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"Black Magic" Case

MR. CROWLEY'S LIBEL SUIT FAILS

**Judge's Strong Comments on
"Dreadful and Blasphemous" Stuff**

"STOLEN LETTERS" ALLEGATION

Strong comments were made by Mr. Justice Swift in the King's Bench Division yesterday when judgment for the defendants was entered in the "black magic" libel action which had been brought by Mr. Aleister Crowley, the author.

Mr. Crowley sued Miss Nina Hamnett, authoress of a book entitled "Laughing Torso," and Messrs. Constable and Co., Ltd., publishers, and Messrs. Charles Whittingham and Briggs, printers, were joined as defendants. Mr. Crowley complained that the book imputed that he had practiced "black magic," which he said was a libel upon him. The defence was a plea of justification.

Addressing the jury, who had previously indicated that they wished to intervene, the judge said:

If you think that the plaintiff fails on the ground that he was never libeled or that his reputation was never damaged, or if you think the defendants have justified what was written, then your verdict should be for the defendants.

I have nothing to say about the facts except this: I have been over forty years engaged in administration of the law in one capacity or another. I thought that I knew of every conceivable form of wickedness. I thought that everything which was vicious and bad had been produced at some time or another before me.

I have learnt in this case that we can always learn something if we live long enough. I have never heard such dreadful, horrible, blasphemous, and abominable stuff as that which has been produced by the man who describes himself to you as the greatest living poet.

The foreman said that the jury were unanimous and found a verdict for the defendants. Judgment was thereupon entered for all the defendants with costs.

Alleged Sacrifice

During the hearing of the case Mr. Crowley denied that he practiced "black magic" at a villa which he occupied at Cefalu, Sicily, and which was known as the "Abbey of Thelema." According to the evidence given by Mrs. Betty Sedgwick, whose former husband, Raoul Loveday, died at the Cefalu villa, a cat, on one occasion, was sacrificed in the course of a magical ceremony. Mr. Crowley, in his evidence, had declared that there never had been any sacrifice of any animal in the ceremony or any drinking of blood.

Yesterday the cross-examination of Mrs. Sedgwick was resumed by Mr. J. P. Eddy, counsel for Mr. Crowley. "Immediately before your marriage to Raoul Loveday would your life be fairly described as drink, drugs, and immorality?" he asked. "No," replied Mrs. Sedgwick, who added that she had not drugged herself for years. She took cocaine when she was 18, but not after she was 25.

On your arrival from Sicily to England was one of the first places you went to the offices of the "Sunday Express"?—Not for quite a long time; a week afterwards.

I am suggesting that you are the source of all these stories about "the worst man in the world." Within how many hours or days of your arrival from Sicily were you at the offices of the "Sunday Express"?—I should think about a week, but I cannot be sure. Mrs. Sedgwick agreed that she was paid for information.

Mr. Eddy referred to statements in Mrs. Sedgwick's book "Tiger Woman" and asked: "Did you write it?"

Mrs. Sedgwick: No.

Mr. Eddy: A few facts, and somebody else has done the rest, is that it?—Yes.

Mr. Eddy then cross-examined Mrs. Sedgwick on her evidence regarding the "terrible sacrifice of a cat." "Is there a word of truth in it?" he asked.

Mrs. Sedgwick: Absolutely true—everything about the cat is true.

Mr. Eddy: Are the cats in Sicily—or many of them—wild and destructive animals?—I only knew two and they were very charming cats.

I am suggesting that if there is any basis for your story it is that a wild cat was shot?—No, no.

Passages from a Book

Raoul was her third husband, said Mrs. Sedgwick.

Mr. Eddy: How soon after March, 1923, did you marry the fourth?—Many years.

In the meantime were you leading an immoral life?—No.

What were you doing to earn a living?—I was a model. It has been my work all my life.

When did you marry your fourth husband?—I have forgotten. About seven or eight years ago.

That fourth husband had a very serious illness didn't he?—The fourth? I don't think so.

Mr. Eddy read a passage from "Tiger Woman" in which it related the fourth husband's mother as saying: "O you foul, wicked woman; you are killing my son." "Was he ill then?" asked counsel. "Yes," Mrs. Sedgwick replied.

Mr. Eddy: Seriously ill?—No.

Was he in bed?—Yes.

Mr. Eddy (reading again from the book: "I felt this was the last straw; and on an earlier occasion I had refrained from attacking her with violence."

Mrs. Sedgwick: Yes, because she was interfering with me so much.

Mr. Eddy: This book is called "Tiger Woman." Are you "Tiger Woman"?—Yes.

Why?—Because I am rather feline in looks. I thought, perhaps, it was rather a good name for me.

Nothing to do with your violent nature?—I am not violent.

Mr. Eddy (again reading): "This time I was too strung up . . . and I did." "Does that mean that you attacked your husband's mother with violence?" he asked.

"I slapped her. She annoyed me," was the reply.

Mr. Eddy went on to read a passage in the book which described a scene with another woman:—

In the room . . . I saw only one vacant chair, on which, after politely obtaining the permission of the man at whose table it was opposite, I sat down. My intrusion aroused the resentment of his female companion. She began . . . to try to make me appear ridiculous . . . My wits were far sharper than hers.

. . . She became insulting. My nostrils dilated, as they do when I am angry. At last she got up and danced with the man, who would no doubt have preferred to remain at the table. As

they passed by she looked backwards at me and said: "She is a pretty little thing, but it is a pity she has false teeth." I jumped up and slapped her as hard as I could on the face. Waiters immediately bundled us upstairs into the street, fighting all the time. . . .

I plunged my fingers into her hair and pulled hard. The result was not what I had expected. I found myself lying in the gutter, and clutched in my right hand—I could hardly believe my eyes—was a chestnut wig.

"You have got a very violent nature?" asked Mr. Eddy.

Mrs. Sedgwick: No.

"Means of Getting Money"

Mr. Eddy: I suggest, in relation to Cefalu, that, wherever your evidence contradicts that given by Mr. Crowley your evidence is an invention?—No.

Yesterday I suggested that you are not here merely out of a sense of duty to assist my lord and the jury to get at the truth but that you had regarded this case as a means of getting money?—No.

I put it to you plainly that you are here as a "bought" witness?—I am here to help the jury.

You said yesterday you were subpoenaed to come. I am suggesting—without making any imputation against the solicitors—that you were obviously unwilling to come unless you were paid to come?—No.

Mrs. Sedgwick admitted having written to Messrs. Waterhouse and Co., solicitors for the printers and publishers, asking for £5 "on account of my personal expenses incurred in connection with my recent services in regard to evidence." At that time she had been paid between £15 and £20 from the solicitors for her expenses of coming up from the country and staying in London for a few days in connection with the case. In reply she received a letter stating, "I am afraid I cannot send you as much as another £5. I am grateful for your help, but I thought previous remittances covered a good deal." Mrs. Sedgwick added that she eventually received a letter from Messrs. Waterhouse enclosing £5 for expenses incurred in coming to London about the case.

Mr. Eddy: Did you ever authorize anyone to extract those letters from your case and give them to Mr. Crowley?—No.

Mr. Justice Swift: Are these produced by Mr. Crowley?—Yes.

Do you know how Mr. Crowley got possession of your letters?—I can't imagine how he got them.

Mr. Malcolm Hilbery, K.C. (for the publishers and printer): Were there other letters in the case?—Yes, everything was taken from the case. The contents were all stolen.

Mr. Justice Swift: Where were they stolen from?—From my cottage or from the hotel when I was in London. I always took the case about with me everywhere.

“Stolen Property”

Mr. Hilbery called on Mr. Eddy to produce a letter of February 24, 1933, from the defendants' solicitors to Mrs. Sedgwick.

Mr. Justice Swift: “He clearly has no right to it. Whoever has possession of those letters is in possession, according to this lady's evidence, of stolen property.” Later the Judge said: “I don't see why we should not use the good old English word ‘stolen’ if the facts warrant it. We shall never know in this case how, because we shall have no opportunity of finding out, but it would be very interesting to know how Mr. Crowley came to be in possession of these letters.”

Mrs. Sedgwick, re-examined, said she had never made a condition that she should be paid to give her evidence.

When some of the copies of the three letters were produced the Judge agreed that they should remain in the custody of the court.

When Mrs. Sedgwick left the witness-box Mr. Hilbery said this was all the evidence he proposed to call subject to the fact that he would like to call Mr. Harper, of Messrs. Waterhouse, to refute any suggestion that he had been a party to purchasing any evidence.

Mr. Eddy: My suggestion was, is, and will be, that money explains the presence of Miss Betty May (Mrs. Sedgwick) in the witness-box. I do not make any sort of imputation upon the solicitors. I suggest they were put in the position by the attitude taken up by the witness. Mr. Eddy added that he hoped Mr. Harper would not think he was suggesting any bargain. “What I am, in fact, suggesting is wholly improper demands by Miss Betty May,” he said.

“Arch-Humbug”

Referring to Mr. Crowley's refusal to accept his challenge the previous day to try his magic, Mr. O'Connor, opening the case for Miss Hamnett, said it was appalling that “in this en-

lightened age a court should be investigating magic which is arch-humbug practiced by arch-roguers to rob weak-minded people." "I hope this action," he added, "will end for all time the activities of this hypocritical rascal."

Later, during Mr. O'Connor's speech, seeing two jurymen talking, Mr. Justice Swift stopped counsel. All the members of the jury then conferred together, and one said they wished to know whether this was a correct time for them to intervene.

Mr. Justice Swift: You cannot stop the case as against the defendants. You must hear all of their case before you stop it, but you may stop it against the plaintiff when Mr. Eddy has said everything he wants to say and when I have taken care to see that you know what the issues are which you have to try.

Mr. Eddy then made his final submissions to the jury. He submitted that no reasonable jury could do otherwise than find a verdict in favour of Mr. Crowley, notwithstanding the view that had been indicated. The law of libel was available to everybody, whether he was of good or bad character.

After the Judge had made the comments already quoted and judgment had been entered, Mr. Justice Swift said that there was no reflection on Mr. Harper, and Mr. Eddy said that he had made this perfectly plain.

Mr. Justice Swift: Mr. Eddy has made it as plain as he can. The jury's verdict has made it equally plain, and, if there is any satisfaction in this, I think there is no reflection upon Mr. Harper.

Mr. Eddy asked for a stay of execution.

Mr. Justice Swift: No, Mr. Eddy, it was a plain question of fact for the jury.

Mr. Eddy: I was desirous of pointing out before the jury gave their decision exactly what had to be done before a verdict could be returned at all. It is no use my doing it now, but I would desire to call your attention to the form of the summing-up to be administered, particularly the need for calling attention to the cross-examination and so forth.

Mr. Justice Swift: You shall do that in another place when it seems convenient to you to do it. I thought I had followed the instructions of Lord Justice Scrutton. I still think that I did, but you can go and point out to him that I did not. Some day another jury will re-investigate this matter.

Mr. C. W. Lilley (who appeared with Mr. Hilbery) mentioned the documents which the Judge had in his custody. "You indicated some little difficulty as to the proper ownership of them," he said. "If you think it right to allow those documents to remain in the custody of the court pending an application for

them to be made on behalf of one party or the other, we should be very glad if they may stay in the custody of the court.”

Mr. Justice Swift: We shall keep the letters in court and we shall certainly have them in proper custody if you take them to another court.