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**NEW TRIAL REFUSED  
JUDGES VIEW OF BLACK MAGIC APPEAL  
MR. CROWLEY LOSES**

A Witchcraft Act of 200 years ago was recalled in the Court of Appeal yesterday when the "black magic" appeal by Mr. Leister Crowley, the author, was dismissed.

Mr. Crowley was appealing from the judgment of Mr. Justice Swift dismissing the libel action brought against Miss Nina Harnett, authoress of "Laughing Torso," and the publishers and printers. Mr. Crowley said the book imputed to him black magic which he had never practiced.

Mr. Malcolm Hilbert, L.C. (for Messrs. Constable and Co., the publishers), submitted that, whether Mr. Crowley's magic was black or white, it was the magic affirmed in his writings.

After counsel had read the cross-examination of Mr. Crowley at the trial, Lord Justice Greer observed: "In order to practice white magic he creates black magic first."

**RISKS OF 1735**

Mr. J. P. Eddy (replying for Mr. Crowley) said the distinction between white and black magic was made plain both in the "Encyclopedia Britannica" and in Fraser's "Golden Bough." Also 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 probably have been burned at the stake whether he called his magic white or black.

Replying to Lord Justice Slesser, Mr. Eddy said the Witchcraft Act of 1735 was passed to put down black magic.

**MISDIRECTION**

Lord Justice Greer, dismissing the appeal with costs, said 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. Mr. Crowley had made admissions which Mr. Justice Swift described as admissions of the grossest kind he had heard in forty years' experience.

The words "black magic" could only be considered as having the ordinary meaning of English words.

It was true the judge said the plaintiff had to prove his reputation was damaged. That is not in accord with the law, but it did not follow that, because there has been a misdirection in one respect, there ought to be a new trial.

"The net result of a new trial, if the case is dealt with by ordinary human beings, the man in the street, must be just the same."

The judge continued: "I think any jury, listening to the facts elicited in this case about the plaintiff and about what he did in connection with his 'temple' of Cefalu, would inevitably come to the conclusion either that there was no libel or that, if the words were defamatory, the statements were justified.

"The judge at the trial of the action had been listening for a long time to this filth and blasphemy, which the plaintiff had been guilty of on his own confession, and I can't help thinking the words Mr. Justice Swift used were not as measured as they would have been if he had not been naturally in some state of indignation in regard to the conduct of the plaintiff and his idea that this was a case in which he was entitled to come before a jury and ask for damages."

Lords Justice Slesser and Roche concurred.