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"BLACK MAGIC" CASE APPEAL

JUDGE'S SUMMING-UP CRITICISED

The "Black Magic" libel action came before Lords Justices Greer, Slesser, and Roche in the Court of Appeal yesterday.

Mr. Aleister Crowley, the author, appealed from the judgment of Mr. Justice Swift in an action brought by him against Miss Nina Hamnett, author of a book entitled "Laughing Torso," Messrs. Constable and Co., Ltd., the publishers, and Messrs. Charles Whittingham and Briggs, the printers.

Mr. J. P. Eddy (for Mr. Crowley) said the words complained of imputed to him the practice of black magic at Cefalu in Sicily. That was a practice which Mr. Rowley said was not only foul, but was for the most part criminal. Mr. Crowley said that black magic was illegal either in its means or purpose, or both.

The alleged libel also stated that one day a baby was said to have disappeared mysteriously, and Mr. Crowley's case was that that plainly meant the he had killed the child by means of black magic. By their defence the defendants denied that the words were defamatory, and they pleaded justification.

Counsel said Mr. Crowley asked for a new trial on a number of grounds that were connected primarily with the Judge's summing-up. At the trial Mr. Crowley was in the witness box for two days. He said categorically that he did not practise black magic, that no baby disappeared, and that nobody was frightened of him.

The Cross-examination

Mr. Eddy said years before Mr. Crowley had written things that would deeply offend the sense of decency of most ordinary people, and he was cross-examined at great length about these. Neither they, nor the cross-examination based upon them, had anything to do with the plea of justification. Nor were they relevant to any question of general reputation. They could afford the jury no guidance as to incredibility, and it was suggested this feature of the case was only introduced to create prejudice.

At the trial, evidence was given for Messrs. Constable by Mrs. Betty Sedgwick, who purported to describe a visit to Cefalu. She had written a book, "Tiger Woman," and she had to admit that the principal incident in it was "fiction." No evidence was called to show that any baby had disappeared, mysteriously or otherwise, or that the inhabitants of Cefalu were frightened of Mr. Crowley.

While counsel was opening the case for Miss Nina Hamnett, added Mr. Eddy, the jury were seen to be whispering together. They were told they could not stop the case without hearing counsel for Mr. Crowley.

"In the circumstances," urged Mr. Eddy, "it was vital that the jury should receive clear directions as to the issues they had to try, and the burden of proof, and it was not less vital that they should receive directions as to the effect, if any, that they should give to the plaintiff's cross-examination.

"I regret that it should be necessary for me to criticize in any way the Judge's conduct of the trial, yet at a time when the jury were in real need of assistance they received what was in no sense a proper summing-up.

The hearing was adjourned.