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"BLACK MAGIC" LIBEL ACTION

Mr. Crowley Refused a New Trial

APPEAL DISMISSED

Different Decision "Not Possible"

The appeal in the "Black Magic" libel action was dismissed by Lords Justices Greer, Slesser and Roche, in the Court of Appeal yesterday.

Mr. Aleister Crowley, the author, appealed from the judgment of Mr. Justice Swift in a libel action he brought against Miss Nina Hamnett, authoress of "Laughing Torso," Messrs. Constable and Co., publishers and Messrs. 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 "foul 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 practiced a form of magic which was "the negation of what every decent and right-minded person had ever held to be wither decent or sacred." They also maintained that his reputation was that of a "black magician."

Lord Justice Greer, giving judgment, 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 reasonably 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.

Black and White Magic

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 admission of the grossest kind he had heard in 40 years' experience at the Bar and on the Bench. In fact, the Judge said, "Never have I heard such dreadful, horrible, blasphemous, abominable stuff as that which has been produced by the man who describes himself as the greatest living poet."

It was true the Judge would not have been justified at the conclusion of Mr. Crowley's case, in holding that his words were incapable of a defamatory meaning, but there was no innuendo pleaded. It was not alleged in the statement of claim that the words, "black magic" had a special meaning. They could only be considered as having the ordinary meaning of English words.

"So far as I am concerned," added Lord Justice Greer, "I had never heard of the distinction between black and white magic until it was explained by the evidence as a technical distinction, which is known to those who study magic and study the arts of people who either are or pretend to be magicians, black or white.

"Therefore the words fall to be interpreted in their natural and ordinary meaning, and, in that meaning, they seem to be an allegation that this man was a magician, who carried on magic in a way which was described as black.

A Misdirection

"It was true the Judge said that the plaintiff had to prove his reputation was damaged. That is not in accord with the law. If an untrue defamatory statement is made of a man of bad character, he is just as much entitled to succeed as a man of good character. He is entitled at least to nominal damages.

"But it does not follow that, because there had 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 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.

Lord Justice Slesser, who concurred, said he would not deny that the case had given him very considerable difficulty. "In my

view," said the Lord Justice, "it is impossible that, if this case were to go before another jury, any other result would follow than that which was attained at the end of the first trial."

Lord Justice Roche also agreed.

The appeal was dismissed with costs.