly, to ensure the matter being properly carried through. Of course, any payment by you to the Committee on this account will be a performance of your guarantee to us.

"Yours faithfully,

"WYATT DIGBY AND Co."

From this last letter it will be seen that Mr. Wyatt Digby, while pressing for the payment of £150, had already obtained all the money he could get from the Free Press Defence Committee.

I was in New York at that time. On September 9th our solicitors, Messrs. C. O. Humphreys and Son, informed us by wire that the case would not come on for trial until the end of October. Mr. Wyatt Digby, the defendant's own solicitor, must have known this fact as well as Mr. Humphreys. Yet on September 12th he induced the foreman at our printing works to try desperately to obtain the amount from my wife, hinting at the same time that the telegram sent by our own solicitor was a mistake or a trick on the part of the prosecution.

. Mrs. Singer was intimidated by a statement that the case would

be heard the next day, and that a cheque for £150 was immediately and urgently required to pay counsel's fees. The amount was paid under pressure and without my knowledge. From the moment when Mr. Wyatt Digby had received all the money available the scene suddenly changed.

All became quiet while the necessary preparations for the compromise were carried out.

The solicitor's sole interest lay in the retention of the amounts received from the Free Press Defence Committee and from Mrs. Singer with the specific stipulation that it should be handed over to counsel for Mr. Bedborough's defence.

Mr. Avory never received a penny of this money. The pre-arranged plea of "Guilty" made this payment superfluous. The able counsel who had in the preliminary stage done all in his power, and who was fully acquainted with the whole case, was deprived of his fee, and, of course, did not appear.

#### THE DETAILS OF A COMPROMISE.

The subsequent proceedings, as will be shown hereafter, constitute one of the worst judicial scandals ever witnessed in England in a court of law during this century.

A short introduction seems necessary to explain the particulars of the compromise, as stated by the accused himself a few days before the case was heard before the Recorder at the Central Criminal Court.

On October 20th Dr. de Villiers, having been informed by Dr. Havelock Ellis of the rumour that a compromise between prosecution and defence had been effected, met the defendant, Mr. Higgs-Bedborough, and the following discussion took place:—

THE EDITOR OF THE UNIVERSITY MAGAZINE: Well, Mr. Bedborough, I hear a compromise has been arrived at with the prosecution, is that true?

BEDBOROUGH: Yes, everything is settled. You know the Commissioners of Police are afraid of losing this game, they think we are awfully strong, and so they have proposed a settlement.

THE EDITOR: And on what terms?

BEDBOROUGH: I am to plead guilty as a matter of form, and I will only be bound over in my own recognizances. I shall receive no punishment whatever.

THE EDITOR: A nice job. Plead guilty to what?

BEDBOROUGH: To three counts out of the eleven of the indictment. They

will drop the others, and Mr. Matthews, the prosecuting counsel, himself will propose my acquittal, or what practically amounts to the same thing.

THE EDITOR: For God's sake, Mr. Bedborough, do you not feel your responsibility towards the author of the book and towards the Free Press Defence Committee? And do you know that such a settlement is illegal, do you know that the judge may refuse to be a party to it? Mind, the judges in England, as far as I know, do not approve of compromises in criminal cases.

BEDBOROUGH: Oh, that is all right, I am quite safe as everything has been settled satisfactorily. The case does not come before the judge at all, it will come before the Recorder, and Mr. Matthews arranges everything with Sir Charles Hall beforehand. There is no risk.

THE EDITOR: Be careful, such a settlement sometimes may benefit all parties concerned, but under the circumstances it is a dangerous and a scandalous thing. Can you refund the money received by your solicitors for the defence from the Free Press Defence Committee?

BEDBOROUGH: No, I cannot, but what could I do, the proposal came from the prosecution, how could I refuse? I must save my skin, I do not want to go to prison.

THE EDITOR: Have you consulted the Committee before you accepted these terms?

BEDBOROUGH: No, I have not, they would never have consented. What do I care for them?

THE EDITOR: Well, Mr. Bedborough, take care, no English judge, not even the Recorder, will be a party to a settlement of this kind, and the safer way for you, and the more honorable way, would be to brief counsel for the defence.

BEDBOROUGH: My solicitor assures me that that would be unnecessary, and the money thus spent would be thrown away. I hear that the whole thing will be over in less than twenty minutes. I am to state that I plead guilty to three counts of the indictment, and not guilty to the others. Then Mr. Matthews, the prosecuting counsel, will declare that he accepts my plea, and that the prosecution would be satisfied if his lordship the Recorder would bind me over in my own recognizances. Of course then the Recorder will make a short speech, but in the end he will act upon the suggestion of Mr. Matthews. Wyatt Digby, my solicitor, says this settlement is in the interest of everybody concerned.

THE EDITOR: Oh, certainly, particularly in that of Wyatt Digby who has received about £400 for the defence. Well, good luck.

#### THE TRIAL.

It is a wonderful arrangement indeed; the case which, according to the statement of the defendant's solicitor, would last at least three days, was over in less than twenty minutes.

But only from the lips of Mr. Matthews we have an authentic statement how this compromise came about. His statement in the Central Criminal Court was not contradicted or modified in any

way by the accused, and therefore it must be considered as the correct one.

Yet the result of the deal was predicted quite correctly by Mr. Bedborough; counsel and Recorder acted exactly as he had stated some days previously. The accused left the court free, Sir John Bridge, in fixing his bail at £1,000, had made a most serious blunder, he had sent an innocent or quasi-innocent man for trial.

I give here the verbatim report of this remarkable and perhaps unique trial. My subsequent comment will clear up some dark points and rectify palpable errors.

*Copy of Verbatim Report.*

CENTRAL CRIMINAL COURT.

MONDAY, OCTOBER 31ST, 1898.

BEFORE SIR CHAS. HALL (*Recorder*).

REGINA *v.* BEDBOROUGH.

(FOR LIBEL.)

MR. MATTHEWS appeared for the PROSECUTION.

MR. TICKEL (*Clerk of Arraigns*): George Bedborough: You are indicted for having unlawfully and wickedly published and sold, and caused to be procured and to be sold, a wicked, bawdy and scandalous and obscene book called "The Study of Psychology of Sex." There are other counts charging you with having published other obscene and scandalous books. Are you guilty or not guilty?

THE DEFENDANT: I am Guilty on Counts 1, 2, and 3.

MR. MATTHEWS: And as to the rest?

THE DEFENDANT: I am not guilty.

MR. TICKEL: May the jury go, my lord?

THE RECORDER: Yes, if Mr. Matthews accepts that plea. Do you accept that plea, Mr. Matthews?

MR. MATTHEWS: Yes, my lord, but I shall have something to say with regard to those counts to which he has pleaded.

THE RECORDER: Those counts are what?

MR. MATTHEWS: Nos. 1, 2, and 3, my lord. The first relates to a book to which I desire to make no further reference, except by

(in my own language) adding to the plea of the prisoner that it is an unseemly, suggestive book. So far as Count 2 is concerned that is the publication in print of a lecture purporting to have been delivered at a meeting of the Legitimation League on December 6th of last year, and which still purports to be the outcome of the Legitimation League. With regard to what has been printed in that pamphlet I am desirous of adding to the plea of the prisoner, as it is recorded now, that it is obscene in its character, and that it was issued with the described intention.

THE RECORDER: Is the prisoner defended by counsel?

MR. MATTHEWS: I think not now, my lord.

THE RECORDER (*to the defendant*): You appear here personally, or have you counsel?

THE DEFENDANT: I am quite indifferent, my lord, as to that. Mr. Matthews says there is no counsel representing me. If that is so I am prepared to go through without counsel.

THE RECORDER: Very well.

MR. MATTHEWS: The 3rd Count of the Indictment—and it is right, I think, that your lordship should have these matters before you—refers to the issue of the January number of the so-called magazine, which has the title of the *Adult*, and the extract in the January number is referred to in the 3rd Count of the Indictment, and is said to be now confessed by the defendant to be obscene in its character. My lord, on behalf of the prosecution, represented by my friend Mr. Danskwertz and myself, we are content, as is the Commissioner of Police—who was responsible for the conduct of this prosecution before the magistrate, and is responsible here to-day—we are content to accept the plea of the prisoner on the 1st, 2nd, and 3rd Counts more especially; but I may tell your lordship that so far as the eight remaining Counts are concerned—the Indictment consisting of eleven Counts—the eight remaining all of them refer to other numbers of that same periodical in the so-called magazine entitled the *Adult*. My lord, since the defendant has thought right to plead Guilty to the 3rd Count, which says of everyone of those, that it is obscene, and since he has in public made confession that it is so, we will content ourselves, so far as the remaining Counts are concerned, to forego proceeding with regard to them, referring as they do to other

numbers of that magazine. But I may here say that it must not be for one moment understood that we withdraw in any sense the charge that we make against him in connection with those Counts, that they are obscene in their character.

May I tell your lordship that in the first instance that when this prosecution was started it was conceived by those in authority that the defendant who is before you, was a chief offender in the publication and sale of this disgusting book, in the publication and sale of this disgusting lecture, and in the publication and sale of this disgusting magazine. That was then the belief that he was the prime mover, at all events a prime mover in the circulation of this specious literature. But, my lord, on examination, I am glad to be able to tell your lordship he has shown us that we were mistaken in this belief, and I am very glad to be able to give your lordship that assurance to-day because, the magisterial inquiry being over, the defendant took a course of which I think your lordship will entirely approve, for he himself, of his own action, without any invitation at all, went to the authorities at Scotland Yard, placed himself in communication with them, and to them he disclosed what he said was the actual position which he occupied with regard to the publication and sale of this work. My lord, he did more than that: he asked the police at Scotland Yard to make inquiry for the purpose of satisfying those officers that what he told them was true, and that he had taken no principal part in this terrible traffic, but that his part was entirely subordinate, and so subordinate that he was able to reduce it to its proper proportion, and the result of what he said, followed by the inquiry made by the police, was to show that so far as the sale and publication was concerned, during the whole time, that the prisoner was acting as sub-agent for what is called "The Watford University Press," and that in publishing this book he, the defendant, acted as sub-agent for that press at some premises in John Street, Bedford Row.

THE RECORDER: What is it called?

MR. MATTHEWS: "The Watford University Press," my lord.

THE RECORDER: It has nothing to do with any university at all, I suppose?

MR. MATTHEWS: No, my lord, it is a mere title.

THE RECORDER: It is a very high-sounding title, which may take in a great many people.

MR. MATTHEWS: No doubt, my lord, and we may take it to be so. For that purpose, no doubt, it was, as I told you, but I do not think the defendant was responsible for that. However that may be he did make it clear that during the time he was in office in John Street, Bedford Row, there had been personally sold by him three copies, and only three copies, of this work at all. He also called attention to the fact—and he had a perfect right in calling attention to it—that before the time he was employed upon these premises there was employed there another sub-agent, who had been there for a considerable time, and that sub-agent was called by us before the magistrate, and that before the time he went there no doubt there was an exceedingly large sale under him. In addition to that there was another salesman. There was a housekeeper employed during the time the defendant was employed there, and that housekeeper sold no less than ten copies, all in the absence of the defendant.

THE RECORDER: Surely that is not the girl of 16 who was allowed to handle these wretched books?

MR. MATTHEWS: No, my lord, she is an older woman than that. The defendant has been able to show (and that is one of the substantial grounds of his appeal) that there preceded him a man who extensively sold these books, and against whom no proceedings have been taken, while the defendant says, "I sold no more than three in all." There was another person employed at the same time, who sold more than three times that number. They are witnesses, but there is that difference between him and them, which he asks to have directly pointed out to you. Then on its being said, "Oh but as far as you were concerned you were in authority and you were the person actually in control." "Not so," says the defendant, "the person really in control, and the person who had the control of the Watford University Press, and the person who made all the profits out of the sale of those books produced by the Watford University Press, was a Dr. de Villiers." That was the man at the head of the Watford University Press, and that was the man who made the profit out of those things, and that was the man who for a long time then had been the offender—the head and front of the offending, the outcome of circulating this class of

literature. That that is the fact there can be no question at all. My lord, Dr. de Villiers has absconded. Against Dr. de Villiers a warrant has been applied for, and granted, and if Dr. de Villiers, who I am told is abroad at this moment, shall venture to return to this country, he may be quite certain that that warrant will be followed by immediate execution. My lord, may I say that those discoveries of themselves do not very materially reduce the quality of the prisoner's guilt in regard to the publication and sale of this book. No doubt with regard to the lecture, the subject-matter of Count 2 of the Indictment, that is an outcome of the Legitimation League, it was not a lecture delivered by the defendant at all; but it was a lecture delivered by some person quite distinct from him. It was a lecture delivered by one who styles himself "Oswald Dawson," and it was delivered before the Legitimation League, although unquestionably at the time of its delivery the defendant was the secretary of that League. My lord, in reference to his connection with that League the defendant gave an earnest assurance that he would as far as he himself was concerned, from the date he was speaking, sever all connection with that League, and that he would sever himself from it once and for ever, that he would have no further dealing with it, and that he would decline any capacity which he held under it. With regard to the three indictments dealing with the publication in the so-called magazine in the January number, there again no doubt the defendant was the editor of that magazine, and he was so advertised upon the outward leaves of it. But there again he told the authorities that he had determined to sever himself not only from this magazine, and from the publication of this magazine, but he would sever himself once and for ever from the publication of anything of a similar nature, or which could be described as similar to this in future, that he would cut himself adrift from all surroundings by which he had been connected with the Legitimation League, and from all surroundings connecting him with this particular magazine.

My lord, those assurances being given, and it being realised that the real head and front of this offending was the absconding man Dr. de Villiers, and it then being realised the part that the defendant has played in this story, that no money had gone to him as the proceeds of the sale of the book, and that so far as his



connection with this League and his connection with this magazine is concerned, though there had been that connection, he is desirous forthwith of severing himself, my lord, we do find evidence of good faith; and the giving of that assurance by the defendant to us, given as it were in the course of this month of October, I return to what is said to be the November number of the issue of that magazine, and we there find the name of another editor upon its title page. The defendant therefore has fulfilled that understanding in so far as that magazine is concerned. I only now venture to add in your lordship's hearing—and I trust in doing so I do not exceed my duty at all, in saying that so far as that magazine is concerned, it is one which will receive considerable watchfulness from those who are in authority, and that they who now go on with its publication must do so fully conscious that here, in a public court, one number of this same magazine has been confessed to be obscene in its character, and the publication of it is of such a character as to involve criminal punishment. My lord, I trust that they who are responsible for the conduct of this so-called magazine will bear that well in mind, because, as I say, the contents of it must of necessity be somewhat keenly watched by those in authority.

Now, my lord, the defendant having convinced us of his actual position, and moreover after his undertaking, I am glad to be able to tell your lordship that he is a young man, as your lordship can see, and, moreover, he is a young man of very considerable capacity—

THE RECORDER: One of the horrible things in connection with this filthy publication is that one woman bearing his name has been taking part in it, because I see a portrait in this magazine. I presume it is his wife.

MR. MATTHEWS: My lord, I presume so. My lord, I understand that is so. What the authorities desire to place before your lordship is this: Having this plea recorded of this young man, who has occupied this subordinate position, and having regard to the fact that he has given undertakings, and fulfilled one of those undertakings, the authorities are content, having regard to the surroundings of this particular case, if your lordship will defer passing sentence upon this young man before you, and that you will allow him to go out upon his own recognisances to come up

for judgment when called upon. We conceive that that course will have a very salutary effect, because it may be he will be able to turn the good talents which he evidently has to a useful purpose, and he will know and will be thoroughly able to recognise that if he shall turn them in the direction—or in any such direction as he has promised not to turn them to, he will know that he is liable upon this conviction which has been recorded upon this indictment. I therefore ask that your lordship, under all the circumstances of the case, will adopt the course we suggest, and accept from me the complete statement of what the defendant has said, and take the lenient course which the authorities desire to commend to your lordship for adoption.

JUDGMENT.

THE RECORDER: George Bedborough: You have pleaded Guilty to the 1st, 2nd, and 3rd Counts of this Indictment, and you have acted wisely in so pleading to these Counts, for it would have been impossible for you to have contended with any possibility whatever of being able to persuade anybody that this book, this lecture, and this magazine were not filthy and obscene works.

Now I have listened with great care to the address of the learned counsel, Mr. Matthews, who appears for the prosecution in this case, and I think it is right and proper that he should point out to the court and to you as the leading spirit in this venture, what he has done. I am willing to believe that in acting as you did, you might at the first outset perhaps have been gulled into the belief that somebody might say that this was a scientific work. But it is impossible for anybody with a head on his shoulders, to open the book without seeing that is a pretence and a sham, and that it is merely entered into for the purpose of selling this filthy publication. But it has been pointed out to me, as I say, that you have taken a very small part in this, and I am unwilling myself that you should suffer while others go scot free who have taken a much bigger part in this affair than you have; and I am willing to believe that the instructions you have given are genuine and well founded. Again I must say that my greatest regret in connection with this case is to find a female with your consent—a woman bearing your name—is put forward as an active participator in these unwholesome and filthy discussions. If you can use such influence as you have—and you can do so if you choose,

I hope you will; and after the assurances you have given I trust it will not be necessary for anyone near and dear to you to be brought here. I agree with what Mr. Matthews has said, the law is slow but sure, and this sort of thing could not be tolerated, and if it goes on it must be put down by the strong arm of the law. I shall take the course which he has thrown out to the court. I shall postpone sentence in this case, or rather I shall bind you over upon recognisances to come up for judgment if called upon. The result of that will be this—that so long as you do not touch this filthy work again with your hands, and so long as you lead a respectable life, you will hear no more of this. But if you choose to go back to your evil ways, you will be brought up before me, and it will be my duty to send you to prison for a very long term.

The sentence of the court upon you is that you be bound over in your own recognisances in the sum of £100 to come up for judgment if called upon.

The defendant was then bound over in the usual form in the sum of £100, and released on those recognisances.

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The reader can only grasp the importance of this mock trial if he is thoroughly conversant with the position of the author of the incriminated book and that of the publishers towards this prosecution.

The *Saturday Review* sums up the situation quite correctly:—

“Owing to the form the prosecution took it fell on the publisher to defend the character of the book objected to, and for this purpose counsel had been instructed and evidence of the most conclusive character was in readiness, eminent men of science testifying that Mr. Havelock Ellis’s was a perfectly proper scientific discussion of a serious subject. But at the last moment, and, we have no doubt, with the knowledge of this circumstance, the Crown made certain proposals to Bedborough, the publisher, and this individual, for reasons best known to himself, adopted the shameful course of pleading guilty on some of the counts. The unhappy author, who was prepared to defend everything he had written, thus found the ground suddenly cut from under his feet; he had no *locus standi* and could in no way interfere to prevent the monstrous miscarriage of justice which inflicts on him so grave and undeserved a stigma. But, so far as we can see, he has absolutely no legal redress.”

The cowardice of the accused and the greed of his solicitor, combined with the natural desire of the Commissioner of Police to gain a cheap victory where a defeat was almost certain, had brought about this deplorable state of affairs.

The first Count of the Indictment to which Mr. Bedborough thought fit to plead guilty runs as follows:—

“CENTRAL CRIMINAL COURT TO WIT. The Jurors for our Sovereign Lady the Queen upon their oath present that George Bedborough, being a person of a wicked and depraved mind and disposition, and unlawfully and wickedly devising, contriving, and intending, to vitiate and corrupt the morals of the liege subjects of our said Lady the Queen, to debauch and poison the minds of divers of the liege subjects of our said Lady the Queen, and to raise and create in them disordered and lustful desires, and to bring the said liege subjects into a state of wickedness, lewdness, and debauchery, on the 27th day of May, in the year of our Lord one thousand eight hundred and ninety-eight, at a certain shop, to wit Number 16 John Street, Bedford Row, in the County of London, and within the jurisdiction of the said Court, unlawfully, wickedly, maliciously, scandalously, and wilfully did publish, sell, and utter, and cause and procure to be published, sold, and uttered a certain lewd, wicked, bawdy, scandalous, and obscene libel, in the form of a book entitled “‘Studies in the Psychology of Sex: Vol. I., Sexual Inversion,” by Havelock Ellis,’ in which said book are contained, amongst other things, divers wicked, lewd, impure, scandalous, and obscene libels, and matters, which said book is, pursuant to the provisions in that behalf, of the Law of Libel Amendment Act, 1888, deposited with this indictment, together with the particulars showing precisely by reference to pages, columns, and lines, in what part of the said book the alleged libel is to be found. To the manifest corruption of the morals and minds of the liege subjects of our said Lady the Queen, in contempt of our said Lady the Queen, and her laws, in violation of common decency, morality, and good order, and against the peace of our said Lady the Queen, her Crown and dignity.”

#### OFFICIAL SLANDER.

A novel feature in this extraordinary case is the public denunciation of the author of the incriminated book implied in Mr. Matthews' speech and of the Editor of the *University Magazine*, Dr. R. de Villiers, who, besides writing a letter on the subject of the prosecution of the Home Secretary (*vide* page 14), is in no way whatever connected with its publication. If the Commissioner of Police responsible for the prosecution wanted an excuse for adopting the course they had elected to pursue, it is unintelligible why the occasion should be used to slander an author of world-wide repute and the Editor of a respectable magazine who had dared to call their attention to the grave mistake made by this prosecution, and thereby actually suggested the course which the prosecution later on adopted to extricate itself from the entanglement.

We must believe Mr. Charles Matthews when he states that the accused approached the police, and that Bedborough's own ver-

sion that the proposal of a compromise came from the prosecution is false, but the other statements made in Mr. Matthews's speech are so devoid of truth, so palpably false that we must come to the conclusion that the solicitors who instructed this eminent counsel have been grossly deceived. The truth or falsehood of some of the statements could have been so easily ascertained that culpable negligence or wilful deception is the only explanation of the extraordinary brief delivered to Mr. Matthews. As it is not to be supposed that Messrs. Wontner and Sons are aware of the misstatement of facts, we must come to the conclusion that these misrepresentations emanate from Scotland Yard or from the same "Christian" who wrote the ominous letter to the booksellers (*vide* page 18).

Mr. Matthews said that the police authorities had, in consequence of Bedborough's own statement, verified by them, come to the conclusion that he was not the principal offender, but a very subordinate sub-agent of Dr. R. de Villiers, the Editor of the *University Magazine*, against whom a warrant was issued to take the place of the repentant accused in the dock.

Now this statement in view of easily ascertainable facts is not only false but absurd, as I will show further on, but I may first of all repudiate the counsel's statement that the firm of which I am a member was ever called the *Watford* University Press. Such a firm does not exist, and one look at Dr. Havelock Ellis's book would have given Mr. Matthews the information that it has been published by the University Press Limited, a concern registered as a limited liability company. Before the incorporation the business was carried on by Mr. Wilson, Macmillan, and myself in partnership, and Dr. de Villiers was never at any time financially interested in this concern. His only connection with the University Press Limited was as the Editor of the *University Magazine and Free Review*, printed and published by the University Press.

According to counsel's statement the accused had informed the police that he was not responsible for the publication of any one of the three incriminated books. These were—

1. Dr. Havelock Ellis's *Studies in the Psychology of Sex*.
2. *The Outcome of Legitimation*, by Oswald Dawson.
3. *The Adult*, January, 1898.

Yet, although he was not responsible for these publications the

worthy knight pleaded guilty to these three counts only, and not guilty to the other eight counts which refer to publications which bore his name as editor and proprietor on the title page.

That Mr. Bedborough was not the author of the first named book, that he was not the printer nor the publisher of the same was known to the police from the beginning, and the offence with which he was charged was, as Sir John Bridge pointed out, not the writing or printing or publishing of this book, but the indiscriminate sale of the same. Mr. Matthews ignored this altogether.

The second publication, Oswald Dawson's *Outcome of Legitimation*, a pamphlet of 16 pages, was neither published nor printed by the University Press. It was the sole property of Mr. Bedborough. Dr. de Villiers probably has never seen this sheet. Its author was Oswald Dawson, the founder of the Legitimation League. The third count in the Indictment refers to a small book which was also written by Oswald Dawson, it was printed in Leeds as a New Year's Number of the *Adult*, a magazine owned and edited by George Bedborough. The University Press had nothing whatever to do with this publication, and I had never seen a copy of it until after the trial.

A glance at these pamphlets would have convinced Mr. Matthews that Mr. Bedborough's statement that he had sold the same as a sub-agent of the University Press was a deliberate falsehood. The same contain portraits of Mr. and Mrs. Bedborough and of Mr. Dawson, the principal officials of the Legitimation League, and on the title page bear the name of this League and of Oswald Dawson.

The Recorder seemed reluctant to swallow counsel's statement in regard to Count No. 3, but he got over the difficulty somehow by expressing his astonishment that this publication contained the portraits of Mr. Bedborough's wife and of the accused. No doubt he missed the portrait of Dr. de Villiers who was selected to serve as a scapegoat in the case.

#### ANALYSIS OF COUNSEL'S STATEMENTS.

According to his own statement Mr. Bedborough was the sub-agent of the University Press. To prove the falsehood of this assertion I publish the facsimile of a bill of his, which relates to an advertisement in his magazine the *Adult*.

16. JOHN STREET.

BEDFORD ROW.

London, April 4 1898

M. The University Press Ltd

Dr. to George Bedborough.

PUBLISHER.

THE ADULT: The journal of Sex.

To Advt

in April Adult £ 1 - 0

Settled  
per contra  
Bedborough  
4/4/98

This bill needs no comment, it speaks for itself. The accused further asserted that he had sold only three copies of Dr. Havelock Ellis's book. The following letter, which is in my possession, will destroy this illusion:—

"The Legitimation League,  
"George Bedborough, *Hon. Sec.*

"16, John Street, Bedford Row,  
"May 17th, 1898.

"GENTLEMEN,—Please send another 13/12 *Sexual Inversion*. I have sold the last 13/12 and will let you have a cheque in settlement of your account. These books have nearly all been sold to the trade.

"Yours faithfully,  
"GEORGE BEDBOROUGH."

"The University Press Limited."

From this letter it will be seen that Bedborough did not act as the University Press's agent, but as a customer of the firm, and the trade-term 13/12 shows that he had acquired the books on the usual condition.

It is not usual in England for publishers to employ sub-agents or agents to sell books, and all the London booksellers carry on business on their own account not as publishers' agents.

Another communication received by the University Press from Mr. Bedborough on April 1st, 1898, will prove that he never acted as the agent of this concern but as a customer:—

"The *Adult*, The Journal of Sex,  
"Edited by George Bedborough.

"16, John Street, Bedford Row, London,  
"March 31st, 1898.

"Please send invoice by return and quote lowest for 250 and 500 respectively additional copies April No.

"GEORGE BEDBOROUGH."

"The University Press Limited."

Our books, however, prove that *Bedborough never paid* for the books which he bought from the University Press on credit, and thus even the statement that this concern obtained the profits of the sale effected by Mr. Bedborough, which was made with great flourish by Mr. Matthews, is absolutely false.

Counsel in the clearest possible language asserted that the accused went to the police, and stated there, to exculpate himself, that Dr. de Villiers was the person who had the control of the



University Press, and that he was the man "*who made the profit out of those things.*"

That this statement, if ever made by Mr. Bedborough, was on a level with the foregoing explanations can be proved from his own letters. That it was contrary to fact could have easily been ascertained by the police.

I acquired from Mr. John M. Robertson in 1895 the copyright of the *Free Review*, which magazine was in 1897 enlarged to the *University Magazine*. I was the sole proprietor of this periodical, and I have paid with my own cheques or with those of my wife the purchase money for the same, as also all expenses connected with the printing and publishing of this monthly magazine. As I am living the greater part of the year in Paris and New York Dr. de Villiers acted as the sub-editor of the *Free Review*, and in 1897 as the chief editor of the *University Magazine*. As stated before he had never anything to do with the financial part of this business.

In 1896 and 1897 I erected printing works in Watford for the purpose of printing the *University Magazine*.

The police could easily have ascertained that these works stand on the freehold ground belonging to my wife, and that every single item, machinery, type, paper, rates, and taxes, have been paid with my cheques or in my absence with my wife's cheques.

The police could also have found out that the payments for the printing of Dr. Havelock Ellis's book were not made by Dr. de Villiers, but by me, until the business was registered at Somerset House as a limited liability company, when payments were made and received by the secretary of the company.

In view of these facts which were accessible to the police it is an enigma why the Commissioners of Police decided to make the Editor of the *University Magazine* an exile and to banish him from our shores. There must be some secret reason if it is not the letter addressed by this gentleman to the Home Secretary which has offended the police authorities by exposing a serious blunder which they have made.

The *University Magazine and Free Review* has severely dealt with some abuses and irregularities, and the suppression of this

publication has been cleverly managed, but there was no need to slander its editor.

If there is any honest desire on the part of the Commissioners of Police to arrive at the truth I am prepared to place at their disposal invoices, cheques, and documents proving that Dr. de Villiers had nothing whatever to do with the financial management of the University Press from its foundation to this day.

DR. HAVELOCK ELLIS.

The other party slandered in open court by Mr. Charles Matthews is the author of many important scientific works and the editor of the Contemporary Science Series (Walter Scott).

He has stated his case in a pamphlet of which I give the following extracts.

It is doubtful if the wrong done to him by Mr. Matthews can ever be made good, he had no *locus standi* to defend himself in view of Mr. Bedborough's plea of guilty, and could appeal only to the sense of justice which yet is to be found in the majority of the medical profession and of all right minded men.

Havelock Ellis says:—

“Although the police took no direct action against the author, publishers, and printers of the book, the effect of their action was calculated to be as fatal to the book as though they had proceeded directly against its producers.

“The incriminated passages, when read out in court, proved to be simple statements of fact, mostly from the early life of the cases of inversion recorded in the volume, and my responsibility for them merely lay in the fact that I judged them to contain, in bald uncoloured language, the minimum of definite physical fact required in such a book, if it is to possess any serious scientific value at all. When, however, three months later, the indictment was finally issued, it appeared that the whole book, from the first page to the last, ‘and every line in such pages,’ was charged as ‘wicked, lewd, impure, scandalous, and obscene.’ It was solely on this ground, and not on any alleged impropriety in the method of sale, that the charge was founded.

“I may here briefly state the general character of the book.

It is the more necessary to do so since no undue publicity has been sought, and the book was so little known before these proceedings were taken, except to specialists, that the majority of my own friends had never heard of it until they saw it proclaimed as 'obscene' in the police news of every London newspaper.

"*Sexual Inversion* is the first volume of a series of *Studies in the Psychology of Sex*, which I projected over twenty years back, and which I have ever since had before my mind, as the serious and vitally important subject to which the best energies of my life should be devoted. The work will extend to five or six volumes, and although this first volume discusses a form of perverted sexuality, the *Studies* as a whole will deal mainly with the normal sex impulse. It should be needless to point out the magnitude and the importance of the problems arising in such an investigation; in this first volume, moreover, we are brought face to face with a practical question which is constantly demanding attention, both in society and the law courts. Whatever diffidence one may feel in approaching questions of this nature, there should be no doubt as to the necessity of so doing provided we approach them seriously.

"How seriously I approached this great subject may be judged, not only from the long period of labour and preparation spent on the work, but from the fact that I occupied several years in the merely preliminary task of attempting to clear the ground by inquiring into the psychological and anthropological secondary sexual differences of the sexes, the main results of this special inquiry appearing in 1894 under the title of *Man and Woman*. Before its publication in England, *Sexual Inversion* had been translated into German by Dr. Kurella, a physician and criminal anthropologist of distinguished reputation, and published at Leipzig. In its final English shape it expresses my most mature convictions on the subject it treats; the opinion of judicious friends had been obtained at doubtful points, and every sentence carefully weighed. Errors of fact or opinion may possibly be found, but there is not a word which on moral grounds I feel any reason to regret or withdraw. Any question of retractation or

apology could not, therefore, possibly arise ; it would be a kind of intellectual suicide.

“It has been supposed by many who have never seen the book that I have attempted to popularise the study of sexual questions, and to make widely known the results obtained by other investigators. That is altogether a mistake. The book is founded on original data, and contains the first collection of cases of sexual inversion, unconnected with the prison or the asylum, which has ever been obtained in England ; it is written in bald and technical language, published at a high price ; and having been announced and sent for review only in special medical and scientific quarters, its existence was practically unknown to the general reader until these proceedings were initiated. There may well be, I know, a question as to the value of cloistered virtues, as to the worthiness of that innocence which is merely ignorance and vanishes at a breath, as to the rights of every adult person to full knowledge of the sexual facts of life. But that question is not raised by my work. I appealed only to doctors, to psychologists, to those concerned with medico-legal matters, and to the handful of thinkers who are interested in the social bearings of the physical and psychic problems of life. By such my work has been accepted—so far as I know at present without exception—in the serious spirit in which it was put forward. Every alienist of distinction whose opinion I have obtained has assured me of his belief in the importance of the subject, and of his sense of the scientific tone and temper in which I have dealt with it. Every medical journal in half a dozen countries which has reviewed the book has without exception judged it favourably, and not one has suggested that I have been guilty of the slightest impropriety. I may indeed say that the medical support I have received has often been rather on moral than on scientific grounds ; it has repeatedly been remarked that an English tone of reticence distinguishes this book from the other works on the same subject by continental writers. The numerous letters of gratitude for the work, and strong support of its objects, which have reached me from thinkers and social reformers, men and women, I refrain from more than mentioning ; they have sufficed to show me that

the aim and nature of my task are appreciated by the small class of people whom, in addition to medical readers, I have alone sought to address.

“The publisher and myself were duly represented by counsel, but having no standing in the case he was necessarily unable to speak. Thus although my book was the real subject of the trial there was no legal opportunity for any voice to be heard on its behalf.

“Intelligent spectators of life have declared that this prosecution of a book-seller for selling a purely scientific work will mark an epoch so far as our country is concerned. It has acted as a *reductio ad absurdum*, they say; it has quickened the public conscience to a finer sense of what is fitting in these matters. Henceforth public opinion will be strong enough to check at the outset any foolish interference of the police with scientific discussion. Just as a police charge of ‘blasphemy,’ which twenty years ago was a real and serious charge, would to-day only arouse a smile, so, it is said, never again could a scientific book, issued and sold as this was, be dragged into the mire of the courts as ‘obscene,’ or a reputable citizen who sold such a book be haled before the magistrate on a charge of ‘corrupting the morals’ of his fellow subjects.

“It may be so. I would gladly believe that any action of mine had assisted my countrymen to win that intellectual freedom which is already possessed by every other civilised country except Russia. But no one can give any guarantee that such will be the fact, and life is too short to enable me to wait another twenty years to verify the prophecy.

“It must be remembered that so far as an author is concerned the injury done by such a prosecution is done in the act of bringing it. The manifold chances that befall a book on any highly specialised and technical subject, when submitted to a judge and jury, may or may not lead to the justification of the author. The injury is already done. The anxiety and uncertainty produced by so infamous a charge on a man and on those who belong to him, the risk of loss of friends, the pecuniary damages, the proclamation to the world at large, which has never known and will never know the grounds on which the accusation is made,

that an author is to be classed with the purveyors of literary garbage—this power is put into the hands of any meddling member of that sad class against which the gods themselves are powerless.

“The mere expectation of such a prosecution is fatal. In submitting to these conditions an author puts his publisher and printer and their agents into an unmerited position of danger; he risks the distortion of his own work while it is in progress; and when he has written a book which is approved by the severest and most competent judges he is tempted to adapt it to the vulgar tastes of the policeman.

“How real the danger is to which an author, in submitting to these conditions of publication, subjects the distributors of his book, we have an object lesson in the present case. Here is a man who in his leisure time, edits and publishes a magazine with the object of discussing social questions of the gravest importance. Yet when such a man sells in an almost private manner a few copies of a book written by another man, with whose aims and objects he probably has little in common, the whole responsible machinery of social order is, at the public expense, set in action to crush him. Such is the risk to which an author subjects the mere distributors of his book.

“This is a risk to others, and a domination over myself, which I at all events have no intention of submitting to. In this country it is a sufficiently hard task for any student to deal with the problems of sex, even under the most favourable circumstances. He already, as it were, carries his life in his hands. He has entered a field which is largely given over to faddists and fanatics, to ill-regulated minds of every sort. He must, at the same time, be prepared to find that the would-be sagacity of imbeciles counts him the victim of any perversion he may investigate. Even from well-balanced and rational persons he must at first meet with a certain amount of distrust and opposition. To encounter this inevitable and legitimate opposition, and to preserve his serenity and equi-*po*se, is itself a sufficient strain on any man. It would be foolish to place oneself as well beneath the censure of an ignorant and too zealous police official, and to accept the chain of uncertain evils, and the certain

public stigma, which a prosecution necessarily involves.

“Moreover, it must be noted, the police naturally desire that their intervention shall be successful, and it is their interest to prejudice matters by discrediting the object of their attack. This was ingeniously done in the present case by proceeding against a book-seller who was in no way connected with the production of the incriminated book, or in any way concerned with the scientific questions it discussed, but who was intimately connected with a society and a magazine devoted to the open and popular propaganda of unconventional views on marriage, matters with which I, on my side, had no connection. Thus in every newspaper a stain of prejudice is affixed to an author or a book, not to be wiped off by any subsequent explanation, and for which no compensation can ever be obtained.

“Under these circumstances, therefore, the difficulties of publishing the remaining volumes of my *Studies in the Psychology of Sex* in England are sufficiently obvious, and the decision I have been forced to reach seems inevitable. To wrestle in the public arena for freedom of speech is a noble task which may worthily be undertaken by any man who can devote to it the best energies of his life. It is not, however, a task which I have ever contemplated. I am a student, and my path has long been marked out. I may be forced to pursue it under unfavourable conditions, but I do not intend that any consideration shall induce me to swerve from it, nor do I intend to injure my work or distort my vision of life by entering upon any struggle. The pursuit of the martyr's crown is not favourable to the critical and dispassionate investigation of complicated problems. A student of nature, of men, of books, may dispense with wealth or position; he cannot dispense with quietness and serenity. I insist on doing my own work in my own way, and cannot accept conditions which make this work virtually impossible. Certainly I regret that my own country should be almost alone in refusing to me the conditions of reasonable intellectual freedom. I regret it the more since I deal with the facts of English life, and prefer to address English people. But I must leave to others the task of obtaining the reasonable freedom that I am unable to attain.”

Dr. Havelock Ellis in consequence of this prosecution has received numerous letters of sympathy from well known medical men who unanimously condemn the attack made by the police on a scientific work.

Amongst these I may name—

DR. CONOLLY NORMAN, Medical Superintendent of the Richmond Asylum, Dublin; formerly President of the Medico-Psychological Association.

DR. G. H. SAVAGE, F.R.C.P., Lecturer on Mental Diseases at Guy's Hospital.

DR. URQUHART, President of the British Medico-Psychological Association; Joint-editor of the *Journal of Medical Science*.

DR. MERCIER, Lecturer on Insanity at the Westminster Hospital and at the Medical School for Women.

DR. RAYNER, Lecturer on Psychological Medicine at St. Thomas's Hospital.

DR. GOODALL, Medical Superintendent of the Joint Counties Asylum, Carmarthen.

DR. MOREL, Medical Inspector of Prisons in Belgium.

DR. CLOUSTON, Medical Superintendent of the Royal Asylum at Morningside, Edinburgh, and Lecturer on Mental Diseases at the University of Edinburgh.

DR. C. H. HUGHES, Editor of the *Alienist and Neurologist*, President of the Faculty of Barnes Medical College.

DR. JAS. KIERNAN, Secretary of the Chicago Academy of Medicine.

Dr. Féré, the illustrious physician of the Hospital Bicêtre at Paris, writes:—

“DEAR SIR,—I have read your book on Sexual Inversion with interest and profit. In a recent work I have quoted it; I could not have thus aided in its publicity if I had not found it to be of scientific and not immoral character. Truth is always moral and good; in seeking truth science cannot be either immoral or bad.

“The book is scientific, and consequently good, and it would be a pity if those whose interest it is to know the book should be unable to procure it. It may, however, happen that a bookseller adopts bad methods to sell a good book, and I am not acquainted with the facts of the present prosecution so far as the bookseller is concerned.” [Translated.]

Dr. Kurella, the well known Editor of the *Centralblatt für Nervenheilkunde*, writes:—

“HONOURED COLLEAGUE,—I read a few days ago in the *Daily Chronicle* that a book with the title of yours had given rise to a public prosecution. I wondered at the identity of title, but could not imagine that a purely scientific work like yours should be subjected to such treatment.

“For us on the Continent such a proceeding is altogether incomprehensible. What would become of science and of its practical applications



if the pathology of the sexual life were put on the Index? It is as if Sir Spencer Wells were to be classed with Jack the Ripper.

"No doubt the judge (unless suffering from senile dementia) will accord you brilliant satisfaction. But in any case the whole of scientific psychology and medicine on the Continent is on your side." [Translated].

From all parts of the world similar letters were received, the indignation at the prosecution of a scientific treatise was almost universal.

Mr. Clark Bell, LL.D., Editor of the *Medico-Legal Journal* and Secretary to the Medico-Legal Society of New York, says:—

"DEAR HAVELOCK ELLIS,—I learn with mortification and regret that an attempt has been made to bring a charge of 'publishing an obscene libel' against a bookseller who sold your *Sexual Inversion*. The book is purely scientific and could have had no other possible intention than the completion of your admirable system of works, of which it forms an interesting and most necessary part. The group of works which you have contributed to psychological literature has, as a whole, greatly added to the lustre of your name, not alone in the Medico-legal Society but among the savants of the whole world, who will certainly sustain you by their sympathy, should any attempt be made to impugn your professional or literary honour by officers of the law who very possibly cannot be made to look at your conduct and motives properly."

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The opinion of the Scientific and Medical Press is unanimous in praise of the scientific character of the book.

"A very good manual for general purposes of information on the subject, and likely to be of great service for the medical as well as legal professions."—*Medico-Legal Journal*.

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"With regard to treatment we are glad to express entire concurrence with the opinions laid down."—*Journal of Mental Science*.

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"A clear, logical, chaste analysis of the phenomena of sexual inversion, of decided scientific value. It is free from the faults which mar so many otherwise valuable works on the subject. The present volume is the first of a series of studies on sex, important alike to the physician, the biologist, and the sociologist. The volume as a whole merits perusal by its judicial tone, its clear style, its freedom alike from prurient prudery and sentimental cant, and its scientific accuracy."—*Medicine*.

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"The work, no doubt, will be liberally received, and in many respects

deserves to be, for it is a careful analysis of the subject, replete with illustrative material, and, written in an attitude of scientific research, it avoids an assumption of moral superiority, so often productive of bias."—*New York Medical Journal*.

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"Our readers are already quite familiar with the ability of Dr. Ellis on the subject of sexual inversion through his able contributions to the *Alienist and Neurologist*. . . The book will interest and instruct all clinical psychiatrists and all physicians of extensive observation and practice. The medico-legal student, the lawyer, the psychologist and jurist will likewise find instruction in this work. It presents singular phases in the morbid sexual life of the *genus homo*. The book has a professional and social interest which cannot be ignored, and medico-legal aspects as well as medical phases which demand professional and philanthropic attention from medical men, medico-legalist and moralist alike."—*Alienist and Neurologist*.

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"The facts are new and presented in a somewhat new light. The medical, medico-legal, and social aspects are all duly considered in a scientific spirit, free from prudery or morbid sentimentality."—*New York Medical Record*.

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"Many books have been written on this subject during the last few years, perhaps too many, but the present work is clear and serious. We do not know how the extreme reserve of the English will adapt itself to the presentation of so delicate a subject in such clear light. But it was bound to come sooner or later, for it appears that sexual inversion is remarkably frequent in England."—*Revue Philosophique*. (Tr.)

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"Havelock Ellis's excellent articles in the *Alienist and Neurologist* have caused his book to be awaited with some impatience. . . . Ellis's book will aid the progress of sexual science."—*Archives d'Anthropologie Criminelle*. (Tr.)

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"The author, who has already acquired fame by his *Man and Woman* and *Criminal* . . . has produced a work which is in the highest degree worthy to attract every psychologist and alienist. Its chief service lies less in the cases, which are comparatively few, than in its psychological depth, the historical and scientific grasp of a difficult subject, together with the clear and original presentation of the many problems involved. Certainly no books which have yet appeared render this one superfluous; it may be said, rather, to complement them in the happiest manner, and may be most earnestly recommended. The author rightly points out in the Preface the gravity of the question of sexual inversion from the social standpoint."—*Zeitschrift für Psychiatrie*. (Tr.)

## APPENDIX.

### THE ENGLISH PRESS AND THE PROSECUTION.

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The *Saturday Review* comments on the prosecution as follows:—

“SAINT PROPRIETY.

“The recent prosecution of a publisher at Bow Street brings into prominence the attitude of legal England to publication of knowledge on one branch of human physiology and psychology. Every one knows vaguely that what is called mind and what is called body act and react on one another, and that disordered appetites are at once an index to and a result of the mutual play of disordered organic functions and disordered mental functions. With the history of these lamentable and progressive changes we have become familiar in the cases of inversions of the drink appetite and of the food appetite, because the law has not put its barbaric taboo on knowledge of the stomach or of the palate—even though the knowledge be published at a cheap price. With regard to a third set of inverted appetites, ignorance is almost universal, although from every medical, moral, and social point of view they are precisely parallel in their progressive history—arrested with ease only at the beginning—and in the mental and physical disintegration with which they are associated. A considerable body of knowledge relating to them, however, actually exists. Ploss, in Holland, one of the greatest anthropologists who have ever lived, gathered together from hospital and legal reports, from the customs of the oldest and of the most modern civilisations, from the savages of every colour and climate, a vast mass of information, much of which he embodied in his classical treatise, ‘Das Weib.’ Charcot, one of the subtlest of French observers, has collected from his modern practice and published much of the greatest importance on this subject. Krafft-Ebing, an Austrian physician of world-wide fame, has written a treatise on ‘Psychopathia Sexualis,’ which describes and classifies the disorders of the sexual appetites with the single-minded devotion of a systematic botanist, and his superb volume has been translated into English and published by a well-known firm. Mr. Havelock Ellis, an Englishman thoroughly well known as the editor of a series the special object of which has been to popularise scientific knowledge drawn from all European sources, and himself the author of several luminous volumes simplifying the recondite investigations of specialists on subjects remote from sex, has also written a volume on the subject-matter of Ploss and Krafft-Ebing and Charcot. His London publisher was in consequence prosecuted by the London police as the publisher of an ‘obscene libel;’ part of the public was insulted in Court for not, like the magistrate, anticipating the

decision of a jury; the 'prisoner' was committed for trial, and released only on most substantial bail, and after the magistrate risked turning the defending barrister into a witness for the prosecution.

"We have not the advantage of an exact knowledge of the particular book in question; moreover, as this individual case is still *sub judice*, we have no wish to pronounce the work fit for decent persons to read, even although Sir John Bridge has paved the way for us by his dictum that it was unfit for decent women to hear read. We can assure that magistrate and his like that if this particular volume is at all similar to the works of the standard authorities upon sexual inversion it must abound in descriptions of facts at least as disgusting as the facts of delirium tremens. But we suspect that the objection to them is not that they are disgusting, but that they relate to the functions of sex. To our mind, and to the minds of most people who are not specialists in anatomy, details concerning the pulpy structure of the mass of fat and blood and protoplasm we call the brain, details of the humours and pigments of the eye, details of the coats and glands of the stomach—in fact, details of the gross matter that is our bodies—are all repellant. The brain is as disgusting as the muscles, the blood as horrible as the liver, and the nutritional viscera are no more pleasant than the viscera of reproduction. When we add to the study of structure the study of function, and to that the study of disordered function, the natural horror increases. None the less, who doubts the importance of a widely diffused general knowledge of human anatomy and physiology? We do not demand that knowledge should be confined to doctors, that the treatises containing it should be published only in the *argot* of science and at a price suited only to the pockets of the rich. If a man would spread knowledge of the stomach, he may do so in any form of language, abstruse or popular, which pleases him, and he may charge a guinea or a penny for his book. One exception is made by law and by ignorant opinion.

"Slow, slow, through the ages has been the progress of the battle for free knowledge against compulsory ignorance. In the old tradition, eating of the apple gave man a knowledge of good and evil; but the devil is an unfair bargainer, and it is only from century to century, fragment by fragment, that there has been wrung from him what was supposed to be the price of the fall of man. The great governing institutions, the princes of the Church and of the State, the law, the hierarchy of medicine, have all striven that man, although fallen, shall remain as ignorant as before the fall brought with it its tremendous compensation of choice. Greater minds in every age have fought, and, piece by piece, have added to the range of what may be made known without penalties. In the present century gigantic strides have been made, thanks to Darwin and Huxley, to Bradlaugh, and with him a set of petty martyrs, the very ridiculousness of whose protests illumined the principle behind them. We can now, without fear of prison and penalties, discuss the existence or the attributes of the Almighty, the sacraments of a Church or the conduct of its priests; we may discard revelation, attack the Scriptures, or exalt false gods. We may criticise

the Queen or advocate a republic; we may push the limits of political controversy over the edge of abuse; we may publish anything, in any form, in science, in art, or in letters, quite irrespectively of the relation of our views or new facts to received views and accepted knowledge. All the taboos have been removed except the taboo on sex. Sex and its functions, orderly or disorderly, are removed to an underworld, where, in the blighting darkness, every foul fungoid growth flourishes, and where, in dense compulsory ignorance, good and evil are scarcely distinguishable. The mental side of it, in the silly distortions of epicene novelists, alone is allowed free publication. If a book dealing with sex is not a story, or a poem, or a treatise, the language of which is unintelligible to those without a special training, and the price of which is prohibitive, it is as dangerous to publish it as to break into a house. Meantime the evil results, to individuals and to the State, of ignorant confusion between vice and disease, between natural instincts and corrupt passions, grows apace."

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Mr. W. T. Stead, who is opposed to the *University Magazine and Free Review* in all its aspirations, political, social, and religious, writes in the *Review of Reviews* under the heading:—

"THE POLICE AND THE PRESS.

"SCOTLAND YARD CENSORSHIP.

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"I have repeatedly been selected as the object of animadversion on the part of the *University Magazine* because of my dislike of the literature and doctrines under discussion. That renders it all the more necessary for me to say that, so far as the facts have been stated to me, the action of the police seems calculated to bring into the gravest discredit the cause in which they are supposed to be acting. Dr. Ellis's book was not proposed to be sold for general circulation. Every copy supplied to booksellers was labelled 'This book is a scientific work, intended for medical men, lawyers, and teachers. It should not be placed in the hands of the general public.' I have read the book, and no person who reads it with an impartial mind could come to the conclusion that it was published with the intention of corrupting the morals of Her Majesty's subjects. The author displays a painstaking desire to ascertain the scientific truth concerning certain obscure problems which lie at the base of grave questions of criminal jurisprudence.

"It may be alleged that such problems should not be discussed, and that the whole question should be buried in impenetrable silence. The answer to this is that if the legislator makes one theory of the Psychology of Sex the basis for passing a law which sends citizens to penal servitude, it is impossible to shut out such a theory from public discussion. Dr. Ellis's inquiry goes to the very root of the theory upon which one section of the Criminal Law Amendment Act is based, and

if the conclusions at which he arrives are sound the principle of that legislation is unsound, and will have to be modified, for the same reason that capital punishment is never enforced upon persons of disordered minds. This may be said quite apart from the general contention of the medical profession, which is that, if the sale of such a book as Dr. Ellis's justifies the wholesale seizure of every book on the premises of any bookseller, the sale of medical works will be very much restricted, and no one will be able to sell any medical literature without running the risk of a criminal prosecution and the seizure of all his goods. The subject is an extremely unpleasant one. The problem involved is obscure, but the mischief accruing from the publicity occasioned by the prosecution immensely outweighs whatever gain it might be imagined could accrue from a successful prosecution. Scotland Yard has been entrusted by the community with very extended powers for the suppression of obscene literature, but nothing will do more to jeopardise this necessary, and as a whole wisely exercised, prerogative than the sudden extension of the police censorship to the realm of scientific discussion."

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From *Reynolds's Newspaper* :—

"LIBERTY OF THE PRESS.

---

"HOME OFFICE PROSECUTION.

"THE NEW CENSORSHIP.

---

"BY W. M. THOMPSON

"(BARRISTER-AT-LAW.)

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"It is not for a moment to be supposed that the prosecution of Mr. George Bedborough, a bookseller, for selling a copy of Dr. Havelock Ellis's book *Sexual Inversion* was instituted on the authority of the half-pay officers—unqualified for the task either by education, or intellectual distinction—who, in subordination to the Home Office, direct affairs at Scotland Yard. The Metropolitan Police are a Government force. They would take no serious step without consulting their chief Sir M. White-Ridley, and he, again, in a matter of such moment as the liberty of publication, must have consulted his colleagues in the Cabinet. Lord Salisbury, therefore, is responsible for this prosecution, although with characteristic cowardice he shrinks from including in the indictment the writer of the book.

"And the reason is obvious. Of Dr. Havelock Ellis's distinction in the scientific world nothing need be said. It is well known he is in the first rank in his special department. As editor of the *Walter Scott*

Contemporary Science Series (published at 3s. 6d. a volume), the nation owes him a deep debt of gratitude for bringing the results of the labours of our greatest men of thought and science home to the popular mind. Among that series we find such works as *The Evolution of Sex*, by Professor Patrick Geddes and J. Arthur Thomson; *Sanity and Insanity*, by Dr. C. Mercier; *The Village Community in Britain*, by G. L. Gomme; *The Origin of the Aryans*, by Dr. Isaac Taylor; and his own remarkable contribution to scientific criminology, *The Criminal*. Other contributors are Professor Geikie, Dr. Albert Moll (Berlin), Professor Jastrow (Wisconsin), and Mr. Sidney Webb. It is so much easier to proceed against an obscure bookseller, than against a man of world-wide reputation for learning and literary ability.

“But whatever may be the fate of Mr. Bedborough, the author of the book will be equally involved in it. We have here a repetition of the Government’s policy in the matter of Jameson’s filibustering expedition—the minor criminals were prosecuted, the chief offender, Rhodes, was allowed to escape.

“I have not seen Dr. Ellis’s book, but I learn from the police court proceedings that it deals with the medical, mental, and physiological aspect of those increasingly growing sexual perversions to which the famous Jewish physician, Dr. Max Nordau, so frequently refers in his remarkable work on *Degeneration*. An evil has to be met. Dr. Ellis scientifically analyses the evil with the view of clearing the way towards a solution. That is what I understand to be the position. It will be for the jury to decide whether this is the case or not, and, if so, whether it has been done in a manner allowed by law.

“That a subject of this importance requires to be discussed in a decent, sober, scientific way no one can doubt who has read Professor Krafft-Ebing’s great work, *Psycopathia Sexualis*, which has been translated into every European language, and may be ordered from a firm of English medical booksellers through a medical man. The recent case of Oscar Wilde, the aristocratic scandals in Cleveland Street, the perversities and practices known to exist in many boarding schools for girls, and, it may be said, in all the great public schools for boys, make this topic, repulsive as it is, a necessary branch of medical inquiry. The subject is not new; it is as old as the Old Testament—the story of Lot, to wit. What is new is the attempt to grapple with the evil on scientific grounds. Mayhew, the well-known writer, has left a record of his own experiences: ‘For ourselves, we will frankly confess that at Westminster School, where we passed some seven years of our boyhood, such acts were daily perpetrated. And yet, if the scholars had been sent to the house of Correction, instead of Oxford or Cambridge, to complete their education, the country would now have seen many of our playmates working among the convicts in the dockyards rather than lending dignity to the Senate or honour to the Bench.’

“The accused man in this case is Mr. George Bedborough, who edited the *Adult*, the monthly journal of the Legitimation League. With one of the objects of that organisation any man of generous and

humane mind can have nothing but sympathy and approval—the legitimation of children born before the parents have entered into a legal contract. This is the present law in Scotland. It was the law of ancient Rome and has been adopted by many modern nations. No marriage rite, contract, or ceremony is prescribed in the Scriptures. There, indeed, polygamy seems to have been God-sanctioned, and in Genesis xx., 12, we find that Abraham's wife Sarah was his step-sister! 'And yet, indeed, she is my sister; she is the daughter of my father, but not of my mother; and she became my wife.'

#### THE LAW.

"That eminent criminal Judge, the late Justice Stephen, at page 105 of his *Digest of the Criminal Law*, submits that a person is justified in publishing obscene books, papers, prints, etc., if their publication is necessary or advantageous to the pursuit of science, literature, or art, or other objects of general interest. 'A man,' he says, 'might with perfect decency of expression, and in complete good faith, maintain doctrines as to marriage, the relation of the sexes, etc., which would be regarded as highly immoral by most people, and yet (I think) commit no crime.'

"The great jurist Bentham, in his *Principles of Morals and Legislation*, published by Macmillan, deprecates dealing with these offences, which he styles self-regarding, on the following, among other grounds:—

"(1) In individual instances it will often be questionable whether they are productive of any private mischief at all (because the person, who in general is most likely to be sensible to the mischief, if there is any—namely, the person whom it most affects, shows by his conduct that he is not sensible of it); secondary, they produce none.

"(2) They affect not any other individuals, unless by possibility in particular cases, and in a very slight and distant manner the whole state.

"(3) They admit not, therefore, of compensation nor of retaliation.

"(4) No person has naturally any peculiar interest to prosecute them; except in as far as in virtue of some connection he may have with the offender.

"(5) The mischief they produce is apt to be inobvious, and in general more questionable than that of any of the other classes.

"(5) They are however apt, many of them, to be more obnoxious to the censure of the world than public offences, owing to the influence of two false principles—the principle of asceticism, and the principle of antipathy.

"(6) Among the inducements to punish them, *antipathy against the offender* is apt to have a greater share than sympathy for the public."



From the *Sketch*, November 2nd, 1898:—

“IS HE AN OBSCENE WRITER?”

“Is Dr. Havelock Ellis an obscene writer? That is the question which must be decided by a British jury at the Old Bailey during the present Sessions. That is to say, the tinker, the tailor, the candlestick-maker—most worthy citizens, no doubt—will sit in judgment upon a scientific work which has been welcomed and commended by scientists in France, Germany, and America, as well as by the English medical journals. Dr. Havelock Ellis has made it his life-study to trace the effects of heredity and habits upon crime and insanity, and his book, *The Criminal*, if properly studied and understood, would revolutionise our present system of endeavouring to repress crime instead of curing it. In addition to his services in seeking to point out the causes which tend to overcrowd the lunatic asylums and, to a large extent, the prisons, Dr. Havelock Ellis has attained an important position in English literature, and has at various times collaborated with Mr. Swinburne, Mr. Gosse, Mr. Arthur Symons, Mr. Ernest Rhys, and others. He is also the editor of the well-known ‘Contemporary Science Series,’ and is a regular contributor to medico-legal journals in the Old and New Worlds. He has been made an honorary member of the Chicago Academy of Medicine, and was elected Vice-President of the International Medico-Legal Congress of 1895.

“Rather more than a year ago, Dr. Ellis published the first volume of his *Studies in the Psychology of Sex*, in which work he had the able assistance of Mr. John Addington Symonds. This book was the natural continuation and extension of his previous works, and was openly advertised and as openly sold by the leading booksellers at a price which placed it out of the reach of the ordinary seeker after prurient literature. In May last, however, the Scotland Yard authorities determined to stop the sale of the book, and, armed with the necessary warrants, pounced upon an obscure bookseller named George Bedborough, instead of indicting the principal offenders (?)—the author, the publishers, and the printers, as is usually done in such cases. When the charge came before Sir John Bridge at Bow Street Police Court, Dr. Havelock Ellis was present, and through his solicitor stated that he was quite prepared to accept all the responsibilities of authorship of the incriminated book, but that offer was not accepted. For months, therefore, a charge, the like of, which would be altogether impossible in any other civilised country, has been hanging over the head of Mr. Bedborough, who has, however, been supported by an influential Free Press Defence Committee, which numbers among its members the following ladies and gentlemen:—Mr. Grant Allen, Mr. Robert Buchanan, Mr. Herbert Burrows, Mrs. Mona Caird, Mr. Edward Carpenter, Mr. Walter Crane, Dr. Helen Densmore, Mr. A. E. Fletcher, Mr. Frank Harris, Miss Amy C. Morant, Mr. George Moore, Mr. William Platt, Mr. J. M. Robertson, Mr. Henry S. Salt, Mr. William Sharp, Mr. George Bernard Shaw, Mr. W. M. Thompson, and Dr. T. M. Watt. This Committee has provided legal assistance, and has arranged for Mr. Horace Avory to

undertake the defence. Application was made for a writ of *certiorari*, in order that the case might be removed to the Court of Queen's Bench, where it would have been tried before a special jury; but this application was not successful, and the question, which is one bristling with difficult technicalities, will be fought out before a Common Jury, which is perhaps one of the most incompetent tribunals for such issues. The opinion of Mr. Robert Buchanan with reference to the prosecution is worth quoting. He says that 'to insult a man of science and to punish the unfortunate publisher for carrying out what is, in point of fact, a noble bit of work, done in the interests of suffering humanity, is more worthy of savages than of sane men living in the nineteenth century.'

From the *Lancet*, November 18th, 1898:—

"The result of this trial places the person or persons to whom in the Recorder's opinion greater blame should be attached in a very awkward position. There is, for example, the author of the book. The trial closes his mouth and prevents him from making any defence other than the unsatisfactory method of writing to the newspapers or publishing an Apologia, and Mr. Havelock Ellis, the writer in question, would seem to be obviously indicated in the Recorder's speech. His book is the first of a series of studies in the psychology of sex and deals with a phase of the question which we must all admit to exist—namely, sexual inversion. It is allowed that this subject touches the very lowest depths to which humanity has fallen. But for all that it is a subject which cannot be ignored and one which is not made any less powerful for ill by the pretence that there is no such thing. But while we admit that the subject of sexual inversion has its proper claims for discussion we are very clear as to the propriety of limiting that discussion to persons of particular attainments."

.....

"What constitutes indecent literature? Is a book indecent because it deals with an indecent subject? Surely there is no reasonable person who will say 'Yes.' A book written solely in a spirit of scientific inquiry into a subject which, though odious in itself, has yet to be faced cannot possibly be included under the head of indecent literature. But such a book may become indecent if offered for sale to the general public with a wrong motive. Bedborough was, we suppose, held by the Recorder to be guiltless of wrong motive or he would have been punished. But why this wrong motive should be imputed to the author we cannot guess; while no such imputation was intended the reference to the more guilty persons who went scot free is meaningless. Mr. Havelock Ellis seems to us to have been badly treated in the matter and unfortunate in his publisher, for Bedborough, it must be remembered, pleaded guilty to the issue of two other indecent works with which the author of 'Sexual Inversion' had no connection whatever. The moral of the story for scientific writers, who must often publish what would be obscene if appearing in doubtful channels or confided to dirty hands, is obvious. It is—be careful of the publisher."

From the *British Medical Journal*:—

“It is a little difficult to comment upon this case, because all the facts have not been brought out in evidence. Mr. Havelock Ellis, who is the author of the work mentioned in the police-court proceedings, is a member of the medical profession, and we have examined his book. It treats of a subject which is to most persons extremely disagreeable, but, so far as we have been able to judge, we cannot agree with the Recorder that the subject has not been dealt with in a scientific manner. Further, so far as we are aware, it is true that no attempt has been made to advertise the book in any general way or to expose it for sale otherwise than in a technical sense. There is certainly nothing about the book itself, either in its appearance or in the manner in which the subject is treated to pander to the prurient mind, although the subject of the book is of course one which would lend itself to such treatment. The subject, as we have said, is extremely disagreeable, but is one of those unpleasant matters with which members of the medical profession should have some acquaintance. From correspondence submitted to us in print by Mr. Havelock Ellis, it would appear that the scientific character of the work in question is recognised by many eminent alienist physicians in this country. Dr. Conolly Norman sums up the true view with regard to a work of this kind in the following passage of a letter which we are informed he has addressed to the author:—

“In its relation to insanity, to degeneration, and to the neurotic state, the subject of sexual inversion has much medical interest; in its relation to crime it has much medico-legal interest. It is, therefore, a matter which must be discussed and written about.”

Edward Carpenter, in the *Saturday Review*, November 8th, 1898:—

“That Mr. Havelock Ellis, by the outcome of the Bedborough case, should be left with a slur upon his name and book is a gross scandal.

“There is hardly a woman, especially among the well-to-do classes, who could not tell an indignant tale of grief and wrong arising to her in her earlier days from the non-discussion of sexual problems. Some ladies (all honour to them!), who were present in the hearing of the Bedborough case at Bow Street, were as good as insulted by the magistrate because they refused to leave the Court. Yet who more fit to understand and consider these difficult problems than the mothers or future mothers of our children? But perhaps the motive for their presence did not dawn upon the magisterial mind.

“Our schools, as is well known, are full of phenomena connected with sexual inversion. The boys are corrupted and lose their purity of mind at an early age; parents are ignorant of what goes on; masters are in despair; every one is silent; a grim hush reigns; evils are hinted at, but no one offers any help. But why, in the name of all that is sane, such conduct?

“Surely a book dealing decently, straightforwardly, and scientifically with this subject is as much wanted as anything in England to-day. Mr.

Havelock Ellis has written such a book. Every schoolmaster in the country ought to be made to pass an examination in it. It should be in the hands of any parent who cares to understand the character, the needs, the temptations of his child; or, indeed, of any judge who wants to act justly; for, as Mr. Stead has pointed out, the fact that a portion of our criminal law is founded upon certain theories of sexual psychology makes the discussion of those theories imperative. Instead of that the book is proscribed and written down 'obscene' by the official Bumble. Could the force of folly further go?

"That such a book may occasionally get into what is called 'the wrong hands' may be allowed; but by no process of argument can this be construed into a reason against its publication, since it would equally apply to any special medical work. It only forms a reason for attack by that party which, ostrich-like, can see no other way of meeting a difficulty than by refusing to look at it."

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From the *Critic*, November 12th, 1898:—

"THAT BLESSED WORD 'MORALITY.'"

"Anything more fiendishly unfair to a man of science than the slur cast, by the mysterious conclusion of the Bedborough trial, upon the author of *Sexual Inversion* it would be impossible to conceive. I am not concerned to defend Dr. Ellis. He is himself more than capable of that task; and he was, and is, fully prepared to dispose of any unsavoury suggestion arising from the prosecution of one amongst several sellers of his book. The terms of surrender accepted by Bedborough do little credit to his courage, if they do not touch his honour. Were that not an impossible conception, one might reasonably suspect collusion between prisoner and police; and the Free Press Defence Committee, so completely befooled by Bedborough, will do well to clear the inner mystery of this questionable business—if they can. Its relation to the *Adult*, from which publication Bedborough has consented to remove his name, despite the unjust inferences to which this course may easily lead, is—in degree at least—different to its bearing on Dr. Ellis's volume. One may fairly doubt the wisdom of Mr. Seymour's publication—with its 'free discussion' of certain delicate questions—being sold broadcast to the first buyer, and yet protest against police prejudice being created against a purely scientific work, of permanent value to medical men and students.

"It is to be hoped that, if the Recorder's remark that 'this sort of thing will not be tolerated in this country' was meant to affect Dr. Ellis's work, the right of publication will be brought to speedy trial. Who, may we ask, is 'the really responsible person who received all the profits from the sale;' and whom the police have promised to prosecute? The Defence Committee should see that this warrant is executed as promptly as may be. The police have gone so far with this matter that they must now see it through, if publicity can force to a fair and definite test the question of freedom to publish. It is a subject of intense interest to every journalist, littérateur, scientist, publisher, and bookseller, not to mention the average studious reader."

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