

**THE TIMES
LONDON, ENGLAND
6 OCTOBER 1932
(page 4)**

LAW REPORT, OCT. 5

VACATION COURT

CHANCERY DIVISION

**BOOK BY MISS NINA HAMNETT:
INJUNCTION REFUSED**

**CROWLEY v COBSTABLE AND CO.,
LIMITED AND OTHERS**

Before Mr. Justice du Parcq.

His Lordship refused the motion on behalf of the plaintiff to restrain the further publication of a book entitled "Laughing Torso," of which the defendant, Miss Nina Hamnett, was the author. The plaintiff, Mr. Edward Alexander Crowley, of Albermarle Court, Piccadilly, was an author who wrote under the style of Alistair Crowley. The other defendants, Constable and Co., Limited, were the publishers of the book, and Charles Whittingham and Briggs, Limited, the printers.

On an undertaking given by the publishers and printers to discontinue the publication until further order Mr. Justice Lawrence on September 22 directed the matter to stand over until to-day.

Mr. C. Gallop appeared for the plaintiff; Mr. G. R. Upjohn for the publishers and printers; and Mr. Malcolm O'Connor for the author.

Mr. Gallop said that the printers and publishers had filed no evidence and, as he understood, were not going to do so. Against them he asked for a continuance of the undertaking. Miss Hamnett had filed an affidavit, but he (counsel) submitted that the position of the publishers and printers was quite distinct from that of the author, and he asked the learned Judge to deal with the matter forthwith.

Mr. Upjohn, on behalf of the publishers, said they had originally published the book in good faith and had no knowledge of its contents. *Prima facie*, he would have to admit that some of the passages were defamatory, and for that reason his clients had suspended further publication of the book and had given the undertaking over to-day in order that the matter might be investigated. There was the evidence of the plaintiff that certain passages of the book were libellous, and there was an affidavit by Miss Hamnett justifying all her statements. He submitted that on the authorities the Court would not grant an injunction against Miss Hamnett because she justified, and that it would be open to his clients also to justify if they so desired.

AUTHOR AND ALLEGED LIBEL

Mr. Martin O'Connor submitted on behalf of his client that every word published in the book about the plaintiff was true and would be justified at the trial. In her affidavit Miss Hamnett said that the plaintiff was known to her for a number of years; she could speak about him and about the matters referred to in the book as being within her knowledge. He (counsel) submitted that truth was a complete answer to libel in whatever way the claim was made.

Mr. Gallop said, on behalf of the plaintiff, that he did not want the impression to go abroad that there was any shadow of truth in the statements made in the book. He submitted that the Court could only deal with the matter on the evidence. The publishers must say what their attitude was, whether they intended to justify or not. So far as Miss Hamnett was concerned, he (counsel) must face the possibility that the Court would conclude that no order should be made against her, but the publishers, as well as she, were concerned in the financial side of the venture. They had a duty, before they published what was obviously defamatory, to make inquiries into the matter.

In reply to his Lordship, Mr. Upjohn said he was not willing to-day to give any undertaking. If the Court granted an injunction it was a matter which he could not avoid. And further he said that he did not make any statement to-day whether he was going to plead justification or not. There was a considerable body of evidence which suggested that a plea of justification might succeed. In these circumstances his clients would have to consider their position very carefully.

Mr. Justice du Parcq, in giving judgment, said he had come to the conclusion that he could not at this stage grant the relief for which the plaintiff asked; and the less he said about the facts the better. It was not disputed that a few of the passages contained in the book were defamatory of the plaintiff. The plaintiff said and swore that there was not a word of truth in them, and the publishers and printers said that they did not know at this stage whether the words were true or not. Miss Hamnett said that every word was true. In these circumstances if the action had been brought against Miss Hamnett alone to restrain the further publication of the book, he (his Lordship) thought that in the face of the statement made by Miss Hamnett and on the facts as they stood it was impossible to grant an injunction against her. But it had been said that the publishers and printers ought to be restrained. In his opinion it would not be right to grant an injunction against them at this stage, and he must accordingly refuse the application made on the present motion.

Solicitors.—Messrs. Forsyte, Kerman, and Phillips; Messrs. Waterhouse and Co.; Messrs. Edmond O'Connor and Co.