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DISMISSED

The "Black Magic" Libel Action Appeal

COURT'S FINDING

Judge and "the Only Possible Result."

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 Chas. Whittingham and Briggs, the printers.

Mr. Crowley said the book imputed to him the practice of black magic. According to him black magic was "foul and criminal" and he had never practiced 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 person 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. Malcom 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."

DEFINITION OF LIBEL

"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 as part of the plaintiff's case that the words complained of meant not only that he practiced 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.)

THE COURT'S VIEW

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.

Mr. Hilbery: It does not say he killed a baby. Any 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.

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.

"A VITAL DISTINCTION"

Mr. Eddy, in reply for Mr. Crowley, said that though there was much to suggest that his client had practiced magic, there was a vital distinction between white and black magic. The Court might take cognizance of an Act of Parliament passed in 1735.

Lord Justice Greer: If you go back so far as that he would have been burned at the stake whether he called his magic white or black. (Laughter.)

APPEAL DISMISSED

Lord Justice Greer, giving judgment dismissing the appeal, said the Court had come to the conclusion that though there might be something to be said in favour of the view as it ought reasonable to have been the only possible result in this case, having regard to the evidence and admissions of Mr. Crowley, was a verdict for the defendants.

"It is not a question of speculating or guessing," continued the Lord Justice. "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.