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**JUDGE'S "NONSENSE" REMARK  
IN "BLACK MAGIC" TRIAL**

**ALEISTER CROWLEY'S APPEAL**

**NEW TRIAL OF LIBEL ACTION URGED**

**"LAUGHING TORSO" CLAIM**

**COUNSEL AND TWO KINDS OF MAGIC**

The "Black Magic" libel action was before Court of Appeal today, when Mr. Aleister Crowley asked for a new trial on the ground that the jury received no proper directions from Mr. Justice Swift.

When Counsel remarked that Crowley said there was a vital difference between black magic and white magic, Lord Justice Greer commented: "I should have thought they were both nonsense."

**SUMMING-UP ATTACKED**

Mr. Aleister Crowley complained of the summing-up of Mr. Justice Swift in the action brought by him against Miss Nina Hamnett, authoress of "Laughing Torso," Messrs. Constable and Co., Ltd., the publishers, and Messrs. Charles Whittingham and Briggs the printers.

"Laughing Torso," he said, imputed that he practiced black magic in Cefalu, Sicily. He denied he had done anything of the kind, and said black magic was for the most part criminal and foul.

Mr. Crowley also took exception to a statement in the book that a baby disappeared mysteriously in Cefalu. He denied that any baby disappeared, as alleged, and claimed that no evidence had been given of such disappearance at the trial.

He now asked for a new trial on the ground that the jury received no proper directions from Mr. Justice Swift.

## **JUDGE'S QUESTION**

### **"Why is an Imputation of Black Magic Defamatory?"**

Mr. J. P. Eddy (for Mr. Crowley) submitted that, while the jury were told quite rightly that it was for the defendants to prove that the libel was justified, there was not a word in the summing up about the evidence of absence of evidence on all important points.

Nor was there a single reference to Mr. Crowley's prolonged cross-examination.

Lord Justice Roche: Why is an imputation of black magic defamatory?

Mr. Eddy: Some people practice what is called white magic, and some what is alleged to be black magic. The plaintiff says there is a vital difference between the two.

Lord Justice Greer: If special meaning was to be put on the words "Black magic," it ought to have been pleaded as an innuendo.

## **"NONSENSE"**

Mr. Eddy: What the plaintiff said was: "It is common knowledge what black magic is. It has been known for centuries as something foul, something criminal." With reference to white magic he said he had been interested in it, and its object was to raise humanity to a higher spirituality.

Lord Justice Greer: No ordinary persons know the difference between white and black magic. I should have thought they were both nonsense.

Mr. Eddy: I am not suggesting otherwise.

Mr. Eddy said that besides the book criticized by the judge, Mr. Crowley had written many beautiful things, including about 50 hymns.

## **"MISDIRECTED"**

Counsel submitted that Mr. Justice Swift misdirected the jury by saying that plaintiff had to prove damage to his reputation.

Mr. Eddy argued that the Judge ought to have told the jury the plaintiff did not need to prove malice.