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'BLACK MAGIC' APPEAL DISMISSED

Verdict in Action "Only Possible Result"

COURT COMMENT

The appeal in the "Black Magic" libel action was dismissed to-day by the Court of Appeal.

Giving judgment, Lord Justice Greer said the court had come to the conclusion that though there might be something to be said in favour of the view that the summing up was not as full as it ought presumably to have been, the only possible result was a verdict for the defendants.

Mr. Aleister Crowley, the author, appealed from the judgment of Mr. Justice Swift in an action he brought against Miss Nina Hamnett, authoress of "Laughing Torso," Constable and Co., publishers, and Charles Whittingham and Briggs, the printers.

Mr. Crowley said the book imputed to him the practice of black magic. According to him black magic was "fouls 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.' "

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."

"MOONSHINE"

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

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.)

Lord Justice Slesser: If he had done that it would certainly have been ground for a new trial (Laughter).

During further argument Lord Justice Greer said he rather gathered that answers Mr. Hilbery received concerned sex perversions and eroticism.

Counsel: And magic.

Lord Justice Greer: But that is not sufficient to justify a statement that he used his magic for the purpose of killing a baby.

BY CONJURING

Mr. Hilbery: It does not say he killed a baby. Many people, by conjuring, might make a baby disappear.

Lord Justice Slesser: I don't think it could be said it was not defamatory to say that by magic a man had made a baby disappear.

Lord Justice Greer: A man might be extremely erotic and yet not be a man who would use his powers to injure an infant.

Mr. Hilbery: It was obvious that was not the meaning of the words.

Lord Justice Greer: I think that was for the jury.

Mr. Hilbery: Any jury would have been perverse if it came to any other conclusion.

Mr. Eddy, in reply, for Mr. Crowley, said that though there was much to suggest that his client had practised magic there was a vital distinction between white and black magic.

THE JUDGMENT

Lord Justice Greer, giving judgment dismissing the appeal, said: "It is not a question of speculating or guessing. I, personally, have come to the conclusion that, however much the

contentions of Mr. Eddy had been repeated by the Judge, the result would have been exactly the same as it was."

For a long time Mr. Crowley had been cross-examined, and he had made admissions in regard to his conduct which Mr. Justice Swift described as admissions of the grossest kind he had heard in 40 years' experience at the Bar and on the Bench.

Lord Justice Slesser concurred, and the appeal was dismissed with costs.