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LIBEL APPEAL DISMISSED

JUDGE AND THE SUMMING-UP

The appeal of Mr. Aleister Crowley, the author, from the judgment of Mr. Justice Swift in a libel action he brought against Miss Nina Hamnett, authoress of "Laughing Torso," Messrs. Constable and Co., the publishers, and Messrs. Charles Whittingham and Briggs, the printers, was dismissed in the Court of Appeal to-day.

Mr. Crowley said that the book imputed to him the practice of black magic. According to him black magic was "foul and criminal," and he had never practised it.

The case for the respondents was that on Mr. Crowley's admissions in the witness-box and on statements made in his published works he had practised a form of magic which was "the negation of what every decent and right-minded persons had ever held to be either decent or sacred."

They also maintained that his reputation was that of a "black magician."

THE DEVIL'S REPUTATION

Continuing his reply for the publishers, Mr. Malcolm Hilbery, K.C., said the statements in "Laughing Torso" were not defamatory of Mr. Crowley nor were they something that could be understood by reasonable people as damaging his reputation, "having regard to what his reputation was, the material on which he had built it, and what he had allowed it publicly to be."

"A libel is something that defames," said counsel, "it defames if it really diminishes the reputation a man enjoys, whatever his reputation is."

Lord Justice Roche: You mean that it would not be defamatory to say of the devil that he is black. (laughter).

Lord Justice Slesser: I want to know whether it was part of the plaintiff's case that the words complained of meant not only

that he had practised black magic, but that in consequence of his magic a baby had disappeared.

Mr. Hilbery said that Mr. Eddy (for Mr. Crowley) opened the case in that way.

"MOONSHINE"

Lord Justice Roche: If the natural inference from the words was that a murder had been committed I don't think they would have been followed by a reference to a goat. There would have been something about the police.

Mr. Hilbery: It is all "moonshine." I invited Mr. Crowley to make Mr. Hilbery disappear, and I did not feel that I was in peril." (laughter).

Later Lord Justice Greer intimated that at the moment the view that commended itself to the court was, "This is a case in which we can say that although the summing up might have been different, and perhaps would have been more satisfactory if it had been more detailed, yet we are inclined to come to the conclusion that the result would necessarily have been the same however full the summing up."

Mr. Martin O'Connor interposed to say that in view of this intimation he would not address the court on behalf of Miss Hamnett.