EDITOR ACQUITI

HISTORY IN THE MAKING

than 20 barristers in court.

on the stroke of half-past ten the Caunt to be seated.

than 20 barristers in court.

Nearly 50 newspapermen covered he trial.

which Mr. Caunt replied in a firm voice, "Not guilty."

The Judge beckoned for Mr.

THE PROSECUTION

the prosection. It is the properties of the course for a few and far between. If one considers the matter for a few minutes one will understand why. We pride ourselves in this country on what is variously called the right of free speech, the right of every man to put into print that which he thinks should appear in print and that which he feels. In the course of our history we have come to the position where a man has a right, in controversial matters, to say strongly and forcibly what he thinks, subject to very little limitation. But there is a limitation and freedom of speech does the passions. As Counsel for the Crown I am not suggesting for the Crown I am not suggesting that every article which promotes hostility or ill-will is seditious libel. I am saying no such thing, It has to go deeper than that. Did Mr Caunt publish this article with the intention of stirring up violence, hostility and ill-will between different classes of His Majesty's subjects? The intention is the very essence of the thing. It does not have to have been done accidentally. It has to have been done accidentally. It has to have been done accidentally. It has to have been done accidentally intention of stirring up ill-will and hostility. tation and freedom of speech does not mean that man can say exactly

tions of His Majesty's subjects. "You cannot find Mr Caunt guilty because you may think that the article betrays bad taste or is a gross breach of good manners. You have to consider the intention with which the article was written and covering what the intention was."

Only witness for the prosecution was Police Supt. F. Hogg, who said Mr. Caunt admitted that he had written the article and said he would take full responsibility for it.

Mr. Denis Gerrard, opening for the prosecution, said "Prosecutions to seditious libel in this country are few and far between. If one for the Crown I am not suggesting

NOT WRITTEN IN HEAT

not mean that man can say exactly what he likes in exactly the way he likes.

"A man may be subject to criminal law if he publishes something obscene or biasphemous, anything by which law and order and government is likely to be affected or anything with intent to bring about any violence or public disorder. The task is: 'Has the right of freedom of speech been exceeded? Has this article gone over the boundary line which is prescribed by law?'

"This article makes an extremely offensive attack upon the Jawish people in this country. I want to make it plain that this prosecution is not a clash between the projection is not a clash be "In the submission of the Crown You are entitled to look at the "In the submission of the Crown one of the features of a seditious libel is the promotion of hostility and ill-will between different sections of His Majesty's subjects."

Total are entitled to look at the general character of the article, and the article which appeared the following week, and you may find material assistance there in distance there in distance the section of the article which appeared the following week, and you may find material assistance there in distance the section of the article which appeared the following week, and you may find the article which appeared the following week, and you may find the article which appeared the following week, and you may find the article which appeared the following week, and you may find the article which appeared the following week, and you may find the article which appeared the following week, and you may find the article which appeared the following week. "You cannot find Mr Caunt guilty covering what the intention was."

MR. CAUNT'S EVIDENCE

FIEST ANTI-SEMITIC ARTICLE

Mr. Caunt, in evidence, said the "Visitor" circulation was restricted to 17,800 through newsprint rationing. It was an independent paper.

Mr. Slade: Have you ever published an anti-Semitic article before?—Mr Caunt: Never.

Have you ever published an article intended to stir up violence or disorder?—Never.

Have you ever published an article intended to disturb the tranquility of line sties on subvert. The Government is no enquiry from the "Daily Herald" as to what he would do if the article became a matter for court proceedings, Mr Caunt said "The Daily Herald" as to what he would do if the article became a matter for court proceedings, Mr Caunt said "The Daily Herald" as to what he would do if the article became a matter for court proceedings, Mr Caunt said "The Daily Herald" as to what he would do if the article became a matter for court proceedings, Mr Caunt said "The Daily Herald" as to what he would do if the article became a matter for court proceedings, Mr Caunt said "The Daily Herald" as to what he would do if the article became a matter for court proceedings, Mr Caunt said "The Daily Herald" as to what he would do if the article became a matter for court proceedings, Mr Caunt said "The Daily Herald" as to what he would do if the article became a matter for court proceedings, Mr Caunt said "The Daily Herald" as to what he would do if the article became a matter for court proceedings, Mr Caunt said "The Daily Herald" as to what he would do if the article became a matter for court proceedings, Mr Caunt said "The Daily Herald" as to what he would do if the article and asked me what I would do if it went to court. I said I would do if it went to court. I said I would do if it went to court. I said I would do if it went to court. I said I would do if it went to court. I said I would do if it went to court. I said I would do if it went to court. I said I would do if it went to court. I said I would do if it went to court. I said I would do if it went to court. I said I would do if intended to stir up violence or disorder?—Never.

Have you ever published an article intended to disturb the tranquility of the state or subvert the Government of the country?—Never.

Bo you hold yourself out as a patriotic, British subject?—I do.

And you still stand by your antisemitic article?—Definitely.

Referring to the responsibilities and repercussions which you mentioned in the article, did you mean anything in the nature of any protest or cessation of business from certain quarters?—I did.

**There was no justification at all for it.

CROSS-EXAMINATION

Not Out To Kindle Anger

After half an hour's examination by Mr Slade, Mr Caunt was cross-examined for over half an hour by Mr Gerrard asked Mr Caunt "You have charged, the Jews with blatant have charged, the Jews with blatant have charged, the service of the properties of the country of the country of the state of the country of the state of the country.

CROSS-EXAMINATION**

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business from certain quarters?—I did.

ave you had any such repercussions?—One or two.

Firms withdrawing their advertising?—Yes.

Mr Slade, referring to a "Daily Express" picture of two British sergeants hanging in a encalyptus grove asked "Did you regard that photograph in the "Daily Express" as an incitement to violence against the Jews?—It never entered my head.

But when you saw it you thought, rightly or wrongly, the time had come for plain speaking?—I did.

Was it your honest opinion, as an editor, that you were entitled to express your view?—It was.

Did you think you were prevented from expressing it because it was unbalatable?—I did not.

Did you intend to cause any ill-will at all?—I did not.

You still believe it true that the lews were guilty of hypocrisy, that they would lead in black market of press and that they were in rackets?—I do.

VIRULENT ANTI-BRITISH

PROPAGANDA You were in the United States in 1946?—I was.
You travelled from New York to Los Angeles?—Yes.
Did you see over there, virulent anti-British propaganda?—I saw its dimenal allons.

1t was definitely anti-British?—It was. Did you like seeing that anti-British propaganda as a British subject?—I ropaganda as a British subject:

did not.

Did you take the view that you were entitled to comment editorially upon it in your publication?—Certainly.

What did you mean by the expression will of the people?—I meant the ballot box—democratic means.

What did you mean by ostracise?—I have nothing to do with them at all.

Do you think it is an incitement to violence to have nothing to do with people?—I don't.

What did you mean by the phrase 'Violence may be the only way to bring them to a sense of responsibility to the country in which they live?' The Judge: Don't go too quickly, Mrant, as I want to write this answer down.

own.

It caunt replied "The intention was to be a warning to the Jews as to what would eventually happen to them if they did not mend their ways."

The Judge invited Mr Caunt to add to his answer if he wished to, but he replied that was his answer.

Mr Slade: It is now suggested by the prosecution that you intended that tiplenee should be used towards the Jews and thereby bring them to a sense of their responsibilities?—I had no such intention in the slightest?

Did it ever occur to you that such a construction would be put upon head.

The Object of your article was to ventilate a grievance which you felt very strongly about and to suggest very strongly about and to sugges

After half an hour's examination by Mr Slade, Mr Caunt was cross-examined for over half an hour by Mr Gerrard. Mr Gerrard asked Mr Caunt "You have charged the Jews with blatant hypocrisy?"—Yes.
You have charged them with acquiesence in murder?—I have not.
Referring to the murder of the British sergeants in Palestine you said the Jews were only professing to abhorit?—They were professing to be very upset about it but not taking very active steps to prevent it.
You charged them with being heavily involved in the black market?—Yes.
And you said in effect that rather than earn a living as honest tradesmen they preferred to drift into industries where rackets were easy to find?—Yes.
That must have been extremely offensive to a great many people?—Yes.
You intended your article to be offensive?—I did not intend it to be offensive but it was offensive.
Did you think it would be accepted submissively by the Jews or not?—I did not think they would be pleased about it at all.
You realise you were stirring up some degree of hostility and ill-will.
Not even against yourself?—I think not.

Not even against yourself?—I think You don't think so?—I am sure.

REPLY "TWISTED"

Was it because you were so sure about it that when you were asked if your office windows had been broken you said 'I am happy to say, not yet?—The question as to whether my office windows had been broken was put to me by a representative of the Daily Mirror.' In one of that picturesque journals' questions I was asked 'have your office windows been broken?' in a joking kind of way, I said "No." The Daily Mirror' representative said 'Not vet' and I said 'No, that is right' and he twisted it round to make it that I had said 'Not yet.'

Were you surprised when a Jew threatened you on the telephone with personal violence?—I was not surprised.

THE OBJECT

The object of your article was to ventilate a grievance which you felt very strongly about and to suggest of the following week and about an enquiry as to whether your windows had been broken—presumably by dews. Did you intend the Jews to smash your windows?

With a smile and a shrug Mr Caunt replied "No."

THE OBJECT

The object of your article was to your approve of the window smashing to window smashing. Does that suggest you approve of the window smashing to window smashing to window smashing to window smashing or not.—That was merely a description—righteous wrath.'

Tell me what your object was in this and chat this is a saking whether your windows whether your windows whether your windows?

With a smile and a shrug Mr Caunt replied "No."

THE OBJECT

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THE OBJECT

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Tell me what your object was in this and chat the world in the place is a saking whether your windows.

Tell me what your object was in this and chat the world in the place is a saking with and you say you were referring to windows smashing to windows smashing to windows mashing to windows mashing to windows mashing to windows washing to windows washing

FAILURE OF SEDITIOUS LIBEL CHARGE

In the crowded court were many Morecambe people. When the jury of seven men were sworn in they seemed impressed with the sergeant, the Court rose for the enterpoint of the occasion.

The well of the court was filled with bewisged barristers and instructing solicitors. The two K.C.'s, fir. Slade and Mr. Gerrard, were seated in front of the junior counts and then to the junior count was filled with bewisged board of Deputies, as he did at the Morecambe Court,

Many other barristers not acting in the case were present to hear legal history being made. In the afternoon there were no fewer than 20 barristers in court.

The Constructive of the court was filled with the filled in the dock again when the Clerk of Assize read out the indictment, to which Mr. Caunt replied in a firm when the court.

The Constructive coursed with the Sudge's chair opened and, at the command of the sergeant, the Court rose for the enter of the court accompanied by the High Sheriff of Lancashir, the chaptain and clerk. Lady bright of the Bench.

Before taking his seat, the Judge bowed to the members of the Ear and then to the jury.

The Clerk of Assize called James Caunt and, accompanied by a warder from the Walton prison, he entered the spacious dock in the center of the court. After being taken down the steps out of sight to be formally proved, he ascended into the dock again when the Clerk of Assize read out the indictment, to which Mr. Caunt replied in a firm when the court.

PUT CLOCK BACK 150 YEARS

STANDING beside a warder in the dock in the centre of the hushed, crowded Crown court at Liverpool Assizes on Monday, the Editor-Proprietor of the "Visitor," Mr. James Caunt, heard the foreman of a British jury announce emphatically, almost triumphantly:

"Our unanimous verdict is that he is Not Guilty."

The words "NOT GUILTY" were shouted in ringing tones by the foreman as though he relished every syllable.

It took the jury only nine minutes to reach their unanimous verdict after an all-day hearing of a charge of seditious libel brought against Mr. Caunt because of an article he wrote about the Jews on August 6.

The verdict was greeted by a swift, irrepressible welling-up of applause, an expression of pent-up feelings, which was quickly stilled in the tradition of the British courts.

As Mr. Caunt left the dock he was mobbed by friends and well-wishers eager to congratulate him, and by a swarm of newspapermen pressing for his comments on the case.

The Judge, Mr. Justice Birkett, said this in his summing-up to the jury: "It is in the highest degree essential, and I cannot over-emphasise the importance of it, that nothing should be done in this Court to destroy or weaken the liberty of the Press."

Said Mr. G. O. Slade, K.C., leading counsel for the defence: " It would be a black day for the liberty of the subject and freedom of speech if you convicted Mr. Caunt. This prosecution is an attempt to put back the clock at least 150 years."



Mr. Justice Birkett

Caunt: I would quite agree. Gerrard: If your object was as why didn't you end before you of ostracism and yiolence? why not?—Because I intended the article to finish as it began by expressing pleasure that there were very lew Jews in Morecambe and Heysham and a hope that there would be no long. In what sense did you think the article would have been incomplete if you had finished it earlier? Why did you go on with it?—Because in my view I had not finished my thoughts. I wanted to express my full views. I simply wrote the article and there it is. I cannot give you a reason for every paragraph in the article.

is. I cannot give you a reason 107 every paragraph in the article.

ON OSTRACISM

What do you mean by the word ostracism?—To banish.
From the country?—No, from all dealings with other people.
Did you never consider that was likely to lead to violence?—It never entered my head at all.
Just consider it now; there is a large number of Jews. Do you think that if the rest of the community refused to trade with them or recognise them that they would take it lying down?—I do.
They would take it lying down?—I do.
Where would they get their food?—By working harder.

For whom?—The country.
But they could only work for one another. Don't you realise now, if you never realised it before, that what you are suggesting would, if carried out, inevitably lead to violence?—I wouldn't go as far as that.
Don't you think there would have been demonstrations, counter-demonstrations and clashes?—I would not have displayed any resentment at al?

—They might have displayed resentment but they would have had to put with it.

Do You FAPROVE WINDOW-

n.

you approve of this window ing?—I did not.
t fair to say that in this article d not show your disapproval of did not show whether I ed it or not.
listen. You speak of righteous and you say you were referring Just listen. You speak of righteous wrath and you say you were referring to window smashing. Does that suggest you approve of the window smashing or not?—That was merely a description—'righteous wrath.'

Tell me what your object was in this article?—To warn them that if they article?—To warn the

say that if the Jews are having their property knocked about they have only themselves to blame. Do you say that a man reading that fairly and as a whole would not think you were en-couraging violence?—I do not think so. Would you say anyone would say you were not discouraging violence?

but surely.
Gerrard asked "Is your defence that if, on a fair reading of that it, the jury should come to the sison that it is an incitement to be, you say that is not what you the company of the compa

paper's circulation of 17,800—no more than about 30.

QUESTIONS CAUSE SMILES

Mr Slade: The cross-examination has suggested that you published the article with the idea that the 50 Jews should attack the rest of your 17,800 readers or that your 17,800 readers should attack the rest of your 17,800 readers or that your 17,800 readers should attack the 20 Jews?

Mr Slade: Did it occur to you that about a million Jews in this country who never read your paper would offer some violence if they were boycotted? Again smiling, Mr Caunt replied "It never entered my head."

Mr Slade: Have you heard the saying that a burned child shuns the fire everyone should burn their child? The implication of this question appeared to puzzle the Court and humorously the Judge interposed "It think we should have had notice of this."

Mr Slade did not pursue his point and this ended Mr Caunt's evidence after an hour and ten minutes in the witness box.

OUTSPOKEN VICOROUS CRITICISM

The court adjourned from 12.50 to 2.10 for lunch.

THE DEFENCE

Addressing the jury, Mr Slade de-clared: "It would be a black day for the liberty of the subject and attempt to put the clock least 150 years.
"Before 1792 when Fox's Libel

plence, you say that is not what you pened to be distasteful to the ant?"

Mr Slade objected to the question Government of the day.

d his objection was upheld by the "In order to make it quite clear that they could restrict freedom of speech as much as they chose, the special and Heysham out a population of 42,000. There would every few Jewish readers in the aper's circulation of 17,800—no more han about 30.

"In order to make it quite clear that they could restrict freedom of speech as much as they chose, the Government, although having juries, made it a practice to direct juries, as a matter of law, that a particular speech or writing was in law a seditious libel. Whether the jury liked

THE LOWER COURT

Mr. Caunt declined the offer of having lunch sent in, as the circumstances were not conducive to cumstances were not conducive to who listened.

In court at that time were at the circumstances were not conducive to other magistrates, Messrs. T. Atking attempted to do in regard to this alleged seditious libel." who listened.



the result of the prosecution it will be unfortunate for the Jews or unfortunate for everyone. If Mr Caunt fortunate for everyone. If Mr Caunt were convicted a number of people would regard him as a martyr. If he were acquitted others would think it wrong having regard to the anti-Semitic article he wrote.

"So far as I know there has not been a prosecution of an editor for seditious libel for over 100 years. Why? Because it is

"I have written down three well-

CHURCHILL AND CRIPPS Were They More Seditious Than The Article?

Mr. Slade then went on to quote rom the "Times" a speech made by Ir Winston Churchill and a speech made by Sir Stafford Cripps during he General Election of 1945.

Mr Churchill's speech contained the exploiters and enemies of the working

"Socialism is in its essence an attack not only on free enterprise but on the right of the ordinary man or woman to breathe freely without having a harsh, clumsy tyrannical hand clapped across their mouth and nostrils. A free Parliament is odious to Socialist doctrines."

"Can you," demanded Mr Slade, "magine Mr Gerrard, if this speech were the subject of a prosecution for seditious libel, stopping there and askng you 'Is this offensive? Do you hink the Socialists would like that? Do you think that would displease the socialists? Isn't that calculated to ause ill-will and hostility?" He went on to quote Mr Churchill

CRIPPS ON THE TORIES

ave put to him the same type uestion he has put to Mr. Caunt?

MORE SEDITIOUS pieces as Mr. Caunt's article has been torn into pieces by the prosecution could you not find that there was far more in them.

"Mr. Caunt was not promoting ill-will. He was showing that it existed. His language has been twisted for the purpose of showing that he must have had some sinister intent.

"If you think Mr. Caunt wrote tricle with the intention of promot ttacks on the Jews then by all me and him guilty. But if you think

THE JUDGE'S SUMMING-UP

white your man be visited. The state of the

A SACRED PRINCIPLE "The liberty of the Press can-

of libel.

"Since Fox's Act of 1792, the jury's duty is to decide all questions of fact. Matters of the greatest concern and highest moment are incern and highest moment are incernational matter in this article does not constitute a seditions libel however offensive it might be.

criminal case is to prove the case beyond all reasonable doubt. It is never the duty of the defendant to prove his innocence. The English law, as distinct from the jurisprudence of some other countries, has always been extremely jealous of this cardinal, unfailing principle.

"To constitute a seditious libel it is not enough merely to provoke hostility or ill-will because that may be done by speeches which certainly do not come within the realm of seditious libel.

which had been happening at that time in Palestine.

"When you consider the matter of intent you will take into account all the circumstances: the circulation of the control of the circumstances."

not be overstated. Mr. Gerrard conceded that to the full.

"Mr. Slade says this prosecution is an invasion of the principle of the freedom of the Press.

The Judge, whose address to the jury lasted 48 minutes, told them:
"This is an important and unusual case. Mr Gerrard has presented the case for the Crown with great moderation and fairness. Mr Slade has defended with all the great prestige of an authority on the law of libel.

"But equally important is the fact that whilst that principle must remain inviolate its limits should not be exceeded. Mr. Gerrard has said 'I concede to the full the immense value of a free Press in this country and I agree that they should have full liberty providing they do not overstep the boundary."

The Editor

cern and highest moment are involved in this case and it is a very good thing to think that the decision on these matters, affecting our constitution and way of life, is supremely in the hands of the successfully in the past.

"You may think that whatever "The duty of the Crown in any criminal case is to prove the case public offices he has held and the public work he has done. They are all matters for you to consider that with all his journalistic experience this is the first article of its kind that the defendant has supremely in the hands of the written. You have heard witnesses speak of his good character, the public offices he has held and the criminal case is to prove the case public work he has done. They are NOT AN EDITORIAL HABIT

" As Mr. Slade has said, you are not dealing with a man who has been in the habit of indulging in articles of this nature. He was moved to do this by the things

essential, and I cannot over-emphasise the importance of it, that nothing should be done in this court to destroy or weaken the liberty of the Press;

"Secondly, remember that at all times it is the duty of the prosecution to prove its case beyond all reasonable doubt."

If you thought this prosecution was an invasion of that sacred principle you would say so by your verdict.

From the end of the Judge's summing-up to the announcement of the jury's verdict occupied 14 minutes. Their deliberations in the jury room took only nine minutes.