

THE TIMES
27 April 1911

JONES v. "THELOOKING GLASS."

VERDICT FOR "THE LOOKING GLASS."

OFFICIAL TRANSCRIPT OF EVIDENCE.

KING'S BENCH DIVISION.

"THE EQUINOX."

JONES v. THE LOOKING GLASS PUBLISHING
COMPANY, LIMITED, AND OTHERS.

(Before Mr. Justice Scrutton and a Common Jury)

This was an action for damages for an alleged libel appearing in *The Looking Glass* of November 26, 1910, which commenced yesterday and concluded to-day.

The action was brought by Mr. George Cecil Jones, a consulting chemist, against the publishers, editor, and printers of the paper known as *The Looking Glass*, in respect of certain statements connecting him with one Crowley, who was alleged to be a person of disgraceful and criminal character, who was alleged to be the founder of a sect styled *The Equinox*.

Mr. Simmons appeared for the plaintiff; Mr. Schiller represented the publishers of the paper; Mr. Fenton, the editor, appeared in person; and Mr. Rowlands appeared for the printers.

His Lordship said that as regards some of the accusations made against Crowley no evidence had been offered, but it has been shown that he wrote, published, and advertised literature of a most disgusting character. The jury must carefully consider how far what had been said identified the plaintiff with Crowley's character and conduct. He should leave them with three questions:—

1. Were the words and statements complained of defamatory of the plaintiff? 2. If yes, were the statements of fact substantially true? 3. If yes, were the comments founded on those statements of fact fair?

The jury answered all three questions in the affirmative, and

on those findings judgment was entered for the defendants.

Solicitors.—Bullock and Co.; S. B. Gottlieb; White and Leonard.

Mr. Harold Simmons opened the case on behalf of the plaintiffs, and called as his first witness Mr. George Cecil Jones.

After examination by Mr. Simmons, Mr. Jones was cross-examined by Mr. Schiller (for the company) and by Mr. de Went-Fenton (for himself).

Cross examined by Mr. Schiller.

Q.—Were you never a member of the Rosicrucian Order?

A.—No.

Q.—Have you never applied to become a member of the Rosicrucian Order?

A.—No; honestly I do not know except from having read the Seventeenth Century Tract whether there is or was such a society as the Rosicrucian Order.

Q.—Have you ever heard of the Volo Noscre?

A.—Yes, quite well.

Mr. Justice Scrutton: You both seem to know what you are talking about, but I don not.

Mr. Schiller: It is part of the Order. (To the witness.) Will you look at that article? Is that your handwriting? (same handed). Do not read it.

A.—I want to read the words on it. It may be a forgery.

Q.—Look at the signature and say whether it is yours.

A.—It looks very like it, but I am not going to admit it is my handwriting before I have read it. I have seen my forged signature before. If you will allow me two minutes I will read it. (After reading it.) Yes, that is my signature.

Q.—Now will you hand the paper back?

A.—But I should like to see that paper again presently.

Q.—Do you say, in the face of that paper, that you never were a member of the Rosicrucian Order.

A.—Certainly.

Q.—And never applied?

A.—And never applied.

Q.—Then I will read it: "I, the undersigned, do hereby solemnly pledge myself that I am above the age of twenty-one years, that I offer myself as a candidate for this Order"—that is the Rosicrucian Order?

A.—I beg your pardon. I do not see any word about it.

Q.—Do you say this is not the Rosicrucian Order?

A.—I certainly say it is not the Rosicrucian Order. I remember signing that paper quite well.

Q.—What do you say this is?

A.—It is printed on the paper: It is called the Order of the G.D. in the Outer.

Q.—That is one of the degrees in the Rosicrucian Order?

A.—This is the first I have ever heard of it.

Q.—What is this if it has not to do with the Rosicrucian Order

A.—When I joined it I supposed it to be a Society run by Dr. Wynn Westcott, and I was told that it provided facilities for its members studying the Hebrew Cabala in which I took a modest sort of interest. I had a friend in it, or one or two friends, but one friend certainly. Some of it I was told before. You will notice in the paper I have promised not to reveal the names of the members and what took place at the meeting, but it is common knowledge to-day—it is all open in the paper. Since the date I signed that, it is known that our signatures were obtained by fraud.

Q.—What was put in the papers?

A.—The daily papers?

Q.—Yes.

A.—In the daily papers, the "Obligation." I think we appeared in the daily papers since that date. Somebody stole some of the rituals from a Mr. Mathers and made use of them and made a little society of their own, and got some young women into trouble, and I think they appeared at the Old Bailey.

Q.—Was there an action brought against Mr. Crowley for an injunction to restrain him from publishing the ritual of the Rosicrucian Order?

A.—I believe last year an injunction was granted—it lasted about two days and it got up to the Court of Appeal.

Q.—Had Mr. Crowley, who was a member of the Rosicrucian Order, violated this obligation by publishing the rituals?

A.—No. I do not think so, because I think his membership was obtained by fraud, and it was open to the person who brought that action for breach of copyright to bring an action for libel against him. He has said that his signature was obtained by fraud and was a forgery.

Q.—Was the action brought against Mr. Crowley to restrain him from publishing the ritual of the Order in violation of his obligation?

A.—I never saw the statement of claim. I do not know what the action was brought about.

Q.—You know Mr. Crowley; you are the trustee of his child,

and you know him intimately, do not you?

A.—Very well.

Q.—Do you say upon your oath that you did not know what the action was about?

A.—Not the very least bit in the world, nor did Crowley know anything about it till he got the notice of the injunction. I mean, as a matter of fact, somebody came to me for information.

Q.—Were you in the Court of Appeal with Mr. Crowley when the case was there?

A.—No.

Q.—Do you know Mr. Cran?

A.—I do; I have noticed him prompting you.

Q.—Did you have negotiations with Mr. Cran?

A.—I did. I gave Mr. Cran all the information he asked for.

Q.—In connection with this very action?

A.—No; in connection with some empty threats which were leveled. Mr. Cran wrote some silly letters.

Q.—We shall hear what Mr. Cran says presently.

A.—I gave Mr. Cran the information, that is all.

Q.—Was the complaint made against Mr. Crowley that he was publishing the ritual of the Order?

A.—No, I think the complaint that was made in the letter that Mr. Cran wrote was that Mr. Cran's client anticipated that he would do something. I have not the letters; I can guess—

Mr. Justice Scrutton: Was it instructions as to the devil, or what?

A.—Very nearly.

Mr. Schiller: I am not a member of the Order. (To the witness.) Did you assist Crowley in the publication of the book of which complaint was made?

A.—No, I did not.

Q.—Did you ever see it?

A.—Yes, I have copies of all his publications, I think.

Q.—Did you see what *The Looking Glass* had published about Crowley?

A.—I have never seen it all.

Q.—Did you see them at the time they were published?

A.—Oh yes. I saw the first article, the one in which there was a photograph, the day it appeared, I think, and I saw the one that had my name in it the day it appeared.

Q.—Did you show it to Crowley?

A.—No, he saw it before I did, I expect.

Q.—Crowley has not brought any action?

A.—I believe not?

Q.—Is Crowley here in Court?

A.—Yes, I can see him.

Q.—As I understand it, you represent Mr. Crowley as a gentleman of unblemished character?

A.—I do not represent Mr. Crowley at all. I am a witness here answering your questions.

Q.—Do you not say that Crowley is a gentleman of unblemished character?

A.—I have no reason to suppose his character is a bit worse than yours.

Q.—As good as mine?

A.—Yes, quite average, I should think.

Q.—He is a man whom you would not hesitate to introduce to your wife?

A.—My wife knows him well.

Q.—I want you to look at this book where I have marked it. I believe that is Mr. Crowley's book, is it not? Have you seen that book before? (Handed.)

A.—Yes. I think so.

Q.—Have you read the marginal note?

A.—I have not read it at all.

Q.—Have you read the marginal note?

A.—Probably not.

Mr. Harold Simmons: We have had no particulars of this book, or of any justification under it. It has not been disclosed, and I take formal objection, my lord. It may be evidence against somebody else, but it is not evidence against me.

Mr. Schiller: It has not been disclosed, Mr. Simmons, because it was not in the possession of the defendants, and there has been no discovery either, I understand.

Mr. Justice Scrutton: The allegation appears to be this, that Mr. Jones was still associated with Crowley, who was a person of notoriously evil character, and the facts about him published by the defendants were and are true. I do not know what that book is or what is in it.

Mr. Harold Simmons: And I do not know.

Mr. Justice Scrutton: Your client knows all about it.

The Witness: I will hand it to you, my lord. (Witness handed the book to his Lordship.)

Mr. Schiller: You will see there are some marginal notes which I have underlined lightly in pencil. I draw your Lordship's attention to them. (To the Witness.) You see these notes which are lightly underlined in pencil?

A.—I see one, two, three.

Q.—Do you know what the initial letters spell?

A.—Two of them appear to make words.

Q.—Look at the others which I have underlined.

A.—They do not make words I know. Two of them are initial letters, and the initial letters of those Latin things, if they are Latin spell out the two words—

Q.—I do not want you to read them out.

A.—I cannot tell you what they are; two I do not understand, but two are words which are used by schoolboys, not by grown men; one may describe them as indecent words, if you like, slang words for parts of the human anatomy.

Mr. Schiller: After that, I should like the Jury to have that book. (To the Witness.) That is a book written by Mr. Crowley, is it not?

A.—I believe so.

Q.—That was written by Crowley, in 1905?

A.—I do not know when it was written.

Mr. Harold Simmons: Your Lordship has a note of my formal objection to that book being taken as evidence against the plaintiff.

Mr. Justice Scrutton: Yes.

Mr. Schiller: I want to come back for one moment to this paper which I hold in my hand. Is not the Order of the G. D. in the Outer merely an alternative name for one of the degrees of the Rosicrucian Order?

A.—I did not know it. I am telling you I do not know anything more about the Rosicrucian Order than may be read by anybody in the Seventeenth Century Tract.

Q.—Do you know a gentleman of the name of Mr. MacGregor in the Order?

A.—He calls himself MacGregor and also calls himself Comte McGregor of Glenstere or Mathers. We have an affidavit of yours where he is mentioned as McGregor of Glenstere. Is that the gentleman?

Q.—Yes. I do not want to know anything further.

A.—But I want to identify the man.

Q.—Do you know him?

A.—I do.

Mr. Justice Scrutton: What is his real name?

A.—Mathers.

Mr. Schiller: Is not he the Head of the Rosicrucian Order?

A.—I tell you I do not know anything about the Rosicrucian Order. He was the Head of the Order of the G. D., so far as I

knew.

Q.—Was that an Order to which Mr. Crowley belonged?

A.—Yes.

Q.—Did you introduce him?

A.—Yes. I think I got him one of those forms to sign. I am sure I did.

Q.—That was the order which bound the members of it to secrecy?

A.—Yes, and does bind them to secrecy. I am breaking my obligation every moment, but I pointed out to you that I considered my obligation was obtained from me by fraud.

Mr. Justice Scrutton: I have not seen the document you put to him.

Mr. Schiller: Then I will hand it to you, if I may. (Same handed.) (To the witness.) Is not this the state of facts that the Outer degree which is mentioned on that paper is the indication?

A.—I do not follow you.

Q.—Is not the ceremony you go through, after signing that paper, the ceremony of initiation?

A.—Yes, certainly.

Q.—Do you pass from the ceremony of initiation to the second degree?

A.—Yes. It is not called the second degree, but that will do.

Q.—Did you pass it?

A.—Yes; two, three, four, five; every ceremony.

Q.—Did not you pass the second degree yourself?

A.—Yes; several of them.

Q.—Was not the second degree known as the Rosicrucian Order?

A.—No.

Q.—What was it known as?

A.—The second had not any special name at all.

Q.—The Red Rose?

A.—Yes. Wait a minute; the fourth or sixth is called the Rose of Ruby and the Cross of Gold, and in that there were quotations from the celebrated Tract *Maternitates*, Waite's translation in English.

Q.—Was it not the ritual, or a portion of the ritual, or whatever you choose to call it, of that Society which Mr. Crowley published?

A.—Mr. Crowley has published quite a lot out of those rituals, yes.

Q.—You have told us, I think, that is has been a violation of

his obligation to publish them?

A.—No, he thought it was a duty, it was a violation of his obligation, yes.

Q.—You knew he had published these?

A.—I knew he had published them.

Q.—And you knew it was a violation of his obligation to do so?

A.—I did not hear the end of your question.

Q.—You knew that it was a violation of his obligation to publish them?

A.—Yes, which I have repeatedly told you was obtained from him by fraud, by means of forged documents; do not forget that.

Q.—You told us something about somebody having stolen some of the documents of the Order?

A.—Yes.

Q.—That is accurate. Who was it who stole them?

A.—That I do not know—I mean who got into the dock at the Old Bailey.

Q.—Was the thief of the documents Crowley?

A.—Certainly not. Crowley was entitled to all his documents, of course.

Q.—Had he stolen documents of a degree into which he had not yet passed?

A.—I have never heard of it.

Q.—Was Crowley expelled from the Order?

A.—Not that I know of.

Q.—Do you swear he was not?

A.—Certainly not; I have no knowledge.

Q.—Never heard of it?

A.—Never heard of it. I read it in your client's paper, but then there is so little that is accurate in their paper.

Q.—Were there very serious complaints against Mr. Crowley which you discussed with Mr. Cran?

A.—No. I wish we could get that correspondence that I had with Mr. Cran.

Q.—I am putting interviews with Mr. Cran.

A.—May I tell you briefly what happened between me and Mr. Cran?

Q.—I should like you to answer my question.

A.—What is your question?

Q.—Were there very serious complaints made against Crowley which you discussed with Mr. Cran?

A.—No, there was no definite complaint made at all.

Q.—Do you know a Dr. Berridge?

A.—I used to, well.

Q.—Have you discussed Mr. Crowley with Dr. Berridge?

A.—Not that I know of.

Q.—Never?

A.—I should say not.

Q.—Has Dr. Berridge ever mentioned to you matters that he had heard about Crowley affecting his morality?

A.—I do not remember it.

Q.—Do you swear he never has?

A.—No.

Q.—That there were rumours about Crowley?

A.—Oh, I have heard there were rumours, yes. I could name one person who told me of the rumours, but I do not think Dr. Berridge was one of them—he quite likely was, he was the sort of person who would repeat stories of that kind without knowing where he got them from.

Q.—Did you say to Dr. Berridge that you believed the rumours to be true?

A.—Certainly not.

Q.—That you swear?

A.—That I do swear.

Q.—Do you know the various names under which Mr. Crowley used to go?

A.—He has called himself by one or two names besides his own since I have known him.

Q.—Is it accurate to say that he calls himself Count Svareff?

A.—Yes; he took a flat in Chancery Lane in that name for the years 1898 and 1899.

Q.—Who was living with him then?

A.—Nobody.

Q.—Did he call himself Count Skellatt?

A.—Never.

Q.—That you swear?

A.—I have never heard of it. I think I know how the silly story arose.

Q.—Did he call himself Count Skerrett?

A.—No; that is another silly Pressman's mistake. That happened to be his wife's name before she was married.

Q.—Did he call himself Edward Aleister?

A.—Not to my knowledge.

Q.—Lord Boleskine?

A.—Yes, I should think so—about two days, once.

Q.—Do you know his handwriting?

A.—Very well.

Q.—Is that his signature? (Document handed to the witness.)

Mr. Justice Scrutton: Why does a person call himself all these odd names? Is he sane?

A.—I think he would admit he was not if he was in the box here, but I do know why in 1898 he called himself by another name and took the flat in Chancery Lane. He did not want his people to know where he was. A wiser man would have called himself Smith, but he called himself Count Svareff. Why he took the other names I do not know.

Mr. Schiller: Is that his signature?

Mr. Harold Simmons: Again I object. I do not know what it is.

Mr. Justice Scrutton: I do not know what it is either. Apparently there is an allegation that Crowley is a person of notoriously evil character and that you associate with him. This may be one of the tests to prove he was a notoriously evil character.

Mr. Schiller: I am only asking whether the signature is Mr. Crowley's.

Mr. Justice Scrutton: Which do you call the signature?

Mr. Schiller: The last word; I do not mean the hieroglyphics in the corner. (To the Witness): That is his handwriting, is it not?

A.—The body of the letter certainly is not.

Q.—I asked if the signature was.

A.—I am looking to see what is the signature.

Mr. Justice Scrutton: Do you mean this word Boleskine followed by Aume.

The Witness: It is not unlike his writing, but I never saw the signature.

Mr. Schiller: You said you know his handwriting.

A.—Those are words I never saw him write.

Q.—Did he go under the name of Baron Rosenkreutz?

A.—No, not that I know of.

Q.—And also under the name of the Earl of Middlesex.

A.—I have never heard of that.

Q.—Did you ever attend a séance?

A.—No.

Q.—You are not able to say that all that was published in the paper is not absolutely accurate?

A.—From my own knowledge, no.

Q.—The Order, whether the Rosicrucian Order or not, to

which you introduced Crowley, at any rate had claims to be a very ancient association?

A.—No, I do not know that it had. It made claims to having some authority behind it, but those claims we know from Mr. Mathers himself were based on forgeries. Mr. Mathers has admitted it in writing.

Q.—Would you mind answering the question: It claimed to be an association of great antiquity.

A.—I do not think it did; it studies old stuff.

Q.—Was it a revival of an old Order?

A.—No. I do not think it was.

Q.—Which was very flourishing in the middle ages?

A.—I doubt it. There is no evidence there ever was an Order in the middle ages.

Q.—Was one of the principal objects the study of the mystic philosophy of ancient religions?

A.—Yes.

Q.—Did it possess a large amount of traditional lore on that and kindred subjects?

A.—It produced nothing of its own.

Q.—Traditional lore?

A.—No. You mean something that it possessed itself which you could not get anywhere else. I never learnt a thing which I could not get at the British Museum.

Q.—Requiring from its members due respect and honour?

A.—I think it required a belief in a personal god and it required Mr. Mathers to see that paper and that he approved of the paper.

Q.—It required a belief in one god; that is necessary, I see, the paper says?

A.—Yes, I think it did.

Q.—Did it also require the members to be of good moral character?

A.—I should think it did. At least, do not misunderstand me. I never met any people there who were not, so far as I know, of good moral character, which would have prevented their joining.

Q.—Have you ever heard of Allan Bennett?

A.—I know him very well.

Q.—Do you know where he is now?

A.—Quite well.

Q.—He pretends to be a Buddhist?

A.—He did not pretend at all.

Q.—Have you heard that he was disavowed by the president

of the Buddhist Society?

A.—Not till I read it in your journal.

Q.—You did not see any of the articles in the *Truth*.

A.—I did not see the articles in *Truth*.

Q.—From your own knowledge you are unable to say that what is written here with regard to the disavowal by the president of the Buddhist Society is untrue?

A.—Who is the president of the Buddhist Society? Can you give me his name?

Q.—Do you mind answering my question?

A.—I cannot answer. I do not know who you are quoting. It may be somebody I know.

Q.—I asked you whether you were aware that the president of the Buddhist Society said—

A.—I said no.

Q.—I say from your knowledge you are unable to say that what was written here and in *Truth* about Bennett is not perfectly true?

A.—No, I have only hearsay knowledge.

Mr. Harold Simmons: My friend cannot have that.

Mr. Justice Scrutton: It will not prejudice him one way or the other.

Mr. Schiller: You have heard, have you not, that Mr. Allan Bennett, whom you know pretty well, was severely attacked in *Truth* besides being attacked here?

A.—I read it.

Q.—Do you know whether Mr. Bennett has seen these articles?

A.—Yes.

Q.—And he has brought no action?

A.—By his oath as a Buddhist monk he cannot; he cannot own property. He is quite a safe man for you to go and attack. He can cease to be a Buddhist monk to-morrow.

Q.—Do you suggest he cannot bring an action because he has not got property?

A.—A Buddhist monk forfeits all civil rights from the day he becomes a Buddhist monk; he undertakes not to press any of his civil rights. He will not recover a debt, he owes nothing, and he is dependent on charity, and moreover, he is 5,000 miles away, not in this country, and he is very ill.

Q.—Have you ever heard of a gentleman of the name of Dhammaloka?

A.—Yes, I have heard of him. I think I know him and I have just heard.

Q.—Is Mr. Dhammaloka the president of the Buddhist Tract Society of the Savoy Mission, Goodwin-road, Rangoon, Burma?

A.—Not that I know of.

Q.—Have you ever heard of him?

A.—Yes. I will tell you what I have heard if you want it. A member of the Council of the Buddhist Society of Great Britain and Ireland came to see me and he mentioned a man's name and the story in *Truth*. He said "that was only told by Dhammaloka, and you know who he is," and he told me the man's history and it was not creditable.

Q.—You had heard that Mr. Dhammaloka had disavowed Mr. Bennett?

A.—I read that somebody had written in *Truth*, in your paper, and this member of the Council of the Buddhist Society of Great Britain and Ireland came to see me. He happened to be a very distinguished chemist. He told me that the *Truth* thing was nothing at all, it was only that fellow Dhammaloka, nobody takes any notice of him, he was a man who was kicked out, a man whose reputation is just as awful as a man's reputation can be in Burma.

Q.—Do you know he was president of the Buddhist Tract Society in 1908?

A.—Dhammaloka?

Q.—Yes.

A.—No, I do not know anything about him.

Q.—Do you know that Dhammaloka has stated in his official capacity that Allan Bennett had been turned out of the monastery?

A.—No, but I have been frequently told by many people it was a lie.

Q.—And he was not a monk at all?

A.—I have been told by several people that it is a lie.

Q.—If you have been told it was a lie you must have heard that the statement had been made.

A.—Yes, it has only been told me since—

Q.—Just listen; if you have heard somebody say that the statement was a lie you must have heard somebody else make the statement.

A.—I read it first in your client's paper, and your client's paper quotes this *Truth* thing, and I had not even the curiosity to look at *Truth*.

Q.—Where was it quoted?

A.—It was shown up in *Truth* a year ago.

Q.—What else does it say; that he had been turned out of

the monastery?

A.—Does it say that? My friend, Professor Mills, told me all I know.

Q.—Is Professor Mills here?

A.—No, but in a number of *Truth* I am told they published a letter written by Bennett in reply. You would not bring that with you.

Q.—Have you heard that Mr. Dhammaloka pronounced Mr. Bennett to be an imposter?

A.—No, I have not.

Q.—I want you to look at the name written down on that piece of paper, but I do not want the name mentioned in the course of the trial. (Handed)

A.—No, I do not know it.

Q.—Never?

A.—No.

Q.—Have you never been to the flat where that person lives?

A.—No.

Q.—With Crowley?

A.—No.

Q.—Do you swear to that?

A.—Quite sure. I have never known Crowley to live with anybody but his wife, if that is the suggestion I see you are trying to get at.

Q.—You see a great deal further than the question went, apparently. You have never been to the flat of this person yourself?

A.—I do not even remember hearing the name. I am anxious to help you, really.

Q.—Have you ever heard Mr. Crowley was accused of stealing jewels from this person?

A.—Never.

Q.—I understand you know both these people, Allan Bennett and Crowley, well?

A.—Quite well.

Q.—And are still to the present day associated with Crowley?

A.—He is still a friend of mine.

Q.—And an intimate friend of yours?

A.—Yes; no particular significance attaches to the word. I see him once in two months; we talk on the telephone once a week; we are very friendly when we meet; he comes to me with any difficulties that he has.

Q.—Is it true that there have been very ugly rumours about Crowley?

A.—In a very indefinite way I have heard some once to my recollection. There was no evidence behind them. Somebody asked me whether I had heard some disreputable rumour and I said, No, where did you hear them? So and So, and it soon got down to club gossip, of course.

Q.—Is it true to say you were at Basingstoke at one time?

A.—Certainly. I lived there seven years.

Q.—Engaged in chemical work?

A.—Yes.

Q.—Anything to do with metals?

A.—Nothing at all.

Q.—With regard to Crowley, amongst other things was he an opium taker?

A.—Not that I know of.

Q.—Was Bennett?

A.—Yes; Bennett was an invalid, of course; he took opium and any other drugs; he had chronic asthma.

Q.—Have you read this book, *The Equinox*?

A.—Through—certainly not.

Q.—You have read portions of it?

A.—I have looked through it.

Q.—Have you read the chapter which begins “The Neophyte”?

A.—I do not remember it by name.

Q.—Just look at it. (Handed to witness)

Mr. Harold Simmons: This being a different book I formally take objection.

Mr. Justice Scrutton: I cannot understand what the objection is. The witness is asked if he has read *The Equinox*, and you say you have had not any notice of *The Equinox*; he is not bound to give you any in cross-examination. I will take a note of the objection. Perhaps I ruled against it because I do not understand it. What is it?

Mr. Harold Simmons: I object because it is not evidence; if it were anything Crowley had written to the witness it might be evidence, but a document produced by my learned friend (I do not know where it comes from) to which the witness is no party cannot be evidence.

Mr. Justice Scrutton: I am anxious not to let in more than is necessary in this case, but surely this must be evidence. The witness has seen this book before, and it is a book written by Crowley, as I understand it.

The Witness: Yes.

Mr. Justice Scrutton: Suppose, having seen it, there was in it a statement which everybody would admit to be hopelessly immoral, and after that the witness went on associating with Crowley, that would be ample evidence under the justification it were so,

Mr. Harold Simmons: And if he had seen that particular place.

Mr. Justice Scrutton: That is why he is asked. Did you see the beginning of the chapter "The Neophyte," whatever that may be. I did not understand your objection. That is how I understand it is being put.

Mr. Harold Simmons: The other letter with the signature which the witness recognized and the book are in.

Mr. Justice Scrutton: They are in if you want them, but the Jury have not seen them. Mr. Schiller has not taken any further step than to ask whether a particular signature is Crowley's, and if the witness does not know it does not carry it any further. I have got the other book.

Mr. Schiller: The Jury will be allowed to see the other book?

Mr. Justice Scrutton: I will see. I will leave it here for the present.

Mr. Schiller (to the witness): The V.N. there is you, it is not?

A.—Yes. They are the initial letters of a motto which I had to adopt when I joined the Society.

Mr. Justice Scrutton: *Volo noscere*?

A.—Yes.

Mr. Schiller: Just turn to the last sentence on that page. Does that not describe the Society to which you belonged as a branch of the Rosicrucian Order?

A.—It begins, "The Official Account of the G.D." (reads the words) "delivered by a Prophet," and then it goes back to the Middle Ages.

Q.—Would you mind reading at the beginning.

A.—"The Order of the G.D. is the Outer."

Q.—Now you are reading at the beginning.

A.—Yes, but I want to come to the beginning. "They had received their power from even greater predecessors" (reads the words) "of G.D."

Q.—That is the Rosicrucian?

A.—Yes.

Q.—Was not this Society a revival of that old Rosicrucian Order?

A.—I do not think so.

Q.—You never heard of it?

A.—No. I have heard that somebody made the claim of late years—Mr. Mathers claims it, but there is no proof.

Q.—Mr. Mathers claims it?

A.—Yes.

Q.—And it was Mr. Mathers's when you joined it?

A.—No, not when I joined it; Mr. Mathers only gradually acquired control.

Q.—I want to get the fact: it is true that Mrs. Crowley has divorced her husband?

A.—Yes.

Q.—You talk contemptuously of a gentleman called Mathers, but he was the gentleman you looked to in consequence of his moral character and learning?

A.—When I first knew him I had a very high regard for him—very.

Q.—So high that you put it in writing?

A.—Gave him a testimonial do you mean?

Q.—Is not this your letter?

A.—It looks very like my writing from here. (Letter handed to witness). Do you want me to read a marked passage or identify the letter?

Q.—I want you to identify the letter.

A.—It is my letter.

Q.—You there speak of him in high terms?

A.—May I look?

Q.—Yes, it is the passage marked. I do not want you to read the rest of the letter.

A.—It is "Judgment" and it is spelt wrong. He professed to know a lot about astrology. That was the judgment.

Q.—Had you heard that Mr. Crowley had gone back to Cambridge?

A.—When?

Q.—As stated in the article—Last year. That would be 1909?

A.—Yes.

Q.—And certain rites there?

A.—I do not know about rites; he has gone to Cambridge from time to time, I understand.

Q.—Is that all you understand?

A.—Yes.

Q.—Only that he had gone down there?

A.—I knew he had friends there and had gone down; that is

all.

Q.—He was an undergraduate at Cambridge himself, was not he?

A.—Yes, when I first met him.

Q.—And remained an undergraduate?

A.—He never went up for his third year.

Q.—Never took his degree; never went up?

A.—No.

Mr. Justice Scrutton: You appear for the Looking Glass Publishing Company Limited, I understand, Mr. Schiller?

Mr. Schiller: Yes, my lord.

Mr. de Wend Fenton: I appear for my self.

Mr. Justice Scrutton: Do you wish to put any questions?

Mr. de Wend Fenton: Yes, my lord.

Cross-examined by Mr. de Wend Fenton.

Q.—You acknowledge that you have known Mr. Crowley from 1898 down to the present time?

A.—Yes.

Q.—Secondly, you acknowledge that you have been employed at Basingstoke?

A.—Yes.

Q.—That is another statement that we made?

A.—Yes.

Q.—You said that there was very little that was accurate in our articles, all of them, which have been read at great length?

A.—I should describe—I cannot prove it all here—that page on which my name is mentioned as the finest collection of lies you could crowd onto one page.

Q.—Your name is only mentioned in one place?

A.—I am speaking of the whole thing.

Q.—If there is so little that is accurate in all these articles which have been circulated and posters which have been displayed, do you not think it rather strange that Crowley has never taken action against us?

A.—I do think it very strange.

Q.—And you acknowledge that there were rumours about Crowley?

A.—One lady in my life has asked me to come to her because Mr. Crowley had been seen with her daughter somewhere; and she said, Have you heard the dreadful rumours about Crowley? I said, I have not; where did you hear them from? My friend So and So. Where did she hear them? Her friends come from the club and told her stories round the tea table.

Q.—You simply acknowledge it was all rumour?

A.—That is all I heard about the rumour about Crowley.

Q.—I think you said that if Crowley was in the box he would probably admit he was not sane?

A.—I think he probably would. I do not think you would get him certified for a moment.

Q.—You say you did not read the articles in *Truth* about Crowley and Bennett?

A.—No; never heard of them. Where there any about Crowley?

Q.—Certainly, a long article.

Mr. Justice Scrutton: What are you going to read?

Mr. de Went Fenton: An article in *Truth* of May 25, 1905.

Mr. Justice Scrutton: You cannot read it if the witness says he has not heard of it.

Mr. de Wend Fenton: Anyhow, you did not see the article in *Truth*?

A.—No, I have only read what is in your paper.

Q.—At the same time you have never heard that Crowley took any action against *Truth*?

A.—No, I have never heard that *Truth* mentioned his name.

Q.—Then there is another statement you made. You made some damaging remarks or said that damaging remarks have been made to you about Mr. Dhammaloka?

A.—Yes, by people who are connected with the Buddhist Society of Great Britain and Ireland, who, of course, are very fond of Mr. Bennett and are awfully grieved about these articles of yours.

Q.—You admit the person who made the damaging statement about Dhammaloka, who is unfortunately in Rangoon, was a friend of Bennett, not an unprejudiced person?

A.—He only knew him from being a member of the Buddhist Society, and Allan Bennett came over here two years ago to help them in their work. He is an old friend of his as I am.

Q.—At the same time he was a friend of his; he was not an impartial person who had never heard of Bennett and whose evidence against Dhammaloka might be rather more weighty. Of course, naturally, any friend of Mr. Bennett would be likely to be rather prejudiced about Mr. Dhammaloka?

A.—Yes, if you like.

Q.—You never heard that Allan Bennett took any action against *Truth*.

A.—I was told that Allan Bennett wrote a letter which was published; that is exactly what I was told. You would not look.

Q.—You say that the real name of the gentleman referred to us as Macgregor was Mathers?

A.—He was Macgregor Mathers when I first knew him; he published a book in that name.

Q.—Is this your handwriting? (Same handed)

A.—Yes. He took to calling himself the other way around, Mathers Macgregor.

Q.—You went so far as to acknowledge it by addressing him as Mathers Macgregor?

A.—I always address a man as he likes to be addressed; it costs very little.

Q.—Do you think that if you associate with a man who does not choose to resent such attacks on him as have been made you have any right to complain if your name gets mixed up with them?

A.—Let me have that again.

Q.—Do you think that if you associate with a man who does not choose to resent such attacks as have been made you have any right to complain if your name gets mixed up with him?

A.—I resent what you have written in your paper about me. That is what I am asking the jury to give me damages for. Admit, if you like, that Crowley is as bad as you paint him and worse, the worse he is the worse the libel on me. That is the view I am taking.

Q.—We do not admit we made any statements except that you associate with Crowley.

A.—Who you say is a notoriously evil person.

Q.—But you associate with him?

A.—Yes.

Q.—And he has taken no action?

A.—No.

Q.—Do you think you show a right to complain by this action?

A.—Is not the writ answer enough for this purpose?

Q.—Do you think you have a right to complain?

A.—Yes, right.

There were no other witnesses called for the plaintiff.

After Mr. Schiller had opened the case on behalf of the defendants, he called as his first witness Mr. Samuel Sidney Liddell MacGregor.

Owing to lack of space, we reprint the condensed "Daily Telegraph" report of this witness's evidence.

Called by the name of "MacGregor," a witness, after taking the oath, asked whether his full name was desired. It having

been intimated that it was desired, witness announced a long list of Christian names and the surname "Mathers." "Mathers," he explained, amidst laughter, "dates from 1603, when the name of MacGregor was suppressed."

Counsel: You commonly go under the name of MacGregor?—Yes, from my great-great-great-grandfather, from whom I have a Franco-Scottish title.

You live in Paris?—Yes.

Are you known there as Comte MacGregor de Gleestrae?—Yes.

Witness said that plaintiff was a member of the Rosicrucian Order, and took the oath of admission to the second order.

Counsel" Does the Rosicrucian order go back to considerable antiquity?—Yes.

Did it fall into abeyance, and did you revive it?—Yes, with two others.

Witness added that the plaintiff introduced Crowley into the Rosicrucian Order. Crowley was subsequently expelled. He had known Crowley to go under several different names.

"Once," said the witness, "he called himself MacGregor, and with hardly any knowledge of the history of the name. (Laughter) He couldn't even tell me what line of MacGregor he came from." (Much laughter)

The hearing was adjourned.

When the hearing was resumed there re-entered the witness-box the gentleman who had told the Court that he commonly went under the name of MacGregor, and was known in Paris, where he lived, as Comte MacGregor de Gleestrae. Witness stated that Crowley was expelled from the Rosicrucian order in 1905 because he had circulated libels against witness, the head of the order, and was working against the interests of the Order.

Mr. Simmons (cross-examining): Is it not a fact that your name is Samuel Liddell Mathers?—Yes; or MacGregor Mathers.

Your original name was Samuel Liddell Mathers?—Undoubtedly.

Did you subsequently assume the name of MacGregor?—The name of MacGregor dates from 1603. At that time the name was forbidden on pain of death, and there is no single person of the name MacGregor at the present day who has not had another name in the interval.

Your name was MacGregor in 1603? (Much laughter)—Yes; if you like to put it that way.

You have called yourself Count MacGregor of Gleestrae?—

Oh, yes.

You have also called yourself the Chevalier MacGregor?—No. You are confusing me with some of Crowley's aliases. (Laughter)

Have you ever suggested to anybody that you had any connection with King James IV of Scotland?—I cannot understand what you mean. Every Scotsman who dates from an ancient family must have had some connection with King James IV, as well as with the other Kings.

Have you ever asserted that King James IV of Scotland never dies?—Yes, that is a matter of common tradition among all occult bodies. There is an old tradition of that nature in Scotland, and it forms the basis for one of Alan Cunningham's novels.

Do you assert that James IV of Scotland is in existence to-day?—All I say is, that there was that tradition.

Do you assert he is in existence to-day or not?—I refuse to answer your question.

And that his existence to-day is embodied in yourself?—Certainly not. You are confusing me with Crowley's aliases (Laughter)

Have you ever asserted that Cagliostro was one and the same person as yourself?—No. Again you are confusing me with one of Mr. Crowley's aliases. (Laughter)

Do you believe that Count de St. Germaine is living?

Witness, in reply, referred counsel to a book and to traditions in the St. Germain family.

When was he supposed to have died?—In 1780.

Then we have two people who are supposed to be dead and who are not dead?—I am not responsible for the traditions.

You believe in the traditions?—That is my private business.

His Lordship (to counsel): The "Flying Dutchman" is a third, if you want to pursue this subject. (Laughter)

Witness: And, again, the Wandering Jew." (Laughter)

Mr. Simmons (continuing his cross-examination): Have you any occupation?—That is as you like to take it. For a man of no occupation I am probably the most industrious man living. (Laughter)

Have you any business or occupation?—No, I have given the best years of my life to the work which your client's friends have stolen.

What work is that?—The Order of the Rosicrucian, by whatever name you may call it. It is a work which requires acquaintance with many classical languages and endless research.

You claim that there is a Rosicrucian Order?—I do. The term "Rosicrucian Order" was a general term in the Middle Ages to express an unknown Order.

His Lordship: There are some who doubt whether it was an Order at all.

Witness: That is because it was a secret Order, and therefore it was difficult for those who did not belong to it to know anything about it.

Counsel: How many members are there of the order?—I refuse to answer you. There are a great many.

Are there 20?—There are certainly more than 200 with whom I am actually in touch.

You are the head of the Rosicrucian Order?—Yes.

And you exercise all the powers?—I do—all the administrative powers. I only call myself the external head.

I think you say there are secret chiefs?—I do.

You are the external and visible head, and you say you are in communication with the secret chiefs?—I do.

What are the names of these secret chiefs?—I am sworn not to give them.

Are they in existence?—I am sworn not to discuss them.

You yourself exercise the powers of expulsion?—Undoubtedly.

Have you not expelled as many as fifteen people from the order at one time?—Yes.

Mr. Simmons questioned witness as to his friendship with plaintiff and asked him whether at one time Mr. Jones did not contribute towards a subscription which was raised for him.

Witness replied that this was really given him because a friend of the plaintiff had enjoyed his hospitality of a long period and had somewhat strained his resources, which were not large.

Counsel was proceeding to elicit details of this incident when—

His Lordship restrained him, remarking: This trial is getting very much like the trial in *Alice in Wonderland*. (Laughter)

Dr. Berridge, of Gloucester Terrace, was called by Mr. Schiller.

Dr. Berridge sworn.

Mr. Justice Scrutton: Please do not invent oaths of your own. Parliament has framed the form of the oath for you.

Examined by Mr. Schiller.

Q.—Are you a medical practitioner carrying on your profession at 193, Gloucester Terrace, Hyde Park?

A.—Yes.

Q.—Are you a member of the Rosicrucian Order?

A.—I am.

Q.—Did you know Crowley and Jones as members of that Order?

A.—Yes, from meeting them at the Order.

Q.—Did information of rumours come to you with regard to Crowley as to the kind of man he was?

A.—Yes, they did.

Q.—Did you speak with regard to those rumours to Crowley?

A.—I did after a time.

Mr. Schiller: I submit I am entitled to get the fact as to what Crowley said or did not say?

Mr. Justice Scrutton: I do not see how it applies to Crowley. When you get to Jones I do.

Mr. Schiller: To prove the fact as to what was said about Crowley, and whether Crowley denied it or admitted it.

Mr. Justice Scrutton: How is that evidence?

Mr. Schiller: It proves the type of man Crowley was.

Mr. Justice Scrutton: Jones was not there and could not cross-examine other of them with regard to it. If you put it as Jones obviously it is right but you propose to ask what Crowley said to Dr. Berridge at a conversation at which Jones was not present.

Mr. Schiller: Yes.

Mr. Justice Scrutton: I do not see how it is evidence.

Mr. Schiller: Only to prove the fact as against Crowley.

Mr. Justice Scrutton: Crowley is not a party to this case.

Mr. Schiller: No, but I say certain things about Crowley, and if I can prove those things then I say I am entitled to say them of persons who associated with Crowley, and you cannot, I submit, get better evidence of what Crowley is than what Crowley says about himself.

Mr. Justice Scrutton: Supposing you prove that Crowley went about everywhere saying he was a person who was guilty of immorality. Do you say then that a person who was habitually associated with him must have known the character of the man he was associating with?

Mr. Schiller: Yes.

Mr. Justice Scrutton: Would it be admissible then; what do you say, Mr. Simmons?

Mr. Simmons: I submit that a conversation between this gentleman and a gentleman not a party to this action is clearly

inadmissible.

Mr. Justice Scrutton: Yes, it is a curious case. Crowley is not here as a party to the action, and the defendant's case against you is that Crowley is a person of notoriously bad character, and that you are his habitual associate, and you ought to have known it. Can he prove that by saying that Crowley himself habitually admitted it?

Mr. Simmons: No, I submit not. If he can show any fact, then evidence can be given, but not evidence of a conversation at which my client was not present.

Mr. Justice Scrutton: There has been one very notorious case of this description where it was quite doubtful whether the man was of the character he professed to be, but where he habitually professes that he was of that character. It may be a case of that sort.

Mr. Simmons: Suppose X is a person about whom an allegation is made, and X, in a drunken mood at a music hall says something indecent—

Mr. Justice Scrutton: Would not that be a question of the weight of the evidence rather than as to its admissibility?

Mr. Simmons: I submit it would be inadmissible so far as my client is concerned. Here your lordship is offered evidence of a conversation between this gentleman and Crowley at which my client was not present.

Mr. Justice Scrutton: In order to sustain your objection, must not you say that nothing he said could possibly be evidence? Supposing Crowley said, "I am a man of notoriously evil character," following the words of the justification it might be said he was drunk at the time, but that goes to the weight of the evidence and not to the admissibility of it. Would it not be admissible?

Mr. Simmons: I submit not. I submit that nothing Crowley said in my absence would be admissible. Hearsay evidence cannot be given in the absence of the party concerned, and this is hearsay—nothing but a conversation.

Mr. Justice Scrutton: If you want to prove a man's character, is not his own statement as to what his character is admissible?

Mr. Simmons: I submit not. I submit what is admissible is any fact you can prove. If one is to admit statements against me by Crowley it only might be admissible if my friend undertook to call Crowley. Then whether it is admissible or not I should not object.

Mr. Justice Scrutton: Surely in vain is the grain sown in

front of any bird?

Mr. Schiller: Certainly such an old bird as I am.

Mr. Justice Scrutton: This is a very odd case, but I think it is admissible. As to its weight, there may be a great deal to be said about it. I cannot say that no statement made by Crowley is inadmissible.

Mr. Simmons: I submit that any statement in not admissible.

Mr. Justice Scrutton: Any statement having relevance to the issue. This is a statement made by Crowley at a time when your client is associating with him.

Mr. Simmons: It is a conversation. That is all it comes to and I submit that no conversation is admissible.

Mr. Justice Scrutton: I cannot rule that no statement made by Crowley is inadmissible.

Mr. Simmons: As soon as you get the statement the value of the objection is gone.

Mr. Justice Scrutton: I quite follow. I do not know what the statement is, but cannot rule that no statement made by Crowley is inadmissible.

Mr. Schiller (to the witness): Did you tell my lord what you had heard with reference to his moral character?

A.—I did. I thought he ought to have an opportunity of hearing what was said.

Q.—Tell us what you said to him.

A.—With your permission I would just mention this—

Mr. Justice Scrutton: Just answer the question.

A.—On one occasion when Crowley was over here as an envoy on official matters concerning the Order I had the opportunity of speaking alone to him, and I said to him: "Do you know what they accuse you of"—meaning the members of the Order. I will not express it too plainly as I see there are ladies in the court.

Mr. Justice Scrutton: Any ladies who may be in this Court probably are beyond any scruples of that sort.

A.—Well, I said, "They accuse you of unnatural vice," and he made a very peculiar answer; he neither admitted nor denied it. The answer was this—I presume my answer is privileged. He said, mentioning the name of some men I do not remember, "So and so has been to my place and he stopped all night and So and So has been to my place; ladies have been to my place—I will not say they stopped all night—but the police can find out nothing about me for more than two years or eighteen months back." That was such an extraordinary statement

that is has remained fixed in my mind ever since.

Mr. Simmons: I feel I cannot cross-examine as to this. No date has been given that is all.

Mr. Schiller: When Crowley was over here as an envoy he said.

Mr. Justice Scrutton: Can you fix the date?

A.—As far as my recollection goes it was in 1900 or a year or two later, because on account of that some of the members seceded, but I cannot give your lordship the year. I have no recollection of it.

After other evidence, Mr. Schiller addressed the jury on behalf of the defendant company and was followed by Mr. de Wend Fenton for himself.

Mr. Schiller: If your lordship pleases, Gentlemen of the jury, it now becomes my duty to address you on behalf of the defendant company, and I shall not have to do so at any great length. You have got to judge as to the credibility of the witness and, reluctant though I am to do it, I am going to ask you to disbelieve both Mr. Jones and Captain Fuller and to believe what Mr. Cran, who has no interest in this matter, has told you in the witness-box. Mr. Jones says that it was not at any time his complaint that he was said to be still associated with Crowley, that he did not complain of that, and never has, and you have a conflict in the evidence as to whether or not he made that not only a subject but a great subject of complaint. Luckily I have more than the mere oral testimony to put before you on that point, and it is this. There is a process, gentlemen, by which you can go and get particulars of the allegations against you and in the pleadings it was stated in the Defence that Jones was still associated with Crowley. If the plaintiff's case all through was that he knew he was associated with Crowley, and that he was proud of his association with Crowley because he was a gentleman of unblemished character, why did he do what he did do? He took out a summons for particulars and demanded to know in what way the defendant alleged he was still associated with Crowley. Not only that. When he failed to get these particulars in the first instance, so anxious was he to know what we going to allege against him in that respect that he took the matter to the Judge in Chambers. I submit, gentlemen, that that corroborates in the strongest possible terms the fact that he was afraid of having it alleged against him that he was still an associate of Crowley's. Can you doubt, gentlemen, that what Mr. Broxhold said in the box took place over the telephone was perfectly accurate, and if it was not accurate

why were not the solicitors instructing my learned friend put in the box to contradict it? The reason they were not called in the witness-box was that they would have had to confirm every single word Mr. Broxhold told you. That shows, as I submit to you, that Mr. Jones is not a witness of truth. It is all very well for Jones when his inaccuracies are nailed down to profess anxiety to explain slips and errors. He vouches a letter which he says was written immediately after the interview he had with Mr. Cran, and when the letter comes to be scrutinised it will not stand the light of day and it becomes perfectly plain that the letter was not written as a record of the interview, and that it was not written after the interview at all, but before it. How Mr. Jones came to make that mistake is a little difficult to see, because he produced it here, and he made the statement that he had, luckily for him, committed to writing to his friend, Captain Fuller, the effect of that interview and that he had had Captain Fuller present at the interview as a witness. Just see, gentlemen, the circumstances under which he made that observation. He was anxious to discredit the evidence which Mr. Cran had given. That is what he wanted to do. He wanted to make you believe that he was the person who ought to be believed, he said, "I have a record written immediately after that interview to my friend, Captain Fuller." Then in the witness-box he read from it, and it was not until it got into my hands and I saw what it was and read it so as to make it perfectly plain that we found out that that statement was not true, although Mr. Jones through his counsel professes to have been anxious for a long time to put right that slip. Gentlemen, it was no slip; it was a reckless statement, to put it no higher, and I am going to ask you to believe Mr. Cran as to what took place at that interview; and as to Captain Fuller, the whole of that letter seems to point to the fact that he was not even going to be asked to this interview with Mr. Cran. All that is suggested in the letter is that he should come to Jones's office and hold the other receiver of the telephone and that Jones cannot catch Cran for an interview and does not know when he will come; Just see how materially Captain Fuller's account of the interview differs from that given by Mr. Jones. Mr. Jones would have you believe that when Mr. Cran came he gave him no chance of any kind or description to discuss anything with him, and bowed him out. Captain Fuller told you that Mr. Cran asked three specific questions, and he told you with some pride and admiration that Jones fenced with Cran and would not answer them. My lord observed that perhaps that fencing was

carried by him into the witness-box, and where you have a gentleman who takes pride in putting off this man who was coming to discuss business with him and avoid telling him the truth, and who calls to corroborate him the friend who admires these qualities, are you going to believe those two men against a professional gentleman who has no interest in this matter? Not only that, but you have seen Captain Fuller. He is proud of knowing Mr. Aleister Crowley; he appears to know much of Allan Bennett, but he is proud of knowing Crowley, he is an admirer of his works, the marginal notes of which you have seen and about which I need not comment further. We know what Crowley is not. You have heard from Dr. Berridge the type of man Aleister Crowley is. After Dr. Berridge's evidence was given, my learned friend made an application to recall the plaintiff and to call a fresh witness, but he did not venture to ask my lord's permission to put this creature, Aleister Crowley, into the box. Confessedly Crowley stands as a man about whom no words of condemnation can be strong enough. That is the man of whose friendship Captain Fuller is proud; that is the man whose associate Mr. Jones is. Gentlemen, was not the paper justified in the comment they made about Mr. Jones's association with Aleister Crowley? Jones has come here to vouch Crowley as a person of unblemished character so far as he knew. Though he knew these rumours were flying about, rumours which Crowley did not dare to deny, he still associates with Crowley and would you believe that he is a man of perfectly unblemished character, a man whom he would not hesitate to introduce to his own wife. If a man values his own reputation so cheaply that he does not mind associating with that kind of creature, he must not complain if comment is made about it and he must not come to you and ask you to give him exemplary damages because comment has been made about him. When he can associate with a creature of Aleister Crowley's description and can come here and be proud of it, and to corroborate him, call a friend who is proud of the friendship of a man who writes the kind of stuff you have seen, a man who does not hesitate to advertise his pernicious literature of a gross type by appealing to the worst instincts of degenerates amongst mankind, by appealing to their sense of the morbid, a man who himself publishes the criticisms of his books in order to attract purchasers for his wretched books, books that have been criticised in a well-known publication of one of the two leading universities as dealing with a revolting subject, revoltingly handles, and who advertises the whole thing under the hypocritical

guise of a society for the propagation of religious truth—what are you to say of a man who boasts of his associations with such a creature? Gentlemen, I ask you to say as twelve healthy-minded men that there is no comment strong enough which a paper is not entitled to make in criticising the conduct of a man like the plaintiff in this case. It serves him right if he meets with strong criticism under such circumstances.

Now, gentlemen, with regard to the libel itself, it does not follow, and I am going to ask you to say the article does not mean what the plaintiff would have you believe, that because we say, "By your friends ye shall know them" therefore we accuse Jones of the offences we accuse Crowley of. We do not say that now and we never intended to say it, be we do say we are entitled to criticise and to say you must judge a man's character by the company he keeps, and when you find a man keeping company of the type Jones has kept then you are justified in saying that you must judge his character by that. Jones had every opportunity but did not dare take it of justifying his friendship for this man Crowley, this man who did not venture to go into the witness-box to support his friend Jones, let alone bring an action himself to clear his own wretched character. Gentlemen, were not we satisfied under those circumstances in saying that you must judge this man's character by his association with this creature? I submit I have proved to you up to the hilt what Crowley is both by his writing and his own confessions, as to which my learned friend would not cross-examine Dr. Berridge. If I have proved that, then I submit that the fact I have relied on that Crowley is a man of notoriously evil character has been established. It is not even questioned. His literature shows it, the admissions of Jones himself shows it, and what was said to Jones's own solicitor shows it.

If that be so, gentlemen, I have discharged the chief burden on my shoulders, and it only remains for you to say whether I have gone beyond the bounds of fair comment. Gentlemen, I ask you to say, and I ask you with confidence to say, that I have not and that I was amply justified in making the comment I did make, that it was a fair and proper comment to make under the circumstances, and I ask you therefore to give a verdict for my clients.

Mr. de Wend-Fenton: May it please your lordship, gentlemen of the jury. I have very little to add to what Mr. Schiller has said. I should like to go through the few lines in which Mr. Jones's name actually was only mentioned in one of them, and it was only mentioned in one paragraph of that article. This is

the paragraph. It is headed, "By their friends ye shall know them," and the first allusion to Mr. Jones comes half-way down the paragraph: "Two of Crowley's friends and introducers are still associated with him; one the rascally sham Buddhist monk, Allan Bennett, whose imposture was shown up in *Truth* some years ago, the other a person of the name of George Cecil Jones, who was for some time employed at Basingstoke in metallurgy, but of late has had some sort of small merchant's business in the City." There was a full stop after that, and it went on to say that Crowley and Bennett lived together and there were rumours of unmentionable immoralities which were carried on under their roof. Just see what we said about Mr. Jones, it says he was employed at Basingstoke in metallurgy. As a matter of fact, he was employed as a chemist; I do not think he will say that is libelous. The next thing is, "A small merchant's business in the City." Well, he is not a merchant; he is a chemist. I do not think the epithet "small" was a particularly unfair one and I do not think he had laid any great stress on that. The next is that he was still associated with Crowley. He has admitted that in the box, having first of all denied it to my solicitor, and also when he was asked for particulars of his association with Crowley, but he has now admitted it, so that that is brushed away. We also said that he introduced Crowley to the Rosicrucian Order. You have heard our evidence with regard to that. Mr. Jones says that it was not the Rosicrucian Order—that it was the G.D., or the D.I., or something, but at any rate it was an Order known as the Rosicrucian Order, and he did introduce Crowley to it. There is no question about that. That, gentlemen, is absolutely all we said about Mr. Jones. His name was never mentioned in the previous article. We have made absolutely no attack on Mr. Jones or on his personal character, or his antecedents, and we do not make any allegation against him now. All we say is that he is associated with these people, and I think you can draw the inference, as Crowley and Bennett have not been put in the box, that they are people of notoriously evil character. Gentlemen, we have not shirked the issue in any way with them. These articles have been published and circulated and no action has been taken by Crowley or Bennett, and if a man chooses to associate with men like them he cannot complain if he is mentioned in the same breath with them. We simply record the fact that he is associated with them, and that is all. We also mention that Bennett stated that he was an M.A. of Trinity College, Cambridge. The Master of Trinity College might just as well bring an action against me for

associating Bennett's name with his college.

Then, gentlemen, with regard to malice, all I can say is I have never seen Mr. Jones before in my life, so that there can be no earthly question of malice. That is all I have to say.

After Mr. Simmons had addressed the jury on behalf of the plaintiff, his Lordship summed up. He put the following four questions (in writing) to the jury:

1. Were the words complained of defamatory of the plaintiff?
2. If so, were the defamatory statements of fact substantially true?
3. Were the defamatory statements so far as they consisted of opinion fair comment on facts?
4. What damage has the publication caused the plaintiff?

The jury retired at 2:58 and returned at 3:30.

Their answers to the first three questions were "Yes," and for the fourth "None."

On these findings judgment was entered for the defendants.