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WOMAN AUTHOR SUED

Mr. Aleister Crowley Alleges Libel

"STRONG AFFIDAVIT"

In the Vacation Court yesterday, before Mr. Justice du Parcq, mention was again made of the motion by Mr. Edward Alexander Crowley, the author, whose pen-name is Aleister Crowley, of Abermarle Court, Piccadilly, for an interim injunction to restrain the further sale or publication of a book entitled "Laughing Torso," written by Nina Hamnett, and printed and published respectively by Charles Whittingham and Griggs, Ltd., and Constable and Co., Ltd.

The matter came before Mr. Justice Lawrence on September 22, when it was stated that Mr. Crowley had reason to complain of passages in the book which he considered reflected upon him, and which, it was alleged, were untrue, indecent, and vulgar. The motion had been allowed to stand over to enable Miss Hamnett and her advisers to consider the position. Messrs. Constable gave an undertaking that meanwhile there would be no further publication of the book.

Upon the case being called, Mr. Gallop (for Mr. Crowley) said that the printer and publishers had filed no evidence. Miss Hamnett had filed an affidavit. But the position as against the printers and publishers was quite distinct from that of Miss Hamnett, and he asked the Judge to deal with it forthwith.

Mr. Upjohn (for the publishers) said the publishers originally published the book in the greatest good faith, and they had no knowledge of the accuracy of its contents. There was now a long and extremely strong affidavit by Miss Hamnett. He submitted that the court would not grant an injunction against Miss Hamnett, because she was going to justify. It was open to his clients, if they so desired, to justify, and that being so he submitted that his Lordship would not grant an injunction against his clients.

INTENDS TO JUSTIFY

Mr. O'Connor (for Miss Hamnett): My defence is that every word published in the book about Mr. Crowley is true and will be justified at the trial. I have made an affidavit that Mr. Crowley is a man who has been known to Miss Hamnett for a number of years. She can speak about him, and about matters referred to in the pages of the book as being within her own knowledge. As to the passage on page 69, she says she was told that story by Mr. Crowley personally, as well as getting it from other sources. An injunction ought not to be granted.

Mr. Justice du Parcq: You say if there is an obscene libel there are other ways of stopping it.

Mr. O'Connor: Yes, and this is not the court to stop it. In such a case the Criminal Court is the proper court. Truth is a complete answer to libel in whatever way the claim is made.

Mr. Justice du Parcq remarked that on page 173 there were such words as "it was said" and "people thought," and so on. If someone wrote a book, and said it was rumoured that Mr. X. was a murderer and people used to be afraid of him, if one was going to justify that he might find himself bound to justify the allegation that Mr. X. was a murderer, not merely that some gossip or scandal-monger had said he was.

Reading the affidavit of Miss Hamnett, the Judge observed that it was to the effect that "everything is true, and I intend to justify."

Mr. O'Connor: There is a letter from Mr. Crowley to the authoress, accompanying the affidavit. It is dated November 10, 1931.

Mr. Justice du Parcq glanced at the letter and read "Dear Ham." "That is your client, I suppose," he added, and continued: "He (Mr. Crowley) says 'Do you want me as a witness.' What proceedings were those?"

Mr. O'Connor: She herself brought an action for libel about that time.

REFERENCES TO SICILY

Mr. Justice du Parcq: I think you may say this: that these references to Sicily would suggest that Mr. Crowley was behaving in an odd and extraordinary way there, and in such a way that people who were superstitious might have thought he was doing all kinds of magical and extraordinary things, but I am not sure the affidavit does not go beyond that.

Mr. O'Connor: It does.

Mr. Justice du Parcq: And you say accounts of this have been published in the papers, but you do not say what papers. You ought not to say a man was expelled from a place for immorality, and not say what the publications are.

Mr. O'Connor: I have some here.

He produced a newspaper, which was handed up to the Bench.

Mr. Gallop said Mr. Crowley would deny the allegations in the affidavit, if necessary, on oath.

Mr. Justice du Parcq: He had already said there is no truth at all in the book.

Mr. Gallop submitted that the publishers must say what their attitude was. They could make inquiries and say whether they intended to justify or not.

Mr. Justice du Parcq: Do you agree that it would not be right to restrain Miss Hamnett in the circumstances from repeating this libel. She says her statements are true. I think if there is an obscene libel the police or anyone can stop it by going to the magistrate and getting an order.

Mr. Gallop: The question of whether this is obscene had not occurred to me with regard to granting an injunction.

PUBLISHER'S POSITION

Mr. Justice du Parcq inquired whether Mr. Upjohn was prepared to give an undertaking or submit to an injunction, and was he prepared to say that he intended to adopt the affidavit of Miss Hamnett.

Mr. Upjohn: I am not willing to-day to give any undertaking. If your Lordship grants an injunction, it is a matter which I cannot avoid. In the second place, I do not to-day make any statement whether my defence is going to be justification or not. There is a considerable body of evidence which suggests that a plea of justification might succeed, and in those circumstances my clients must consider the situation very carefully.

Mr. Justice du Parcq, giving judgment, said that, in the face of Miss Hamnett's sworn statement that the words were true, he thought it would be wrong to stop the publication of the book at the present time. If the words could be said to constitute an obscene libel, there was a way to prevent their further publication, but with that he had nothing to do, and he expressed no opinion. The application for an injunction would be refused. The costs would be costs in the action.