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**SPECIAL LAW REPORTS.**

**COURT OF APPEAL.**

**Before Lords Justices VAUGHAN WILLIAMS,  
MOULTON, AND FARWELL.**

**ROSI CRUCIAN SECRETS.**

An interlocutory application in *Macgregor v. Crowley* introduced reference to the Rosicrucian Order, an organization instituted in its modern form in 1888 for the study of mystical philosophy and the mysteries of antiquity, and following somewhat on the lines of Freemasonry. The plaintiff in the action, Mr. Macgregor, is chief or head of the Order, and the defendant, Mr. Aleister Crowley, is editor of a journal called "The Equinox," which is published half-yearly at the two equinoctial days in the year. It was also stated by counsel that he had been expelled from the Order. Pending an action, the plaintiff had obtained from Mr. Justice Bucknill an interim injunction restraining the defendant from publishing in the third number of the magazine, which should be published on March 22 (to-day) an account of the initiation ceremony of the Order, the claim being that this was in violation of a contract to maintain secrecy as to the proceedings of the Order, and in violation of plaintiff's copyright in the proceedings of the Order.

Defendant now appealed, his case being argued by Mr. W. Whately (instructed by Messrs. Steadman, Van Praagh, and Gaylor); the respondent being represented by Sir P. Low, K.C., and Mr. P. Rose-Innes (instructed by Mr. G. Oran).

It was stated that the reason these proceedings had been delayed until the new number of the magazine had been printed and was on the eve of issue, was that the plaintiff could not find the editor's address, which now transpired to be 124, Victoria-street.

Mr. Whately said the second number of "The Equinox," published last September, contained an article entitled, "The Temple of Solomon the King," in which reference was made to the

meetings of the Order of Rosicrucians, and there was a notice to the effect that the publication would be continued in the March number. The matter was in the form of a serial.

Lord Justice Vaughan Williams: Was it a romance?

Mr. Whately: I do not know, my lord, I cannot describe it. (Laughter.)

Proceeding, counsel submitted that there was no contract, and no cause of action. Neither was there any obligation on the part of his client to the plaintiff. If there was any obligation to anybody it was to the society, and that could not be a legal obligation, because they were a voluntary association, and were not the plaintiffs. As to the rights of the plaintiff being infringed, those rights had not been identified.

Lord Justice Vaughan Williams understood that each member of the Order held all the other members under an implied contract not to disclose what took place at the meetings.

Sir F. Low said that was the case put to the judge. There were no rules, but apparently there was a pledge of secrecy given.

Mr. Whately, continuing, said the defendant had prepared the articles complained of from old books which were perfectly well known, and not from anything of which the plaintiff possessed the copyright. If the publication of the next number of the magazine was stopped, the publication would practically be stopped altogether, because the subscribers would be scattered. Although the action was based on something that appeared in the September number, not a word was heard of it until the March number had been printed.

Lord Justice Vaughan Williams: That is a question of pounds, shillings, and pence.

Mr. Whately: it is a very serious matter to my client.

Sir F. Low: Our complaint is that whatever our ritual was got from, it was a gross breach of faith for the defendant, after being admitted and allowed to attend the meetings, and then being expelled the Order, to start publishing this matter.

Lord Justice Moulton: He has as much right to publish what is in the old books about the Rosicrucians as anybody else.

Sir F. Low: He is not entitled to publish a ritual ceremony which he had pledged himself to secrecy about, even if it was got from the Bible.

Lord Justice Moulton: Anybody who knows anything about these societies knows that the ritual of most of them has been published.

Sir F. Low: Your lordship must not ask me to admit that.

Lord Justice Vaughan Williams: I have not observed any indication that you are, either of you, Masons. (Laughter.)

Sir F. Low: I don't propose to give your lordship any, either. (Laughter.) This society is in no way a Masonic society.

Lord Justice Farwell said he could understand the publication of a trade secret doing a person irreparable injury, but he could not see how any damage, irreparable or otherwise, could be done by the publication in question.

Sir F. Low: If it is done it will be irreparable, because the cat will be out of the bag.

Lord Justice Vaughan Williams: But so much of the cat came out of the bag in September. (Laughter.)

Lord Justice Farwell: And I think it is a dead cat. (Laughter.)

Sir F. Low: But if they have let out one they may let out another. Counsel suggested that the defendant had been actuated in the matter by a desire for revenge for his expulsion from the society.

Lord Justice Vaughan Williams: I see the plaintiff says he is "the earthly chief" of the order, and subject to the guidance of the "Spiritual" Order.

Lord Justice Farwell: What is the "Spiritual Order"? (Laughter.)

Sir F. Low: I cannot go into it. It is clear that the spiritual head would not be answerable for costs. (Laughter.)

Lord Justice Vaughan Williams thought the appeal ought to succeed, and the injunction be discharged. The plaintiff had delayed his action until just before the publication of the new number of the magazine, whereas he might have proceeded a month or six weeks ago, before the printing began. He did not decide, however, on that ground alone, but he also thought that the publication could do the plaintiff no harm, in view of what appeared in the last number of "The Equinox."

Lord Justice Moulton agreed. He was satisfied that if there was any reality in the plaintiff's case, there was in the second number of the magazine such a breach and such a threat of continued breach that the plaintiff was in a position to assert his rights. He was of opinion, however, that the plaintiff was in a position to assert his rights. He was in the opinion, however, that the plaintiff knew that Mr. Crowley was the editor in November last, and that he would have had no difficulty then in bringing his action in respect of breach and threatened breach. As a matter of fact, he let it go on till just before the third number had been issued, and then came and asked the Court,

before he had established any right, but merely on the possibility of his having some right, which had been infringed, to give him the very serious remedy of an interim injunction to prevent publication. In his lordship's opinion he had not shown such promptitude in asserting his rights at a time when they could be effectively asserted as to justify the granting of an injunction now.

Lord Justice Farwell also thought the plaintiff had disentitled himself by his delay, and added that, having regard to what had appeared in the second number of "The Equinox," he did not think there was any possibility of irreparable damage being done to him if the third number was allowed to come out.

The appeal was accordingly allowed, with costs.