

# Morecambe Guardian

## and Heysham Observer

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TUESDAY, NOVEMBER 17, 1953.

POSTAGE—INLAND 11d.

ABROAD 14d.

THREEPENCE

### Sequel to Police visit to Heysham shop COURT ORDERS BOOKS AND CARDS TO BE DESTROYED

#### Coarse, not obscene, says defence

MORECAMBE magistrates on Friday made an order for the destruction of 1,150 postcards and 62 books which they had decided were obscene. The postcards and books had been confiscated from the premises of Samuel Normanton Winder (62), of 18-20, Main Street, Heysham, who was called upon to show cause why they should not be destroyed.

Mr. J. S. McNulty who opposed the application on behalf of Winder argued that whilst some of the books were coarse and in many parts in extreme bad taste he had been unable to find anything obscene in them. He asked were they obscene by present day standards.

Producing copies of a number of popular periodicals with pictures of scantily dressed girls on their covers Mr. McNulty said they were no better and no worse than the covers of the publications before the Court.

Inspector E. Pinder, making the complaint on behalf of the police, said at 2.30 p.m. on October 1 with Police-Sgt. Hyde, he executed a search warrant on the premises of 18-20 Main Street, Heysham, under the provision of the obscene publications Act 1859. The premises were occupied by Winder. They were in plain clothes and when Winder was told they had a warrant to search the premises for obscene postcards and books, he replied "I have been expecting this."

As a result of the search 1,150 picture postcards and 62 books were seized. The inspector added "In my opinion the postcards were obscene and the books were pornographic literature. The covers were highly coloured and in my opinion indecent and to say the least risqué. I took possession of the postcards and books and told Winder that the circumstances under which he was exhibiting them in the main street in front of the shop would be reported. He replied 'They have been a good selling line. People have come from other parts of the town for them.'"

#### OBSCENE AND INDECENT

Mr. J. S. McNulty, representing Winder, asked the inspector "What measure did you use to decide whether these publications are obscene?"

Inspector Pinder replied "To obtain a warrant, six postcards were purchased and submitted to the Director of Public Prosecutions."

Mr. McNulty: So it is the Director of Public Prosecutions who decided they were obscene?

The clerk, Mr. T. Armstrong, interrupted "No that is not correct."

Inspector Pinder replied "It

is my opinion the postcards are obscene."

Referring to the books, he added "I have read quite a lot of them. Some of them are already on the Home Office list and destruction orders have been made in respect of them in other courts. In some cases the covers themselves are sufficient to warrant the description of obscene and indecent and many of them are risqué."

Mr. McNulty: But you have not read them all?

The inspector: No I have not.

Do you base your opinion mainly on the covers?—In the first place, yes.

#### COARSE AND IN BAD TASTE

Mr. McNulty, opposing the police application for a destruction order, said "There seems to be some doubt about whether this is the first application of this sort to be made before this court. It is certainly the first application the present magistrates have had to hear. I am quite sure you will approach your decision in this case with considerable concern."

"You have only one man's opinion as to whether these matters are obscene. The first problem is what constitutes obscenity and by what standard must you judge it. So far in my opinion you have had no evidence at all that these articles are obscene. Before you can come to a decision you must have read through all these books and have examined each individual postcard or, with regard to the books, you must have read the all-red obscene passages."

"You cannot condemn the whole of these publications which you see before you simply because there may be obscene passages in one of them. I have read some of these books and whilst they are coarse and in many parts in extremely bad taste I have been able to find nothing obscene in them."

#### COMPARISONS.

"It may be they are condemned on the very look of them by their titles and lurid colours but you can go round any respectable newspaper's and see his stall stacked with what we regard as respectable daily press and periodicals with equally lurid covers as these."

To illustrate his point, he laid out on a table before him copies of illustrated magazines, daily and weekly newspapers, with pictures of film stars, photographers' models and bathing beauties on their front pages.

#### PRESENT DAY STANDARDS

He warned "You can't just adopt your own standard of what is obscene or what is not but you must try to adjudicate by the standard accepted for the present day and age. It has varied considerably from period to period. There is nothing in these books which is obscene by present day standards."

Referring to the postcards, he said "I admit they are vulgar and in extremely bad taste, but are they obscene by present day standards? Some of the captions on these postcards are very old Music Hall jokes. We are living in a day and age when the humour of the country is based on innuendo which is blasted by the wireless into every home every night. It is accepted as the broad-mindedness or decadence of this day and age which ever you accept."

"Familiarity robs innuendo of its power to corrupt and without corruption you cannot have obscenity."

#### FOUR PROPOSITIONS

He put to the magistrates four propositions on which he suggested judgment should be based. They were to judge not on personal standards of morality but by the accepted standard of the day; it was not the job of magistrates to clean up the town but to administer the law as laid down; they should condemn with great caution because to condemn was to interfere with the personal right to keep property inviolate and that they should not condemn the whole because certain articles were obscene.

The magistrates took half an hour to consider their decision.