

THE CASE OF HELEN DUNCAN

By

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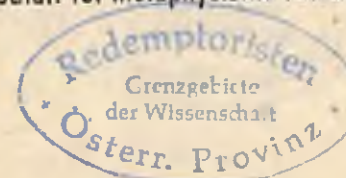
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THE liberating forces of the United Nations gave the people of Italy—and promised the Germans—a freedom which is not possessed by tens of thousands of Britons. One of the clauses in the Italian armistice terms reads: "All laws involving discrimination on grounds of race, colour, creed or political opinion will be rescinded, and persons detained on such ground released and relieved from the disabilities to which they were subjected."

Eisenhower has promised the Germans that they will have freedom of worship, whatever their creed, race, nationality, language or political convictions.

As I write these words there has just been released from Holloway Jail a woman who was sentenced to nine months' imprisonment because of an Act placed on the Statute Book over two centuries ago. The woman's name is Helen Duncan. Her mediumship has been attested by thousands throughout this land. At the Old Bailey, nearly 40 witnesses testified on oath that through her psychic powers evidence of Survival had been proved to them. And at least 300 witnesses were prepared to give similar testimony.

Far more important even than the case of Helen Duncan, which many Spiritualists consider a flagrant miscarriage of justice, are the implications that arise from her trial—the use by the prosecution of an antiquated Act whose provisions are a grave menace to the religious freedom of Spiritualists. Unlike the Italians they are not freed from the operation of laws which involve religious discrimination and which place them at the mercy of anonymous sectarian bigots who will descend to any depths to harm Spiritualists.

A few months ago I wrote a booklet, "Rogues And Vagabonds," which describes how the Vagrancy Act of 1824 is a serious handicap to the religious practices of Spiritualists. In that booklet I said:

"It is the Vagrancy Act which we are determined to have amended. We do not fear the operations of the Witchcraft Act of 1735, for it is very rarely invoked. Apparently the minions of the law realise that to accuse anybody of witchcraft in the 20th century might sound just a little ridiculous. Besides, com-

mon informers do not make their anonymous complaints and cite the Witchcraft Act, for mediums charged under its provisions are entitled to trial by jury."

A few days before that booklet was published the words I have quoted were out of date. A slip had to be affixed to all copies pointing out: "No one could have foreseen that in the year 1944 the might and majesty of the law would be invoked to initiate a prosecution under the Witchcraft Act of 1735, as was done in the Helen Duncan case."

The case of Helen Duncan began with police court proceedings at Portsmouth. When it went for trial at the Old Bailey it became a "cause célèbre." Though the Press suffered from restricted space it was publicised daily in the leading newspapers. The appeal also attracted a great deal of attention. Some of the remarkable stories of seance happenings that were narrated in court became the theme of hundreds of thousands of conversations throughout the country.

The man-in-the-street was puzzled; he could not understand why the prosecution found it necessary to exhume an ancient Act dealing with witchcraft and apply it to a modern medium. He felt that there was "something behind it," but what, he didn't know! There was much uneasiness. The case did not seem straightforward, the issues were not clean-cut. "If she were a fraud, why could she not be charged with obtaining money under false pretences, without all this paraphernalia of witchcraft in which nobody believes?" was a typical comment.

Spiritualists had much stronger feelings than the bewilderment of the man-in-the-street. They were incensed, full of righteous indignation. Many of them argued that the whole procedure savoured of an attempt to stamp out Spiritualism. Lest you think this is an exaggeration, let me point out that the Witchcraft Act declares in effect that there are no psychic powers, that all who say they possess mediumship are telling lies, for there can only be a *pretence* on their part. *Thus the medium has no defence!* The fact that thousands testify that he or she is a genuine medium does not affect the issue. There are no psychic powers, says the Witchcraft Act, therefore there can be no mediumship. All who say that they are mediums are impostors, pretending to have powers which the law declares do not exist!

Spiritualism is founded on mediumship; an essential part of its religious practice is the demonstration of mediumship. The

resurrection of the Witchcraft Act in the year 1944 means that the existence of the Spiritualist movement is imperilled.

It is impossible to believe that whoever decided to employ this outmoded law was unaware of its grave effect on the whole of Spiritualism. That is why Spiritualists will campaign until this iniquitous Act has been expunged from the Statute Book.

Having succeeded in the case of Helen Duncan, obviously the scope of prosecutions will be broadened. No medium is safe from the threat. The Vagrancy Act makes mediums "rogues and vagabonds." The Witchcraft Act makes them "criminals." Not only are mediums affected, but the members of every home circle, all the officials of every Spiritualist church at which psychic demonstrations are given, the organisers of every Spiritualist meeting at which mediumship is demonstrated, and, indeed, it may well be that all speakers on Spiritualist platforms are guilty of breaking the Witchcraft Act. And it may be that authors of books dealing with mediumship and the editorial staffs of Spiritualist newspapers all come within the scope of this monstrous Act.

Yet, it is obvious that the Witchcraft Act of 1735 was not intended to apply to Spiritualists. Spiritualism was not known in this country until 1852, more than a century after it was placed on the Statute Book! Parliaments do not pass legislation to deal with events that are to occur 117 years hence.

Before the passing of this Act, it was the official point of view, as represented by the legislature, that witchcraft was a fact. Over a century before, when James I was on the throne, he was prevented by rough weather in the North Sea from sailing to Denmark to bring home his bride. King James was the author of a book on demonology and, because of his views, an Act of Parliament was passed imposing penalties on those who practised witchcraft. It was officially decided that the waves of the North Sea had been made rough by witchcraft. An attempt was even made to persuade the translators of the Bible—the Authorised Version was then being prepared—to change the word "woman" to "witch" in the reference to the seance at Endor. The translators refused to alter the text, but to please the king they inserted the word "witch," instead of "woman," in the italic introduction to the chapter.

In 1735 the official view of witchcraft was reversed. Previous Acts were repealed and penalties were imposed on anyone

pretending to exercise it. Parliament recognised that no intelligent person seriously believed in witchcraft and the new offence was the claim or pretence to be able to exercise witchcraft. The Witchcraft Act of 1735 repealed, amongst others, the one passed in the reign of James I in 1603 which was entitled, "An Act against Conjurat[i]on, Witchcraft and dealing with evil and wicked Spirits." It also repealed an Act passed in Queen Elizabeth's reign, "An Act against Conjurat[i]ons, Inchantments, and Witchcrafts."

The Witchcraft Act stated that, after June 24, 1736, "No Prosecution, Suit or Proceeding shall be commenced or carried on against any Person or Persons for Witchcraft, Sorcery, Inchantment or Conjurat[i]on, or for charging another with any such Offence in any Court whatsoever in Great Britain."

The Act was designed, it said, "for the more effectual preventing and punishing of any Pretences to such Acts or Powers . . . whereby ignorant Persons are frequently deluded and defrauded."

The penalty was clearly stated: "If any Person shall . . . pretend to exercise or use any kind of Witchcraft, Sorcery, Inchantment, or Conjurat[i]on, or undertake to tell Fortunes, or pretend, from his or her Skill or Knowledge in any occult or crafty Science, to discover where or in what manner any Goods or Chattels, supposed to have been stolen or lost, may be found, every Person, so offending . . . shall, for every such Offence, suffer Imprisonment by the Space of one whole Year without Bail or Mainprize, and once in every Quarter of the said Year, in some Market Town of the proper County, upon the Market Day, there stand openly on the Pillory by the Space of One Hour."

It is a pity that the punishment of being made to stand openly on the pillory was abolished in 1887, for if it still obtained it would have shown how archaic was the whole statute. How many years will we have to wait before the whole of this obsolete Act is repealed, an Act which the Recorder at the Old Bailey said applied to the case of Helen Duncan?

Before I deal with the court proceedings, I must give you some of the background and tell you about Helen Duncan. She must be among the most tested mediums Spiritualism has ever produced, and, as so often happens, when she succeeded in one test another has been demanded. Every new group of investigators, thinking there must be some flaw in previous inquiries, has

demanding another set of tests. And the process has been repeated *ad nauseam*.

Helen Duncan has been demonstrating her unique psychic gifts for a score of years. Like many others, after her interest in Spiritualism was aroused, she started a home circle at which her mediumship was developed. This was in obscure surroundings in Callander, Perthshire, in a typical working-class home.

Helen Duncan is not a woman of any very great intellectual attainments, but she is a medium. It was not long before the psychic phenomenon she obtained of materialisation—one of the rarest forms of mediumship—attracted local attention. The news spread and visitors clamoured to attend her home circle. Then she visited nearby localities. Next, invitations to visit towns all over the land came to her. She was the only medium capable of demonstrating materialisations to all and sundry. So strongly had her powers developed that they seemed unaffected by her constant travelling up and down the country. This is rare, for most physical mediums find it essential to confine sittings to their own home, so as to conserve the power and prevent strain.

You must remember that, in materialisation, what is akin to the whole process of birth is accelerated and takes place within a few minutes. The spirit form which manifests is apparently solid. It has a heart-beat; it has lungs; it can see, hear and talk. To all intents and purposes it is a living, breathing, human being, albeit the manifestation is temporary. The dead who thus appear exhibit themselves as they were on earth. They are enabled to achieve this remarkable temporary appearance by means of a substance known as ectoplasm—it means an exteriorised substance—which has been chemically analysed. Here is one analysis by Baron Schrenk-Notzing, a German practising physician:

"Colourless, slightly cloudy, fluid (not thready), no smell; traces of cell detritus and sputum (spittle). Deposit, whitish. Reaction, slightly alkaline."

Under the heading "Microscopic Examination," he wrote:

"Numerous skin discs; some sputum-like bodies; numerous granulates of the mucous membrane; numerous minute particles of flesh; traces of 'sulphozyansaur[ic] potash'. The dried residue weighed 8.60 gr. per litre. Three gr. of ash."

Dr. W. J. Crawford, of Queen's University, Belfast, wrote a

trilogy on his experiments in which he photographed ectoplasm, weighed it, and traced its flow by a coloured track made from powdered carmine. By putting the medium on a weighing machine he once discovered when ectoplasm was withdrawn that she lost 54½ lbs.

This is how the baron summed up hundreds of experiments, conducted under rigid test conditions, at which in five years' sittings he took scores of photographs by a battery of cameras making simultaneous exposures:

"We have very often been able to establish that by an unknown process there comes from the body of the medium a material, at first semi-fluid, which possesses some of the properties of a living substance, notably that of the power of change, of movement, and of the assumption of definite forms."

Schrenk-Notzing's famous book, "Phenomena of Materialisation," which is a classic, contains 225 pictures of the materialisations which he had witnessed at his test seances.

Ectoplasm is a substance that is capable of being manipulated by spirit operators until it seems to possess all the properties of living matter. It is the basis of all physical mediumship. Ectoplasm is used when the dead return and speak at direct-voice seances, to give one example.

Ectoplasm varies in texture and solidity according to the seance conditions. In its amorphous state it is usually bluish-white in appearance, self-luminous and does not reflect the red light which is habitually used at these seances. Ectoplasm has been frequently handled—I have done so. Pieces of it have been cut by permission of the spirit guides. Sir William Crookes, the famous scientist, was allowed to cut a lock of hair from a materialised form. Most of the ectoplasm used at seances comes from the medium, though a little is also collected from each sitter. A person is a physical medium because he or she possesses ectoplasm in a large quantity.

I must stress that the part played by the medium in a seance is purely a passive one. The medium has no control over the phenomena, being merely the instrument of the spirit operators, with whom all the initiative and direction begins. The medium cannot conjure up the dead or compel them to return. All that a physical medium usually does is to sit in a chair, go into trance and then awaken at the end of the seance. Usually a cabinet, which consists of the recess made by drawing a curtain across a

corner of a room, is used so that the power can be condensed and conserved, and the medium sits behind the curtain.

The whole test of materialisation is in the evidence provided by the forms which build up. They give proof by showing themselves in their earthly likeness, by reproducing the voice by which they were known, by the repetition of familiar idiosyncracies and characteristics and by referring to incidents which establish their identity. At Helen Duncan's seances this has happened on thousands of occasions. Later, when I deal with some of the evidence offered in court, you will appreciate how remarkably evidential her seances have been.

In such a unique position, Helen Duncan was confronted with two temptations. The economic law of supply and demand operated. She was always in great demand—there were always more people anxious to witness her phenomena than were capable of being accommodated. Nobody else was able to demonstrate materialisation by travelling throughout the British Isles.

The monetary temptation did arise. She may, at some time, have said to herself that she never knew when her gifts would cease to function. She may have contemplated the possibility of interference at her sittings, knowing that if this occurred she might be crippled for life, or even worse. It is true to say that at every seance she held her life was in danger. Our records tell of mediums who have been blinded and become permanent invalids because foolish sitters interfered with psychic phenomena which they did not understand.

She may have decided, as a "canny Scot," to make as much money while she could. I do not *know* whether she did so. I do know that on two occasions I warned her in "Psychic News" about overcharging for her sittings. I also warned her about the other temptation to which she had occasionally succumbed, that of giving too many seances. Even the greatest physical medium has to conserve her powers, for unless they are used within reason there is a drain on the sensitive.

The financial question is a very thorny one. Who is to decide how much a medium should charge for her services when she is dependent upon her psychic powers for her living? I regard as nonsense the suggestion that no charge should be made. We are all, despite our ideals, victims of an economic system which compels us to charge for our talents. If it was wrong for Helen

Duncan to ask for payment, then it is equally wrong for the Archbishop of Canterbury to be paid £15,000 a year! There is the argument, too, whether one medium proving Survival, and giving comfort to bereaved people, does not accomplish far more than the whole bench of bishops.

The one great problem that arises in all physical mediumship is the question of fraud. Nearly every newcomer suspects fraud and brings into the seance room a suspicion which must have an inhibiting effect on the phenomena. As I have pointed out, nearly every investigator wants his own tests and is dissatisfied with the tests that have been imposed by others. Soon the medium gets tired of it all, tired of the suspicion and tired of the tests. She has to live in an atmosphere where she knows that the majority of the sitters are wondering all the time whether she is a cheat.

To meet the reasonable demands of inquirers, Helen Duncan always insisted that the room, the chair on which she sat and the cabinet should be examined. She always demanded that two or three women should be present when she disrobed, that they should examine her clothing, examine her, too—and she never shrank from the most intimate examination—and then satisfy themselves that the one-piece black garment which constituted her entire seance apparel was subjected to the closest scrutiny.

Helen Duncan refused to take her chair in the seance room until the examiners had stated they were quite satisfied that the precautions taken made fraud impossible. She donned black for the obvious reason that the ectoplasm which appeared was always white in colour.

At a typical seance it would pour from her ears, nostrils and mouth, forming masses of a swirling substance that emerged from the cabinet, yards away from the medium. Out of this ectoplasm the materialisations would appear until you could see identifiable forms.

I can speak from personal testimony about her mediumship. In my own home, under conditions which I imposed, I was present at nine seances in three weeks. In addition, I have attended seances with this medium in several towns. I have witnessed materialisations which I could recognise of people I had known on earth.

In the century-old history of Spiritualism, you will always find that allegations of fraud have been made against nearly every physical medium. The phenomena are so extraordinary, and, to

sceptical materialists, so incredible, that they are loth to accept the explanation that they are caused by intelligences from beyond the grave. They resort to hypotheses which are more extraordinary than the simple explanation of spirit return—which covers and explains all the facts. It may be safely said that many exposures are merely exposures of the ignorance of those who made them. It is easy to cry fraud; it is not so easy to prove it! There *have* been exposures of fraudulent mediums and these have usually been made by experienced Spiritualists, who alone are competent to judge the difference between the genuine and the counterfeit.

CHAPTER II

THE QUESTION OF FRAUD

HAS Helen Duncan been exposed in fraud? The allegation has been made, but has it been substantiated? Nearly every physical medium has been accused of fraud, in the same way that nearly every unorthodox healer has been called a "quack."

The one who has achieved the greatest publicity as an alleged exposé of Helen Duncan is Harry Price, who has advanced the extraordinary theory that her materialisations are accomplished by swallowing yards and yards of cheese-cloth which she subsequently regurgitates. How a mass of cheese-cloth, which has been lying in the stomach, can be vomited and made to look like deceased people, speak like deceased people, often in languages unknown to the medium, is a miracle that Harry Price has not explained.

Another ground for his allegation of fraud was that a photograph he took of the ectoplasm showed a warp, weft, and selvedge, and these proved that the ectoplasm was cloth which had been commercially manufactured. This is jumping with a vengeance to erroneous conclusions. I have handled ectoplasm and can testify that it has a "living" quality which no manufactured material possesses. Besides no regurgitated material could imitate the movements of the ectoplasmic demonstrations I have seen, apart from the impossibility of resembling deceased persons.

I consider that the charge of fraud, based on the warp, weft and selvedge idea, is very fallacious. At a seance with another

medium, when I stood so closely to the materialised form of a man that he wrote his signature on a notepad I held, I observed quite clearly that this spirit had materialised a suit of clothes. Yes, I know it sounds extraordinary. But if a spirit can materialise a body complete with eyes, nose, ears, mouth, tongue and teeth, with a heart that beats and a voice that speaks, why should it be difficult to believe in the materialisation of clothes? The lock of hair that Sir William Crookes once cut from a materialised form was entirely different in colour and texture from the hair of the medium.

Ectoplasm, when it materialises, has assumed solid form; it has become as material as any objects known on earth. When it is thus solidified, as it would be for the purpose of being photographed, it has assumed material shape and form; that explains any resemblance to manufactured cloth.

Price's theory of regurgitation becomes all the more ludicrous when he himself has reported that on one occasion, under his auspices, Helen Duncan was subjected to a "gynecological examination very thoroughly carried out." He admitted that the examination failed to disclose anything and that phenomena occurred at the seance in spite of it. Yet he persisted in the fantastic theory of regurgitation and, to give it an air of plausibility, cited mediæval and modern cases where it was said that people regurgitated live frogs and solid objects. Never, however, has Harry Price cited one instance where anybody regurgitated any material even remotely resembling cheese-cloth.

Price produced the alleged confession of a servant girl who once accompanied Helen Duncan to London and returned to Scotland with her. This domestic was a remarkable witness. When shown some photographs of ectoplasm taken by Harry Price at a Duncan seance, she said she recognised the tears as being *identical* with those she had seen in some cheese-cloth months before in the medium's house. What a wonderful memory, and what lynx-eyed powers of observation! And what an amazing coincidence that the very piece of cheese-cloth she said she had purchased weeks earlier was the piece used on the one and only occasion on which the alleged cheese-cloth was photographed by Harry Price!

I must mention that in Price's report it was stated that the servant was "a little short-sighted." So, here you have the testimony of a short-sighted woman who seriously says that after

cheese-cloth had been regurgitated time and time again until it must have got distorted out of all possible recognition, she can recognise it in a photograph because of identical tears! Yes, this is what they call *psychical research*!

The "Daily Mail" published the servant's observations, which were sponsored by Harry Price, but the same newspaper behaved very curiously. J. B. McIndoe, a former president of the Spiritualists' National Union, was one of the first Spiritualists to draw attention to Mrs. Duncan's mediumship, and has attended many of her seances. He wrote to the "Daily Mail" after he had interviewed the servant girl. She positively assured him that never at any time had she seen anything to suggest that Mrs. Duncan was acting fraudulently. The "Daily Mail" did not publish McIndoe's letter.

An experiment has been repeated many times which completely disposes of the regurgitation theory. It consisted in asking the medium to swallow methylene tablets which dye the whole contents of the stomach blue. Yet, every time Mrs. Duncan swallowed these methylene pills the ectoplasm emerged with its usual white appearance.

You may wonder how regurgitation could possibly be accomplished. To support his wild theory, Price has advanced another remarkable speculation that Helen Duncan possesses a secondary stomach. Unfortunately for him this fantastic theory has been blown sky-high by X-ray examination. Dr. Montague Rust, a Scottish medical man, arranged for the medium to be X-rayed by Dr. G. H. P. Miller of Dundee. Both his report and the X-ray pictures have been in my possession.

Dr. Miller's report states: "A screen examination was made of the œsophagus with the patient standing. About 15 ounces of moderately thick emulsion was swallowed and passed down a perfectly normal œsophagus at normal speed into the stomach. There is no dilatation or pouching. Examination of the stomach showed it to be of normal size, shape and position and of good normal function. There is no sign of organic disease, nor is there any departure from the normal in any way."

That clearly proves that Helen Duncan is incapable of performing regurgitation.

A medical witness who gave evidence for Helen Duncan at a previous prosecution, to which I will refer, said: "So far from being able to regurgitate, she has a small throat. When in Dundee

Royal Infirmary, it took a doctor half an hour to put a small stomach pump down her throat."

McIndoe once arranged a seance with this medium to which he invited three doctors. He described it as "an average Duncan seance." Later the medical men gave their verdicts on the Price theory of regurgitation. "It is the height of damned nonsense," said one. Another was even more forthright. He said: "It is an insult to the intelligence of any medical man to suggest to me that that material, clean, white and with no offensive odour, came out of anyone's stomach."

A woman doctor who was present at a Helen Duncan test seance, volunteered this statement: "It may interest you to know that, before one of these test sittings, Mrs. Duncan consumed, in my presence, a large meal of bacon and egg with bread, tea, etc., after which she was never for a moment out of my sight until the sitting began. This makes the theory of regurgitation quite impossible and ridiculous."

I must mention that Mrs. Duncan was convicted of fraud and fined £10 in an Edinburgh Sheriff Court. She was charged with obtaining one guinea by false pretences. The principal witness for the prosecution was a woman who stated that she seized a woman's undervest at one sitting and that this garment was supposed to be a materialised form.

McIndoe, who gave evidence at the trial, stated that the evidence of this principal witness against the medium was almost totally different from the statements she had made to him a few days after the seance which led to the prosecution. He has placed it on record that in his view Mrs. Duncan was wrongly convicted. His opinion is shared by J. W. Herries, a very well-known Scots journalist, a J.P. with years of experience in psychic subjects. He was not afraid to repeat his opinion about this wrongful conviction at the Old Bailey trial.

Unfortunately for the medium, the lawyer who conducted her defence was a young man handling his first case. He was not a Spiritualist, knew little about the subject, and although he must have done his best, obviously a more experienced person with knowledge of the subject would have stood a better chance.

The trouble with all law cases involving Spiritualism is that to the sceptical magistrates, or judges, totally ignorant of psychic phenomena, the description of what happens at seances sounds incredible. With all the good will in the world, their minds turn

to the direction of fraud rather than believe that what they think is the impossible has taken place. Paradoxically, these men on the Bench are often orthodox Christians, who have no difficulty in accepting the "miracles" of the Bible, for which they do not possess a shred of evidence, and which, if presented to them in the court-room, they would reject on the grounds that the evidence was flimsy!

It is for this reason that it is practically impossible for any Spiritualist to get a fair trial—until judges shed their bias, their religious prejudices and are more familiar with psychic phenomena, which have been attested by scientists of world renown.

But I must return to Harry Price, and I must recount a happening which is not mentioned in any of his reports. On January 23, 1931, he called on Hannen Swaffer with a piece of ectoplasm which he said had been cut from Mrs. Duncan and had been analysed by chemical analysts. "It is the first scientific proof of the composition of ectoplasm," he said.

In Price's presence, and with his help, Swaffer dictated to his secretary a column story for the "Daily Express"—Swaffer worked for that newspaper at the time. The "Daily Express" did not print the story—perhaps because it favoured Spiritualism. Swaffer's secretary remembers the incident quite clearly. She has placed on record how this article was dictated to her, with Price supplying all the technical details, explaining what ectoplasm was and how it was formed. She remembers being shown the ectoplasm in what looked like a slide. She wrote: "Now I read Mr. Price says it is cheese-cloth; he must have forgotten."

CHAPTER III

"HEAVEN'S LIGHT OUR GUIDE"

THE trial of Helen Duncan, who was described as a Spiritualist medium, began at the Portsmouth Magistrates' Court in January 1944. She was charged under that notorious Section 4 of the Vagrancy Act which has been used again and again in prosecuting mediums. The section reads: "Every person pretending or professing to tell fortunes, or using any subtle craft, means or device, by palmistry or otherwise, to deceive and impose on any of His Majesty's subjects . . . shall be deemed a rogue and a vagabond within the true intent and meaning of this Act."

According to the provisions of this Act, the police *must* institute proceedings after "complaints" by common informers, else the police are liable to prosecution!

But Helen Duncan was not charged with fortune-telling. Once again the police used the formula that was coined in wartime, and made her offence the using of "certain subtle means by pretending to hold communication with the spirits of deceased persons, to deceive and impose on certain of His Majesty's subjects."

The curious processes of the law puzzle the layman. The Vagrancy Act, as its title implies, was a statute designed to safeguard the illiterate and the ignorant from the attentions of gypsies and other vagrants. Section 4 quite clearly is directed against fortune-telling, and its phrasology lists the means by which fortunes are professed to be told—"subtle craft, means or device, by palmistry or otherwise." Yet the police have the power to interpolate their own wording into the Act, charging persons with offences under the Act based on their own interpolation!

It is not the first time that prosecutions have been directed against mediums under an indictment which the police have incorporated into the Vagrancy Act. That Act does not state that "pretending to hold communication with the spirits of deceased persons" is an offence against the law. Yet in free Britain, whose laws are said to be the most just in the world, you can be charged and pronounced guilty of an offence against an Act, when your offence is not mentioned in the Act itself.

Spiritualists maintain that resorting to this practice gives evidence of sectarian bias. They are the only body of people who, as a regular practice of their religion, "hold communication with the spirits of deceased persons." Whoever was responsible, in the first place, for deciding that the practice of spirit communication was an offence must have been actuated by hostility towards Spiritualism.

The Vagrancy Act became law in 1824, and in that year there was no Spiritualism! Modern Spiritualism began in 1848, a quarter of a century afterwards, and was unknown in Britain until 1852.

There are other features about the Duncan prosecution which are bewildering. The medium was refused bail at Portsmouth, although the necessary sureties and guarantees usually offered

were available. They were declined. The police insisted on keeping her in prison, and when the proceedings were adjourned, she was brought to Holloway Jail, in North London, where she had to receive medical attention. Mrs. Duncan was a sick woman at the time, suffering from angina pectoris, valvular disease of the heart and diabetes.

At Portsmouth, when the case started, Detective-Inspector Ford said that recently a number of reports concerning Spiritualist activities in that city had been received by the police. The detective did not state how complete these reports were.

Two months earlier Air Chief Marshal Lord Dowding had visited Portsmouth. His visit was part of his self-imposed mission to spread the knowledge that Spiritualism was true. Lord Dowding has a dramatic story to tell. As head of Fighter Command, he was responsible for directing the Battle of Britain in which gallant young airmen won imperishable renown by shooting the Luftwaffe out of the skies, thus saving civilisation. To many of the Battle of Britain pilots it was their last earthly task.

Lord Dowding told at Portsmouth the story of how some of them had returned to him with proofs of their survival. Later, at the Old Bailey, one witness stated that she went to a Helen Duncan seance at Portsmouth because she had heard Lord Dowding speak.

Seeing that the police, or the Home Office, or the Director of Public Prosecutions, or whoever it is, have officially decided that "pretending to hold communication with the spirits of deceased persons" is a crime, why are not proceedings instituted against people like Lord Dowding? If the law is to be observed, why haven't the police done the job on a grand scale by prosecuting the biggest "criminals"? There are plenty of them and they make no secret of their "crime." Think what a magnificent opportunity the police, or the Home Office, or the Director of Public Prosecutions, or whoever it is, lost by not prosecuting Sir Oliver Lodge who, in his day, was the greatest "criminal" of all, for he regularly committed the "crime" of "pretending to hold communication with the spirits of deceased persons."

Then, of course, there was Sir Arthur Conan Doyle, who instead of being allowed to tour the country proclaiming his views, should have been incarcerated in prison right at the beginning. It was in Southsea, which adjoins Portsmouth, that Conan Doyle started his investigation of Spiritualism. But per-

haps the reports of his activities were not recent enough for the constabulary of Portsmouth.

At the first proceeding at the Portsmouth Magistrates' Court the case against the medium was outlined by Detective-Inspector Ford. He referred to meetings and seances at The Master's Temple—a needlessly grandiose title—at Copnor Road, Portsmouth. These activities, he said, were advertised in the local Press. One particular meeting, which took place in a first floor room, was not so advertised.

In a corner of this room there was a screen arrangement, and Mrs. Duncan was the medium. There was usually an audience of about 25 or 30 people. As a result observations were kept, and on January 14 police officers attended a meeting. According to his version, Mrs. Duncan "pretended" to go into a trance and went behind the curtain. The lights in the room, he said, were so arranged that when this happened all lights, except a faint red one, were switched off and "a spirit came on the curtain."

What could be seen from the audience, he averred, was a white-shrouded figure on the screen, and this figure was supposed to bring messages from the spirit world.

"Some of the things which were divulged by the spirit were shocking," he stated, "and in due course evidence will be given regarding these."

Continuing his statement he said that a War Reserve policeman named Cross dived on the figure on the screen and this revealed that the figure was Mrs. Duncan. The white shroud with which she was covered, he said, was grasped by the police officer, but it was snatched away by a member of the audience. You will read more about this white sheet.

It was stated in court that the Chief Constable, A. C. West, viewed the case with some concern, and he asked that Helen Duncan should be remanded in custody. The magistrates agreed.

Then Spiritualists took a hand. The growing menace to their freedom had alarmed them. I have already told in my booklet, "Rogues And Vagabonds," how a deputation visited the Home Office and failed to secure any help in the redress of their grievances. Indeed, so little importance did Herbert Morrison, the Home Secretary, attach to their complaints that he refused to see the deputation!

Soon after that refusal, the Spiritualists' National Union, the largest body of organised Spiritualists in this country, instituted

a Freedom Fund for the purpose of providing mediums with a legal defence. Spiritualists knew that the fight was coming and they decided that mediums should have adequate legal defence.

The S.N.U. briefed C. E. Loseby, a barrister who was a member of the deputation, and whose speech at the Home Office was a masterly presentation of the case, an eloquent recital of the injustices meted out to Spiritualists because of ancient laws.

The Portsmouth police apparently had not anticipated such a step. When the hearing of the Helen Duncan case was resumed, the police asked for an adjournment of two weeks so that they could be represented by counsel. The motto of the City of Portsmouth is: "Heaven's light our guide." The Portsmouth police, despite that glowing declaration, still considered it necessary to enlist the services of a King's Counsel!

At this resumed hearing, Loseby protested against the police treatment of Helen Duncan. He said: "It is admitted that a member of the police force, acting presumably under instruction, did a physical act which endangered the body of Mrs. Duncan. The next thing that happens is that Mrs. Duncan is arrested and taken to prison. She is not allowed bail. And the next thing that happens is that she is charged under Section 4 of the Vagrancy Act. All this is done in a case which might well have been brought forward under the common law, with the full rights and liberties which the common law postulates."

Then he stressed the gravamen of his complaint: "All this has been done in regard to a woman who, whatever her faults, is a woman of distinguished achievement in the past, and for whom sureties could have been easily found if she had been given a chance." Cries of "Hear, hear," followed by "Silence in court," punctuated his statement.

Next came these words: "She has thereby been humiliated, insulted and degraded quite unnecessarily."

There must have been a good deal of consultation behind the scenes. Instead of seeking the light of heaven to guide them—perhaps to do so might have contravened the Witchcraft Act!—Detective-Inspector Ford said that he had been asked by the Chief Constable of Portsmouth to obtain a further remand of two weeks.

"The matter is being reported to the Director of Public Prosecutions," he said, "and the full facts are going to be placed

before him for his consideration." Then he announced that the police had no objection to bail provided that two sureties of £50 each, or one of £100, were forthcoming.

It is strange—is it not?—that the police were ready to allow bail when the medium was represented by counsel, but refused it when she had no legal assistance.

The Director of Public Prosecutions agreed to conduct the case for the police. One result of his introduction was that a new charge faced Helen Duncan at the next hearing—this was one of conspiracy!

Arraigned with her were Mr. and Mrs. E. H. Homer, who conducted the seances at The Master's Temple, Portsmouth, and Mrs. Frances Brown, who travelled to Portsmouth with Helen Duncan. The new charge alleged that, between December 1943 and January 1944, "she unlawfully conspired to cheat and defraud of their money such of His Majesty's liege subjects who were induced to part therewith by falsely pretending that at so-called Spiritualist seances held at 301 Copnor Road, promoted and arranged by Ernest Edward Hartland Homer, Elizabeth Homer, Frances Brown and Helen Duncan, the aforesaid Helen Duncan was capable of holding communication with deceased persons and causing their spirits to materialise."

Once again, the central fact of Spiritualism, that of spirit communication, was alleged to be illegal and people who arranged seances were now accused of conspiracy.

When Helen Duncan heard the new charge, she fell from the dock fainting. The proceedings did not last long. Again there was an adjournment.

At the next hearing, the Vagrancy Act was adjourned indefinitely. J. E. Robey, who happens to be the son of the famous comedian, opened the case for the Director of Public Prosecutions after all the defendants had pleaded not guilty. The case had aroused considerable interest, he said, but he wanted to make it clear that the issue at stake was not whether there was a life after death, or whether departed spirits could communicate, or whether dead persons could materialise. The real issue was that all the defendants had entered into a conspiracy by pretending that Mrs. Duncan could cause the spirits of the dead to materialise.

You may think that a series of strange statements. If dead persons could materialise through Helen Duncan, then she was not falsely pretending at all!

Probably because of his family connection, Robey used the language of the vaudeville stage. He referred to the "show" put on by Mrs. Duncan and the others, contrasted it with the performances of Maskelyne and Devant and said that what was done by the medium was greatly inferior.

Then he told how Worth, a naval lieutenant, who was interested in Spiritualism, called at the Homers' drug store in Copnor Road, where he was told by Mrs. Homer that Mrs. Duncan was coming to Portsmouth to hold seances and that her ectoplasm would cause spirits of the dead to materialise. He was warned of the danger to the medium if anyone touched the ectoplasm.

Robey summarised what is said to have happened on January 16 when Worth and Surgeon-Lieutenant Fowler paid 25s. for two tickets. The seance room was described—the cabinet in a corner formed by two curtains, the chairs arranged in a semi-circle, the searching of Helen Duncan by women and the beginning of the seance.

Robey said that Mrs. Duncan, went into "what is called a trance." The only light in the room was a red one. The meeting opened with "some sort of a religious prayer."

"The Lord's Prayer," interposed Loseby.

"That makes it worse," said Robey, who added that they were not investigating or passing judgment on genuine Spiritualists or on Spiritualism.

Then, describing the seance attended by Worth and Fowler, Robey said that Albert, her guide, spoke in what was called an Oxford accent, and Peggy, another guide, spoke in a broad Scottish accent. He added that when the spirit forms appeared between, but not through, the curtains, members of the audience put leading questions, not of the "Who are you?" kind, but "Are you So-and-So?"

He told of the appearance of the mutilated form of someone who was said to have passed over in Singapore. After Albert had gone, Peggy spoke and sobbed. Someone asked the audience to sing and they all sang "Loch Lomond." Robey commented: "Rather a puerile performance."

He told of a cat miaowing and a parrot making a noise. Then a figure of a policeman appeared and a woman said: "Is that you, Dad?"

"Yes," replied the figure, "wait till I put my helmet on."

After that seance Mrs. Brown showed Worth some spirit photographs, but counsel said the police experts would show how they could be faked.

He referred to another seance for which Worth bought two tickets at 1s. 6d. each. There were 20 or 30 people there and Robey commented: "It all adds up."

Mrs. Duncan was giving clairvoyance and said a little girl called Audrey had taken her by the hand. "You have heard jokes about little Audrey in the past," said Robey. Audrey claimed someone in the audience, but a man who spoke up said his daughter's name was Shirley. Mrs. Duncan apologised and said she had not heard correctly. After that sitting Worth informed the police.

Then the court heard how a man named Burrell, a Portsmouth Spiritualist, described by Robey as "a genuine believer," had met the Homers, and after paying 10s. 6d. had a private sitting with another medium. Burrell was so dissatisfied that he said he was going to the police. He got his money back.

At the Duncan seance on January 17 Burrell was present, but he was told to sit at the back. Worth was accompanied by War Reserve Constable Cross, and the story was again repeated of a torch being flashed at a materialisation and of attempts to seize the spirit form.

Worth shone his torch and said he saw Mrs. Duncan throwing white material to the floor. It was alleged that she was trying frantically to put on her shoes. It was clear, said counsel, that she had taken them off to move more easily behind the curtain. When Mrs. Duncan was asked where the "white cloth" had gone to she said it had to go somewhere.

After the seance was over Mrs. Brown said: "Jesus suffered like this," and Robey declared: "To trickery is added blasphemy."

Worth, the first witness, admitted to Loseby that for six months before the war he was a special constable. He admitted he was collaborating with the police at the seance on January 19. He told how he blew a whistle at the seance as a signal for the police to enter.

* * *

To the non-Spiritualist, the singing of popular songs at seances may seem incongruous. But there is a very good reason. The production of psychic phenomena of the physical type require "quick vibrations." Tenseness and a "heavy atmosphere" are

deterrents. It is for that reason that the singing of "bright" tunes is necessary. It is not the words of the song that matter—it is the vibration that is required.

CHAPTER IV

THE MISSING "WHITE SHEET"

AT the next hearing, Worth told how he went to the seance on January 19 with War Reserve Cross, paying 25s. for two seats. Albert appeared, as well as a figure with a baby in its arms. A young man also materialised. Someone else at the seance was invited to shake hands with the figure of his dead sister. He did so, and said it was a fat and clammy hand, which Worth thought was undoubtedly human, with "no ethericalism or ectoplasm about it."

Another time a spirit said it was his aunt. Worth declared that all his aunts were living.

Then into the witness-box stepped War Reserve Cross. He gave evidence without hesitation, telling how at the seance on January 19 Helen Duncan was the medium, and both the Homers were present. He sat in the second row.

When he saw a white shadow appear between the curtains he jumped forward towards the cabinet. As he jumped a torch was flashed by Worth. Cross said he had previously arranged with Worth that this should be done. Cross stated he clearly saw Mrs. Duncan standing between the curtains, clad in something white from the neck downwards. When he reached out to take her by the arms, she was pushing the sheet downwards to the floor. The sheet dropped to the floor and was immediately pulled towards the left of the room.

Asked by Robey whether he tried to get hold of the sheet, Cross said he laid his hands on it, and actually had it in his fingers for a moment. The material was very flimsy, and the nearest description he could give was that it was similar to butter-muslin.

Cross said it was pulled away by someone standing at the left of the cabinet. He said Mrs. Homer was standing near the window.

After the cloth had disappeared, he saw Mrs. Duncan bending down, putting her shoes on. Then he told her he was a policeman, and he arrested her.

In reply to Robey, Cross said Mrs. Duncan asked for a doctor. He asked Worth if he had seen the sheet, and when he replied, "No," Mrs. Duncan said: "Of course it has gone. It has to go somewhere."

Then Loseby asked Cross if he knew where the sheet was, and the answer was: "I don't know." Loseby pointed out that a number of policemen had entered the seance room, after a whistle was blown, by arrangement, and Cross replied that he saw Detective-Inspector Ford, Detective Reynolds and, he thought, two others.

Then the cross-examination turned to the request of some women to be searched after the arrest of Mrs. Duncan. Loseby asked Cross if he remembered two women asking to be searched, and Cross replied that he recalled one woman making this request. When Loseby asked why, when Ford was there, the women were not searched, Cross replied: "I couldn't say." He explained that Ford was in charge.

Loseby asked why Cross did not want the women to be searched when they had asked for it. He asked whether the other policemen had not come into the room to carry out a search. The sheet had mysteriously disappeared, and nobody was searched for it.

Cross, in further answers, said that though he had grabbed at the materialised form, he did not know it was dangerous to the medium. He was not aware that it was also dangerous to flash on a torch.

Loseby asked him whether he knew anything about materialisation mediums when he went to break in, and whether he had made any inquiries. To all this, Cross replied that he was acting under instructions.

Then there was a series of questions from Loseby asking whether Cross recalled knocking anyone over. Cross said he did not knock anyone over, and Loseby wound up that part of the cross-examination by saying that Mrs. Gill, one of the women at the seance, carried marks on her for some time after the incidents at the seance.

Cross said Mrs. Duncan did not look blue and distressed. He denied that he knocked her to the ground, or that she fell to the ground. He agreed that she asked for a doctor.

"Was a doctor sent for?" asked counsel. Cross replied that he could not say.

Then Surgeon-Lieutenant Fowler told, in a low voice, how he had attended a seance at 301, Copnor Road, on January 14, when he felt Mrs. Duncan's pulse out of curiosity. He had been led to believe that she was a sick woman.

Fowler said that after that sitting he was shown a number of photographs by Mrs. Brown, who told him that they were genuine spirit photographs. Towards the end of the day's hearing a police expert in the witness-box told in some detail how he had faked similar results to those shown on the photographs shown by Mrs. Brown.

After the shy, low voice of Fowler, the court-room heard the clear, distinct tones of Charles Robert Burrell, of Portsmouth, a dockyard worker, who told Robey that he had been a Spiritualist and a medium for a number of years. He had known the Homers for about two years, and towards the end of last summer he paid 10s. 6d. for a private sitting with a medium called Redmond.

Burrell said that he was far from satisfied, and told Mrs. Homer, at whose place the seance was held, that he was going to report the matter to the police. Mrs. Homer, he said, told him she did not want her church to be ruined. Burrell had no grievance against the Homers, and did not want to hurt their church at all, but he was out to stop what he called "this money racket." His comment was: "For a person to pay 10s. 6d. for a ten-minute conversation or communication was excessive—and that was half the fee." Mrs. Homer returned his money.

Burrell was in sharp contrast to the other witnesses. He had a lean face, bushy hair, an aquiline nose and a positive air. He told how, after his disappointing seance with Redmond he attended a Duncan seance at the Homers' place on January 17. He sat in front of the curtain. Soon after the lights went down he saw a white, shadowy form. He could not distinguish any figure it was represented to be.

Then a form appeared holding a torch. All the torches had been collected from the sitters before they went into the seance room. A hand, covered with "this cloth or misty affair," held the torch, which was claimed by a marine as his property. He said he had left it downstairs in his pocket. The spirit form—or the entity—said: "I have been through your pockets and got your torch."

Asked at the end of that seance for his opinion, Burrell said he

was not convinced. Mrs. Homer replied, he said: "You, a Spiritualist, after all these years are not convinced now, when all these poor people who don't understand are convinced."

Burrell said that was why they were convinced—because they did not understand. He was invited to another seance, and was then told to sit or stand at the back. He heard the voice of Albert. He did not know whose voice it was. "We call him Albert," he said. A form appeared, and Mrs. Homer said it was that of Mrs. Allen, a former member of her church who had not long passed over.

Apparently Mrs. Allen had something wrong with one of her arms when she died. On the figure that appeared Burrell saw a swelling on the arm, which was more like an arm than any of the previous forms. It was a lot more solid. He paid nothing for the two Duncan seances which he attended.

When he was cross-examined by Loseby, Burrell said he was sure he was a medium. He was asked again whether he was sure he was a medium—a person through whom spirits from another world communicated with this world. Burrell was quite sure. Asked whether he knew anything about materialisation mediums, Burrell said: "Nothing whatever." He had heard of Sir William Crookes (the famous scientist who held many materialisation seances under test conditions in his laboratory) and had read about him.

Loseby put the question: Did Burrell know that there were such persons as materialisation mediums through whom spirits from another world communicated and who for the time being took on a material form? They used material which they took from the medium and from the sitters. Burrell agreed with that.

Asked to name a greater medium for materialisation than Mrs. Duncan, Burrell said that the Duncan seance was the first materialisation he had attended.

The last question put to this witness was: "Are you in agreement with Sir William Crookes?"

"On some points," was his reply.

Brisk, ruddy-complexioned Detective-Inspector Ford was next. He told how, when he entered the room at Copnor Road, he ordered everyone there to keep their seats. Cross had informed him that he had held the cloth in his left hand, but someone sitting on the left of the room had snatched it away. Ford told how the room was searched, but no cloth was found.

Mrs. Homer's daughter, Christine, was sitting on the window seat near the curtain. She became excited, and asked to be searched, and so did some of the others. Ford asked for the cloth to be handed to him. Nobody did so. Nobody was searched. Mrs. Duncan said to him: "I have nothing to worry about." She was taken into another room by a policewoman, and a few minutes later her seance clothes were handed to him.

He told how he had asked Mrs. Brown—after Mrs. Duncan was taken away—to go with him and Worth into the next room, and she was questioned about the spirit photographs she had shown Worth. There was some talk about the pictures, and Mrs. Brown said of Mrs. Duncan that she was a medium, the only one she knew who paid income tax.

There was the first laugh in court that day. The only previous suggestion of a relaxation of the routine of taking evidence was when Burrell said he agreed with Sir William Crookes on some points.

It was then that Mrs. Brown remarked: "Never mind, friends, Jesus suffered like this."

Ford said that at the police station Mrs. Duncan declared she was suffering from heart trouble and diabetes. A police surgeon came and examined her, and gave a certificate.

Loseby began his cross-examination of Ford by asking whether he realised the importance of the sheet. The inspector said he did, and next said that a complete search was made of the room, but not of the occupants.

Loseby: "It must have been in the room, unless it was dematerialised, of course, or on some person in the room or in their possession?"—"Yes."

Loseby stressed the point that the women were willing to be searched. A policewoman was present and could have searched the women. Ford replied that it would have required a doctor.

When counsel said that Ford knew there was no sheet, the inspector answered: "I believe otherwise."

"Do you agree with the last witness that there are such things as genuine materialisation mediums?"—"I really don't know."

"Did you know that the seance was going to be violently interrupted?"—"I knew it was going to be interrupted. I gave instructions for it."

Loseby told Ford that his orders to Cross to seize the

materialised form were monstrous. Ford replied that he did not think so, but that his orders were carried out.

When counsel commented, "Accompanied by kicks," Ford said: "That is a matter of opinion."

"Does that answer arise out of ignorance or deliberation?"—"Deliberation."

"Accompanied by ignorance?"—"That is a matter of opinion."

Witnesses, said Loseby, would say that Mrs. Duncan was blue in the face and distressed, and Ford answered that she was no bluer than she was in court that day.

Asked whether a nurse accompanied Mrs. Duncan to the police station, Ford replied that a midwife had stayed with her for two and a half hours.

Then Ford was asked on whose authority Mrs. Duncan's fingerprints were taken. Ford replied: "That's my responsibility." Asked whether he had taken fingerprints without authority, Ford said that, as far as he knew, the prisoner was asked. He arrived when the fingerprints were being taken.

Later answers elicited that at that time the medium was not legally assisted by anyone. Ford said he was not aware that while Mrs. Duncan was in the city her doctor telephoned.

Answering Robey, Ford said he was not told that, at the seance when Mrs. Duncan was arrested, it was no use looking for the cloth—because it had rushed back into the medium's body.

Apart from the police expert photographer, there were two more witnesses, William Lock, of North End, Portsmouth, a licensed pedlar, and his wife. They were at the seance on January 19. Locke said that when invited to shake the hand of a spirit said to be that of his dead sister, he did so, but the supposed spirit's hand was very cold and flabby. It was a very fat hand.

Mrs. Lock said she saw someone on the floor, and noticed something pass through Cross's fingers. It looked like a very thin piece of material and disappeared towards the bay window.

She told of another seance when white material "just disappeared through the floor," and Peggy, Mrs. Duncan's child control, asked them to sing: "You Are My Sunshine." She paid 12s. 6d. for that seance, and Robey commented: "For the pleasure of this entertainment."

That was the end of a long hearing. It was a curious atmos-

phere. The evidence was taken down by a clerk who used a typewriter, overhead aeroplanes roared, and somewhere near someone was tinkling for a long time on a piano, running rapidly through dance tunes.

CHAPTER V

"ACID TEST"

NOW the scene changes from Portsmouth to London, from the Magistrates' Court to the Old Bailey, that famous London landmark on whose roof permanently stands the figure of Justice, with her eyes bandaged, holding a pair of scales in her hand. The cynical would say her eyes are bandaged so that she cannot see whether the scales of justice are evenly weighed.

For seven days, reporters jostled one another in the inadequate Press seats to report the daily sensations of a case that attracted world-wide attention and demanded space in restricted newspapers that were recording the most momentous war in history.

There must have been some curious conferences at the office of the Director of Public Prosecutions in the interval between the last Portsmouth hearing and the trial at the Old Bailey, before Sir Gerald Dodson, the Recorder. The result of these conferences was the last-minute incorporation of the Witchcraft Act into the list of the seven charges that faced the defendants at the Old Bailey. Who decided to employ this obsolete statute is not known.

Originally, the sole offence was the Vagrancy Act charge. To that, at Portsmouth, was added the charge of conspiracy. Now, at the Old Bailey, came the Witchcraft Act, with the allegation that the defendants had pretended "to exercise or use a kind of conjuration, that through the agency of Helen Duncan spirits of deceased persons should appear to be present in such place as Helen Duncan was then in, and that the said spirits were communicating with living persons there present."

Another charge, under the Larceny Act, was of causing money to be paid "by falsely pretending they were in a position to bring about the appearances of the spirits of deceased persons and that they then, bona fide, intended so to do without trickery."

It was also charged that they effected public mischief by

holding meetings, at which people were admitted on payment, at which Mrs. Duncan professed that the spirits of deceased persons were present or visible through her agency.

(During the hearing, the Recorder suggested that the charges of larceny and causing a public mischief should be dropped. This was agreed, leaving the one indictment of conspiracy under the Witchcraft Act.)

Counsel in the case were: For the prosecution, John Maude, K.C., and Henry Elam. For the defence, C. E. Loseby and T. S. Pedler.

Loseby, in his opening speech, which lasted for one and a half hours, sprang a surprise. He invited the wartime jury of seven people, one woman and six men, to have test seances with Helen Duncan. The medium, he said, was willing to proffer herself to try to produce the form or voice of her spirit guide. "It is the acid test," he said. "If Mrs. Duncan has a guide he will be with her now, probably trying to help her here in the Central Criminal Court." All that she required was a bare room, with a small portion curtained off, and a red light.

Loseby said that Spiritualists welcomed the trial. It was at the express wish of the defence that the defendants were brought to the Old Bailey, because it was an opportunity long and eagerly awaited by that particular body of opinion. "It is what they have always asked for," he said, "and it would be churlish and most dreadfully wrong if any complaint were made by one of them."

Each of the three women and the man in the dock he believed—but he was not quite sure—were Spiritualists.

He would ask the jury to say that the charges under the Witchcraft Act were "simply ridiculous."

Referring to the allegation of using a kind of conjuration to bring about the appearance of the spirit of a dead person, Loseby asked if there were any evidence to say Mrs. Duncan had done anything more than be a materialisation medium, a person through whom, with or against her will, certain spirits came from another world.

"Can the Lord's Prayer," he asked, "be called a conjuration? I am going to argue that the Witchcraft Act of 1735 is completely obsolete so far as this type of case is concerned."

Dealing with the charge of causing a public mischief, he said: "I cannot imagine that soldiers will fight less bravely because they have been told that hope has become a certainty, that there

is no such thing as death, and that continuity of life can be scientifically proved. It is not a public mischief if it can be scientifically proved that the ancient philosophies of the world that men hoped were true. That is the defence."

Referring to the evidence he intended to call, Loseby asked the jury to watch for features—a nose, eyes or a birthmark. "That," he said, "cannot be done by Mrs. Duncan, playing bogy-bogy with a sheet over her head."

"If Mrs. Duncan has a guide," said Loseby, "he will be with her now, probably trying to help her here, possibly waiting for an opportunity to help her. If it is true, you may be sure of it—here in the Central Criminal Court. If she be a person through whom these spirits form contact and under certain circumstances materialise, she might show them here. Why not?"

"I am going to ask you, if you would think it would help you, to ask the Recorder if you might be allowed to see—possibly you might hear, the voice of her guide—for yourself. You might be able to judge whether it was her voice or a different voice."

"I should promise nothing. But it would be a matter of comment against me if nothing happened—if you saw nothing or heard nothing. It is the acid test to which this woman ought to be willing to subject herself. She is so willing."

Doctors could be present, he added. Any proper method to prevent fraud might be adopted. It would be much better still if she were taken completely by surprise.

In the matter of time and occasion, all that would be required would be merely a few moments in which she could tranquillise her mind. He would proffer Mrs. Duncan at the right time for that purpose and under such conditions as the judge thought right.

When Loseby said he would proffer Mrs. Duncan after expert witnesses had appeared, the Recorder said: "I must leave you to conduct the case in your own way. It is much more satisfactory if you keep to the ordinary rules governing the ordinary procedure of these courts with which you are familiar, and I think it is the better course to pursue."

After the Recorder had suggested that Mrs. Duncan should give evidence first, Loseby said: "Mrs. Duncan can give no evidence at all—her case being that she is in a trance at her seances—other than this one point of saying: 'I proffer myself.' I shall proffer her. Apart from that she is not giving evidence."

Loseby referred to two occasions when, as experiments, Mrs.

Duncan was interrupted in a seance by a light being suddenly flashed on for the purpose of taking pictures. He said that she was wounded and an "angry" mark, a burn, at the second experiment, showed itself—he thought he was right—in the region of the cheek.

Later, when Loseby repeated his offer of seances for jury the Recorder said: "There is no use wasting the time of the jury in witnessing some kind of demonstration. It is bad enough—a London jury having to try a case from Portsmouth, without having their time occupied by witnessing exhibitions which may or may not assist them."

Note that the Recorder, at the outset, had made up his mind that the "acid test," a demonstration in court, would be "wasting the time of the jury." How could it be a waste of time? Mrs. Duncan either was or was not a materialisation medium. She was willing to put the question to the test—to let the jury see for themselves. Yet the Recorder thought that a waste of time!

Is there any doubt that if the demonstration had been given, and it was successful, their verdict would have favoured her? In a case where, as usual, the testimony of witnesses was contradictory, would not a demonstration have been the most deciding factor?

CHAPTER VI

"WHY DID YOU TELL THAT LIE?"

"THIS has nothing to do with witchcraft," is how John Maude, for the prosecution, opened the case against Helen Duncan and those charged with her. They all pleaded "Not Guilty."

Maude explained that, although people could no longer be prosecuted for witchcraft, they could be prosecuted for pretending they could do something like that. As an example, he said they might pretend to turn a poor village idiot into a toad and scare the whole countryside.

The case was not aimed at the honest beliefs of any person. This prosecution was aimed at common fraud. In the reign of James I it was a popular matter to chase poor deluded creatures thought to be witches, but in time our forefathers began to think it was ridiculous to prosecute people for something that was impossible, and in the reign of George II the law was altered.

He read the provisions of the Act under which the indictments were framed, adding that genuine believers in Spiritualism would no doubt warmly support any measure directed against the "fraudulent and deplorable activities of persons pretending anything such as the calling back of the dead."

In his calm, unhurried voice, Maude said: "At this time when the dead are no doubt anxiously thought after and anxiously sought after in prayer, such conduct as to pretend to conjure them up when it is a false and hollow lie is nothing less than a public mischief."

He went on to repeat the story of the seances held at 301, Copnor Road, Portsmouth, with the "attractive title" of The Master's Temple Psychic Centre. The seances took place in a room above Homer's chemist's shop. He said that The Master's Temple was registered as a church, though he could see no advantage in that except that no rates were paid. The only fee was half a crown for registration.

He mentioned Mrs. Homer's talk with Stanley Raymond Worth, a naval lieutenant, who was told that Mrs. Duncan was such a good medium that ectoplasm came from her mouth, eyes, ears and nose to form spirits. The charge for a sitting was 12s. 6d.

Counsel's comment was: "That might be moderate if you are going to see the ghost of the Duke of Wellington or of Napoleon, but not if you are going to see a bogus conjuring trick. If you are going to see the mutilated body of your boy, which was purported to be shown at one of the sittings, it would be horrible and painful beyond description."

The so-called ectoplasm was something like a strip of muslin or cheese-cloth or perhaps a towel. Counsel then explained that Worth asked if he could bring a friend, a naval surgeon, and Mrs. Homer said: "Yes, I will give him a seat in the front row and scare him stiff." Mrs. Homer had explained that if the ectoplasm was touched it would rush back into the medium's body with such force that it might injure Mrs. Duncan seriously or even kill her.

"In fact," he said, "the ectoplasm did not go back into her body. The suggestion of the Crown is that the towel was snatched by a confederate and disappeared."

He said that three women searched Mrs. Duncan in very much the same way that Maskelyne and Devant asked people to come on to the stage.

Counsel dealt with the alleged appearance of animals. "One wants to get hold of one's sanity," he said. Had the cat been interrupted while hunting pink mice in the Elysian fields?

Reference was made by Maude to some spirit photographs, taken by Thomas Lynn, a Tyneside medium, which Mrs. Brown showed at Portsmouth. She had said that some of the people depicted on them had returned at Mrs. Duncan's seances. Counsel said that the photographs were faked. A clever Portsmouth policeman, who was a photographer, would show how they were done. Mrs. Brown and Mrs. Homer, he declared, acted as "suggesters" at Mrs. Duncan's seances.

Maude ended with the words: "If the prosecution's case is proved, we shall have turned on the light a bit in the little room at Portsmouth and drawn the curtains back in The Master's Temple and the mockery of the dead will have ceased in the little room above Mr. Homer's shop."

Henry Elam, junior counsel, opened the examination of Worth, who told for the first time of a conversation with Mrs. Homer in which she said that sometimes when the ectoplasm returned to Mrs. Duncan it picked up small objects like cigarette ends and matches. "Like a vacuum cleaner?" he asked. Worth answered: "Yes."

Once again the account of the first seance attended by Worth on January 14 was described in detail—the opening with prayer, Albert, the guide, speaking with an "Oxford accent," the light coming from one red bulb.

When a figure appeared Worth said: "Are you my aunt?" The figure replied in a husky voice: "Yes." Worth said his aunts were all living. Then he was told of a sister who had been born prematurely. His only sister was living. He had attended ordinary Spiritualist meetings at The Master's Temple, but there had been no demonstrations of psychic phenomena.

At the January 14 sitting Mrs. Duncan's seance clothing was examined. They were some thin black garments. Worth was satisfied there was no white material in them. Three women were asked to undress Mrs. Duncan. They went into another room. Then the medium returned wearing the garments which had been searched. The women were satisfied with their search.

There was some amusement when he dealt with the animal materialisations. The name of a parrot was given as Bronco. Worth, who is good at imitating voices, gave his impression of

the voice of Albert, of the cat miaowing, and of the parrot saying: "Pretty Polly." When all the lights but a red one were put out, the room was in darkness, but after a time it was possible to distinguish objects.

Worth described how a form said to be inside the curtain greeted a medium named Taylor Ineson, who said: "Is that you, Jarvis?" A bulky figure came out and shook hands with Taylor Ineson, who was in the second row. The two had a jovial talk, the figure saying it did not think much of the medium; she was too fat.

The figure and Ineson had a private joke together and Worth caught the words "bloody twisters" coming from the form in a Yorkshire dialect.

When Albert said he had the mutilated form of a young man killed in an explosion out East, a woman stated it was for her. She was asked to touch the stump of a mutilated arm. The woman, asked by Albert, said she had felt the stump. Worth stated it could have been anything. The voices from the cabinet were all different.

Afterwards, Mrs. Homer asked him what he thought of the seance, and he said it was all very amazing. When Mrs. Brown asked him a similar question, he again said it was very amazing.

On January 16 Worth again went to The Master's Temple, paying 3s. for two tickets. On the previous day he went to the police. The Recorder asked Worth whether he had gone back on his own initiative or on police instruction. Worth said it was on police instruction. Mrs. Duncan gave an address in what appeared to be Albert's voice and Mrs. Brown gave clairvoyance.

After the meeting Mrs. Brown stopped him at the door and asked how his doctor-friend who accompanied him at the first seance felt about it. They seemed not sure that the doctor was convinced. Worth answered: "Don't worry about him: he believes it."

On January 27 he saw Inspector Ford of the Portsmouth police, and on the same day went to Copnor Road and booked two seats for a seance on January 19. He paid 25s. for the seats. This was the seance at which he and War Reserve Constable Cross were present. The same search of Mrs. Duncan's clothes was carried out, but this time one man asked for the hessian to be stripped from the bottom of the chair on which Mrs. Duncan sat.

When the third figure appeared, Cross pushed forward a chair,

snatched at the figure, while Worth flashed on his torch. He saw Mrs. Duncan trying to get rid of about two to three yards of white material—pushing it towards the floor. The cloth disappeared towards the left.

By the light of his torch he saw Mrs. Duncan bending down, trying to put on her shoes. Soon after that she was yelling for a doctor. Then he blew his police whistle.

Loseby began his cross-examination of Worth by asking him about his contact with the Portsmouth police. Asked whether he was acting as their spy at Copnor Road, he replied that he was spying on his own account. He decided on the afternoon of the materialisation seance that he had been defrauded, and he intended to satisfy himself. Before that he had gone with an open mind.

Loseby asked why it was necessary to tell so many lies after January 14. He had told Mrs. Homer that the seance was amazing. Had he meant to convey that it was amazingly good? Worth said it was stronger than that. Questioned again on the same point, he said he intended to convey that it was just amazing. Challenged to explain why he had said that the doctor believed what he had seen, Worth admitted it was not true, but he did say it.

Then the Lock family, of Portsmouth, was mentioned, Worth saying that he did not know them, and Loseby retorting: "Very frankly I suggest that you know them quite well."

Loseby asked whether in December, 1943, Worth had decided to bring about the downfall of Mrs. Duncan. Worth said that up to December, 1943, he had an open mind about the whole business.

Asked whether he had told the Lock family that he had been going to Copnor Road as a *bona fide* seeker, he replied that he did not know any of the Locks in December, 1943.

Loseby: "It would be libellous to suggest that even before you had seen Mrs. Duncan you were working in the dark for a summons to be taken out against her."—"I don't follow you."

"Would you be surprised to know that bets were being offered in Oxford in the first week of January, 1944, that a summons would be taken out within 14 days against Mrs. Duncan, and that you were concerned in it?"—"I would be surprised."

Worth said that before the war he had been a special constable in Middlesex for six months.

Loseby returned to the seance of January 14, when Albert told Worth that he had a sister prematurely born, and recalled his denial. Loseby said that Worth, on the Sunday following, went to the meeting at Copnor Road and told Homer: "You remember Albert requesting me to confirm the statement that I had a prematurely born sister? On Saturday I phoned my mother and she said it was true." Worth replied he was acting on police instructions.

Loseby: "Why did you tell that lie?"—"I considered that Mr. Homer had told enough lies, so I decided to give him some of his own medicine."

When Loseby asked whether other people besides himself had claimed to recognise the materialisations, Worth replied that they did after being prompted. He had come to the conclusion that the happenings were unspiritual.

Worth laughed when it was suggested that Peggy, child control of Mrs. Duncan, had a slight figure. He said he saw a bulky figure. Whenever Worth saw anything, it was a bulky figure.

Then figure by figure Loseby took the lieutenant through the happenings at the seance and recalled how many people had claimed the forms as recognisable. Worth did not agree with counsel.

Loseby: "You thought Mrs. Duncan was playing boggy-boggy with a sheet over her head?"—"I was sure that was what went on."

Answering questions, Worth stated he was satisfied there was nothing fraudulent in the cabinet before the seance. Cross-examination further revealed that Worth was 28, and that he went to the police to denounce Mrs. Duncan after his first materialisation seance and did not mention his suspicions or consult any member of the development circle to which he belonged at The Master's Temple.

Worth, recalled by Elam on the second day's hearing, corrected a statement made by him the previous day. Then he said that on police instructions he had lied to Homer when declaring he had telephoned his mother and ascertained that she had a prematurely-born baby. Worth now said that he had acted of his own free will and considered it was in the interests of justice. He did attend the seance on police instructions.

Surgeon-Lieutenant Elijah Fowler, who went with Worth to the first seance, said he could not get near enough to see the

figures clearly, although he was in the front row in a good position. But at a distance of two feet he could distinguish outlines in the red light.

Answering Loseby, he said he did not examine Mrs. Duncan after the seance but felt her pulse. He knew nothing of the scientific side of the subject. He told the Recorder that some of the figures were quite bulky and some were quite slim.

Worth's statements, made on oath, must be analysed to appreciate their significance. First there are his connections with the police, an association which is noteworthy. It disposes of any suggestion that he was an ordinary member of the public making a complaint to the police. He was a special constable. More significant still, and this was not known at the time of the trial, he is, said the London "Evening News," the nephew of Superintendent Worth of Scotland Yard.

Then this man, who was the leading witness for the prosecution, was a self-confessed liar. He admitted in court he told Mrs. Brown that his doctor-friend, Surgeon-Lieutenant Fowler, was convinced by Mrs. Duncan. Here are Worth's words: "Don't worry about him; he believes it." Fowler was not convinced.

He lied to Homer when he said that he had telephoned his mother and she had confirmed the seance statement about a prematurely born sister. He justified this lie in an extraordinary way. First he stated that he was acting on police instructions. The next day he stated that he was not acting on police instructions but of his own free will because he considered it was in the interests of justice. Is justice, blind though she be, served by lying? What made him change his mind in the interval between the first and second day's hearing? Was he subjected to any pressure? Did he voluntarily decide to change his mind? The answers to these questions are not known.

Another justification for his lie to Homer was: "I considered that Mr. Homer had told enough lies, so I decided to give him some of his own medicine." Can two wrongs make a right? Are the ends of truth served by lying and deceit?

Then he told both Mrs. Brown and Mrs. Homer that he thought the Helen Duncan seance was amazing. Asked by Loseby whether he meant to convey that it was amazingly good, he answered it was stronger than that! In plain language, he deceived both women.

There was his strange behaviour regarding his fellow-members

of the development circle to which he belonged at The Master's Temple. You must appreciate that these members met regularly for the purpose of developing their own psychic gifts. Yet, after one seance with Helen Duncan, he went to the police to denounce the medium, without saying one word, and without revealing his suspicions, to the members of the circle!

You have doubtless noticed, by the way, that his testimony about the forms which appeared at the seance was contradicted by his doctor-friend, another police witness. All the figures he saw, declared Worth, were bulky. Mrs. Duncan is a woman of large proportions, so his conclusion was obvious. Fowler, his doctor-friend, said that some of the figures were quite bulky and some were quite slim! Yes, they both described the same seance!

The police case was that all the figures were explained by a "white sheet" manipulated by Mrs. Duncan. Worth expressed his satisfaction that there was no white material in the medium's seance garments. Later he referred to "about two to three yards of white material." And he volunteered that he was satisfied on one point—there was nothing fraudulent in the cabinet before the sitting. The cloth, he claimed, "disappeared towards the left."

Here are the crucial questions. Where did the "white sheet" come from? Where did it disappear? Spiritualists say it was ectoplasm. It came from the medium; it returned to the medium. The police say it was a "white sheet." They never produced the "white sheet." Why not? All the sitters offered to be searched. The police had complete control of the seance room. No one could enter or leave without their permission. The "white sheet" was in the room, they contended, but they never found it.

I am not a policeman. I am not a detective. But if I arranged for a room to be raided and had burly policemen and police-women acting on my instructions, I would have found any "white sheet"—if there was a "white sheet" to be found. No, it was never found, because there was no "white sheet" to be found. And if the jury had witnessed a demonstration by Helen Duncan, they would have solved the problem of the "white sheet"—they would have seen the ectoplasm streaming from the medium. But that, according to the Recorder, would have wasted their time! Now consider the police story about this inconvenient "white sheet."

CHAPTER VII

"MEREST SPECULATIONS"

"THESE are the merest speculations. You could say it was merely a worthless speculation on his part and he would probably agree with you," said the Recorder, at the end of the second day's hearing. He was commenting on the answers then being given to Loseby by Detective-Inspector Ford, who was asked how he could explain the disappearance of the white sheet with which it was alleged the forms were produced.

Ford said that after the seizure of Mrs. Duncan by War Reserve Constable Cross, he did not order a search of every person in the room. The room was searched and the sheet was not found. Ford asked anyone who had the sheet to give it up. He admitted that a number of people clamoured to be searched. He was asked to account for the disappearance of the alleged sheet. Many times it had been stated that Mrs. Duncan was searched before each sitting, her seance garments carefully examined and nothing white was found. Ford insisted that someone in the audience must have had the sheet.

Mrs. Duncan was not searched, said Ford, because that required a doctor.

Loseby: "She might have swallowed the sheet?"—"Yes."

"Is there anything apart from swallowing that might have required a doctor?"—"Yes, she might have secreted the sheet in another part of her body."

He was diffident about being precise as to which part. It was these answers that the Recorder summarised as the "merest speculations," and said that, if he wished, Loseby could bring out his views about the places where the sheet could have been concealed at another time.

Ford said that there were eight policemen and detectives in the seance room and outside it. Yet no search was made of the people in the room. Loseby said there was a policewoman present and she could have searched the women. Ford agreed it was the police plan to take Mrs. Duncan by surprise and catch her red-handed.

The problem of the missing sheet was again investigated when Cross was in the witness box. He told of his pushing aside the chair in front of him, seizing Mrs. Duncan by the arms and how

the medium was standing between the curtains hurriedly pushing a white cloth towards the floor.

"As I reached out to grasp her," he said, "the sheet dropped to the floor. Mrs. Duncan stepped aside, I held her with my right arm and reached for the sheet with my left hand. I grasped it, but it began to move away. I still held her. I felt the cloth, which appeared to be a very flimsy substance, the nearest resemblance I can give is that it was like butter-muslin. I actually felt it and held it for a moment before it was pulled away. I stood up to pull away the curtains and the empty cabinet was clearly shown in the bright light of a torch." He said the sheet went towards the left, where the window was.

In his cross-examination Loseby said it was clear that after the onslaught by Cross, Mrs. Duncan was ill and was incapable of doing anything but groaning. Cross disagreed. Questioned whether he liked the task allotted to him, Cross replied: "I was prepared to obey instructions."

He denied that he himself was ill that night or that his hands were trembling after the seizure of Mrs. Duncan, although counsel suggested it was plain to everyone in the room that something had happened to frighten him. He made his jump when the third figure had just appeared. He denied that he was grabbed by one of the sitters, that he fell forward through the curtain and fell on Mrs. Duncan.

In a severe cross-examination, Cross said he saw Mrs. Duncan standing for approximately one minute at one side of the opening on the curtains. Loseby stressed that one minute was 60 seconds and Cross still said it was approximately one minute.

Cross said that the medium was handed her shoes and she bent down to put them on. Loseby observed that it was physically impossible for her to do so. Counsel pointed out that the sheet must have passed three people. Yet none of these were searched, nor was Miss Homer, though she was sitting near the window, and in spite of asking to be searched.

Loseby said that what happened was that Cross thought there might have been something, but when it slipped through his fingers he knew that whatever else it was it was not a sheet.

Asked why, although there were several policemen present, a search was not made for the sheet, Cross said he looked round the room. He admitted no one was interrogated who was sitting in the direction in which the sheet went. He told the Recorder

he saw no difference in the forms that appeared. (This statement, you will note, is at variance with the one made by Fowler, who said that some of the figures were quite bulky and some were quite slim.)

The second day began with the evidence of Detective Taylor, said to be a photographic expert of the Portsmouth police, who gave his views on the way he thought the spirit pictures shown by Mrs. Brown to Fowler were produced. He explained at length how he had faked similar pictures, but in cross-examination said to Loseby that he had no experience of spirit pictures. When he had completed his evidence the Recorder said: "It comes to this, that you can fake pictures as well as anyone else."

Charles Robert Burrell, a Portsmouth dockyard worker—he called himself a Spiritualist and a medium—said that at the first seance Albert had a nice voice, a masculine voice. Although the white material was called ectoplasm he did not think it was. Peggy, he opined, was someone dressed up like a fairy in a pantomime. He said she had a girlish voice.

Burrell told Loseby that he had attended only two materialisation seances in his life. He knew the Lock family, but denied that he or they were disgruntled with the Homers. He paid nothing for the two seances he attended. He described himself as a semi-skilled psychic investigator.

Then Loseby described the work of a materialisation medium, explaining that to get the best results there should not be more than three sittings a week. If that was exceeded the medium might do herself an injustice.

Loseby: "Do you mean to tell the jury that spirits from another world manifest through you?"—"I don't say that definitely."

"Do you conjure up spirits?"—"Never."

"Did you ever know any medium who could conjure up spirits?"—"No."

He agreed it was the general attitude of mediums that they claimed no merit or virtue of themselves, but seemed to be used by outside forces.

When counsel explained materialisation was a form of birth, Burrell said: "I can't follow you."

"If it were proved that when Mrs. Duncan was entranced, and ectoplasm was withdrawn suddenly, she was wounded, would that impress you?"—"That proves it."

"If that experiment had been carried out between the Portsmouth magisterial sitting and this, it would shake you?"—"Yes."

Witness said he was not "quite convinced" but "more convinced" after the second seance.

Re-examined by Elam, Burrell said he had read the works of Crookes. When he went to the seances he expected to see something without darkness or without curtains. He saw no ectoplasm coming from Mrs. Duncan. It was more like muslin or a sheet.

William Lock, a licensed pedlar of Portsmouth, told how one form came out of the side of the curtain, a distance of about eight feet, leaned over the row of seats in front of him and shook his hand with a hand "that was fat and clammy and more like a human hand than anything else."

Reading from the depositions taken at Portsmouth, counsel quoted Lock as having said: "It was a very cold and flabby and very fat hand." "Yes," said Lock, he had said that.

"Have you noticed that Mrs. Duncan's hand is neither fat nor flabby?" said Loseby. Lock did not reply.

Mrs. Emma K. E. Jennings, an A.R.P. supervisor at Portsmouth, said that Peggy, who talked rapidly in a Scots accent, spoke to Christine Homer about some perfume taken from a bottle, about some lipstick she had tried but did not like, and then asked Christine to kiss her. But Christine did not. She also heard Albert and was certain that his voice and that of Mrs. Duncan were the same. She had been on the stage for many years.

Loseby pointed out to her that if, added to appearing like Peggy, Mrs. Duncan spoke in various English dialects, that would be a difficult feat. It would be more difficult to explain how several different languages were also spoken—a task that would demand a rather cultured woman.

Challenged on her former statement that Peggy "sang and danced about in front of the curtain," Mrs. Jennings answered: "She jigged with a light movement and sang a little song. This was about 18 inches from the curtains."

Loseby: "Did it occur to you that it would be a matter of difficulty for anyone impersonating to dance about outside the curtains?"—"Yes, I had the feeling that it was not genuine."

Loseby: "You have seen Mrs. Duncan. Could it have been done by a woman as big as Mrs. Duncan?"—"The room was dark. It could have been."

Counsel asked Mrs. Duncan to stand up in the dock while he put the question to Mrs. Jennings: "Do you think she could impersonate a slim young girl in such a way that she must have been plainly seen by somebody?" There was no discernible answer.

The cross-examination went on to determine how close Mrs. Jennings was to the curtains. It appeared that she was within four or five feet.

Counsel commented it was odd that she had such strong opinions after attending only one seance.

CHAPTER VIII

AMAZING TESTIMONY

THE first witness for the defence was Ernest E. H. Homer, who told counsel that Mrs. Duncan was paid £8 for each of the 13 seances she gave in January. The charge for each seat was 12s. 6d. and there were 45 free seats at the whole series of sittings. Mrs. Duncan was paid extra if the sitters exceeded 16 in number.

Albert's voice, which he described as that of a cultured Australian, was nothing like Mrs. Duncan's voice. Albert invited Mrs. Duncan to stand up and asked each sitter to see the outline of her face. Everyone said they could see the outlines. Albert had opened the curtains. He was six feet, and had a thin bearded face. Homer was nine inches or a foot away from the curtains. He saw Albert and the medium together. He saw the ectoplasm coming from the medium's mouth.

The first form was that of a very old lady who came out three and a half feet from the curtains. Homer said he saw the features, a pointed thin face. Worth said: "Are you an aunt of mine?" The figure came to within six inches of his face and said: "Trying to act strange, aren't you?" Then it disappeared, Albert commenting that she did not get much of a welcome. The size of the figure was about five feet two inches.

Homer also told how at this seance a form, said to be of Worth's premature-born sister, appeared. Later Worth told Mrs. Homer that he was so anxious to test the evidence that he telephoned his mother and his verdict was: "It is so."

Another figure came for Mrs. Homer. It was her grandmother, and they both joined in singing a Welsh hymn. The grandmother was about five feet three inches tall, had a long face, an aquiline nose, grey hair parted in the centre, and a mole on the right side of the nose.

The next form was for Mrs. Barnes. Homer saw, between the parted curtains, a figure, about five feet ten inches tall, who said he would go back for his helmet. When he returned he had a white helmet like a topee. The voice was a heavy masculine one.

Then came a figure of a child, about three feet high. This figure spoke with a baby voice, went up to Mrs. Barnes, her grandmother, and took her hand, saying as she played with her fingers: "This little piggy went to market."

Then there was the grab by Cross who said to Christine Homer when she asked to be searched: "Be careful or you will go down."

Cross-examined by Maude, Homer said that Mrs. Duncan received about £112 for six days' work. There was a balance of £30 18s. 9d., which went to several charities.

Maude asked Homer whether he had heard about Mrs. Duncan being examined and tested by the National Laboratory of Psychical Science and "coming away without the hall-mark of anything of the kind having happened," or whether he had heard of the investigation by the London Spiritualist Alliance.

Homer said he had seen the figure of Albert 20 times. Maude asked about the appearance of the ectoplasm and said it was odd that no one seemed to see boots worn by the figures when they had seen a helmet worn by one.

Counsel also asked why Mrs. Duncan wore black clothes and how the ectoplasm was connected to her. He asked why the spirit forms could not be built up in front of them all. Homer explained that he thought they materialised in portions inside the cabinet, counsel interjecting with the remark, "Prefabricated," which caused a laugh.

Maude wanted to know why Taylor Ineson, who was at the seance, did not go into the cabinet at the invitation of his spirit brother. Homer denied that the spirit used the words, "bloody twisters" and that he said: "You were always bloody slow."

Homer explained that it was important for people to speak, for it encouraged the spirits. Through Mrs. Duncan's mediumship he had received evidence of the survival of his mother. In

the past two years, said Homer, The Master's Temple had given about £300 to charities.

When Homer was explaining that Mrs. Homer was not his wife the Recorder said: "There may be a perfectly good reason for it."

Wing-Commander Mackie began his evidence by saying, in reply to a question, that he would not call himself a Spiritualist but he believed in Survival, and the Recorder commented: "That is part of the Christian belief."

That was the first of many gratuitous observations made by the Recorder who, again and again, intruded his own religious views. His judicial appointment does not include the right to preach his brand of Christianity in court. Whether Survival is, or is not, part of the Christian belief had nothing to do with the trial of Mrs. Duncan under the Witchcraft Act.

Mackie said that he was at a seance with Mrs. Duncan on September 3, 1943, and the sitting of January 19 was in the nature of confirmation. On September 3 his own mother materialised. "We had an intimate conversation," he said, "on things only we would know about. I was unknown to Mrs. Duncan. My mother died in Australia, in 1927."

He leaned over until his face was about three feet from his mother's, and his comment on whether he recognised her was: "A man knows his own mother." His mother had no marks on her face, but she was a slight woman of about seven to eight stone.

Then his brother appeared, and Mackie said to him: "Gosh, Jack, have you still got your moustache?" It was close-cropped. Another figure was said to be of his sister Helen, who died before he was born. It was, he said, a very lovely figure of a woman dressed in a filmy robe. He could see the features of every form. He also saw a parrot materialise, and he knew every movement because he had a parrot at home. He knew the ridicule that would be poured on him, and he would come in for some comment from his brother-officers.

In cross-examination, he said that he decided to go to the seance on January 19 at the last moment, and when his mother appeared she remarked that she would not have materialised but for him. He knew that his name was on the seat when he went in, but he changed to another chair.

Harold Basil Gill, of Portsmouth, said that, although his wife had been a Spiritualist for many years and he had often argued

with her about it, he became convinced after listening to Lord Dowding speaking at Portsmouth on November 3. He told how Cross appeared to fall through the curtain and pulled the medium into the middle of the room.

Maude kept dangling a piece of butter-muslin as he conducted his cross-examination, but all the witnesses said it was nothing like the ectoplasm they saw. Gill was positive that he had seen a materialised form. He said it was very white and shiny, without any resemblance to a woven material. He said he had also seen a spirit from the side, when a form wore what appeared to be a nun's hood; it was nothing like Mrs. Duncan.

His wife had been a Spiritualist for years. He thought it was a lot of hokey, but after he heard Lord Dowding and saw the materialised form he changed his mind. He used to think as others thought until he investigated. He made no complaint about the 12s. 6d. fee he paid.

Asked by Loseby: "Are you a Spiritualist?" he answered: "Yes, 100 per cent.; seeing is believing."

Then Mrs. Gill, wife of the previous witness, a woman with a quiet voice, told for the first time how, when Cross leapt forward, she held him by the waist, thinking that he had fainted or, being afraid, wanted to get out of the room. She saw him clawing at the curtains and again put her arms round his waist, saying, "Don't do it, don't do it."

Mrs. Duncan was in the chair, and Cross's legs were on either side of her. Mrs. Gill still had hold of Cross and they fell over. She recalled Cross accusing Christine Homer of having something white and he made a grab for Mrs. Colcher's (another sitter) hands. Mrs. Duncan's face was purple, and although Detective-Inspector Ford was asked to send for a doctor he did not do so.

Mrs. Gill said that the ectoplasm of the figures finished about three-quarters down the body. Asked by Maude why the spirits did not wear boots, she replied that if she had seen Mrs. Duncan's legs she would have known, for she wore no stockings at the seance.

Finally, she said that she had been a Roman Catholic but was now a Spiritualist. She was certain that nothing went towards the window, and in her quiet but unshaken voice declared that nothing was more repulsive to her than fraud, and she would be the first to denounce it.

Mrs. Rose Cole, of Portsmouth, who sat on the window seat

near the cabinet, was the first witness on the fourth day. She told how the little girl appeared for Mrs. Barnes, and then her friend Mrs. Allen, who had passed on at Christmas, manifested. Asked by Pedler, junior counsel for the defence, to describe how her friend appeared, she said:

"I definitely saw her and she was my friend. I'll never forget it. She came to me. I was surprised that she was able to come back so quickly. I knew it was Mrs. Allen and I could not mistake her in any way. I was overcome and I asked her how she was.

"Give my love to the family," said Mrs. Allen, 'and thank them for the orchids put on the coffin.'"

Mrs. Cole said only that morning she had found out Mrs. Allen's son had walked all over Portsmouth for orchids for which he paid £5 to put in the wreath for his mother's coffin.

Mrs. Cole was agitated in the witness box, and when the Recorder asked her why, she said someone in court was laughing at her.

"It was not Mrs. Duncan; it was my friend," said Mrs. Cole of the form she saw, in answer to Maude. "I saw her face quite plainly."

Of the little child who appeared for Mrs. Barnes, Mrs. Cole said: "I have never seen anything like it in my life." The voice of Mrs. Allen was sweet, quieter than in life, and not at all like Mrs. Duncan. The child's voice was the voice of a child, and not that of Mrs. Duncan.

She told the Recorder she attended three seances free of charge. She wanted to see her boy. He appeared at the first seance, but not at the sitting at which Mrs. Allen appeared, and she did not mention to Mrs. Homer that she wanted to see Mrs. Allen.

Mrs. Berta Alabaster, of Portsmouth, who sat in the front row at the seance of January 19, heard Mrs. Duncan say: "Get me a doctor. I am a dying woman," after the grab made by Cross. She saw no sheet in the cabinet, and she was so sitting that she had a clear view. Any sheet would have to pass before her if it had gone towards the window seat, and she saw nothing. She did not conceal any sheet.

In cross-examination by Maude, she said she observed a smell at the seances, and it "smelt like death." She noticed it before the medium was entranced. It did not make her suspicious. "I am a Spiritualist, a member of the Spiritualists' National Union," said Mrs. Alabaster before she left the box.

William Colcher, a Portsmouth shopkeeper, who described himself as an interested investigator, told the Recorder that he did not have the sheet, and that if a sheet had passed near him he would have seen it. He described the scuffle, and said he heard a number of people clamouring to be searched.

Colcher stretched his arms out fully before him to give an idea of the size of the ectoplasmic form just before Cross leapt forward, and he told Elam that the "white milky substance" disappeared towards the cabinet—through the floor. All he heard Mrs. Duncan talk about after the seizure was her distressed condition.

Answering Loseby he said the "white thing" was moving when Cross leapt forward. The ectoplasm seemed to collapse.

Christine Homer, Mrs. Homer's daughter, a nurse attendant, who was sitting at the end of the window seat, began her evidence in a quiet manner, but when she described how she was accused of concealing the sheet she said of Cross: "He pointed his finger at me and said: 'It's you.'" She replied: "You have accused me wrongly." She demanded to be searched. Cross refused to do it, and Miss Homer said she "got angry."

A search of the people in the room was refused, and when Ford was asked if he was satisfied he said: "I don't know why you are all satisfied, but I've got what I want." Miss Homer said she thought he meant Mrs. Duncan.

Nurse Jane Mary Rust, a retired Portsmouth municipal midwife, who gave evidence of the search of Mrs. Duncan before the seance, said she undressed the medium, and two other women dressed her in her seance clothes.

Then, without a movement in the court, all listened while Mrs. Rust told of the materialisation of her husband at a Duncan seance on January 17. She said to the figure: "Come out, dear," and he came out of the curtain. She got up and said: "Kiss me, dear." It was her husband. She was close to him. She recognised his voice, and told the court: "I was certain."

Her husband had been dead for five years, and she had never been more certain of anything in her life than she was of the appearance of her husband.

She asked him to kiss her, and he answered: "Put your hand in mine, my dear." It was a very cold hand. "I held it," said Mrs. Rust, "I felt the knobbly knuckles." Then he kissed her on the mouth.

At that seance her mother also materialised, standing at the side of the curtain. She had never been so close to any spirit before. "I was a seeker," she said, "and I wanted truth." She asked her mother to kiss her, and her mother took her by the shoulders, turned her to the sitters and said: "Introduce me, dear." Then Mrs. Rust kissed her mother on the mouth.

It was her mother's voice, and not the voice of Mrs. Duncan. But she saw then something she had not seen before, that was why she went so close—and noticed a mole in the hollow of the chin and another over the left eyebrow. Her mother had been dead for 20 years and was a small, thin woman.

Next a figure appeared which spoke in Spanish, in a Gibraltar dialect, and Mrs. Rust, in Spanish, repeated the conversation. It was her Aunt Mary, and she and her mother were often mistaken for twins. She had no marks on her face. Mrs. Rust said she knew Spanish because she was born in Spain. She had felt Mrs. Duncan's hand and it was not like her husband's hand.

In re-examination she insisted she observed an R.A.F. boy materialise in uniform. He had a fresh complexion and a mop of black, wavy hair.

Answering Maude, she said she had never heard that mediums were supposed to swallow large quantities of material.

Her daughter-in-law, who once materialised, had a voice unlike Mrs. Duncan. She had an evidential message from her daughter-in-law who told of her husband speaking to her photograph.

Several witnesses had spoken of the smell of ectoplasm, and Nurse Rust said she, too, had noticed it, and said it was a sweetish odour not unlike that of a corpse.

Mrs. Ada Caroline Sullivan, of Portsmouth, who sat next to Mrs. Barnes on January 19, saw the little girl come forward for Mrs. Barnes and say the nursery rhyme. Her mother next materialised, stood in the opening of the curtains, and she recognised the shape of her face. Her mother had been dead since 1933. At other seances she had seen her father and also a great friend, and was close enough to see her father's eyes. She recognised his voice. She had no doubts of any kind.

Mrs. Irene Taylor, of Portsmouth, whose husband is a captain in the Hampshire Regiment, said she saw the spirit form which put on a policeman's helmet. Elam said he had heard it was white, and then that it was blue, but Mrs. Taylor asserted it was white, like a topee.

Walter John Williams, an official collector for the Portsmouth Corporation, was positive in his evidence that on January 18 his mother materialised at a Duncan seance. Answering the Recorder he said he had paid 12s. 6d.

His mother came to within 12 inches of his chair. He stood up to embrace her. She stepped back and he followed her until his head was within the curtains. He saw Mrs. Duncan in trance seated in a chair. His mother was standing a little to one side.

The Recorder asked about the positions of the form and the medium, and was told that there was some white stuff which connected the figure to Mrs. Duncan.

He knew his mother by her attitude when she first appeared. She whispered an abbreviation of his name, "Walt," and when she smiled he noticed a slight wrinkle on her nose.

They stood talking together of family matters, and questions elicited that he asked his mother whether he should tell other members of the family about his experience. He explained that they were bitterly opposed to Spiritualism—as he was before he inquired.

His mother's advice was not to tell the family all at once, not to be too eager, and to use his discretion. The conversation took two or three minutes and could be heard by all in the room.

He explained to the Recorder that the figure disappeared, and the judge commented: "Without a word?" The Recorder asked Williams whether his mother was "called out," and he said he had asked her to come out of the cabinet. He added, in reply to a question by the Recorder, that his mother did not say anything about being disturbed.

In cross-examination Williams told Elam that his mother's voice was natural, perhaps a little quieter than usual. He described the garment she wore as being almost transparent. As though it was an aside he said he touched the ectoplasm. "It felt like touching nothing," he said, "more like a spider's web."

Elam asked whether it was like cheese-cloth or butter-muslin, and Williams persisted that it was nothing like these materials; it was fine, "like a spider's web."

He described his mother's spirit garment as hanging in pleats. He saw her features, her hair, and her arms with the "robe" over them, but he did not see her bare arms.

In cross-examination Williams told Elam that he saw the

whole of Mrs. Duncan in the chair when he saw his mother. His wife was opposed to Spiritualism.

He told Loseby that the effect of the identification of his mother was to make him a happier man; it proved that Spiritualism was what it set out to be.

Mrs. Norah Alphonsine Tremlett, of Aldsworth Manor, Emsworth, Hants, talked of the figures which appeared at the Duncan seance on January 14—the forms for Lieut. R. H. Worth, the little girl Shirley, Peggy, the child control, the sobbing man with the mutilated arm, the parrot and the cat.

She also spoke in positive terms of her husband's return in April, 1941, at a Duncan seance. First she heard the tapping of his stick and then Albert said: "You don't need your walking stick here, old man." That was evidence because it was a family joke that he was never without his stick and if he forgot it some member of the family had to go back. He was a solicitor in Sunderland. He came so close to her that she had to draw back. She clearly saw the dimple in his chin.

She had no doubt about his height, or his voice. She was convinced. She had been a Spiritualist all her life.

Mrs. Tremlett told of another seance at which a girl materialised, and she was convinced of its genuineness. She was also convinced, she told counsel, that the form which she identified as that of her husband could not have been Mrs. Duncan disguised.

After Mrs. Tremlett had described a sitting with Mrs. Duncan some time before, she said Albert was tall, had a beard, was thin-faced, and spoke in a refined voice.

The Recorder asked why a medium always had a guide, and Mrs. Tremlett said a guide was as necessary to a medium as a telephone was to someone who wished to talk to a friend over a distance. The Recorder wanted to know how Albert became attached to Mrs. Duncan and why he had remained so faithful.

Mrs. Tremlett said that she had not noticed any difference in Albert between one seance and another.

Mrs. Mary D. T. Jopling, of the same address as Mrs. Tremlett, said that Albert spoke with a refined Oxford accent, and this caused a laugh. She was convinced that Mrs. Duncan could not imitate either the child who appeared at the seance or Albert. She described a seance when her husband materialised and came within two feet of her. She noticed the way he parted his hair and

the colour of his eyes. She had no doubt it was his voice: it was English and cultured.

She also recognised a friend at a Duncan seance in the North of England. With yet another friend, in the privacy of their room, they had been discussing this second friend, and at the seance next day this girl materialised just as she appeared in her photograph. Mrs. Duncan could have known nothing of the girl.

Ellen Barnes, of Portsmouth, wife of a captain in the Indian Army, said her father appeared. He was about three feet away. She saw his whole body. He had a white helmet on. It was white like a topee, and had a red band which appeared black in the light of the seance room. She was the first to speak, and kept on talking so much that her father said: "Oh, you were always the same! You did all the talking."

She recounted how her little granddaughter, Shirley, came out at the extreme left of the curtains, was within a foot of her and touched her. "She took my left hand," said Mrs. Barnes, "and lifted it from my knee. She said: 'Where's Granfer, he used to tell me "Little Piggy,"' and then went on to say part of the nursery rhyme."

Mrs. Barnes explained that her father—the spirit who had appeared in the helmet—had been a policeman in Madras. Shirley was only three feet high. She wore a long robe which reached nearly to the ground.

Anne Potter, of Portsmouth, wife of a retired Army officer, said that her mother materialised. She was 78 when she passed over. "I could not mistake her," said Mrs. Potter. "She had dark brown hair even when she died and a bald spot which I noticed."

Her father also appeared. In his case, as in every other, Albert gave a detailed description of the passing of her father, who stepped up so close to her that she had to move back. He looked at her and said: "I am quite satisfied that all they say over here is true."

He had white wavy hair and spoke with the accents of a Highlander, which he was, coming from Inverness. "I knew him, too," she said, "because of a very prominent nose he had—a large Grecian nose."

Mrs. Potter explained the remarkable materialisation of a friend who had died in India. She came with a baby in her arms; she had died in childbirth. Mrs. Potter stressed the beauty of her

friend, a small woman. She was never more than seven stone at any time. She, too, was a Highlander. She had a beautiful voice. This woman, Mrs. Laidon, walked towards her and told her things that no one else in that room knew, for they happened in India.

Asked by the Recorder if she had paid 12s. 6d., she said she had, and added firmly, "I would have paid £100 to see that."

Marine Horace Llewellyn Clayton corrected counsel for the prosecution when he called him Private Clayton. He said he saw the face of his grandmother when she materialised. She had taken his torch from the pocket of his coat which was left on the landing outside. She shone the light on her face and then round the room. He said to her: "Darling, will you kiss me before you go?" She then took the fingers of his right hand and kissed them.

The materialisation was not like butter-muslin. It was solid. Her hand was colder than his, but her lips were warmer. The figure was not like that of Mrs. Duncan. It was much slimmer. His grandmother had a beautiful face. Her hair was grey.

At another seance his grandfather appeared. He recognised him because they lived together. He had a prominent moustache of a bright, almost gingery, colour, and he walked forward with his own distinctive shambling gait. He also recognised the voice.

In cross-examination he said he saw the back of the materialisation as it walked towards the cabinet.

For nearly three days counsel for the prosecution had been asking witnesses whether they had seen the back of a materialisation. Now here was someone who volunteered the information. He was certain of the identity of both figures. When his grandmother held the torch he saw the hand and even the nails.

The Recorder asked if it was the purpose of Spiritualism to try to contact departed spirits. Clayton said the purpose was to prove the after-life. The Recorder: "It is trying to establish the central fact of the Christian belief. It is not content to leave it where it is but to prove it."

Once again, we have a gratuitous observation by the Recorder, who seemed anxious to appear as a champion of orthodox Christianity. This time, he reproved naughty Spiritualists because they desired to prove "the central fact of the Christian belief," instead of being content "to leave it where it is"—where, incidentally, he did not state.

The Old Bailey is not a church and the Recorder does not

occupy a pulpit. He is paid a salary to be a judge—not of creeds, doctrines or theology, but of evidence. His religious views belong to his private life. They had nothing to do with the Duncan case. If, privately, because of his religious opinions, he disliked Spiritualism, he had no right to be censorious in court. Spiritualism was not on trial before him. Whether it confirms Christian beliefs or opposes them is a matter for individual judgment by those who have inquired into both Christianity and Spiritualism. That the Recorder has not done. Until he has, it is incompetent for him to express any opinions on the subject, for his views have no value. He sits at the Old Bailey as a judge, not as a defender of any religious doctrines.

CHAPTER IX

SWAFFER IN THE WITNESS BOX

HANNEN SWAFFER was the outstanding witness on the fifth day.

Loseby, who introduced him as the well-known journalist, added: "You are also, I believe, a dramatic critic?"

"I was, unfortunately," replied Swaffer.

"Unfortunately for whom?" asked the Recorder.

"For me, my lord," said Swaffer. "I had to sit through it."

Swaffer said that he had investigated psychic phenomena of every kind and type for 20 years and in many countries. He had investigated materialisation in this country and right across America. Asked the purpose of his investigations, Swaffer replied it was his duty to tell people the truth about the survival of their beloved dead.

Then began a long and highly dramatic examination of one of the most experienced Spiritualists of his sittings with Mrs. Duncan. He had five or six sittings with the medium under test conditions. There was a wide range of psychic phenomena. He explained how the ectoplasm in materialisation exuded from mediums through the mucous membranes, the solar plexus and other parts of the body. It appeared to be a living substance. In the case of Mrs. Duncan the best likeness he could find for it was that it resembled living snow. He had seen ectoplasm about 50 times.

When the Recorder asked what was the last time. Swaffer said: "Since this case was sent for trial."

The relevance of that remark is that earlier in the day Loseby asked that a test sitting, held in London on March 15, which Swaffer and others had attended before the opening of trial at the Old Bailey, should be admitted as evidence. There was some legal argument on the relevance of that evidence, and finally the Recorder ruled, saying he would take responsibility, that it could not be admitted, since it would be under a cloud.

Loseby had argued that the reason for holding the test seance was that he had proved Mrs. Duncan was a genuine medium before the charge, and he wanted to prove that she was genuine after the charge. Despite that ruling, references to this test seance kept creeping in.

Loseby asked Swaffer what part the sitters played in the production of physical phenomena. He replied that the more unity there was, the more blending there was of temperament, the easier it was for the phenomena to take place—just in the same way that you started conversation at a dinner party.

Swaffer said he had never noticed any smell about ectoplasm at Mrs. Duncan's seances, though he had been told about it. He had always sat with Mrs. Duncan in a good red light under which he could see right across the room. He had seen Mrs. Duncan six or seven feet from the cabinet and the ectoplasm was coming from her nostrils. The Recorder asked in what year, and again Swaffer replied: "After the case had been sent for trial." But he had seen the ectoplasm every time he had been to a seance with Mrs. Duncan.

Loseby asked him to describe the ectoplasm a little more clearly. Could it be mistaken for butter-muslin? Anybody who described ectoplasm as butter-muslin would be a child, replied Swaffer. For days counsel for the prosecution had dangled a piece of butter-muslin, asking witnesses whether ectoplasm looked anything like it.

Then, a famous Spiritualist, and a man who described himself as a trained observer, gave the results of years of experience. He said that, under a red light, butter-muslin would turn yellow or pink. How, he asked, could a red light make that kind of material take on a living whiteness?

The Recorder asked Swaffer what was it that caused ectoplasm to react to light. The answer was that just as the actinic

properties of light affected and delayed photographic processes, so did it affect ectoplasm. The Recorder was told that under a red light ectoplasm appeared white or a bluish white. The red light was not reflected in any way. In Mrs. Duncan's case the ectoplasm was whiter than he had ever seen it.

Swaffer said it was nonsense to suggest that the medium could conceal anything, since she was searched before entering the cabinet and she could be seen in it.

Then he told in precise phrases how the sudden flashing of a light affected materialisation mediums. Once he took Mrs. Duncan to the house of a friend. All the people there were strangers to the medium. As there were some new sitters, he warned them carefully and deliberately that it would be dangerous to shine a light on the medium.

Unfortunately, Ernest Oaten, a well-known Spiritualist, who had been speaking at the Queen's Hall, arrived late. He rapped on the door after the seance had started, and Swaffer's accountant, a new sitter, who had arrived after the warning, lit his lighter, kindly intending to help Oaten to enter the room. The seance stopped and Helen Duncan bled profusely at the nose. She might have been seriously injured. He drew from that incident the conclusion that the medium was in a supernormal condition. In fact, one medium was blinded for life in a similar way.

Loseby asked what other tests had been applied to Mrs. Duncan. Again Swaffer described a test of the medium, and he was handed a document which he had signed on every page. He said that he took with him, in 1932, four magicians—two professionals, and two doctors who were amateurs. Mrs. Duncan was tied up with 40 yards of sashcord. She was handcuffed with a pair of police regulation handcuffs. Her two thumbs were tied together so tightly with thick thread that it ate into the flesh. All this was done by a professional magician and the phenomena persisted.

Although it had taken eight minutes for the magician to tie up the medium, she was freed from the cord, the thread and the handcuffs in three minutes. "Houdini could not do that," commented Swaffer, and the Recorder asked whether Houdini was one of the magicians. Swaffer said he was not. Answering the Recorder, Swaffer said that Albert, the medium's guide, had released her, for no one else touched her.

In reply to Loseby Swaffer said that he knew most of the

actors on the London stage, though, he added cynically, they might not admit they all knew him. The point was to determine whether in Swaffer's opinion Mrs. Duncan and Albert were the same person and whether a brilliant actor could simulate the parts.

Swaffer's reply was an emphatic "No." Albert had a distinct personality and a totally different approach to many things compared with Mrs. Duncan. It was possible that an actor could impersonate some things, but the medium could not do it.

Elam, when he cross-examined Swaffer about Albert's voice, got the answer that he had heard that it used to be Cockney, and he had heard it said it was an Australian voice. As a dramatic critic he had found it difficult to describe voices.

"Was it an Australian voice?" asked counsel. "Surely you have heard some."

"Yes, I heard Melba," was the reply. "It wasn't like her."

Elam persisted in asking exactly what kind of a voice Albert had. When this had gone on for some time, Swaffer said there was no such thing as an Oxford accent—that was a B.B.C. idea. Pressed to say what Albert's voice was most like, he answered that it was natural.

"When did you last hear Albert's voice?"—"Two weeks ago."

"Are you an expert?"—"I have sat for 20 years. I have a home circle of my own."

"Are you a medium?"—"No."

"Have you got a guide?"—"My guide is an Egyptian."

"How do you know you have a guide?"—"The guide of my home circle told me. He is an Indian."

The next encounter—for it was now a contest between counsel and Swaffer, who insisted on giving his evidence his own way—was over the investigation of mediums. Answering one question on fraud, Swaffer said there had been accusations of fraud from the beginning of Spiritualism; every kind of accusation had been brought against it. "I have heard a lot about exposure," he said. "For 90 years we have had to stand that accusation."

The next phase of the encounter was over test conditions. Swaffer said that he had seen every possible kind of test applied to Helen Duncan. Elam leapt at that phrase, "every test possible," and asked whether electrical controls had been applied. Counsel mentioned Rudi Schneider, the Austrian medium, who was brought to London for test seances by Harry Price, and asked Swaffer whether he had sat with him.

"I sat with Sir James Dunn and Lord Charles Hope at Harry Price's laboratory," said Swaffer, "where a so-called electrical test was applied." Elam tried to force the point that this was the kind of test he had been hinting at all the time. Swaffer swept aside his point by saying that was not a real test, that he himself had been compelled to point out how silly it was.

Price's secretary, for instance, was walking about the room. No, she was not, as counsel suggested, covered with phosphorus. Swaffer said all he wanted was a better test.

Elam asked whether Mrs. Duncan had been X-rayed and whether she had ever taken a coloured pill. "It has been done to her," said Swaffer, referring to the coloured pill test—swallowing of methylene blue pills, which colour the whole contents of the stomach.

The next point was the supposed effect of prayer on people seeking their dead in a room lit by a red light, with the implication that it would make them more receptive.

This question had been asked many times. Swaffer denied that it made such an impression. "Sometimes this court opens with prayer," he said.

Asked whether prayer made people receptive, he commented: "Would prayer make people receptive to the sight of a bus? Besides, you must remember that many people are agnostics."

Even the position in which people sit at seances was discussed. Elam kept asking whether there was any point in people sitting in their same place or whether a place was assigned to them. Swaffer replied that it made no difference at some seances, but at others, where the same people sat regularly, it helped, just as it helped if people took the same places at a dinner table.

Back went the questions to 1932. He was asked whether he had seen any of the figures move. Yes, eight of them had come out of the cabinet and they had opened the curtains.

Earlier in his evidence, Swaffer had taken the piece of butter-muslin, that was in court, in his hand. Loseby had asked him whether the phenomena he had seen at Mrs. Duncan's seances could be explained by her swallowing this material. That was impossible, he replied, for the material would become soggy and stained. Moreover, Mrs. Duncan had a normal stomach.

Now Swaffer returned to his point. Holding a package in his hand as he stood in the high witness-box, he said: "Here are the photographs," explaining they were X-ray pictures of Mrs.

Duncan's stomach, which showed it was normal. But he was not allowed to put them in as evidence. He protested. Nor was he allowed to put in a doctor's certificate saying that the medium had a normal stomach.

Once, he said, he had tried to swallow some cheese-cloth. "May I try to swallow it?" he asked. The Recorder refused, saying he could not reduce the court to the level of an exhibition.

Swaffer added: "We can't be bothered with cheese-cloth. Why have you got it here? We tried to get Harry Price to try to swallow it, but he would not." And then, in his own sweeping way, he exclaimed: "Never have I heard such nonsense—until Price invented this new lunacy of the cheese-cloth. It is a silly invention of Price's."

When he had finished this comment on cheese-cloth, Swaffer told how ectoplasm rushed back to the medium when a light was shone, and not out of the door or out of the window.

Elam returned to the incident of the bleeding caused by someone entering a seance room and a light being flashed on. Had Swaffer examined the nose? Yes, she had an ordinary nose. He saw blood coming from the nose. He looked at it. "What," asked Swaffer, "does one do but look at a nose which is bleeding?" Then he said: "Besides, I am a trained observer. My word is taken when I report other things."

Asked whether he was a Spiritualist with fixed opinions, Swaffer declared his opinions were fixed "because they are based on evidence which is incontrovertible."

The direction of attack was changed. Swaffer was asked whether, when he was a dramatic critic, other critics agreed with his opinions. "That is not a matter of fact," rapped out the witness, "but a matter of opinion."

Then Loseby opened his re-examination of his witness, whom he was once asked by the Recorder to keep in hand, by inquiring whether the use of butter-muslin could simulate materialisations. The answer was "No." Asked yet again whether Mrs. Duncan had been examined to test the butter-muslin theory, Swaffer said: "I know that X-rays have been taken of her stomach. I have a medical certificate to say she has an ordinary stomach."

That was the end of a memorable delivery of evidence by a remarkable witness in an amazing case. After he had ended his duel with Swaffer, Elam sat down appearing a little tired.

CHAPTER X

"HOPE INTO CERTAINTY"

THE first witness on this fifth day was B. K. Kirkby, of Wimbledon, South-West London. He said he had been a psychic investigator for 20 years, having sold a large business in the North of England to devote himself to this work. He had observed much phenomena through Mrs. Duncan's mediumship. The latest was at Portsmouth in January, when his old friend, George Jobson, a scientist who had become paralysed through his work with X-rays, materialised. He showed himself as he appeared before he passed over.

He appeared about three feet from him. During the time he showed himself, he saw Mrs. Duncan clearly. It was the first time Jobson had materialised through her mediumship. He recognised him by his moustache, his nose, the shape of his face, and his smile.

At the second sitting on the same day he saw a Chinese materialise. He knew him as Chang. Answering a question, he said everybody had a guide. The Recorder commented that he did not seem to have one "in respect of this evidence." Kirkby said that Chang showed himself with a moustache 18 to 20 inches long.

He spoke of a seance with Mrs. Duncan in London when he held one end of a rope and another man held the other. Peggy, child control of Mrs. Duncan, skipped, or rather seemed to float, over the rope. He did not think it could be Mrs. Duncan simulating the child, nor could it be the medium skipping.

He described the feel of ectoplasm as of a heavy cobweb. When Elam again dangled the butter-muslin, Kirkby laughingly said: "Oh, no, not like that." He had seen it in all shapes. He had never heard of ectoplasm being made synthetically. He had not read Harry Price's reports on regurgitation because he was not interested in what he read in the newspapers about it.

Loseby protested several times when this report was mentioned, saying that its author, Harry Price, had been seen in the vicinity of the court that morning—Kirkby said he had seen him. Loseby understood that he was not being called so that he could be cross-examined on what he had written.

The Recorder asked Kirkby whether he had heard of a good deal of trickery in mediumship and was told that in 20 years Kirkby had heard of three or four cases. Asked whether it would not be better to expose them than leave them alone, Kirkby said that he left that in other hands.

Next was George Percival Barnes, a retired captain of the Indian Army. He is the grandfather of the much-discussed child Shirley, who took her grandmother's fingers at a seance. At that seance he saw the materialised form of his son who had been missing for 18 months and then was described as "presumed killed."

What he saw convinced him. He and his son George spoke almost at the same moment. "I never saw anything like it in my life," said Barnes. His son stood in a way peculiar to himself, saying: "One minute, Dad, let me do the talking." The father said that was the boy's habit for he, the father, usually did most of the talking at home.

"I could swear I was certain it was my own son," said the calm soldier who recognised his son's voice and his mannerisms. The son brought Shirley because, he said, he knew they had missed her. The child had a lisp. She had difficulty in saying her own name. That might explain that when she appeared to Mrs. Duncan as she was giving clairvoyance at a meeting she misheard the name Audrey for Shirley and then corrected herself.

In cross-examination by Elam he was asked how long he had been in India. Forty-two years, was the reply. Had he seen the Indian rope trick? He quietly said: "No." He had attended seances only after his son was missing, but now he was convinced of Survival. When he saw his son his face was "flesh-coloured and lifelike."

Flight-Lieutenant H. B. Millar, of Hove, Sussex, said he was not a Spiritualist but an investigator. He had sat with Mrs. Duncan 16 times. Sometimes he paid a fee and sometimes he paid nothing. But when he paid a fee he was satisfied.

He had identified 15 spirit forms, one being a woman who was crushed when a bomb fell on a building. He also recognised a friend, who was introduced by Albert by a name that was used only by members of his family. He shook hands with one spirit, a woman, and remarked on her small hands. He was sure none of the figures he saw could have been done by Mrs. Duncan impersonating them.

He told in cross-examination that he was not interested in the regurgitation theory—he thought it a far-fetched theory—and the Recorder said that it did not matter.

That was a curious comment made by the Recorder, for it implied his dismissal of the regurgitation theory. And surely, you would think, that knocked the bottom out of the prosecution's case against Mrs. Duncan.

Millar, in answer to a question, said he would not be fool enough to touch ectoplasm without the guide's permission. He had taken a flashlight picture, with Albert's co-operation. No investigator would be fool enough to risk the life of a medium.

In re-examination Millar said he had not seen any suspicious movements. Of regurgitation, he asserted that no psychic investigator had taken it seriously for the last ten years. It had been laughed at. Loseby now held up his piece of butter-muslin and asked if it would be possible by fraud to exude something like it which had been previously concealed in the pit of the stomach and regurgitated. Millar said that after regurgitation it would be damp, soggy and stained.

Once, he said, he gave Helen Duncan a meal of meat and vegetables, and shortly afterwards he saw absolutely pure white ectoplasm. It varied from time to time, and often it shimmered. When conditions were harmonious it was brilliant. Ectoplasm had been closely examined for a long time. Butter-muslin looked dead when compared with ectoplasm.

Next was Mary Jane Blackmore, founder of the Pathfinders' Spiritualist Society, who said that at her sittings with Mrs. Duncan she had seen about 1,500 materialised forms. She had attended nearly a hundred sittings with Mrs. Duncan, many of them under test conditions, at her flat. Once she saw her father and touched him. He was as solid as the desk in front of her. "It was like touching a statue," she said.

She saw her husband. There was no doubt about the recognition. She was overjoyed with her experiences. Another time she had seen her mother and her aunt standing side by side as materialised forms. She had seen a large number of relatives at different times, and Mrs. Duncan could not have simulated the many voices and dialects she heard spoken by the materialised forms, nor could she have impersonated the forms. She had heard French, Dutch, Welsh, English and Arabic spoken.

Elam remarked that a fraudulent medium would be a blot on

her cause, Mrs. Blackmore said: "Nothing would be too bad for a fraudulent medium."

Lilian Bailey, the well-known medium, told the court that she was a keen investigator. She related how at Staveley, near Nantwich, Cheshire, her mother, a very tall and slender woman, materialised and showed the golden hair of which she was very proud. Her grandmother also appeared and pointed out her long nose, saying: "I've still got it."

Then came the Rev. G. Maurice Elliott, a clergyman of the Church of England, and a Spiritualist with many years of experience. It was thought by the defence that as a clergyman he would be able to answer the comments on the religious implications made by the Recorder. But Sir Gerald addressed no such questions to him, albeit, as you will read, he admitted the clarity of the parson's answer to counsel.

Asked his opinion of the value of materialisations Elliott said that they opened up a new world to the physicists. From the religion point of view they changed hope into certainty and helped people to believe many of the stories reported in the New Testament. "I think you have made that very clear," said the Recorder.

Kathleen E. C. McNeill, wife of a Glasgow forgemaster, speaking in a quiet voice, told one of the many fascinating stories of spirit return heard at the Old Bailey. A sister, whose death had not even been reported in the newspapers—it occurred only a few hours before—appeared at a Duncan materialisation seance in Glasgow. Albert said she had just passed over.

Years later at another seance in Glasgow her father appeared, walked straight to within six feet of her, and she saw that he had, as in life, lost an eye. She recognised the last materialisation at that seance as the form of a friend whom she had seen on her deathbed.

B. Abdy Collins, a retired Indian Civil servant, of Bedford, who said that he had been a magistrate and a district sessions judge, declared that he was a member of the Society for Psychical Research and of the International Institute for Psychic Investigation. He had five sittings with Mrs. Duncan from June, 1939, up to August, 1942.

At one seance at York several spirit forms spoke in Yorkshire and in Lancashire dialects. His wife's sister appeared, but as neither of them knew the details of her death they could not

comment at the time. These were confirmed when he asked his father-in-law.

He, too, said that ectoplasm appeared to be bluey-white and luminous. He could see no reasonable possibility of the forms being simulated by Mrs. Duncan. A large number could not be simulated because the features were too fine. The forms were usually of an unearthly gleaming white.

He had not encountered anybody he could class with Mrs. Duncan, as a physical medium, apart from Jack Webber, who had passed on, and he had had marvellous evidence from him. He had seen Albert and the medium together. As Albert stood beside the medium he turned misty grey.

Mary Anne Wheatcroft, of Battersea, South-West London, said she had travelled specially to Portsmouth for a sitting with Mrs. Duncan. Her evidence was that her husband appeared and called her by a name that no one else used—"Annie." He fulfilled a promise he made some years before he died. It was just the way he would talk to her. She was certain it was her husband.

Frederick Arthur Branch, a sailor, explained how on January 13 the figure of a little old woman appeared. She came to within a foot of him. She came up to his shoulder and he saw hundreds of wrinkles on her face. She spoke in a Suffolk accent. He did not know his grandmother when she was on earth, but when he went home on leave, a fortnight later, he told his mother and she said that it was true that his grandmother had hundreds of wrinkles on her face.

The sixth day of the trial was one of endless evidence of the Duncan mediumship. Witness after witness told of the return of the dead—wives, husbands, children, friends, and even animals. Evidence of the survival of animals in a land so outstandingly fond of them caused amusement at times, but confident witnesses went on calmly giving their evidence.

First in the witness box was Alfred Dodd, author of works on the Shakespeare sonnets in which he makes a case for the claim that Bacon was their author. Loseby checked this part of his statement, saying that one controversy at a time was enough.

His sittings began in 1932 and went on till 1940. In 1932, at Manchester, the curtains were thrown open and he said: "I saw Mrs. Duncan apparently in trance, and at the same time Albert,

who said: 'There's a big man coming out for you.' The form came between the curtains and was my grandfather."

Here the Recorder interposed to ask whether Dodd knew him, and the witness went on with his recital: "Out there came the large form of my grandfather. I recognised him because he was a very big man of more than six feet, and very corpulent. He looked round the room very critically till his eyes caught mine.

"He then strode right across the room from the cabinet and touched the heads of the two sitters beside me. He grasped my hand and said: 'I am pleased to see you, Alfred, in my native city.' I looked at him very carefully. He had on the smoking cap he used to wear and he had the donkey fringe"—a style of wearing his hair—"I knew. His face was brown and bronzed, and he had the same look in his eyes and the same tone I knew so well.

"He next said: 'I'm sorry you are having such a rough time.' " Dodd explained that he was having trouble with some property. His grandfather seemed to know all about it and then touched on something too private to tell the court.

His next evidence was: "'Ban' is here." That was the family pet name for an old nurse. "Keep your pecker up," said the large figure. It was his favourite phrase.

There was thrown over him a kind of net, and as he held it he felt the folds distinctly. His grandfather then put his hand on the shoulder of Dodd's friend in front and said: "Stand up, Tom," in the same commanding way he employed on earth. Tom was afraid and Albert from the cabinet, called out: "Stand up."

Tom did so, and the grandfather said: "Look into my face, look into my eyes and you will know me again. Ask Alfred to show you my portrait. It's the same man."

He walked back, lifted up his leg, gave it three resounding smacks, and then clapped himself three times on the breast, saying: "It's solid, Alfred, it's solid," and disappeared. Dodd declared that Mrs. Duncan knew nothing about his grandfather or his private affairs.

He told how he had gone to a seance in place of someone else, and a little old woman appeared for her son and he heard their voices speaking at the same time. Later a white mist came right through the curtains and condensed into the shape of a little girl

who had come for her father and mother. The little one came skipping into the room.

"I can see the rope in her hands even now," said Dodd, as he leaned forward to emphasise his point. She ran forward to her father and said: "I have made myself solid." The father said he was glad, and then she went to her mother, and climbed on her. Albert called on her to come back, but the girl replied that she wanted to show her mother her curls. There was a contest of wills, and at last Albert gave way to the girl, who showed her mother her golden curls and then left.

Another time he secured a seat at a Duncan seance through someone else. He wanted answers to certain questions. The seance was a disappointment for all the sitters, and there was nothing of note until near the end, when the curtains opened and he saw "the living form of a young woman aged 21. She was the first sweetheart I ever had.

"I knew her absolutely, and she waved in the same way as she did when I took her to her last dance. She wore a white robe with a fine curtain of net. I was so astonished that I stood up and called to my wife; 'Why, it's Helen.' The girl came right round the room, and stood before me—a living, palpitating woman. Her hair was dark and ruddy. Her eyes shone with the same animation and there was the same pallor on her cheeks."

In her soft Scots accent she said: "Well, I'm glad." Her voice was as cultured as it had been when she was alive. It was a Moray accent. The form was so real that instinctively he put out his arms, but she started back and cried: "Don't touch me, don't touch me." She faded before his eyes. He exclaimed: "And that's the truth." Helen had died in 1897.

At a seance in Liverpool in 1940, Dodd went on, he was told that a woman, without a head, in an old-world dress, was trying to materialise.

"A voice said: 'Wait a minute, she has not managed it.' Then the voice said: 'I am very sorry, we cannot manage it, but she told me to tell you that in a previous life her name was Mary. She speaks with a Scottish accent tinged with French. She was a lady, and she lost her head.'

"The singular thing," said Dodd, "is this. Helen had told me who Mary was, and she distinctly described a lady who had gone to the block 300 years ago."

It was while Dodd was giving his evidence that Elam raised

the question of the conviction of Helen Duncan at Edinburgh in 1933. The conviction was not mentioned when the jury were present. They left while the legal arguments went on.

Loseby said that he had talked with Maude, senior counsel for the prosecution, and though there had been no agreement he understood that the conviction would not be raised. Because of that he had refrained, according to the laws of evidence, all along from asking witnesses whether they thought Helen Duncan was a genuine medium.

The Recorder said that as the defence had been allowed to go outside the actual events of the Portsmouth charges, there was some point in the prosecution plea. After referring to a legal precedent he ruled that the Edinburgh prosecution could be mentioned before the jury.

The layman might well be puzzled by this decision. It was in order, stated the Recorder, to refer to a previous prosecution, but it was not in order to allow witnesses to describe test seances held after the prosecution was initiated at Portsmouth!

On the return of the jury Elam asked if Dodd had heard of the prosecution. Yes, was Dodd's reply, but he did not think it was the right verdict. Elam said it was alleged that in pretending to be a medium Helen Duncan had dangled a woman's stockinette undervert to simulate a child.

Then Loseby put the question he had refrained from asking. Did the witness think that Helen Duncan was a genuine materialisation medium?

"She is a genuine materialisation medium," replied Dodd. "I am here because I owe her a debt. She is a genuine materialisation medium and she is absolutely straight." Throughout the questioning on the Edinburgh conviction Mrs. Duncan was heard talking in a low voice in the dock. When Dodd paid her that tribute, she broke down and sobbed.

Dr. John Winning, an assistant to the Medical Officer of Health of Glasgow, told how, in his 40 years of psychic investigation, he had used scientific methods to arrive at his results. He had investigated all kinds and types of mediumship, had sat with Mrs. Duncan 40 times, and in all had seen 400 materialisations.

He had heard many different voices, several languages, and a number of dialects spoken by the materialisations at the Duncan seances. These dialects included Scots, Irish, American, Hebrew and German.

Once, too, he heard Gaelic spoken. It was impossible, he told counsel, that Mrs. Duncan could have spoken those languages. She knew no language but her own. Most of the seances took place at a suite of rooms he kept in Glasgow for the purpose. He had personal experiences, including the return of his mother, who had certain idiosyncracies which she showed. Once she materialised and stood by the side of his sister, whose nose slanted—as did his mother's—but the point was that the noses sloped at opposite angles. He had no doubt of any kind about it being his mother. She had also discussed with him certain domestic and personal matters unknown to the medium.

Asked whether the medium could have impersonated his mother, Winning said his mother was slim, and Mrs. Duncan was not. His brother materialised. The figures came right out of the cabinet, and his mother had taken him by the hand. His brother had appeared 20 times out of 40 seances. Another spirit visitor was his grandmother, whose voice was totally unlike his brother's. He told of other relatives who appeared, and of one who showed himself with his moustache and beard. He had seen about a dozen relatives, and they were all different in voice and appearance.

He was asked by Elam whether he had seen any feet or ears. He answered that if, for example, his mother had appeared without ears he would have noticed that immediately because he was trained to look for the abnormal.

Herbert John Steabben, a psychic healer, of Baker Street, North-West London, said he had held 150 seances. He brought his cabinet to court. He was producing the black curtains when he was stopped.

Just before the war, at a sitting with Mrs. Duncan, his mother had appeared. He noticed her grey hair and the difference in her eyes and those of the medium. His mother had a little mannerism; her lower lip trembled when she was emotionally moved. This happened when she appeared to him.

At another seance, ten years ago, he saw a child of 14 who had a leg amputated. She had long skinny arms. The evidential part of her materialisation was that she showed she had assumed her complete form, her leg was restored, and she danced, something she yearned to do when on earth.

This girl told Steabben that she had his telegram. The human story behind that telegram was that as the child lay in hospital

in such pain that no amount of morphia could quell it, he sent her a telegram, and the nurse said that after she got it she had no more pain. The telegram was buried in the coffin with her. The girl spoke French and English to her parents.

Marie Therese Kerb, of Muddiford, Christchurch, Hants, said that her daughter had been ill for some time before she passed on, and had grown tall and very thin. She had a thin, long face. The child had lost a leg in France, but in England she came dancing out of the cabinet. She opened her spirit robe and said: "Look, Mummy, I can dance now." So, she danced for her mother.

"I knew her because a mother can tell her own daughter," said Mrs. Kerb.

Although the next witness, Albert H. Ormesher, a retired sanitary inspector, of Kendal, Westmorland, was slightly deaf, he made himself very clear. He referred to his notes of seances with Mrs. Duncan. He had been a Spiritualist for 45 years. When he saw his mother materialise, he also saw Mrs. Duncan in the chair.

He saw his sister, an authoress, and she wrote a message for him on a note-pad in the seance room. On comparison with his sister's writing in letters at home the seance writing was found to be identical. She had also signed her name.

On another occasion he saw Mrs. Duncan in her chair when a form materialised which he recognised. Ormesher went on with his detailed accounts of sittings, and from his rich fund of experiences told how a friend called Irving had returned and reminded him of an evening he spent at Ormesher's house, staying so late to hear gramophone records that he missed the last conveyance and was reproved by his wife for walking two miles home in the snow.

Irving also said that he was in the pulpit of the church as his own newly-ordained son took the funeral service. The dead man gave details of the service, and told Ormesher how he had been with him as he walked away, and even how he watched him step back to allow two women to look at his son's grave. One of the women dropped some violets into the grave.

Another of Ormesher's experiences with Mrs. Duncan was when his ten-year-old daughter returned. He had forbidden her to go near the river. One day she went out in the snow and was drowned. But she returned to apologise. He shook hands with

her. Yes, it was her voice, and he could see her as distinctly as he could see people in that court.

For the first time in the trial there was a mention of evidence being given in the morse code, Ormesher tapping on the witness box with his pencil to imitate the sound.

Elam elicited that Ormesher had heard a dog bark at a seance. He was definite about animal survival and insisted that owners could find their pets when they themselves passed over.

He was asked whether there were schools for children in the spirit world, and Elam seemed surprised when he said there were and that their purpose was to enable children to learn what they had missed by passing from the earth so young. His daughter had told him she was teaching children.

One of the most moving incidents of the day came in the evidence of Vincent Woodcock, a young Blackpool electrical draughtsman. At his first seance with Mrs. Duncan his wife materialised, and she had done so 18 times since. At one sitting his wife beckoned forward his sister-in-law and himself. The spirit form then, with difficulty, took off his ring—he showed how hard it was to get off—and placed it on her own sister's wedding finger, saying: "It is my wish that this takes place for the sake of my little girl." Woodcock married his sister-in-law a year later, and since then his first wife had returned to tell them how pleased she was.

All the way from Edinburgh came J. W. Herries, chief reporter of the "Scotsman," to tell of the return of his friend, Sir Arthur Conan Doyle, at a Duncan seance in the home of an Edinburgh lawyer. Herries said that he saw the rounded features of Conan Doyle, saw his moustache and noted the similarity of voice. He was taken a little aback. The first appearance lasted only a few seconds, but he came back again at that seance.

Loseby asked Herries whether he knew Albert's full name when on earth. Herries said he did not know it, but at the Edinburgh Psychic College they had a bust done by a Scottish sculptor who had seen Albert clearly enough to model him. The head, showing a bearded man, was exhibited at the Royal Scottish Academy under the title of "Albert."

Herries was asked whether he was a justice of the peace in Edinburgh. He explained that he was, but that in Scotland only a certain number of magistrates sat in court. That led to a mention of Mrs. Duncan's conviction at the Edinburgh Sheriff

Court. Yes, Herries knew about the trial, for he had sat through it all in court. He did not agree with the verdict.

He was interested as one of the committee of the Scottish Psychical Society, and Mrs. Duncan had mistakenly given a sitting under the impression that it was for that society. Herries said that the defence was conducted by a young lawyer whose first case it was. It was a fact that the people who brought the prosecution were among those who benefited from the Duncan seances.

Although he had heard all the case he did not recall, as Elam suggested, that Mrs. Duncan was caught trying to tuck a vest under her clothes when the light was put on. That was absurd.

In re-examination by Loseby, Herries said that no matter how impartial a tribunal was it was inevitably in a state of complete ignorance of psychic matters. Asked whether phenomena such as he had witnessed could have been faked by the use of an under-vest, the witness said: "It's ridiculous." He added that it was in line with the cheese-cloth regurgitation theory, which was perfectly absurd.

Then there was another Edinburgh witness, James Dougal Duncan, a jeweller, but no relative of the medium. He had been a Spiritualist for more than 40 years. His wife had materialised at Helen Duncan's seances. Once his wife had come out of the cabinet and stood under a light which he had taken to the sitting. They talked of intimate things.

Asked whether he knew his wife, he answered dryly: "I should know her." He had no shadow of doubt it was his wife. His father and his brothers had appeared. When asked whether the appearances could have been caused by a swindler behind the curtains, he replied: "Impossible."

Yet another Scotsman, Joseph Watt Milne Smith, a Dunfermline solicitor, told of his experiences with Mrs. Duncan. His mother proved her survival at the Edinburgh Psychic College.

Margaret Lyon, of Govan, Glasgow, a psychic healer, was one of the most insistent witnesses of the long procession in the court that day. Her father came back to her and called her by her pet name. Her comment when she heard that was: "I was speechless."

Touchingly she recounted how she was convinced still further by his reference to her thwarted ambition of becoming a teacher.

His death had prevented that, but he told her that she was now a better teacher than he could have made her. "Nobody could fake those words," she said. Her father was a riveter in a shipyard, and she felt, as she took his hand, that it was hard and horny, but more evidential still, that he had reproduced a contracted finger.

Elam questioned her about her healing and remarked that psychic healers were not recognised by the medical profession. Mrs. Lyon's answer was that she had more than 12 doctors who sent her cases, and she healed in hospitals and asylums.

The Recorder asked Mrs. Lyon what kind of ills she healed, mentioning rheumatism, and she said she had cured rheumatoid-arthritis, cancer and tuberculosis. In the case of cancer much depended on whether it was in an advanced state. Asked by the Recorder how she did it, she replied: "By the laying-on of hands and asking God's help."

No, she was not a Christian Scientist, and she wound up her evidence by reminding the court that it had been said: "Greater things than these shall ye do."

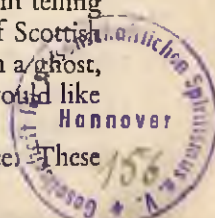
There were three more witnesses, Helene Fry, a Frenchwoman living in London, William John Gerrard, a plumber, of Chester, and Janet Dodds, of Dunfermline. In her canny way Mrs. Dodds explained that one night she and her mother had sat by the fire making a compact about trying to return after death.

It was agreed that if the mother passed first she would return and say: "It's true," and if the daughter came back first she would, "Sing a wee hymn." The mother proved her survival at a Duncan seance by saying: "Jen, it's true."

She had a remarkable test when Albert materialised, came out and stood on one side of her while Mrs. Duncan, in trance, was made to stand at the other side. Albert put his arm over the two women to measure which was the taller. Mrs. Dodds was the taller. Yes, she told the Recorder, she had seen the guide and the medium at the same time.

Elam asked Mrs. Dodds whether she believed in ghosts—he had previously asked someone whether they believed in telling fortunes by cards—but Mrs. Dodds was the essence of Scottish caution. She would not be drawn. She had never seen a ghost, and even if someone told her they had seen one she would like time to think the matter over.

That ended the testimony of witnesses for the defence. These



witnesses were remarkable in the way they gave their evidence. Counsel for the prosecution did not dare to attack their integrity. They stood up to cross-examination and refused to yield their ground.

They were not incredulous men and women who had jumped to hasty conclusions. They were, in many cases, people who held responsible positions. They had come from all over the country to give their testimony. They were satisfied that, through Helen Duncan's mediumship, they had seen their beloved dead materialise and thus Survival had been proved to them.

CHAPTER XI

WASTE OF TIME?

BEFORE Loseby addressed the jury in a two-hour speech, the Recorder asked them: "If you think that any kind of demonstration is likely to assist you, I will consider the matter." After a few moments the foreman said: "The general opinion is no."

The Recorder's request was mysterious. At the beginning of the trial, he had rejected Loseby's offer of an "acid test," a demonstration of Mrs. Duncan's mediumship to the jury. This the Recorder had refused on the grounds that it would be wasting the jury's time. Yet, a week later, for some unknown reason, he asked them if they would like the demonstration. Why should he want them to see anything that would be a waste of their time? He did not consult the jury before turning down Loseby's offer. There was no hesitation in his mind when he originally dismissed the proffered test. Why should the question arise again?

And note that if the jury, when asked, had desired the demonstration, the Recorder did not promise to arrange it but only to "consider the matter."

It was the seventh day of the trial and there was an air of weariness in the court as Loseby rose to address the six men and one woman who had heard a case that will be long remembered.

If it were proved that she was a cheat, a fraud and an impostor, he said, then she was a person of no importance. "I want to say she is nothing of the kind," said Loseby. "I say that she is a person through whom a matter of vital importance to the world,

more particularly at this time, has been proved." Through her mediumship hope had become a certainty.

He was saying something tremendous. His case was that Mrs. Duncan had held herself out to be a materialisation medium, a person through whom spirits from another world could make themselves visible.

He criticised the way in which the charges were framed. The prosecution, instead of using plain, simple, intelligible words of common law under which all could have been charged with obtaining money by false pretences, had gone back to the Witchcraft Act of 1735 for the purpose of making Mrs. Duncan look ridiculous—a kind of witch. Why this rigmarole of 200 years ago?

The charge was that the four defendants had conspired together at diverse times to exercise a kind of conjuration. That involved a claim that Mrs. Duncan could conjure up. All that she had claimed was that she was a medium, a term that explained itself. There was a wide literature on the subject of materialisation, which included contributions from Sir William Crookes, a president of the Royal Society.

There was no suggestion of conjuration of spirits in what Mrs. Duncan or any genuine medium did. They said, in effect, that they were a kind of conduit pipe, through whom contact was made with the Other Side. The form of the seances was simple, there was a humble prayer to begin with, and then the Lord's Prayer.

"If there is conjuration in that," declared Loseby as he looked at the jury, "then every priest in the world would be guilty of conjuration. Every time a Roman Catholic priest ended his mass by praying for the communion of saints he was exercising a kind of conjuration." But there had not been a word of evidence of conjuration. Was the Witchcraft Act of 1735 appropriate to this case at all?

Dealing with the seances, Loseby declared: "There is no fundamental difference in the acts of God exhibited in one way or another. God is showing Himself in another way, strange as it may seem, unacceptable as it may be, in humble surroundings, in circumstances that the stupid might think ridiculous and stupid."

The real issue was whether the chief defendant was an impostor or not. An odious picture had been painted of the Ports-

mouth seances in January, 1944. Loseby referred to Lord Dowding, an air chief marshal, and prominent in the Battle of Britain, who had spoken at Portsmouth, when he was told by the Recorder, very quietly, that as Lord Dowding had not been called his words could not be given.

Loseby replied that Gill, one of the witnesses for the defence, had gone to the Dowding meeting thinking Spiritualism was a "lot of hooey," but he was so impressed with what he heard that he went to see Mrs. Duncan. As a result of what he saw there he was a hundred per cent. convinced.

Loseby explained the evidence received by some of the witnesses, and then showed how natural it would be that Mrs. Duncan, discovering that she was a medium, but one who ran considerable risks, even to the extent of endangering her life, like a canny Scot decided to charge a fee for her seances. Loseby was frank in his criticism. Some of the seances may not have been well managed. Mrs. Brown may have said irrelevant things. Too many people may have been admitted.

But he explained that some of the things said at the seance which would not be understood by those unacquainted with seances were easy to understand. The fees Helen Duncan charged were from £7 to £9 a sitting. If there was anything wrong in charging it would have been stated clearly in the indictment. The medium was not even charged with sitting too frequently, or that, too, would have been in the indictment.

There had been dreadful incompetence and folly by the Homers. They held materialisation seances, with well over 20 people present, when some who had paid 12s. 6d. would be unable to see properly and therefore could presume fraud. But the Homers were not charged with that. Mrs. Brown had been over-garrulous and Mrs. Homer had said foolish things.

Of the sittings in January, Loseby said he asked Lieutenant Worth if it was true that even before Mrs. Duncan visited Portsmouth his name was being discussed in Oxford by a member of the Lock family, who said that a summons was to be taken out against her. Worth was frank in his evidence: he was an important person in this case. Mrs. Homer had used words in describing Mrs. Duncan that could be called "puffing," but the point was that the defence did not admit that a single word said by Worth was true.

Loseby said there was nothing sinister in the changing of seats

by Worth and Fowler. In mediumship of the Duncan type, a degree of co-operation was necessary; that was why Mrs. Brown and Mrs. Homer asked the sitters to invite spirits to come out. These women had experience and knew that time was saved by their method of asking the forms to come out of the cabinet.

Detail by detail he examined the evidence and behaviour of Worth and summarised it all by saying that although the doctor sat next to him, he did not corroborate a word that was said. With some care counsel for the prosecution had not asked for that corroboration. That was important, because if the doctor's testimony went, only Worth was left for the prosecution. Not one witness corroborated him.

Then, still detailing the uncorroborated evidence of Worth, Loseby said that on the point of telling Homer that he had telephoned his mother to confirm the statement made at the seance that he had a prematurely-born sister, he had convicted himself of being a careless liar, reckless when he had an object.

He had told one lie to Homer, and when on oath in the witness box he said he had done so on police instruction. Then he had corrected himself by saying that Peggy was a bulky figure—meaning she was Mrs. Duncan—when, in fact, she had been seen hundreds of times. Worth had told lies to secure the conviction of Mrs. Duncan, though he knew at the time his words were untrue.

Counsel said he had much to contend with because much that went to prove identity in spirit communication was made the subject of ridicule—the mutilated body, the survival of animals, and so on. He did not attempt to explain: it was so, and "we had to swallow the dog."

It was natural that the parrot which materialised should be white; so were all the materialisations. It would be unlikely that Mrs. Duncan, if she were a fraud, would carry about with her a parrot. A caravan would be necessary for all the apparatus essential to fraud. The white helmet worn by the policeman who materialised gave point to the purpose behind all the manifestations—to give the evidence in the best possible manner.

More evidence given at the Portsmouth seances attended by Worth was reviewed: the Barnes's son and granddaughter, the birthmarks on the face of a woman, the spirit who spoke not only Spanish but a dialect of Spanish.

Loseby asked whether it was conceivable that Mrs. Duncan

was such a consummate actress that she could simulate all the characters, all the voices, all the languages and all the dialects manifested and spoken by the materialised forms.

He dealt with the use of the word "bloody" by one spirit by saying that his very uncouthness was evidence of identity.

Then he examined the evidence of Spiritualists who had come long distances, who were not stupid people, but who had shrewdly given their testimony, for it was in defence of their religion.

If the jury believed one isolated case, then the case for the defence was proved. "If one person, supposed to be dead but not dead, has come through Mrs. Duncan," he said, "my case is proved. Spiritualists simply say: 'We believe this as a part of our religion.'"

The Recorder interposed: "This prosecution does not involve any attack on Spiritualists."

On the critical seance of January 19, counsel said that the aim was to catch Mrs. Duncan red-handed and to find the sheet. But from all that occurred it was clear, abundantly clear, that there was no sheet. War Reserve Constable Cross had expressly been asked about the time he saw Mrs. Duncan standing in the cabinet, and he said often, not once, that she stood for 60 seconds. She was not standing at all, and he reminded the jury of witnesses who had seen her seated. Where was the sheet? It had never been found, because there was no sheet.

The birthmarks, the features, the voices, the baby—they could not have been done by a sheet. There was no sheet.

Then there was the test of Mrs. Duncan's mediumship which he had offered to the jury at the beginning of the trial. That was the acid test, and one of great importance to the medium. But it was refused. In spite of that he was sure that the genuineness of Mrs. Duncan's mediumship had been proved.

He had called many witnesses, but he could have called thousands if necessary.

On the Edinburgh conviction of 1933 he was frank. She had been fined £10. It was the aim of the defence that nothing of the kind should happen again, and the wonder was that Mrs. Duncan had been wrongly convicted, not once, but 20 times.

Maude, in a much briefer address to the jury, paid tribute to the skill with which Loseby had conducted the defence, and then poured scorn on some of the statements made by witnesses—the

cat that miaowed, the rabbit and the parrot. He made a point of Loseby's criticisms of the Homers and Mrs. Brown, and said that people who went to these seances saw what they wanted to see.

He scoffed at the picture of the after-life as revealed by the seances—"some other world, where we don't know, with a setting that we don't know, where people wear monotonous clothing, no shoes or boots, a dull sort of world."

Referring to the mutilated form at one seance, he asked: "How does it come about that Providence allows this monstrous shape to come?" And why did not the cat come back, showing itself as it lay expiring when it was drowned? He described Albert, Mrs. Duncan's guide, "as a sort of commissioner."

He asked the jury to imagine an afternoon in the other world, saying: "They are sitting round Mary Queen of Scots. Her head is on. St. Sebastian, the pin-cushion saint, is there, perfectly normal. There are various persons who have been mutilated, looking perfectly all right. No arm or leg cut off, no eyes out.

"Then suddenly someone says something that is sad. Off comes the Queen's head—under her arm, I suppose—St. Sebastian begins to bleed, and un-mutilated persons become mutilated. It is absolutely fantastic. If this is the sort of thing we are coming to, it is time we began to pull ourselves together and exercise a little common sense."

Referring to Loseby's indictment of Worth and Cross, Maude said: "Of the various criticisms of the people called by the prosecution I do not propose to say a word."

He told the jury: "Mr. Hannen Swaffer will not pay the slightest attention to what you think."

It was curious that only the relatives of inquirers—he called them credulous—appeared; they saw what they wanted to see. In a digression he scoffed at some claims put forward by healers, and talked of the "magical" cures, and the box that was to cure cancer—a reference to the Abrams box. Maude said that doctors who themselves were sometimes the victims of fell diseases would be the first to investigate new methods.

Maude asked why Jarvis's alleged phrase—"bloody twisters"—had not been explained by putting his brother in the witness-box. "It may be that we do not change when we pass on," he said, "and Jarvis retains his robust language."

He contrasted the use of the word "bloody" with the prayers

said at the opening of the seances, and asked why historical figures like Napoleon, Shelley, Keats, Socrates and Shakespeare did not return. For the parrot which materialised he used the Shelley phrase: "Hail to thee, blithe spirit, bird thou never wert." For it was not a bird but a fraud.

He brought in Browning's attack on "Sludge, The Medium," and said that throughout the ages it was recognised that dealing in occult powers was an opportunity for the fraudulent.

He said that Mrs. Duncan, like all fraudulent mediums, picked up information because of the position she had gained as a kind of goddess. Worth's lie about telephoning his mother he described as a white lie to which he had to resort to catch Mrs. Duncan and the Homers and Mrs. Brown.

He could see no conceivable reason why the curtains should have been opened or closed, or why Mrs. Duncan should have worn white or black clothing. He dismissed the languages spoken at her seances by saying that a smattering of languages would be easily learned by a person setting out to be fraudulent. Apparently as you got old you kept old in the spirit world. There had been thousands of fraudulent mediums.

The Recorder's summing-up, which lasted for nearly two hours, began with an explanation of the Witchcraft Act and the legal view of conspiracy. If Mrs. Duncan, by going into a trance, or simulating a trance, pretended to hold communion with the spirits, that was the kind of conjuration which was referred to in the Witchcraft Act. The emphasis was on the word "pretend." The offence, if there was an offence, began as soon as it was claimed to do that kind of thing.

He said that the case had exceeded all the bounds to which it should have been kept. Matters had been brought in beyond the Portsmouth seances—which was really what they were concerned with—and he had granted every indulgence.

The prosecution, as framed, he said, in no way attacked Spiritualism as a sect, and it could not by any possible exaggeration be magnified into anything but a charge of commonplace fraud. No religious persecution was involved.

Then he went through the evidence from his notes, incident by incident, after he had explained that conjuration was derived from the Latin, meaning to band together.

He dwelt on the attack made by Loseby on Worth "in measured terms" and with some dramatic effect. The jury had

to decide for themselves whether Worth was to be believed, for his evidence was fatal to Mrs. Duncan.

The Recorder said he had to point out that of the four defendants only one, Homer, had gone into the witness-box. The defence had adopted a policy of not putting the other three defendants in the witness-box, and by that may have prevented them from saying something to their advantage.

He spoke, too, of the animals which materialised at one seance, saying that at the end of the zoological part of the demonstration there was a rabbit. He mentioned Worth's subterfuge of telling Homer that he had telephoned his mother about the prematurely-born baby when he had not done so. The jury might on that account disregard the evidence of Worth: it was entirely a matter for them, but he said that Worth corrected his statement that he was acting on police instructions at the first opportunity.

The defence, he said, was entitled to the benefit of the fact that when the police made the search nothing was found. The white sheet, or whatever it was, was said to be an ectoplasm, but nobody had explained what an ectoplasm was.

One witness had surprised him when he said he had a guide and that we all had guides.

"Nobody," said the Recorder, "doubts that Spiritualism may have some value if a person has no belief in the Christian faith or if their faith is so weak that they are unable to accept the Easter story of the Christian religion, in which the whole thing is summed up. Whether the general effect of Spiritualism is good or bad, who can say? I don't propose to make any comments.

"All that Mr. Swaffer said was to contradict some of the others, not altogether to be wondered at."

He quoted Abdy Collins, who thought there might be an emotional tendency at seances. That, said the Recorder, the jury might think accounted for a great deal.

A large number of witnesses displayed enthusiasm, even ecstasy. "Spiritualism may be a thing," he said, "which gives infinite comfort. Perhaps it does. We are not trying the doctrines of Spiritualism or whether Mrs. Duncan could, on other occasions, make genuine manifestations."

Of the offer of the test sitting he said that if Albert did not come to Mrs. Duncan's aid it might operate unfairly against her. He did not think it was something with which the jury should be associated.

After an absence of 25 minutes the jury found the four defendants guilty of conspiracy to contravene the Witchcraft Act. The clerk told the jury that they were discharged from giving verdicts on the other counts.

Chief Constable A. C. West, of Portsmouth, said that Mrs. Duncan was born at Callander, Perthshire, educated at the public school there, and married to a cabinet maker. They lived in Edinburgh and had a family of six, ranging in age from 18 to 26.

Mrs. Duncan had been a so-called Spiritualist for many years past and was well known as such in Edinburgh. She spent much of her time travelling the country as a medium. So far as he could find out, neither she nor her husband paid income tax.

She was convicted in 1933 at Edinburgh. The chief constable began to read an extract from the statement of the Procurator Fiscal at Edinburgh relating to that case, in the course of which he said that when a woman challenged her at a seance Mrs. Duncan said: "I will brain you," swung a chair and struck two people in the audience.

Mrs. Duncan (from the dock): "I never did."

She had been coming to Portsmouth for the past five years. Apart from the fact that she had not been in trouble since 1933, he could find no redeeming feature in her character. He said:

"Not only has she attempted to delude the confirmed believers in Spiritualism, but she has tricked, defrauded and preyed on the minds of a certain credulous section of the public who have gone to these meetings in search of comfort of mind in their sorrow and grief, and many of whom left with the firm conviction that the memory of the dead had been besmirched.

"She thought fit to come to Portsmouth, the first naval port of the world, where she would find bereaved families."

The Recorder: "She may have been invited."

The chief constable said that in 1941 Mrs. Duncan was reported for having transgressed the security laws when she foretold the loss of one of H.M. ships before the fact was made public. "She is an unmitigated humbug and pest," he declared.

Homer came from Staffordshire. He had no previous convictions and had a good character. He was a dispenser and not a qualified chemist. They had known people who had convictions practising at the temple above Homer's house as mediums.

Mrs. Homer, who was 50, came from Newbridge, Mon, and

had been separated from her husband, George Arthur Jones, for 24 years. She was married when she was 19, and during the last war she travelled in France with theatrical touring companies, entertaining the troops.

She had been connected with the Spiritualist movement for 15 years and in 1940 the room at Copnor Road was registered as a Spiritualist church. The police had traced receipts which showed that some £450 had been handed to charities from the church.

Mrs. Brown, who came from Co. Durham, was married in 1913 and normally lived with her husband, a colliery mechanic. In 1929 she was convicted of larceny at Marlborough Street. A month later she was sentenced at Sunderland for shoplifting. Mrs. Brown encouraged people to attend performances and acted as "prompter" to the audience.

The Recorder announced that he would pass sentence on Monday, three days later, and as Mrs. Duncan went weeping downstairs, she said in a broad Scots accent: "I never heard so mony lies in a' my life. I dinna ken why they should get away with thae lies."

On Monday morning, before he passed sentence, the Recorder named the four defendants and said: "You have been found guilty of conspiring together to commit an unlawful act, namely, of pretending to recall spirits of deceased persons in visible and tangible form; the emphasis, of course, is upon the word pretending. Whether genuine manifestations of the kind are possible, the verdict does not decide and this court has nothing whatever to do with any such abstract questions.

"The jury found that the method adopted by you in the exhibitions covered by the charge amounted to fraud upon those who witnessed them. It has been argued that the statute of 1735, which makes such pretending an offence, is old and out of date. But fraud existed long before that statute was passed and has prevailed in one form or another ever since. It has also been suggested that Mrs. Duncan should be allowed to give a demonstration of her powers. As I have already said, if this had taken place and nothing had appeared Mrs. Duncan would have been condemned even before she had been tried. It would have been in effect a reversion to the Dark Ages and to something very akin to trial by ordeal.

"It was not a question of Mrs. Duncan taking a risk but a question of her being tried according to the laws of the land.

There is nothing in this prosecution directed against Spiritualism as such, and all those who may believe in genuine manifestations of a spiritual kind will, I imagine, welcome the expulsion of fraud.

"In law there is no uncertainty at all about the position of Spiritualists, among whom there are many sincere and devoted persons. They are free to go their own way, and they are only responsible to the law when fraudulent practices are proved. In this respect they are no different from any other section of the community. In this case the jury appeared to have little hesitation in finding that all of you have participated in a common fraud, and I just deal with the case upon that finding.

"There are many people, especially in wartime, searching for their loved ones. There is a great danger of their susceptibilities being exploited, and out of this yearning for comfort and assurance there are those, unfortunately, who are ready to profit.

"Many of these persons who seek this solace are trusting by nature, and in poor circumstances. The law endeavours to protect such persons against themselves. In this case Mrs. Duncan made £112 in six days, which is some indication of how willing people are to dabble in the occult. That being so, it is highly important, in the interests of the community as a whole, that these demonstrations should be conducted without fraud.

"I have considered very anxiously the course I should take, and I have come to the conclusion that, as the jury have found this a case of plain dishonesty, I can make no distinction between the accused. In the case of Mrs. Duncan it is she who has made the most out of this, and the sentence I impose upon her is nine months."

When Mrs. Duncan, standing in the dock, heard those words, she cried out: "I didn't do anything." Then she swooned and was heard moaning. After a few seconds she recovered, and again protested that she had not done anything, crying out: "Oh, God; is there a God?"

Addressing Mrs. Brown he said: "It is a long time ago since you were convicted for shoplifting. I dismiss that from my mind altogether. You took an active part, particularly by the exhibition of these photographs. It is quite true that they were so crude that one would hardly imagine they would deceive anybody. But you were trying to impress upon people the

genuineness of this exhibition by the handling of these photographs. The matter, therefore, cannot be passed over in this case. The sentence of the court upon you is one of four months' imprisonment."

To E. H. Homer and Elizabeth Jones he said: "You are in a different position. It might well be that you engaged Helen Duncan and it may well be that your enthusiasm led you to close your eyes to what was going on."

They had good characters and he did not think it necessary to pass sentence of imprisonment on either of them. "I trust in future," he said, "you will be on your guard against those who are only too ready to make money at the expense of credulous people." However, he gave them the benefit of the doubt and bound them over, "to be of good behaviour for two years in your own recognisance of £5."

Then Loseby addressed the Recorder, asking for a certificate of appeal, saying that there were three difficult matters in the case. The first was whether the Witchcraft Act applied to this case at all. The second one was the offer of the test of Mrs. Duncan's powers, made in his opening speech. He submitted that it would have been in the nature of a medical examination and it might have been conclusive in favour of Mrs. Duncan. But it might also have been totally wrong.

There were four or five people present at a test made of the medium after the proceedings in the case were begun. All that was ruled out.

It would be unfortunate if, say, three months elapsed until the appeal was decided, and Mrs. Duncan was kept in prison. It might thereafter be decided that the trial should be quashed. He said it would help him in the appeal if the whole matter was *sub judice*.

The Recorder said he did not see that the case deserved a certificate. Loseby referred to the Press, saying that some newspapers had been rather free with their headlines throughout the trial. He said the matter would be *sub judice* within two hours. That knowledge might assist the Press. The Recorder's last comment on the case was that Loseby had been rather tempting to them.

CHAPTER XII

FAITH VERSUS KNOWLEDGE

THERE are many implications which arise from the proceedings at the Old Bailey.

Ever since modern Spiritualism began its great task of demonstrating the existence of an after-life, it has aroused the hostility of clerics, who regard anything concerning the next world as their special and privileged preserve. They have appointed themselves the custodians of all the paths that lead to God; they declare, in effect, that they are the keepers of the keys of heaven, and none can gain admittance unless it is done with their consent and through their auspices.

Spiritualism proves the basis of all religion. If there is no life after death, if the grave means extinction, then religion is futile. If man is only a material being whose whole existence is determined by his earthly span, then the only logical code of living is a materialistic one. Religion stresses, or should do, spiritual values, values that endure. Spiritualism proves the survival of man as a spiritual being and thus demonstrates what is, in effect, the heart-beat of religion. It is in reality religion's greatest ally, although in practice it is regarded as the Churches' greatest enemy. The real reason for the antagonism is not hard to find.

Spiritualism destroys the vested interests of priestcraft. The experiences of those who have died reveal that nearly all the creeds taught as fundamental in orthodox religions are of no value in the next life or, indeed, in this. That is why Spiritualism incurs the enmity of the orthodox. They are more concerned with loyalty to their doctrines than they are with Truth.

A case in point is the inquiry instituted by Dr. Lang, when he was Archbishop of Canterbury. At the suggestion of Dr. Temple, who became the Primate and was then Archbishop of York, Dr. Lang appointed a committee to inquire into Spiritualism. It met for two years. The committee included some eminent people, both secular and lay. The majority of the committee, the seven most important members, out of a total of ten, signed a report affirming that Spiritualism had been proved. That was such a shock that the report was smothered. Though its nature was kept secret I managed to publish its findings. The

publication created such a stir that Dr. Lang was forced to take some action. He called a meeting of the diocesan bishops, who decided to acquiesce in the smothering of the committee's report.

My difficulty in dealing with some of the statements made by the Recorder is that I do not wish to suggest for one moment that his religious views in any way affected his handling of the case. He is a devout Anglican and, I am sure, would be the last consciously to allow his private opinions to influence his public judgments. But every man, no matter what his station, rank or title, is influenced by his views on religion. Like every other human being in the world, Sir Gerald Dodson is no exception. He would be non-human if he were. If I were a judge and had strong views about Christianity or any other religion, I would ask to be excused from trying a case in which religion was involved.

Not long ago a Roman Catholic was appointed to be a divorce judge. Some newspapers protested. They pointed out that Roman Catholics held strong views on divorce and, therefore, a Roman Catholic was not the ideal person to be a Divorce Court judge.

Sir Gerald Dodson is an ardent Christian. His views on religion were intruded by him at the Old Bailey. The plain fact of the matter is that he had no right to refer to Christianity or its doctrines.

"Nobody doubts that Spiritualism may have some value," he said, "if a person has no belief in the Christian faith or if their faith is so weak that they are unable to accept the Easter story of the Christian religion in which the whole thing is summed up." What had that statement to do with the issues he was asked to try? His comment is gratuitous, especially as he said, a few seconds later, "I don't propose to make any comments." He was there as a judge to guide a jury on points of law, and to sum up statements made by the prosecution and defence. Whether Spiritualism had value, or was valueless, was nothing to do with the proceedings in his court. Whether people believed the Christian faith or rejected it, whether they accepted the Easter story or denied it, these were questions which were not involved. And he had no right to introduce them.

As a matter of fact, Sir Gerald Dodson has been answered by many distinguished Christians. On this point the Very Rev. Dr.

Norman Maclean, ex-Moderator of the General Assembly of Scotland, has declared:

"The whole narrative of the first Easter day, *which is so difficult to understand*"—the italics are mine—"becomes intelligible to the modern mind in the light cast upon it by psychic research."

Here is a famous member of the Church of Scotland declaring that Spiritualism makes intelligible an Easter story which is difficult to understand. And Dr. Maclean is an expert on such matters—Sir Gerald Dodson is not. Dr. Maclean has also declared, and Sir Gerald might like to ponder on these words:

"Those who denounce psychical research as if it endeavoured to propagate falsehoods, and who deny the possibility of what it proclaims are the real enemies of Christianity."

The Recorder said to one witness, who answered his question on the purpose of Spiritualism by saying that it proved the after-life: "It is trying to establish the central fact of the Christian belief. It is not content to leave it where it is, but to prove it." He was not trying the religious principles of Spiritualism. He was not called upon to express his views on the difference between Spiritualism and Christianity. It was not his place to disparage those who followed the exhortation attributed to Jesus: "Ask and ye shall receive, knock and it shall be opened unto ye, seek and ye shall find." According to the Bible, it was a virtue, and not a vice, to add knowledge to faith.

"We are not trying the doctrines of Spiritualism," he announced. Then why did he make comparisons between Spiritualism and Christianity?

One witness had surprised him, stated Sir Gerald, when he said he had a guide and that we all had guides. Why should he be surprised? There is the Bible text, which he surely knows, that asserts: "He shall give his angels charge concerning thee."

Whether the jury was influenced by these religious declarations of the Recorder, I do not know. Perhaps they were not. Perhaps they were. But isn't it time that all magistrates and judges were instructed by the Home Office to refrain from making gratuitous observations that are irrelevant to the case they are trying? We do not pay them salaries to air their views in the courts of justice.

There is another observation made by the Recorder with which I must deal. "Nobody has explained what an ectoplasm is," he said. He made this surprising declaration at the end of a

case in which psychic experts had precisely described what ectoplasm—not *an* ectoplasm—is, and does. His statement implied that either he had not paid sufficient attention to expert witnesses, or he preferred to disregard the many careful experiments conducted by scientists of international fame.

Then there is Sir Gerald's extraordinary statement, concerning the offer of a test sitting to the jury, that if Albert did not come to Mrs. Duncan's aid it might operate unfairly against her. But the Recorder did not finish this proposition. Supposing Albert *had* come to her aid! That is what the defence anticipated when it made the offer. Does it not follow that a successful demonstration might have won the case for her?

His reason for declining the "acid test" was that he considered it not the sort of thing to which a jury might be invited, because people might have very strong principles against doing anything of the sort. Was he suggesting that it might offend their religious scruples? If so, they were unfitted to be members of the jury.

The processes of the law are very mysterious. What the Recorder refused at the Old Bailey was demanded at Hull only a few weeks later. A woman was charged with telling fortunes under the Vagrancy Act. The magistrate, J. R. MacDonald, challenged her in court to gaze into her crystal, which was among the exhibits, and tell him how much he had decided to fine her. If she could do it he said he would dismiss the case. The woman refused to accept the challenge because, she said, she had to be in the right mood—a very logical explanation. After all, psychic powers cannot be induced to order, or commanded to function. As soon as she stated her refusal, the magistrate, declaring: "You are a fake," fined her £3.

When Loseby offered the test seance at the Old Bailey it was the judge who refused. "It would have been, in effect," he said, "a reversion to the Dark Ages, and to something very akin to trial by ordeal." Who is it that decides, I would like to know, that what is legally right at Hull is legally wrong at the Old Bailey?

Quite by chance a few weeks after the case, I bought a book which deals with celebrated libel and slander cases. It cites an occasion when Houdini, the "Handcuff King," was accused of being a fraud. He sued for libel. To refute the charge he asked to be handcuffed before the jury, and then freed himself. That

demonstration won him the case. A conjuror was allowed to exhibit his powers in court to prove that he was genuine. A medium was denied that opportunity.

The Recorder said of Hannen Swaffer's evidence: "All that Mr. Swaffer said was to contradict some of the others, not altogether to be wondered at." Where was the contradiction? Swaffer was asked whether at the seances he attended there was any odour from the ectoplasm. He answered, "No." Some of the witnesses stated that there was an odour at their seances. That is no contradiction. Swaffer was not present at their seances. He could testify only about the ones he attended. If Swaffer had done nothing else that day he had demolished the cheese-cloth "theory." After his appearance in the box, counsel for the prosecution never dangled the cheese-cloth again.

When Swaffer was asked by Loschy: "You are also, I believe, a dramatic critic?" the reply came: "I was, unfortunately."

"Unfortunately for whom?" asked the Recorder.

"For me, my lord. I had to sit through it."

We did not know it at the time, but Sir Gerald's remark, in this connection, was perhaps understandable in view of the fact that he was once joint author of a light opera, "Rebel Maid."

"In law," said the Recorder, "there is no uncertainty at all about the position of Spiritualists, among whom there are many sincere and devout persons." That may be his opinion, but many years of experience have proved to Spiritualists that he is quite mistaken. "They are free to go their own way," he added. They are far from free! They are the only religious body in this land who are not free to practise their religion. "They are only responsible to the law when fraudulent practices are proved," he continued. "In this respect they are no different from any other section of the community." And he prefaced these words with his opinion that "there is nothing in this prosecution directed against Spiritualism as such."

The Vagrancy and Witchcraft Acts rob Spiritualists of their religious freedom. Every Spiritualist meeting at which psychic powers are demonstrated, and of course every home circle, is illegal. Now that the application of the Witchcraft Act has succeeded in imprisoning a medium, all Spiritualists who prove Survival are committing a criminal offence.

If the only question to be settled was whether Helen Duncan was a fraud, why was she not charged with being a fraud? Why

all the rigmarole of the Vagrancy Act and the Witchcraft Act? Why confuse the whole issue with witchcraft, sorcery, conjuration and enchantment?

No medium has any defence when charged under the Witchcraft Act. To say that she is a genuine medium does not help her. To prove that she is a genuine medium does not help her. The offence under this Act is the mere pretence to exercise psychic powers. The fact that you actually did exercise them is no defence. The Witchcraft Act declares that there *can* be no genuine psychic powers, and all psychic demonstrations are pretences at which false claims are being made. That being so, there is no necessity for trials in courts of law, no need for burly policemen to devise ways of breaking up seances. All mediums should be arrested.

The word "pretending" is vital. It does not mean that there is an offence *only* if the claim is fraudulent. It has been interpreted to mean that the *mere claim* of communicating with the dead is the offence. Is that why the Witchcraft Act was introduced? It would seem so. This decision strikes a blow at the whole of Spiritualism, for mediumship is its foundation. How, then, can Spiritualists be "free to go their own way"?

The Recorder stated that Helen Duncan's offence was pretending to hold communion with spirits, for that was the kind of conjuration referred to in the Witchcraft Act. The emphasis, he said, was on the word "pretending." The offence began as soon as it was claimed to do that kind of thing. That was followed by his declaration that the prosecution's case was a charge of commonplace fraud.

He returned to stress this point before passing sentence by saying: "Whether genuine manifestations of the kind are possible, the verdict does not decide and this court has nothing whatever to do with any such abstract questions."

But if the offence, as he stated, was claiming to hold communion with spirits, then every genuine medium is guilty under the Witchcraft Act and has no defence in law. Every seance is a claim to have communion with spirits. Every seance is, therefore, a contravention of the Witchcraft Act. The question of fraud simply does not arise—so far as this Act is concerned.

Spiritualism depends on the demonstration of mediumship, on the holding of seances. There are special prerogatives of Spiritualism, which make it different from every other religion

in the world. By applying the Witchcraft Act to a medium, an attack is made on the foundation of Spiritualism. Yet, the Recorder stated that the prosecution in no way attacked Spiritualism. No Spiritualist will share his opinion. Words mean what they mean. No religious persecution was involved, said Sir Gerald Dodson. Whatever the Recorder believed, the result is a religious persecution. The Witchcraft Act makes the religious practices of Spiritualism illegal. And that is religious persecution.

It is arguable whether the jury's verdict bore the interpretation placed upon it by the Recorder. He said: "The jury found that the method adopted by you in the exhibitions covered by the charge amounted to fraud. The jury have found this is a case of plain dishonesty." But the jury were not asked to decide whether Helen Duncan was a genuine medium or not. They were asked to give a verdict only on one question: Did Helen Duncan claim or pretend that she was a person who could communicate with spirits—a claim or a pretence that contravened the Witchcraft Act?

Surely it follows that, even if the jury believed she was a genuine medium, there was only one answer to the question as to whether her powers—or the pretence of having those powers—contravened the Witchcraft Act. The charge was clearly stated, that she had pretended "to exercise or use a kind of conjuration, that through the agency of Helen Duncan spirits of deceased persons should appear to be present in such place as Helen Duncan was then in, and that the said spirits were communicating with living persons there present." To make it clear that the question of fraud was involved, the indictment ought to have stated that she "falsely pretended . . ."

Do you recall the statements made on oath by A. C. West, Chief Constable of Portsmouth? One of them was that he could find no redeeming feature in Helen Duncan's character. Could such a statement be true even of the most depraved human being in history? Could it be true even of Hitler? Yet he said it on oath.

In the course of his attack, which was as savage as it was un-called-for, he stated that, so far as he could find out, neither she nor her husband paid income tax. Supposing it were true, what had it to do with him? And why should it be mentioned in court where it must have influenced the jury? She was not charged with the evasion of income tax payments. That was not

in the indictment. In any case, he did not *know* whether she had paid income tax or not. But supposing she had not, when she ought to have done, that was a matter to be dealt with by the Commissioners for Inland Revenue and not the Chief Constable of Portsmouth.

"She is an unmitigated humbug and pest," he added. Strong language, but no evidence was offered in court to support so serious a charge.

The Recorder was compelled to interrupt West's tirade when he asserted: "She thought fit to come to Portsmouth, the first naval port of the world, where she would find bereaved families." Sir Gerald interposed: "She may have been invited."

Mrs. Duncan, said this chief constable, had been a "so-called Spiritualist" for many years past. Why "so-called"? She has been and still is a Spiritualist.

A word must be said about poor Mrs. Frances Brown. Because Mrs. Duncan was ill, she accompanied the medium to Portsmouth. It was the first time she had done so. This kindly action landed her in prison for four months. And she bore her sentence with exemplary forbearance.

Mrs. Brown brought with her to Portsmouth some spirit photographs taken by a well-known Northern medium. Because she showed these pictures to some of Mrs. Duncan's sitters, it became part of the offence. It was never suggested that any of the money collected by the Homers for the seances was paid to Mrs. Brown. Yes, it is true she had been convicted of a shop-lifting offence 15 years previously. But she had expiated that offence by paying the penalty.

Helen Duncan's offence, according to the Recorder, was that she was guilty of pretending to recall spirits of deceased persons in visible and tangible form. That reveals complete ignorance of the whole basis of mediumship. No medium has ever claimed to be able to recall the dead. The whole essence of Spiritualism is that spirit return is a voluntary effort, and that nobody, medium or otherwise, has the power to make one spirit return if that spirit does not desire to do so. The medium plays a passive part. She is the instrument of the dead, from whom the initiative *must* come when they choose to try to manifest their presence.

If Jesus of Nazareth reappeared in Britain and repeated the demonstrations he is said to have given in Palestine, he would be guilty of contravening the Witchcraft Act. He pretended to

exercise powers which resulted in the appearance on the Mount of Transfiguration of two dead men, Moses and Elias, who communed with him. That proceeding is clearly a flagrant violation of the Witchcraft Act.

Now we have reached a stage when it is declared a criminal offence for a medium to prove the central fact of Christianity—that man survives the grave. How monstrous! If you *believe* in the resurrection, which is celebrated at Easter, you are a most respectable person. If you *prove* that the resurrection is founded on natural laws, then you are a “criminal.” And this is said to be a Christian country—and leading clergymen have announced that we are fighting for Christian principles!

The Atlantic Charter does not apply to Spiritualists. The Witchcraft Act is a clear denial of its shining ideal that all people shall live in freedom from fear. Roosevelt proclaimed that the right of every man to worship God in his own way was one of the four freedoms for which we are fighting. That right is denied to Spiritualists.

Lest I am accused of being partisan, let me quote from a leading article in the London “Star,” which commented on Sir Gerald Dodson’s view that the prosecution in no way affected or attacked Spiritualists:

“The trial has aroused fresh discussion of the legal position of spiritualists and their gatherings. Under old Acts of Parliament, if carried out rigidly, anyone promoting or taking any official part in a spiritualist meeting at which some manifestation is said to occur, is liable to prosecution. The law covers both public and private meetings, whether those there are genuine believers in spiritualism or not. . . . The law just does not recognise that there can be any genuine spirit phenomenon.”

I could write pages to refute many of the absurd statements made by John Maude, K.C., leading counsel for the Crown. I will content myself with one observation. His opinion that scientists would fall over each other to sit with Helen Duncan, if she possessed the powers attributed to her, is as ridiculous as his view that doctors were eager to test new ideas in healing.

Has he forgotten Sir Herbert Barker and Dr. Axham, who, merely because he acted as Barker’s anaesthetist, was struck off the Medical Register? The B.M.A. refused to reinstate him even when he was dying.

Huxley, Darwin, Tyndall and Faraday were invited by Sir

William Crookes to witness the materialisation mediumship of Florence Cook. They all declined.

Huxley said: “Supposing the phenomena to be genuine, they do not interest me more than the gossip of curates in a cathedral city.”

Darwin’s contribution was: “God help us if we are to believe such things.”

Tyndall was so outraged that he said: “The world will have religion of some kind, even though it should fly to the intellectual whoredom of Spiritualism.”

Faraday went so far as to declare: “They who say they see these things are not competent witnesses of facts. It would be a condescension on my part to pay any attention to them.”

Helen Duncan was convicted on Friday, March 31, a date of significance in the history of Spiritualism. On Friday, March 31, 1848, modern Spiritualism was born. In the fifth year of the war for freedom, the law performs an act of conjuration by bringing up an ancient statute belonging to the ignorance of yesterday—at a time when Britain was fighting for liberation of man from tyranny and oppression. Thousands of Spiritualists in the Services have played their part in the fight—Helen Duncan’s two sons among them. You can imagine their feelings when they learn their mother has been convicted for the “crime” of being a medium.

In the long fight between superstition and knowledge, superstition has won a temporary victory. Its triumph cannot endure for long. In the end Truth must win.

CHAPTER XIII

THE FOURTH ESTATE

THOUGH the greatest war in history was being waged when the Helen Duncan case came to the Old Bailey, many national newspapers decided that the events described in court were front-page news. Even the “Times,” so stern, staid and unbending, reported part of the proceedings. Sub-editors had the time of their lives in producing extravagant headlines, which they justified doubtless by isolating the statements of witnesses from their context. Here is a selection from the headlines:

“STORY OF BRONCO.” “THE SEANCE PARROT.” “SPIRIT CALLED PEGGY LIKED LIPSTICK.” “GHOST SANG ‘SOUTH OF THE

BORDER.' " 'I AM GOING DOWN NOW,' SAID GHOST AT SEANCE." "SAYS HE HEARD A ROW BETWEEN 'GHOST' AND MEDIUM." " 'FAIRY' FORM AT SEANCE." "POLICE TRAP AT SEANCE, CONSTABLE GRABBED A 'SPIRIT.'"

Loseby's offer of test seances for the jury produced more strange headlines. "GHOST INVITED TO GIVE EVIDENCE ON WITCHCRAFT TRIAL," was one. "JURY MAY HEAR VOICE OF SPIRIT GUIDE," was another. Newspaper reports were inaccurate when they referred to Loseby's statement that Mrs. Duncan could not give evidence about what happened at Portsmouth because she was then in trance. The London "Evening News" quoted him as saying: "Mrs. Duncan can give no evidence at all—she is in a trance." The "Daily Herald," "News Chronicle," and several others stated that Mrs. Duncan was in a trance in the dock.

The "News Chronicle" was very confused, for its story contained these words: "Albert, with his policeman's helmet and his beard, may have been present somewhere in Court Number Four at the Old Bailey yesterday. If he was, no one saw him . . . Mrs. Duncan gave no sign that Albert was near." Albert was never a policeman. The reference to the helmet was a mistake, for a witness had referred to the materialisation of one who had been a policeman.

I sat in the Press seats throughout practically the whole of the Old Bailey proceedings. I heard journalist after journalist moan because newspaper space was so restricted in wartime. In pre-war days, they declared, there would have been pages given to the daily proceedings. One reporter said that the story told by every witness for the defence could have "led the paper." It was this reporter who summed up, in a curious way, the tremendous interest aroused by saying that he had not reported a case so thrilling since a celebrated murder trial.

It was interesting to watch the way in which the attitude of the reporters gradually changed. In the first two days, when the case for the prosecution was being given, I was told by newspapermen that the proceedings would soon be over. "It will go on for at least a week," I replied, only to be met with looks of blank incredulity. Then, as witness after witness told the remarkable stories of how they identified the materialisations of loved ones, relatives and friends, even hard-boiled, cynical reporters became impressed. Some of the reporters were so intrigued that they forgot to write anything in their notebooks.

The journalist who interested me most was the one who represented a national newspaper—I will not mention its name. He sat in the Press room nearly all the time, and when a colleague came in he would ask: "Oh, what has happened upstairs? Do give me a few lines."

Then there was the reporter who said it was no use sending to his newspaper the comment made by Mrs. Homer after the interrupted seance: "Never mind, friends, Jesus suffered like this." It would never be printed, he told me, because it would be considered blasphemy.

One reporter was told by his superiors to make his copy less prejudiced and to be more fair to the defence—a reproof which, incidentally, I thought was unwarranted.

You had to be in court early in the morning and before the court resumed after its break for lunch, otherwise you could not be sure of getting a seat in the Press box. Not only were newspapers sending their own reporters, but some sent what are known as descriptive writers. They are supposed to write the human stories, to convey the drama in court.

None of the accounts that I read did justice to the proceedings, for there were dramatic happenings many times a day. There were such vivid contrasts, the quiet, confident assurance of the Rev. Maurice Elliott followed by typical Swafferian monologues which nobody could stop. Even as a histrionic performance it was exciting. And Swaffer was followed by one of the quietest-spoken witnesses, a Scotswoman who was most impressive.

Maurice Elliott was not in the witness box for very long. Before he was called, the Recorder had asked several witnesses about the religious implications of Spiritualism. Though they did their best to reply, they were not as informative as they might have been. There is all the world of difference between speaking from the witness box and speaking conversationally with friends. The whole atmosphere is different. In the witness box you are subject to emotional stress, and for some inexplicable reason your mind often goes blank. When you leave, you have no difficulty in phrasing the most lucid explanation that you had failed to give a few minutes earlier.

When the Recorder put a similar question to Maurice Elliott, with his long experience of religious matters, he had no difficulty in giving the perfect reply. After this parson's answer the Recorder did not attempt to pursue this matter any further.

The keenness of the public was evidenced by the large number of people who attempted to squeeze into court each day. They queued early in the morning before the doors were open. When the break for lunch came some of them went straight back to form a queue, and ate their sandwiches there so that they could be amongst the first to gain admittance when the court reopened.

Cartoonists seized on the case to make their drawings topical. The best one was a "Daily Express" pocket cartoon which was printed underneath its report of the case. It showed a traditional witch flying through the air on a broom-stick, while one fire-watcher said to another: "She will have to be a bit more careful in future; the courts take a poor view of that sort of thing these days."

The "Sunday Pictorial" interviewed Swaffer. He referred to three members of the War Cabinet who had attended seances and were therefore presumably guilty under the Witchcraft Act.

"How can truth spread if the law stands in the way?" he asked. "I am used to championing unpopular causes. One day millions more will think like me—and know!" It was an excellent interview, marred by two misstatements. The newspaper described him as "the high priest of Spiritualism," which he is not. Besides, his is a higher office. Everybody surely knows that he is "the Pope of Fleet Street." It also said that Spiritualists saw Helen Duncan as their Joan of Arc! No Spiritualist ever visualises the medium in that role. The difference in their proportions alone would make such a comparison impossible.

The "News of the World," apart from some minor blemishes, gave by far the fairest report of the trial. It interviewed Nan Duncan, the medium's daughter, who said: "If mother were a fraud as a medium she wasted her time in Spiritualism. She could have made a fortune on the stage. That she never did out of seances. We have never been rich. We have just a working-class home, and mother has had a hard life."

The "Sunday Dispatch" asked the ebullient Dr. Joad a question on the Helen Duncan case and he replied with some nonsense about "mediums with secondary stomachs, like cows" and some ridiculous statements about cheese-cloth. As the "Daily Mail" had also printed some fatuities about cheese-cloth and regurgitation, Swaffer wrote to his old friend Joad. He was not

surprised, he said, to see that the "Daily Mail" and the "Sunday Dispatch," which used to praise Hitler, still fell for the cheese-cloth nonsense, but he was surprised that Joad was foolish enough to believe it. In a letter full of mock reproof, Swaffer recited his astonishment at Joad crediting a woman who had a normal stomach with the ability to swallow muslin and then regurgitate it at will.

Joad immediately recanted in a letter which stated: "I am quite incompetent to judge the points at issue in this matter. I don't for a moment believe that you would write and speak with the confidence that you do if there was nothing in it. I am also prepared to believe that the cheese-cloth was a red herring, if you will forgive me mixing my metaphors. But these things, mind you, I believe merely because of my trust and confidence in you, and not because I have had a chance to examine the evidence for myself, or, indeed, am competent to do so. Anyway, I will never mention cheese-cloth in relation to Mrs. Duncan again."

The number of Press cuttings on the Helen Duncan case were far larger than those I have received on any other issue associated with Spiritualism, at least since the war began. Some of the statements printed reached a remarkable level of unintelligibility, even for sob-sisters, or their male counterparts. Both the "Daily Herald" and "Daily Mail" referred to Spiritualists who were "disciples" of Helen Duncan. To Spiritualists, she was merely a medium who gave seances. Nobody followed her about. One "Daily Herald" reporter, perhaps thinking in terms of the old-fashioned Communist descriptions of capitalists, referred to Albert as the "Boss" guide. What a "Boss" guide is I do not know. Neither does the reporter.

The London "Evening News" and the "Daily Mail" published stories from what Fleet Street calls the "woman's angle." These purported to describe the clothes worn by Helen Duncan, but they could not agree. Whereas the "Daily Mail" said she was "well dressed," the "Evening News" declared that she "spent no large sums on dress." In point of fact, there was nothing abnormal in any way about Helen Duncan's clothes.

The "Evening News" completely lost its head by describing her as "a £100-a-week medium." It did not produce, however, a shred of evidence to support this fantastic and offensive description. This same newspaper, in another flight into realms of fantasy, declared that the "takings" at the Portsmouth church,

which is registered as a place of religious worship, were £200 a week. It would be impossible for the average weekly income from services and sittings to amount to more than about £20 at the most. Would the "Evening News" refer to an Anglican archbishop as "a £100-a-week archbishop," or to the "takings" at Westminster Abbey?

So offensive and, indeed, libellous were some of the statements made about Helen Duncan, that at one time those conducting her defence seriously contemplated issuing writs for libel. I was one of those who advised against this procedure, largely because far more vital principles were at stake.

Several newspapers expressed amazement at the fact that the ancient Witchcraft Act had been exhumed for the purpose of the prosecution. "Truth," not usually friendly to Spiritualism, said: "It is perhaps a pity that the charges were made under an old law that had a mediæval savour about it. This has given the accused the chance to say that they were charged under an obsolete Statute." And "Truth," far from the truth this time, transformed Helen Duncan into "the St. Joan of Spiritualism."

The "New Statesman," another journal which is consistently unfriendly in its references to Spiritualism—its editor is a Rationalist and its philosophy is materialistic—expressed its surprise at the testimony given in court to Mrs. Duncan's mediumship. It said the case "was extraordinary to the onlooker because of the large number of intelligent people (there were well over 100) who came forward as witnesses to the genuineness of the prisoners." The figure of 100 is wrong, there were about 40, though 300 could have been called.

The writer made this comment: "I have heard several people express the view that the Recorder should have allowed the defendants to stage a seance in court as they wanted to do; no doubt because when you do not happen to be in the dock yourself, the play's the thing." If the seance turned out to be a failure, added the writer, the prosecution's case would have been proved and the jury confronted with a *fait accompli* when their job was just beginning. But he did not deal with the contingency of what would have happened if the seance had been a success! The journal returned to the issues involved in this case after the Appeal Court had delivered its judgment.

The London "Star" behaved curiously. One day it gave a lucid explanation of the position of Spiritualists under the law,

in a comprehensive summary that showed how ancient statutes robbed us of our freedom. Then, two days later, in a leading article headed "Mediums," there came this contradiction: "Everyone in this country is free to hold and practise honestly whatever faith he chooses. British tolerance rejects persecution of anybody with sincere beliefs." But it had answered itself in advance, two days previously, when it stated: "The law just does not recognise that there can be any genuine spirit phenomenon."

That declaration was the clearest answer to the leading article, which announced: "Convinced spiritualists must realise that at present they are always in danger of being involved in prosecutions, because no material or tangible proofs of materialisation acceptable to the law have yet been submitted. The difficulties in the way of such proof are obvious." Yes, they are very obvious, because "the law just does not recognise that there can be any genuine spirit phenomenon."

Still, you must remember that newspapers are very often inconsistent because the material is furnished by different writers. Often what impresses you when you see it in type would be most unimpressive if you heard it spoken by the man who wrote it. That is principally why the printed word is more authoritative than the spoken one.

In the "Leader" a reader raised the question of bail, which was refused to Helen Duncan. He wrote: "Ivor Novello, actor, convicted of conspiracy in connection with wartime motor car restrictions, gets eight weeks. He is allowed bail pending appeal. Mrs. Helen Duncan, Spiritualist, charged under the ancient Witchcraft Act, gets nine months, and bail is refused pending appeal. Is there any law which governs the granting of bail in criminal cases?"

The delay in the hearing of the appeal also provoked comment. The "Star" stated that this delay was "a frequent topic of conversation among lawyers." Sentence was passed on Mrs. Duncan on April 3. The appeal was not heard until June 8. "Lawyers are saying," said the newspaper, "that where bail is not opposed, and where a case is arguable, bail should be automatic. It is also urged that no convicted person should languish in prison for over two months when an appeal is pending which, if successful, would quash the conviction. If bail is not allowed, then the case should be put forward in the appeal list."

I received hundreds of communications for publication. Many of them could not be printed; others had to be toned down, for if they had been published as written, I would not be writing this book. I would be incarcerated in jail for contempt of court.

Realising the importance of the Duncan case, I had arranged to give, as far as possible, a complete account of the proceedings. Every other consideration went by the board. Practically two issues of "Psychic News" were devoted to reports of the Old Bailey proceedings. I knew that the newspapers, with their very curtailed space, could give only meagre accounts and that they would fasten on the more sensational aspects. The reports in "Psychic News" enabled Spiritualists at home and in the Forces to have a clear account of what had transpired in court. Let me tell you about some of the reactions.

The Rev. Walter Wynn is a retired Baptist minister who, after proving the survival of his dead son, publicised his evidence far and wide. "The logical inference to be drawn from the verdict of 'guilty,'" he wrote, "is that both judge and jury either ignored or did not understand the evidence on which the verdict should have been based." In his view there was superabundant evidence to demonstrate that Mrs. Duncan did not "pretend."

The clergyman mentioned Sir Gerald Dodson's phrase, "*an ectoplasm*." This, he said, reminded him of the judge who tried another medium. Sir Oliver Lodge, who went into the witness box on her behalf, said that the spirits of the departed were round us in space.

"What is space?" asked the judge. The world-famous scientist drily replied: "You are occupying some now."

Walter Wynn wrote: "The Recorder in the Duncan case was almost equal to this when he said nobody could explain what 'an' ectoplasm is. This, forsooth, to prove that Mrs. Duncan might be pretending! There are a few other things we don't 'know': electricity, magnetism, cancer, the number of orbs in Pegasus. But if, without saying *an* electricity, the Recorder will contact an electric battery for less than a second he will get convincing proof that electricity never 'pretends.' It exists, yet we are ignorant of what it is. I don't know what ectoplasm is, but I know it exists."

This clergyman cited some of the psychic happenings recorded in the Bible—accounts in which it is stated that the forms of dead people appeared in the streets and carried on communications

with the apostles. He wondered whether their evidence would be accepted by the Recorder. "Our modern judge refused similar proof when it was offered by Mrs. Duncan," he said. "Why did he make the remark that it would not aid the defence? Why not? What would? Why did not the jury insist on *seeing* the proof? If a few relatives of theirs in the other world had appeared to them, would that have been proof that Mrs. Duncan was not pretending?"

Walter Wynn then commented on the number of witnesses for the defence, for in his view the jury's verdict was not based on the evidence. He thought that the appearance of Swaffer in the box should have been sufficient to have made any jury pause, but it did not. "In 20 minutes they supplied us with absolute proof," he said, "that they believed they had boxed the compass of a subject they evidently knew nothing about. How could Mrs. Duncan produce all the relatives who appeared to the witnesses? The hypothesis is absurd.

"The Chief Constable of Portsmouth assured the court that Mrs. Duncan was a 'humbug' and a 'pest.' This is not evidence. It is abuse. He said that people known to him had been deceived by her. Why were they not put into the box?

"A lot of fuss was made about a woman with a family of six making a charge of 12s. 6d. for a sitting with her. Terrible! But the following suffer somewhat from the same disease: Prelates, Judges, Generals, K.C.s, Parsons, Lawyers, Doctors, Guinea-Snatchers, M.P.s and many more!

"If Mrs. Duncan is guilty of 'pretending' she deserves more than what she's got. There are frauds, thieves, and vicious liars to be found among 'mediums.' Similar scoundrels were met by the Christian apostles. But in the evidence given in the Duncan case I cannot find a trace of any actual proof of Mrs. Duncan's guilt."

It was C. L'Estrange Ewen, of Paignton, who drew the attention of the defence to the fact that, in all statutes that preceded the Witchcraft Act, the offence was always the invocation or conjuration of *evil and wicked spirits*. He is an expert on the subject of witchcraft and is the author of books on the subject that are regarded as authoritative. This is his comment on Sir Gerald Dodson's statement: "Manifestly, the Recorder, in his summing-up, was in error in saying: 'If Mrs. Duncan, by simulating a trance, pretended to hold communion with the spirits, that was

the kind of conjuration referred to in the statute.' He was doubly wrong, first, because neither 'simulating a trance' nor 'holding communion with the spirits' is 'conjuration' according to the meaning of the term in legal circles from time immemorial, and secondly, conjuration of spirits (except evil and wicked ones) is not referred to in the statutes. Consequently the Crown could not have proved either pretence to do these things or conspiracy."

Soon after the Old Bailey proceedings, London Spiritualists held a meeting at the Kingsway Hall at which there was launched a "Freedom Fund" to provide the money for a campaign to rid Spiritualists from the iniquities heaped on them by the Vagrancy and Witchcraft Acts. All sections of the Spiritualist movement were represented. The man who raised the meeting to its highest pitch of enthusiasm was Hannen Swaffer, who publicly declared his conviction that somewhere at the back of the spate of prosecutions against mediums there was the old religious intolerance of the Roman Catholic Church. He reminded the audience that he was not making this statement for the first time. He had already written it in a letter to the Home Secretary.

What impressed him, said Swaffer, was the fact that at the Old Bailey the prosecution could not shake one word, or one comma, of the evidence given on behalf of Helen Duncan by witnesses. He described his own experience in the witness box and said that it was remarkable that, after nearly a century of Spiritualism, the Recorder should have referred to "*an* ectoplasm." He himself had consulted three separate analyses of ectoplasm made by scientists who had investigated it. Ectoplasm had been weighed, cut, handled and tested.

For the first time, said Swaffer, a new technique in the prosecution of mediums was employed at Portsmouth. It was the method of the Rugby scrum, and it began when someone blew a policeman's whistle.

The Recorder's statement that some people were satisfied with the Easter message drew from Swaffer the comment that the Easter message meant nothing to a Moslem, a Jew, a Confucian or a Buddhist. It all depended on where you were born. "It would mean nothing to any of you," he said, "if you had not been born in Europe."

Spiritualism was the only religion that could offer to prove itself in court. Christianity could not do it, nor could Judaism.

"Why was not Helen Duncan given the test she demanded?" he added. "That is what we want to know."

Miss Lind-af-Hageby, the world-famous humanitarian, who also addressed the meeting, referred to the attack on Helen Duncan made by Portsmouth's Chief Constable. His ire had been aroused, among other things, because the medium had referred to the loss of the battleship *Barham* before it was announced. Was that, she asked, as terrible as the newspaper astrologer who predicted that Germany was plotting to destroy Europe and so leave the Teutons in the majority, no matter what happened? Nobody prosecuted the astrologer for his false prediction which, to her, seemed to be very grave interference with the war effort, since it gave the impression that what we did would be fruitless.

As an indication of the feelings aroused by this case, let me end this chapter by quoting a letter sent to me by L. Russell, superintendent of police in the C.I.D. of Bihar, India, a province with a population of 36 millions:

"England has seemingly returned to the Dark Ages. In the so-called 'land of the free,' Government and the police apparently have nothing better to do than persecute modern Spiritualist mediums as 'witches.' Even in this 'more backward' country the Indian Penal Code, drafted a century ago under the guidance of Lord Macaulay, makes no provision for the prosecution of 'witches.' And yet England has the face to talk of British justice and hold out its constitution as a model for the democracies of the world."

CHAPTER XV

IN THE APPEAL COURT

ALTHOUGH Sir Gerald Dodson had refused to grant Loseby a certificate of appeal—he did not think the case deserved it—the Lord Chief Justice and two other judges of the Court of Criminal Appeal could not, after a hearing which lasted for two days, give their judgment. This, they announced, would have to wait for the next sitting.

So leisurely are the processes of the law that they inflict needless mental cruelty on those who eagerly await its decision. Mrs.

Frances Brown was sentenced to four months' imprisonment on April 3, 1944. The Appeal Court did not deal with her case until June 8, when, because of remission, she was due to leave Holloway Jail. She had served her sentence. But the remission on her sentence was suspended, pending the result of the appeal. Judgment was not given till June 19.

The lawyers defending Helen Duncan and those charged with her had to make application "for leave to appeal" and this application became, in fact, the appeal. The appeal was against the conviction of the four people, Helen Duncan, Frances Brown and the Homers. Mrs. Duncan appealed against her sentence of nine months. Mrs. Brown did not appeal against her sentence of four months.

Following were the main grounds for appeal:

The indictment as drawn discloses no offence under the Witchcraft Act, 1735, and should be quashed.

Sir Gerald Dodson, the Recorder of the Old Bailey, wrongly directed the jury that a pretence to hold communion with spirits of deceased persons constituted an offence under the Witchcraft Act, 1735.

There was no evidence of any acts by the accused that constituted an offence under the Witchcraft Act, 1735.

The Recorder wrongly rejected evidence by Helen Duncan purporting to demonstrate and prove that at all material times she was a materialisation medium, and to disprove the allegations made against her.

The Recorder wrongly rejected evidence of an examination by expert witnesses on or about March 15, a few days before the Old Bailey trial, which was calculated to prove that on that date and at all material times Helen Duncan was a materialisation medium, and to disprove the allegations made against her.

The Recorder failed to direct the jury on the law of the case or as to the facts of the case, and in particular on the following matters:—

He failed to review the evidence or adequately to review the evidence as to the conspiracy alleged.

He failed to sum up the evidence given for the defence or to review it with reasonable accuracy or in any way to explain or do reasonable justice to the evidence given for the defence.

He wrongly asserted to the jury, and without any foundation in fact, that "for reasons best known to themselves the defence had thought it necessary to fortify the case by using the resources of the community of Spiritualists."

He wrongly allowed evidence of a previous conviction.

The Recorder exhibited bias throughout.

There was no evidence sufficient to found the conviction.

The verdict of the jury was against the weight of the evidence. The verdict of the jury was unreasonable and perverse.

The trial was unsatisfactory and there was a miscarriage of justice.

The three judges who heard the appeal were the Lord Chief Justice (Viscount Caldecote), Mr. Justice Oliver and Mr. Justice Birkett. Lord Caldecote has many associations with the Church of England. He is a member of the Church Assembly and the National Church League and he has also been a lay preacher. In the Church Assembly he is a member of the Legislative Committee of the House of Laity. He is also a member of its Ecclesiastical Committee.

He is a very strong Churchman with very decided views. He made his name both in the law and in the Church. He is described as a most outspoken evangelical layman. In the Prayer Book controversy he accused the Primate of "selling the pass to Rome."

When the chances of his appointment as Lord Chancellor were mentioned some years ago, it was said that one obstacle that stood in the way was his very Protestant views as a Churchman. Nevertheless, he became Lord Chancellor in 1939 and succeeded Lord Hewart as Lord Chief Justice in 1940.

For some months he chose for the "Daily Sketch" the Bible text which has regularly appeared on its front page.

In an article in the "Daily Sketch," in 1943, as part of its series, "I Confess My Faith," he outlined his views on the Bible. He said it was not "a book which needed to be defended against attacks as containing a number of incredible stories." I commented at the time that presumably he believed that the world was made in six days and that Jonah lived inside a whale—to mention only two incredible stories.

In this article Lord Caldecote said that the resurrection of Jesus was "a fact beyond dispute." Canon Anson, Master of the Temple, does not share his view, for he frankly admits that the evidence of the resurrection of Jesus, "from a strictly critical point of view, is not overwhelmingly convincing." Outlining his reasons, Canon Anson said: "No modern account of an alleged supra-normal happening would be accepted today by any student of psychical research if it rested on no better authority than that of the resurrection of Jesus."

Norman Birkett has been a judge since 1941. In his youth he became a local preacher. He started his career behind the counter of his father's draper's shop. He used to broadcast under the name of "Onlooker."

Roland Oliver became a judge in 1938. He was one of the tribunal which investigated the famous Budget's secrets case. He represented the Bishop of Norwich in the prosecution of the Rector of Stiffkey.

It became obvious during the two days in which the appeal was argued that Helen Duncan's fate hung on the interpretation that would be given to one word—"conjunction." All the long arguments centred around this word. What did the law mean by conjunction? The charge against the four people was that they had pretended "to exercise or use a kind of conjunction." The Witchcraft Act repealed a statute of 1603, passed in the first year of the reign of King James I, entitled, "An Act against Conjunction, Witchcraft and Dealing with Evil and Wicked Spirits." The last four words are vital.

Loseby's contention was that the Witchcraft Act could not apply to this case. He had spent weeks combing through legal text-books of every kind, exploring this question of conjunction. In all the enactments that preceded the Witchcraft Act it was stated or implied that the offence was for dealing with malevolent entities. It was always understood to be intercourse with the Devil, and those under his command. It was never an offence to communicate with good entities.

So, for two days, the Appeal Court argued, and books of every kind were produced. These went back to Henry VIII, Queen Elizabeth, James I and George II. There were fat books and thin books, long books, dusty books, text-books and dictionaries. Books were passed from counsel to judges; ushers searched through the library. Books, with pieces of paper to mark particular sections, were all over the court. Counsel was surrounded with them.

So far back did they go that there were arguments about the Old Testament and the New Testament, and about the Woman of Endor, wrongly described as the Witch of Endor. Dictionary after dictionary was consulted as to the precise meaning of the word "conjunction." There was even a dissertation on what Dr. Samuel Johnson had thought about conjunction.

If Helen Duncan, who sat listening to all this, was bewildered

and amazed, she could not have been blamed. Here she was, after many years of touring the country, giving seances at which the dead materialised, and yet the whole question of her guilt or innocence turned on the meaning of one word—a word that really has nothing to do with her. Being a medium she could not conjure up any spirit, good, bad or indifferent.

As I sat in court I mused: What must the hundreds of the dead, who have returned at her seances and proved their survival to mourning loved ones and friends, think about this seemingly interminable legal argument? All their supreme efforts to break through the barriers of human ignorance had led to forensic debates on the exact meaning of conjunction.

No one could have foreseen, after attending one of her seances, that three eminent judges would spend two days examining law books to try to find out what was in the minds of the legislators 200 years ago—and even before that! Court officials must have been equally perplexed, for one by one they fell asleep during the interminable arguments. "Look," I said to a journalistic colleague, "here is another going into trance."

The judges may not have heard it, so intent were they on the delicate task assigned them, but I could clearly hear the soft rhythmic snores of one official while the debate continued.

Usually the Appeal Court attracts but a handful of people. For two days it was packed with people standing at the sides. There were men and women in uniform; there was one American flying officer, there were anxious Spiritualists, lawyers with a zest for a legal battle, and bewildered reporters.

Loseby's tenacity had to be witnessed to be credited. Frequently he would discard his copious notes and in a quiet, unhurried conversational tone make his points. Again and again, he would be interrupted by one of the three judges asking him to argue this point or define this point, and always he was ready with the answer. Whatever the result, those responsible for the defence of Helen Duncan must have been pleased with his advocacy. He performed a difficult task with skill, patience and dexterity.

Often it required great ingenuity to withdraw a point in the face of a judge's criticism, and yet to insist, as Loseby did, by phrasing it another way to meet the previous objection.

There was some discussion over one of the grounds for the appeal—that the Recorder had exhibited bias. Once the

Lord Chief Justice asked Loseby whether he inferred that the Recorder had a crooked motive, a twist, that he was improperly biased. "No," was the immediate answer.

"Do you withdraw that complaint?" he was asked. Loseby answered: "The learned Recorder seemed unable to get from his mind a certain distaste for the whole subject. Not a question was put by him from beginning to end to assist me."

Loseby was asked by Mr. Justice Birkett: "Assuming the judge takes the view that human credulity could go no further, surely that is not bias. Must he be mealy-mouthed?" That produced the response: "It is not an unknown thing for a learned judge to exhibit bias." Loseby withdrew any suggestion that the bias was an improper one, but persisted with the statement that the Recorder had preconceived ideas on the subject of Spiritualism. Thereupon Birkett asked if the Recorder had been in Loseby's favour would the defence have complained? Loseby laughed, and pointed out he would not be appealing in front of them had that been the case.

After he had withdrawn his plea of any improper bias, the Lord Chief Justice told Loseby: "Your criticism of the summing-up now has greater force."

When he dealt with his complaint of the misdirection of the jury, wherein Loseby argued that these preconceived ideas on Spiritualism were apparent, Mr. Justice Oliver pointed out that Sir Gerald Dodson had stated there was no attack on Spiritualism. "But that made it only worse," said Loseby. To confirm his point, Loseby quoted these words from the Recorder's summing up: "Nobody doubts that Spiritualism may have some value if a person has no belief in the Christian faith, or if that faith is so weak that they are unable to accept the Easter story of the Christian religion in which the whole thing is summed up. Whether the general effect of Spiritualism is good or bad, who can say?"

Loseby said that this was plain. It implied that Spiritualism was of no value, that it was anti-Christian or, at any rate, of no value to a Christian person.

Then Loseby quoted the comments made by the Recorder on witnesses for the defence. In his view, the essence of their testimony was omitted in the summing-up. His defence, he said, was never put by the Recorder. It was apparent to him that, after the direction in the summing-up, Mrs. Duncan's conviction

was almost certain. Loseby stated that the Recorder had totally and completely failed to do justice to the evidence for the defence. Indeed he did not do justice to one witness for the defence.

Once, when Loseby stated that the conviction was against the sheer weight of the evidence, which the jury could not have examined, Mr. Justice Oliver intervened: "You have no right to say the jury did not examine the evidence." Immediately Loseby replied: "I do say."

Loseby complained, too, that his offer of a demonstration, which he regarded as the acid test of Helen Duncan's powers, was refused. The demonstration, he maintained, would have been short, easy, and practicable. "How can this test in justice be refused?" he asked.

Here Birkett interposed: "Could the jury have handled the parrot and rabbit when they materialised?" We heard a good deal about animal materialisations, even in the Court of Appeal.

Right at the end Loseby made an eloquent plea for the defence of all new learning and knowledge by pointing out that every advance in human understanding had always been received with incredulity and scepticism.

He could not understand why the Recorder had disallowed the witnesses who were going to describe test seances held a few days before the Old Bailey proceedings. These, he maintained, were in the nature of a medical examination. They would have given a certificate which would have vouched for the fact that her mediumship was still functioning.

Loseby also complained that the Recorder, in his summing-up, said that some of the things they had heard described by witnesses might have been due to ecstasy, whereas they were all reliable and sober-minded people. Indeed, one of them had seen more than a thousand materialised forms. The Recorder did not point out the importance of evidence of that kind. Nor did he refer to the contradiction in the police evidence over Mrs. Duncan being seen standing up when the light was flashed on. All the evidence for the defence was that she was sitting down.

He also reminded the court that one of the persons selected with great care to test Helen Duncan a few days before the trial was a Church of England clergyman, the Rev. Maurice Elliott, whose evidence was disregarded at the Old Bailey.

He realised when he first took over the defence that a difficult

task was before him. He decided, rightly or wrongly, that the one way to establish her innocence was to give evidence of her materialisation mediumship during the past, at the Portsmouth seances which were the subject of the prosecution, and at sittings held after the time that the police had interfered.

You must appreciate that the arguments about conjuration were introduced several times in the Appeal Court. It cropped up all over again when Maude, who appeared for the prosecution at the Old Bailey, was asked to address the judges. He contended that according to Section 3 of the Witchcraft Act there could be no prosecution for communing with spirits. He tried to rebut Loseby's contention that the offence was always for conjuring up evil and wicked spirits. In his view the words, "any kind of witchcraft, sorcery, enchantment or conjuration," took in every form of conjuration, whether good or evil spirits were involved.

Loseby held his ground and the quotations from law books and text-books were resumed all over again. Once Birkett asked whether the word "conjuration" appeared in the Authorised Version of the Bible. No one could answer this question, until one counsel said he thought it appeared in Deuteronomy. According to Cruden's Concordance, the word "conjuration" does not appear in the Bible.

Then the Lord Chief Justice suggested that the key might be found in the Church's condemnation, based on the Bible, of dabbling with spirits and dealing with the Devil and his agents.

Maude suggested that, in his view, if you invoked the name of the Deity and said the dead were present in spiritual form, you were guilty of conjuration. To support his view he pointed out that the Portsmouth seances began with the Lord's Prayer.

Then came a long argument about the meaning of the word "pretend." Mr. Justice Oliver held that it had the same meaning as that now given in prosecutions under the Vagrancy Act, namely, that to "pretend" meant "falsely to pretend."

Lord Caldecote asked Maude whether in framing the indictment the Crown wanted it understood that the word "pretend" meant "to claim untruly." Maude agreed.

So it went on, long arguments about conjuration, invocation, witchcraft, sorcery, magic and enchantment. One by one the points of the appeal were examined, Loseby explaining in detail

how he proposed at the Old Bailey to introduce the test of Helen Duncan's mediumship.

He said he did not want to surprise the Recorder, but what he would have done—had he been allowed—was to put her in the witness box, and, after the usual preliminaries, ask her how her powers worked. At that point he would have asked whether she was prepared to undergo a test, and then it would have been for the Recorder and after him the jury to decide whether a test was wanted.

Loseby maintained that by asking the witness if she could produce the phenomena then and there, there would have been no surprise and no embarrassment to the court. It would have been dignified and fair. If a test had been held he would have asked for the production of a voice in full light, and then for the voice in a good red light. He would have tried to reproduce, as far as possible, the conditions of the Portsmouth seances.

When the Lord Chief Justice said Loseby did not call his client at all, counsel replied that he could not for ordinary purposes, for everything happened at her seances when she was in trance. He explained here the mistake which arose at the Old Bailey when it was said that he could not call her because she was *then* in trance. What he knew and meant was that she was in trance during the seances and, therefore, could not speak of what happened.

He quoted the case of *Rex v. Lawrence* in 1877, when counsel in this case concerning a medium was asked why he did not ask his client to give a demonstration to prove his powers.

The Lord Chief Justice said that the Recorder had decided to follow the ordinary procedure. Loseby replied that, guided by the case he had just quoted, he had tried three times, at three different points when he judged it right, to offer the test. The Recorder made it plain that if Loseby called Mrs. Duncan when he wanted to, he would not allow certain questions to be put to the medium.

There was argument whether Loseby, in the legal sense, was "exploiting" Mrs. Duncan by his offer, by saying in effect—no demonstration, no cross-examination. Counsel said he was in a difficulty because the Recorder told him to decide immediately what he wanted to do. His reply was that since he was not allowed to give the evidence he wanted to give, he did not call Mrs. Duncan at all.

He argued that Mrs. Duncan had every right to the test, and that had it been given it would have ensured her acquittal. It was not for the jury to say whether they wanted a test, for they could not give a right verdict unless they did have one. First the Recorder refused it, and then at a later stage he asked the jury whether they wanted it. "And," commented Loseby, "I regarded it as an acid test."

Some of the oldest English legal authorities, Coke and Blackstone, were quoted by Loseby to support his contention that the charge should not have been brought under the Witchcraft Act. He examined all the Acts which led up to the Witchcraft Act to show that because of the beliefs of those days nothing else was meant but the prosecution of people for "traffic with evil spirits."

He also contended that it was only an offence under the Witchcraft Act to *pretend* to conjure up evil spirits, and that to do so in reality would be no offence at all—for the Act did not recognise their existence.

When Maude was replying to that point, he mentioned the cat and the parrot which materialised at the Portsmouth seance, and said they could not have helped to establish the point. Then he corrected himself and said perhaps the parrot could. It could speak.

There was discussion on the difference between conjuration and witchcraft. It was held that, by the old statutes, conjuration meant using the name of God to summon the Devil and then compelling him to do your will, whereas witchcraft implied a previous compact with the Devil under which he did certain things in return for a terrible price. It was made clear that a witch used chants.

Loseby, quoting from some of the ancient dictionaries in their faded calf bindings, recited some of the definitions, showing that they merely reflected the ideas of that time. But he pointed out that this was 1944 and that nobody now believed in witchcraft. Yet the seriousness of it all was that the Witchcraft Act was the lineal descendant of Acts of Parliament in which punishment for witchcraft was burning.

While all this was being argued in the difficult language of the Appeal Court, the prisoners sat some distance away, Helen Duncan sometimes weeping and Mrs. Brown unmoved mostly, but now and again she, too, broke down. The court did not even

look at them. They were there merely because they were prisoners. This was high legal argument, and no matter what points were discussed, it all came back to conjuration.

The nearest the court came to mentioning a spirit guide in detail was when it was stated by Loseby, merely as history, that in the Bible there was the same idea about conjuration as in the old English Acts—that they worked with a "familiar spirit," who was a direct agent of the Devil. According to Blackstone the crime of consorting with the Devil was punishable by burning.

A legal authority, Hawkin, was quoted, and Loseby said that the essence of the whole case was plainly set out in Dalton's "County Justice" of 1727. There it was stated, before the passage of the Witchcraft Act, that the offence always was "trafficking with a familiar spirit." Witches had familiar spirits, but it was all ancient superstition, and could give no support to this prosecution, which should not have been brought under the Witchcraft Act.

Loseby in detail examined the evidence for the existence of the alleged white sheet. There was something white, but it was ectoplasm. The Recorder did not point out sufficiently that nothing was found—neither the sheet nor apparatus, nor did he explain the difficulty of the Crown case: "How could Mrs. Duncan simulate a child, how could she speak in foreign languages and dialects, and how did she obtain the likenesses which caused people to recognise their relatives and friends?"

The Lord Chief Justice made many comments on Spiritualism, and among them were these: "Psychic powers, or whatever you may call them"; a "materialisation medium, whatever that means"; "what is the difference between 'psychic' and 'Spiritualist?'" On the meaning of "psychic" and "Spiritualist" he said one was Greek and the other Latin.

Loseby also objected to the Recorder's comment that the defence was using all the resources of the Spiritualist community to show that Mrs. Duncan was a genuine medium. His reply was that the Recorder was saying, in effect, that the case was propped up and that witnesses did not come forward solely in the interests of truth.

Finally the three judges conferred in whispered consultation for a few minutes, then the Lord Chief Justice announced that judgment would be given at the next sitting of the Criminal Court of Appeal on June 19.

That was the long legal fight in the august chamber in the Law Courts. But I must say it all seemed very remote from Spiritualism—and even from materialisation seances.

CHAPTER XVI

JUDGMENT OF THE LAW

THE judgment of the Appeal Court was given in surroundings that were shorn of the usual majesty, solemnity and grandeur of the law. The proceedings were held in an air-raid shelter! A flying-bomb had hit the law courts. Less than 50 people managed to squeeze into the shelter and we all sat huddled together on wooden benches. Reporters and K.C.s jostled for seats. Prisoners and members of the public all sat together. You realised that much of the impressiveness of the law came from its surroundings.

Lord Caldecote unfortunately read the judgment so quickly that nobody, so far as I could see, had time to take it all down. But this feat was accomplished by the court's expert shorthand writers. Yet so strangely and slowly does British law move that it was impossible to obtain a copy of the typed judgment from which the Lord Chief Justice had read on the day it was delivered. Even counsel for Helen Duncan could not get a copy. Law officials said it would take two or three days. Maude, watching one reporter trying feverishly to record the judgment, whispered to him: "You will never get this down."

A few days later I sent a representative to the office of the Criminal Court of Appeal to ask for a copy. When he courteously made this request he was sternly questioned as to who he was. He explained that he had come from "Psychic News."

"What's that?" he was asked. "A Spiritualist newspaper," he replied. "Who sent you?" was the next question. "The Editor," he answered. Thereupon the official made this extraordinary outburst: "You can tell him to go to Hell!" Having delivered this needlessly abusive ejaculation, the official then said that a copy of the judgment could be obtained only through a solicitor.

I recounted all these facts in a complaint I sent to the Lord Chief Justice. After all, we were trying to give Spiritualists a judgment which was of vital importance to the whole move-

ment. Surely they were entitled to know about a legal decision which might turn a million people into criminals. Spiritualists, like other citizens, paid the salaries of all the judges and the law officials. There was no excuse for downright rudeness.

I received a speedy reply from Lord Caldecote. He expressed his regret for any discourtesy on the part of an official of the Criminal Appeal Office. He had made full inquiries, he said, but nobody in that office could now remember exactly what had happened. "You will realise that tempers are frayed at the present time," the letter ended, "and this may be the explanation of any unintentional discourtesy."

The judgment took 20 minutes to read. Every ground of appeal was dismissed and the Recorder was upheld in all he had said and done at the Old Bailey. Here are the crucial points of the judgment:

"The indictment contained seven counts, the first count of which was for conspiracy to contravene the provisions of section 4 of the Witchcraft Act, 1735.

"In the particulars of offence it was alleged that these four appellants 'conspired together and with other persons unknown to pretend to exercise or use a kind of conjuration, to wit, that through the agency of the said Helen Duncan spirits of deceased persons should appear to be present, in fact in such place as the said Helen Duncan then was in, and that the said spirits were communicating with living persons then and there present.'

"The trial proceeded on count one of the indictment only.

"The case for the prosecution was that the whole performance was an elaborate pretence, a fraudulent performance, a mere imposition on human credulity.

"There was evidence for the jury which, if believed, would be evidence of a pretence that so-called materialisations, which were in fact produced by means of fraudulent devices and apparatus, were of a different nature altogether.

"The witnesses for the defence who were present on the material dates gave evidence denying that there were any elements of pretence or deception.

"The jury had before them, in great fullness, the evidence on both sides as to the facts, and had before them with equal fullness the submissions of counsel upon these facts.

"In addition to the witnesses called for the defence, who were present at the sittings which were made the subject of the indict-

"For a criticism of this kind to succeed the appellant must show that the misdirection of the presiding judge was such, and the circumstances of the case were such, that it is reasonably probable that the jury would not have returned their verdict had there been no misdirection, and the burden of establishing this is upon the appellant. It is really impossible to say there was any such misdirection here.

"The case for the appellant had been laid before the jury with great fullness by the learned counsel for the defence, and the details of the evidence most forcibly presented, and it was not necessary that it should all be rehearsed again by the learned Recorder.

"A further ground of appeal was taken before us that the learned Recorder wrongly admitted evidence of a previous conviction of the appellant Duncan. Twenty-six witnesses at least were called especially to prove that the appellant Duncan was a materialisation medium of standing and repute.

"The evidence was most plainly admissible and proper in order that the jury might be informed not only of part of the facts but of the whole of them.

"Further grounds of appeal were that there was no evidence to found the conviction, that the verdict of the jury was against the weight of evidence, that the verdict of the jury was unreasonable and perverse, and that the trial was unsatisfactory and that there was a miscarriage of justice.

"We cannot find anything of substance in any of these contentions.

"The trial was certainly unusual in its form, but if there was anything unsatisfactory about it, it was rather in the great latitude accorded to the defence in the conduct of the case, and the reception of evidence which in a strict view of the law of evidence should have been excluded.

"There remains for consideration the point that there was no evidence of any acts by the appellants constituting an offence under the Witchcraft Act of 1735, and that the learned Recorder wrongly directed the jury that a pretence to hold conversation with spirits of deceased persons constituted an offence under the Act. The argument was that the proper direction would have been to tell the jury that only a pretence to hold conversation with wicked and evil spirits was forbidden by section 4 of the Act of 1735.

"In the course of an interesting and elaborate argument, Mr. Loseby cited the authorities who had written on the word 'conjurat[i]on' before 1735, and quoted from some of the dictionaries published after 1735.

" 'To pretend to exercise or use any kind of conjuration' are the words of the statute, and it is important to look at the history of this matter. I may begin with the statute 33, Henry VIII, chapter eight, which uses the words 'conjuration of spirits' with no reference to evil spirits at all. That Act was repealed by a statute of Edward VI, which in turn was followed by the statute five, Elizabeth, chapter 16.

"This last statute, before speaking of the repeal of the statute 33, Henry VIII, by the statute one, Edward VI, chapter 12, speaks of 'the wicked offences of conjuration and invocations of evil spirits,' which were made felonies by the statute of Henry, whereas the words 'evil spirits' do not occur in the statute of Henry VIII at all. That statute merely speaks of the practice of 'invocations and conjurations of spirits.'

"The next statute dealing with this matter was the statute one, James I, chapter 12, which speaks of the 'conjuration of evil and wicked spirits.' The statute was a characteristic example of the attitude of James I to this practice.

"Finally, the statute two, George II, chapter five, section four, after repealing the statute of James, speaks of 'conjuration' without reference to spirits, or evil and wicked spirits, but simply 'any kind of conjuration.'

"Now the point submitted by Mr. Loseby is that the word 'conjuration' in the statute of George II has only one meaning, and that meaning has been well defined and crystallised in law. He says it bears the meaning in the language of 'Cowell's Interpreter' (a publication of 1672), as contained in the following passage: 'It is especially used for such as have personal conference with the devil or evil spirits.'

"He cited from the third part of 'Coke's Institutes,' Hawkin's 'Pleas of the Crown' and many dictionaries, but the definition I have quoted contains the main point of his submission. We must be allowed to doubt whether 'Cowell's Interpreter' possesses the authority claimed for it by Mr. Loseby, and we certainly do not think that this meaning or interpretation is to be given to the words 'any kind of conjuration,' in statute two, George II, chapter five.

"Indeed, the express alteration from the statute of James I, which is being repealed, and the use of the words 'any kind of conjuration' without reference to spirits, evil or otherwise, would seem to indicate the contrary.

"In the 16th and 17th centuries the word 'conjuration' was commonly used with reference to traffic with spirits. In those centuries the minds of men were greatly concerned with the evils which they believed arose from such conference, and as a result of the teaching of the Church, based possibly upon passages in the Bible, all such spirits were regarded as and were apt to be described as evil spirits.

"Conjuration of these evil spirits was an offence, it was said, against God and religion, and was usually linked with witchcraft, enchantment, invocation and sorcery, the punishment for which, as for heresy, was burning in early times.

"But 'conjuration' was not a word which was to be taken to mean only 'conjuration of evil and wicked spirits.' That was an express meaning given to it by the inclusion of the words in the statutes where such words appear.

"The 'Oxford English Dictionary' gives examples of its use in different ages right down to modern times. 'Coke's Institutes,' third part, associate the word 'conjuration' with invocation and seem to suggest that the two words have the same meaning.

"The learned author quotes the case of King Saul from the First Book of Chronicles: 'So Saul died for his transgression and also for asking counsel of one that had a familiar spirit to inquire of it and inquired not of the Lord.'

"We do not think that the words 'any kind of conjuration' in the statute two, George II, chapter five, can be limited in the way Mr. Loseby suggests. In the first place it is to be observed that the offence described in the statute is the pretence to exercise or use 'any kind of conjuration.'

"Secondly, it appears plain that with the abolition of the felonies of witchcraft, sorcery, enchantment or conjuration the minds of men were making an advance. These things were no longer believed in, but the statute of George II did not go the length of allowing anyone to make the pretence of engaging in converse with spirits, not being evil spirits. Such a distinction would raise an issue of fact incapable of determination and based on no intelligible principle of law or religion.

"In our judgment, the words of the section with which we are

concerned in this case are all-important. What was aimed at, as shown by the language of the statute itself, was that ignorant persons should not be deluded or defrauded by the *pretence* to exercise or use any kind of conjuration. The reference to 'evil spirits' is omitted, and the words 'any kind of' were added, and in our opinion these words are wide enough to cover the conspiracy alleged, which the jury have found to be proved in this case.

"It was repeatedly emphasised at the trial by the learned Recorder, and must be emphasised here again, that the only matter to be decided by the jury was whether there was a pretence or not. The prosecution did not seek to prove that spirits of deceased persons could not be called forth or materialised or embodied in a particular form.

"Their task was much more limited and prosaic; it was to prove, if they could, that the appellants had been guilty of conspiring to pretend that they could do these things, and therefore of conspiring to pretend that they could exercise a kind of conjuration to do these things.

"That was the case made by the prosecution to the jury, and the jury must be taken to have accepted the evidence for the prosecution when they found the appellants guilty of the conspiracy charges.

"We think that all these appeals against conviction should be dismissed. The application of the appellant Duncan for leave to appeal against sentence should also be dismissed. On the footing of the verdict of the jury, nine months' imprisonment was, in our opinion, in no way excessive."

The judgment stated that the Appeal Court had decided—though it need not have done so—that the sentences should run from the date of conviction. Mrs. Brown, said Lord Caldecote, would be released that day. Immediately the proceedings were over, Mrs. Brown left—a free woman. She was obviously moved, and trembled with joy. She seemed a little dazed when I congratulated her on her release.

I managed to get a few words with Helen Duncan before prison officials took her away. She looked a dejected and forlorn figure. Her eyes were filled with tears. Her face was purple, doubtless because of her illness.

"Keep your chin up," I said to her. She groaned in reply as she was led back to Holloway Jail.

CHAPTER XVII

ATTORNEY-GENERAL SAYS "NO"

THE defence had lost the first round at the Old Bailey, and the second round at the Appeal Court. There was still a tribunal that could confirm or reverse the decisions of the Recorder and the Lord Chief Justice and his two colleagues. This was the House of Lords, the supreme judicial authority, the ultimate Court of Appeal. The defence applied to have the case of Helen Duncan brought to the House of Lords. It rests with the Attorney-General, Sir Donald Somervell, to decide such matters. He has to grant a fiat. Sir Donald refused to grant a fiat on the ground that the case was not a matter of public importance! And so the defence, which desired to fight to the end, was not allowed to reach the House of Lords. Legally, nothing more could be done.

You would have thought this was a case where it would have been preferred to have the considered judgment of the House of Lords. It was, according to some newspapers, "the case of the century." It had attracted vast attention, not only through the United Kingdom, but in newspapers all over the world. It was the first time that a medium had been charged under the Witchcraft Act, and the verdict affected the legality of a religion with approximately a million adherents in this country.

The submission of the defence, all the way, had been that the Act was wrongly interpreted and that Helen Duncan should never have been charged under it. In effect, she was charged with pretending to be a medium. According to the Court of Appeal, the case for the prosecution was that Helen Duncan's whole performance was an elaborate pretence, a fraudulent exhibition which was nothing more or less than an imposition on human credulity.

To offset this, Helen Duncan offered to demonstrate phenomena similar to that which occurred on the material dates—a demonstration which the defence believed would have proved that she was a medium. That demonstration was turned down by the Recorder, who also refused, and the Court of

Appeal upheld him, to allow any witnesses to give testimony of materialisation seances held with Mrs. Duncan since the prosecution began.

An intensive search has been made, but there is no record of any cases where people have been charged with pretended conjuration under the Witchcraft Act.

Then there was the argument about the applicability of this Act to a medium. The Recorder had directed the jury, and he was upheld by the Court of Appeal, that a pretence to hold conversation with spirits of deceased persons constituted an offence under the Act. The defence maintained that in 1735, when the Act was passed, the word "conjuration" was distinctly held to mean traffic with evil spirits by certain specified methods. To support this contention, the defence had made a close examination of the words of the Witchcraft Act, and compared them with those used in the statutes it had repealed—the Acts of 1563 and 1604. The defence was reinforced in its view by the legal authorities, law lexicons and dictionaries.

Authors who had made expert study of witchcraft and witch trials also supported the attitude adopted by the defence, that in every indictment under the statutes of Elizabeth and James the term "evil spirits" was used. Every contemporaneous legal authority accepted and interpreted the Witchcraft Act as being restricted to conjuration with evil spirits.

The Attorney-General must have had these other vital points to consider, points which rise out of the Recorder's refusal to allow the demonstration which Loseby had argued would be the acid test. The Recorder first said that the demonstration might prove to be a waste of time in that it might not assist the jury. Then he asked the jury if they wished to see the offered demonstration, but he did not make this request until after the defence had been closed. Then he expressed his opinion that the effect of the demonstration might have been to damage Helen Duncan's case. Further, he said that it was not the sort of thing to which the jury could be invited because it might be against their principles. He made one other comment, that it would have been something akin to trial by ordeal.

Surely, Helen Duncan had a right to give the evidence which, if successful, would have proved that she was a medium. It cannot be right for a jury to refuse to listen to evidence which is correctly submitted, especially when it consists of evidence that

goes to the heart of the case. If the jury were unable to hear evidence which the defence considered was necessary for the proper trial of the case, then it followed that the jury were not fit to try the case.

By asking the jury whether they desired to see a demonstration, the Recorder admitted, by implication, that a demonstration was practicable. The other argument, that the demonstration might be against the principles of the jury, was very weak. If members of the jury had strong religious principles which might be affected by the demonstration, then the possession of these religious principles would prevent them from being unbiased and unprejudiced men and women.

If the demonstration had taken place, and it had been successful, the jury would have seen phenomena, similar to those which occurred on the material dates at Portsmouth. They would then have been in a better position to judge whether the medium was fraudulent or genuine, whether she was pretending to exercise powers which she did not possess. Instead of having to decide from the conflicting statements made by witnesses on both sides, they would have been able to confirm their own opinion and would have been in a far better position to appreciate the value of statements made by the witnesses.

Then there was the question of the rejection of the evidence of expert investigators who attended seances with the medium on dates subsequent to the prosecution. The essence of the case for the defence was that Helen Duncan was a materialisation medium before the events at Portsmouth, and shortly afterwards, and therefore, by deduction, at the Portsmouth seances. If these witnesses had been allowed to give their testimony, they would have described what they saw and, as experts, their conclusions would have been that at all relevant times Helen Duncan was a materialisation medium.

I was present at one of these seances held on March 15, and I will refer to it. The Recorder rejected this expert testimony on the ground that the results of experiments made after Mrs. Duncan's arrest could not be given in evidence because it would be under such a cloud that no jury could be assisted by it. The Appeal Court expressed the view that this evidence was rightly rejected on the ground that it was irrelevant.

Now, the case for the prosecution was that certain phenomena observed with Mrs. Duncan could be accounted for only on the

hypothesis of fraud. The case for the defence was that the phenomena could be explained by the fact that Helen Duncan was a materialisation medium. The only real issue in the case was whether she was, or was not, a materialisation medium at the time of the Portsmouth seances. If the jury had been satisfied that at all relevant times she was a materialisation medium, with all that this involved, then undoubtedly she would have been acquitted.

Here was a grave miscarriage of justice, and a series of happenings which established a precedent that made it certain that other materialisation mediums could not hope to escape conviction, however innocent they might be, simply because of the way in which the Helen Duncan case was handled.

The foregoing constitute the grounds for having the case decided by the House of Lords. They are the points that emerge from the judgment of the Appeal Court. Yet, despite the gravity of all the issues raised, Sir Donald could not bring himself to issue a fiat and enable the House of Lords to pronounce their final verdict.

Several seances were given by Helen Duncan *after* the prosecution was initiated. They were all successful. I can refer only to the one at which I was present a few days before the case was heard at the Old Bailey. In view of the strain which the medium had undergone, the results were certainly remarkable, but I must admit that they were not up to the standard of phenomena that I have witnessed at earlier seances with this medium. That, of course, does not occasion surprise.

Before the sitting, held in the seance room of the Marylebone Spiritualist Association, where Helen Duncan had never been before, the medium was searched by three women. One of them was Margery Lawrence, the well-known novelist, who would have been one of the expert witnesses Loscby wanted to call. The three women testified that they saw the medium undress completely and then change into her thin black seance garments, which they also thoroughly examined. They expressed themselves as satisfied that the medium had no white material on her person.

The sitting was held by the light of a single red electric bulb at the far end of the room. This light was not sufficient to enable you to read, but it was clear enough to distinguish persons. Albert's characteristic voice addressed us. "I heard a very amus-

ing story about a sheet," he said. "Would you like to see that sheet?"

I ought to mention that this seance room already had a cabinet which was a semi-permanent fixture. The curtains of the cabinet were drawn and Helen Duncan was seen standing in the centre. Pouring from her mouth and nostrils, there was a length of ectoplasm, two to three feet wide, reaching down to the floor and extending to nearly two feet beyond the cabinet's opening. The ectoplasm was white in colour, self-luminous, did not reflect the red light, billowed and seemed "alive." After a few seconds the curtains were drawn, still leaving the strip of curled ectoplasm outside, and this gradually wriggled back to the cabinet.

Then Albert's voice was heard to say: "Here it is going back." The curtains were opened and the long strip of shimmering ectoplasm was seen returning to the medium through some aperture in her face. Shortly afterwards, Helen Duncan, apparently in trance, walked out of the side of the cabinet to the corner of the room, about eight feet away. From her face there was a long strip of ectoplasm which trailed along the floor to the cabinet.

Arrangements had been made to take infra-red pictures and Albert said that he would co-operate, promising to give a signal when the exposures could be made. For the purpose of one photograph he stated that a baby would try to materialise. The curtains opened and a small patch of ectoplasm was seen near the floor. The photograph shows this mass of ectoplasm on the lap of Helen Duncan, who is seated on a chair in the cabinet. It is possible to trace the indistinct features of a baby in the ectoplasmic substance.

After this picture was taken, Albert declared that the infra-red flash had caused a shock to the medium, whose forehead would be burned. Then he announced the presence of a young man, who would try to materialise. There was a pause, and Albert said that the shock received by the medium had interfered with the flow of ectoplasm, and he could do no more. The seance came to an end. When Mrs. Duncan came out of the cabinet, there was a distinct abrasion on her forehead.

CHAPTER XVIII

TRIUMPH OF SUPERSTITION

THE judgment of the Appeal Court provoked more protests. One of the first came from the Rev. Walter Wynn, whose comments on the Recorder's statements I have already quoted. Recalling his 20 years' experience of psychic phenomena, during which time he had been helped by Sir Oliver Lodge, Sir Arthur Conan Doyle and others, he wrote:

"I have detected no proof of Mrs. Duncan's 'conjugation' or 'pretence.' *The judges did not ask for any.* So the Recorder and jury were right on all points, and only 20 minutes were required for them to arrive at their verdict!

"I dare to ask: Could any form of reasoning be more unjust and irrational? What is the value of an appeal in any case if the grounds of the appeal are not fully and separately studied; the evidence of the witnesses considered, and the offered demonstration accepted?

"How does an appeal aid the course of justice if the judges simply echo the findings of the Recorder and the jury? We appeal against those findings and offer demonstrable proof. This is refused and the case is therefore left where it was!

"To say that a demonstration would be unsatisfactory to both sides is surely to beg the question. If the mother of the Lord Chief Justice had appeared to him in ectoplasmic form, would he talk about the 'dim light' or say he wasn't able to handle the ectoplasm? Have we to handle everything to prove it exists? Try to handle a ray of light coming through the shutters of a dark room.

"My point is this: The judges joined the Recorder and the jury in giving complete proof that they had never experienced ectoplasmic manifestations. Had they ever done so, they would not go roaming amid the legal tomes and tombs of past ages. They would regulate their thought according to reality.

"It is of no importance to the Almighty what James I thought.

"One word for the Lord Chief Justice, a reference to the 'Witch of Endor.' Has he studied the narrative from which he quotes? Has he noticed that the word 'witch' is not in the text? It is always *woman*. Has he also noticed that the same Hebrew and

Greek terms are used to describe the brilliant clairvoyant at Endor as those to denote the mother of Jesus?

"Has it dawned upon the mind of Lord Caldecote that if his interpretation of the quoted passage is correct, then it was Samuel who was the sinner? How dare Samuel have anything to do with a medium and a seance! Most readers in the churches read the Bible with their eyes *out* instead of *in*.

"Lord Caldecote can redeem the situation by urging in the House of Lords that all the vile, tyrannous Acts from which he quoted be abrogated and completely annulled. For Mrs. Duncan's case recalls John Bunyan's ten years in jail for violating man-made orders; Bruno, whose voice was burnt out of him; Galileo, who would also have been burnt had he not sold his soul to gain the world; and hundreds of others to whom liberty is dearer than life.

"Courts of law may crush for a time the freedom of the spirit in its pursuit of scientific fact and truth, but God goes marching on."

The Appeal Court judgment reveals how, despite all its august solemnity, the long arm of superstition is stretched back across the centuries, even to the days when King Saul is alleged in 1056 B.C.—3,000 years ago—to have consulted a "witch," who as Walter Wynn has shown, was not known by that description.

The story of King Saul, which was touched on by the Lord Chief Justice, is full of contradictions. The verse read by Viscount Caldecote says that "Saul died . . . for asking counsel of one that had a familiar spirit," and "for not inquiring of the Lord." That version is contradicted elsewhere in the Bible. On a previous occasion when Saul had been to a medium—then the medium was Samuel who later returned after his passing at the Endor seance—he had been told to slay all the Amalekites, including men, women and children. Saul had disobeyed, and his death was said to be the penalty for his disobedience.

But there is confusion as to the manner of his death. In the first book of Samuel it is stated that Saul was wounded when fighting the Philistines, and took a sword and fell upon it. In the second book of Samuel, this story is contradicted by one which says he was killed by an Amalekite at Saul's own request.

The ancient laws of witchcraft, which now penalise Spiritualists, were based on such flimsy and contradictory testimony.

In considering the language of the Witchcraft Act, the judgment stated that what it aimed at "was that ignorant persons should not be deluded or defrauded by the *pretence* to exercise or use any kind of conjuration."

How does that apply to the Helen Duncan case? The prosecution was initiated because of a complaint made to the Portsmouth police by a naval officer, Lieutenant Stanley Raymond Worth. He has connections with the police. He has been a special constable. It was stated in the Press, and not denied by him, that he is the nephew of Superintendent Worth, of Scotland Yard.

Now, it was never argued by the prosecution that he was an ignorant person. He gave no evidence that Mrs. Duncan claimed to conjure up spirits. What he said was that her demonstration was fraudulent. How does his complaint justify the resurrection of the Witchcraft Act?

Swaffer wrote an article in the "Leader" on the implications of the Duncan case. He said: "If the Witchcraft Act had been invoked at the time it would have made Sir William Crookes a criminal because he sat with Florence Cook (a famous materialisation medium), Queen Victoria a criminal because she sat with John Brown, Sir Oliver Lodge a criminal because he sat with Mrs. Osborne Leonard, and Lord Dowding a criminal because he sat with Estelle Roberts. I, according to this decision, have been a criminal hundreds of times.

"Dowding, who led the Battle of Britain, is now going round the country telling vast audiences how dead airmen have returned to him with messages of comfort for their families. He has, indeed, dried many tears. Yet for making himself able to do this by attending seances, he is apparently as guilty as the Portsmouth people who were convicted of 'conspiring' with Helen Duncan. Why has the Witchcraft Act been dug up by the Crown in the year 1944? Surely, somewhere, a Hidden Hand is at work . . ."

Then, in the "Police Review," of all papers, these unexpected comments appeared on the Duncan case:

"How, then, do genuine psychical researchers stand as a result of it? (Most intelligent and careful people reserve a corner of their minds for the possibility that some so-called psychic phenomena may be within the reach of genuine experience.)

"It seems to us that they may well regard the case with some disquiet. As it stands, since the charges alleging fraud and public

mischiefs were not the subject of any verdict, it may well mean that all meetings of spiritualists are unlawful conspiracies, on the ground that they all involve a 'pretence to exercise conjuration'—i.e., a representation (not necessarily false?) that the spirits of people who have died can be called up and conversed with.

"If this is so, the spiritualists may still feel unconvinced by the Home Secretary's assurance of last November that prosecutions will be confined to cases of fraud and imposture, so that 'persons *bona fide* engaged in the ministrations of the spiritualist churches and in psychical research should not find themselves hampered by the provisions of the Law.'

"The Court of Criminal Appeal expressly rejected the contention of the appellants that the section deals only with a pretence to hold conversation with 'wicked and evil' spirits.

"The words 'any kind of' were wide enough to cover the conspiracy alleged which the jury had found to be proved. So the legal machinery by which the case was taken out of the summary jurisdiction and got before a judge and jury does not, of itself, appear to have done 'genuine spiritualists' any good."

The "Solicitor," a legal journal, commented: "The present situation, in which both spiritualists and quacks are prosecuted under two obsolete Acts, is highly unsatisfactory, and calls for investigation."

Have you any doubt after reading these criticisms that the whole Spiritualist movement is outlawed by the Witchcraft Act? The Home Secretary's assurance has been proved worthless.

The "New Statesman" published an article, written by C. H. Rolph, which was much fairer to Spiritualists than practically anything which has appeared in that journal. Commenting also on the charges of fraud and public mischief which were dropped, he said that the fact that these "were not the subject of a verdict may well disquiet anyone genuinely engaged in psychical research." After pointing out that the phrase, "any kind of conjuration," from the Witchcraft Act, might cover a Spiritualist meeting of any kind, he said that all such meetings and seances might be said to involve a "pretence to exercise conjuration," and all might therefore be "unlawful conspiracies."

In his view the only hope of Spiritualists "must lie in the proposition that a pretence is something less than a belief." But, unfortunately, the Appeal Court decided that the word "pre-

tence" meant "falsely to pretend." That disposed of any hope in the direction suggested by C. H. Rolph.

Soon after the Appeal Court had given its decision the Spiritualists' National Union, the largest organised body of Spiritualists in this country, held its annual conference. The presidential address made it quite clear that the movement regarded the Helen Duncan prosecution as an event which foreshadowed a greater menace to the religious activities of Spiritualists. The president, A. H. L. Vigurs, said: "I cannot but regard the Duncan case as a direct attack upon Spiritualism."

A famous Scots journalist gave me this summary of the opinions he had heard:

"A well-known Scottish artist, a member of the Royal Scottish Academy, who took care to say he was not a Spiritualist and had grave doubts about Survival, gave me his view on the prosecution of Mrs. Helen Duncan. He considered it wrong to take action under an old Act passed in times when there was still a belief in witchcraft.

"A Scottish solicitor, head of an important firm, also sceptical about psychic phenomena and Spiritualism, expressed the same view. Their attitude is, I believe, representative of the view of most people who are not interested specially in this subject.

"They have a feeling of uneasiness, comparable to that of many who felt at the time of the Munich compromise, that here was something not quite worthy of the British tradition. That feeling amongst outsiders, it seems to me, is important for the future.

"Amusement used to be expressed at the old-fashioned views of the fundamentalists in remote areas of America on religious subjects. This operation of an ancient Act gives ground for the fundamentalists to make fun of British backwardness."

What is conjuration? I do not know. What is invocation? I do not know. I published an article by W. G. Raffe, who said: "There is no extant legal definition of conjuration susceptible of being entered as admissible legal evidence. . . . There is no extant legal definition of witchcraft (feminine) or wizardcraft (masculine). It is the only 'crime' on English statute books envisaged as being limited solely to female offenders. In the absence of any such definitions, the legal case rested solely on the accusation of 'pretence.' The accused was punished for—in the indictment—'pretending' to exercise, etc., a skill which has not been defined, and which legally has no real existence until now.

"The Act of 1735 is not framed as a true and genuine protection of the ignorant, but as a piece of privilege on the part of the clerics who feared the gradual loss of their power."

Raffé raised the question whether the celebration of the mass now became an offence under the Witchcraft Act. "In its process," he said, "the priest pretends to invoke, by enchantment and by conjuration, spirits he hopes will be beneficial, at least to himself, if not his patrons."

He cited also "the magical ritual of enchantments and banishment of spirits, etc., used by bishops on the opening of a new church building, for consecration and sanctification. The facts of such conjuration will not be denied. Every such consecration may now be a crime."

By way of contrast, let me tell you about a recent prosecution in New York City, where a medium was charged with fortune-telling. In the New World, they are not fettered by our ancient traditions. There is no problem caused by encumbrances of venerable, hoary statutes which belong to the ages of ignorance and superstition. Spiritualists have won their religious freedom. Their national Spiritualist organisations have the right to ordain their own ministers who share equal status with the ministers of other religions.

The magistrate, Francis Giaccone, who tried the case in New York, displayed a vastly different outlook towards Spiritualism than the Recorder at the Old Bailey or the judges of the Appeal Court. He exhibited, too, a wider knowledge of Spiritualism, and did not profess the judicial ignorance which is so customary in our courts.

The defendant, a medium who is a member of America's General Assembly of Spiritualists, had been arrested during a church service by a policeman. In acquitting her of the charge of fortune-telling the magistrate said:

"The only issue is the good faith of the defendant. The prosecution contends that she was merely telling fortunes, while the defence seeks to prove that in the observance of a duly recognised religion, she was merely giving expression to her religious faith.

"She is supported in her trial by the principles and traditions of our democratic form of government, which leave untrammelled and untouched the right to the individual to observe her faith according to the dictates of her own conscience.

"However, there is another silent witness in this case which may militate against the defendant. It may be an intruder, but it is ever forceful. It is prejudice.

"The defendant is a minister of the Spiritualist church, and in addition thereto she states that she is a medium with the faculty of communicating with the spirit of the departed. That is a faculty which is recognised by her church.

"The community generally is sceptical as to the possession of that faculty on the part of any mortal. Religion, in the generally accepted sense, has surrounded the realm of the dead with an impenetrable wall, and with many taboos.

"If the defendant is justified in her faith, such scepticism would amount to prejudice. If it is thrown into the balance of our judgment, prejudice falsifies the scales of justice.

"It was the intent of the legislature to omit from the effects of the law the beliefs, practices and usages of incorporated ecclesiastical governing bodies or their duly licensed teachers or ministers acting in good faith and without personal fee.

"The State, acting through its proper department, has already recognised the Spiritualist church by granting them a charter of incorporation under the Religious Corporations Law of the State of New York. It recognises the defendant as a duly ordained minister of such church and even grants unto her the authority to solemnise marriages, certainly a most sacred power in our civilised community.

"The question here is not the validity of the beliefs of the defendant. They have already been accepted by the State. In the field of science those beliefs have been challenged and, on the other hand, they have found some, if only a few, advocates and sponsors. The defence produced witnesses of varied background who stated they were attendants of the church because they found comfort in its tenets. The defendant herself said that she abandoned her former church several years ago, when she lost her son and had found solace in Spiritualism.

"If calling the messages transmitted by the medium-ministers of the Spiritualist church mere fortune-telling is to place such ministers within the provisions of the law, it will amount to a nullification of the statute.

"It is the function of the court to construe the intent of the legislature. The legislature obviously and apparently intended to do what it obviously and apparently says; that is, not to interfere

with incorporated ecclesiastical governing bodies or their duly licensed teachers or ministers acting in good faith and without personal fee.

"The legislature has spoken. The courts do not legislate. The court is the spokesman for the sovereign power of the State, which under our form of government is the jealous custodian of the right of every man, woman or child to believe as his or her conscience dictates."

In three sentences, the New York magistrate epitomised all the opposition to Spiritualism and mediumship. Here they are:

"However, there is another silent witness in this case which may militate against the defendant. It may be an intruder, but it is ever forceful. It is prejudice."

Prejudice was not silent in the Helen Duncan case. It was very vocal.

CHAPTER XIX

FOR FREEDOM

THE menace of the Witchcraft Act was foretold 70 years ago. In 1877, Spiritualists, who were even then smarting under the injustice of the Vagrancy Act, were warned that one day the malign influence of the Witchcraft Act would be invoked.

Turning up some old issues of the "Spiritualist," I came across an article written by C. C. Massey, a barrister. A Vagrancy Act case involving a well-known medium had been fought and lost. Massey said: "He would be a rash lawyer who, after this decision, would pronounce with confidence that we are in no danger from the older and more arbitrary statute.

"If the real value of mediumship was understood by or could be explained to a legal tribunal, it would be seen that there is no pretence of a power which can be voluntarily exercised, such as witchcraft, sorcery, enchantment and conjuration appear to imply."

In his view there would be little difficulty in the prosecution citing the Witchcraft Act against mediums because the evidence of spirit manifestations would not dispose of the charge. The prosecution could even argue that these manifestations were evidence of pretence on the part of the medium who had evoked

them. No disclaimers would be accepted. As it would be unnecessary for the prosecution to prove that these manifestations were not genuine, "any believer could be made to give evidence that would convict the medium.

"The danger is real but I think the enemy will be well advised to keep this engine of persecution in reserve. But the inevitable growth of the movement will probably exasperate them beyond the bounds of prudence."

That forecast has come true. Helen Duncan is the first victim. She was the first medium to be charged under the Witchcraft Act. This statute has very rarely been used. I have managed to trace three prosecutions in the present century—in 1904, 1935 and 1939. The last two were for fortune-telling.

Using the Helen Duncan case as a precedent, the police, a few months later, charged another woman with the offence of pretended conjuration. Doubtless, because of her age—she was 72—and the fact that she was a cripple, the woman was bound over when the case came to the Old Bailey. Henry Elam, counsel for the Director of Public Prosecutions, referred to the Appeal Court decision in Mrs. Duncan's case and mentioned specifically that it had been held that "pretence" of communication need not necessarily be with evil spirits for the Witchcraft Act to be applied.

Both he and the Recorder took pains to express their view that this new prosecution had nothing to do with Spiritualism. Doubtless they believe it. I do not share their opinion. They made similar statements during Mrs. Duncan's trial.

I know nothing about the woman charged in the second Witchcraft Act case. She may have been as guilty as the jury declared. Certainly the police witnesses quoted some ridiculous statements that she was alleged to have made. But, as she stated she was in trance, she could not refute these statements.

Note the growing application of the Witchcraft Act. This woman, who claimed only to be a trance medium, was prosecuted under an indictment that was practically a replica of the one used in Mrs. Duncan's case!

Two weeks later the police struck again. They banned a public Spiritualist meeting at which a trance address was to be given. Under the Witchcraft Act, said the police, the proceedings would be illegal because they amounted to conjuration.

The meeting was to be held on Sunday, October 8, 1944, at

Stamford Hall, Altrincham, near Manchester. It was to be a trance address by Dr. Letari, spirit guide of W. H. Lilley, the famous healer. He was announced to speak through his medium on "The Science of Spiritual Healing."

On Sunday, June 4, 1944, Dr. Letari, in the same hall, gave an address on "The Gift of Healing." Both meetings were promoted by the Ravenswood Spiritualist Society, Altrincham. To advertise the October meeting posters were displayed on L.N.E.R. stations in the locality. These were almost identical with those announcing the June meeting, for which posters were also displayed on this railway's stations.

A few days before the meeting, R. S. Corbett, secretary of the Ravenswood Spiritualist Society, was telephoned by the Manchester advertising manager of the L.N.E.R., who said he had received a letter from someone in Timperley, Cheshire, to say that the subject matter on the posters was of a controversial nature. He added that the writer mentioned that he had also informed Superintendent F. J. Morris of the Altrincham police. The name of the writer was not disclosed by the advertising manager.

Corbett was told that, because of this communication, the railway company had removed the posters which had been displayed for some weeks. Corbett telephoned Superintendent Morris, referred to the message he had received from the railway official, and asked what action, if any, did the police propose to take.

The superintendent replied that he was going to take action, but he would not disclose its nature. Corbett reminded him that there had been no difficulty about the previous meeting. The superintendent answered that the meetings were not similar because the wording on the posters was different.

Actually the only substantial differences were the subjects of the trance addresses and the disposal of the proceeds. The first meeting was in aid of the Mayor's appeal for £500 to purchase medical equipment for the department of the Altrincham General Hospital. The October 8 meeting was in aid of the Altrincham General Hospital and the Ravenswood Spiritualist Society's building fund.

Then came the staggering announcement by the superintendent that this meeting constituted conjuration! He also contended that money was being paid by those who attended the meeting.

Superintendent Morris also told a Manchester newspaper: "Inquiries have been made and we find that if this meeting were held it would be illegal."

The facts are, as stated in the announcements, that there were some reserved seats at 2s. 6d., otherwise admission would be free with a silver collection.

Then Corbett received a telephone call from W. G. Bosworth, of the Altrincham Corporation, to whom the Stamford Hall belonged. As the meeting was to be held on a Sunday permission for its use had to be obtained from the local magistrates. Bosworth told Corbett that the Altrincham Corporation had decided to withdraw their permission to hold the meeting.

Two or three days later Bosworth telephoned Corbett again to read a letter that was being sent by the Corporation. This stated that, following some information given by the police superintendent, the town clerk had to notify Corbett that the magistrates in court that day had cancelled their previous permission for the hall to be open on October 8.

When the Altrincham Borough Council met a few days later, there were demands that the public should be told why the Spiritualist meeting was cancelled. The town clerk stated that the superintendent of police had advised them it would be illegal. For that reason, the magistrates had annulled the previous decision to grant a licence for the letting of the hall. He also said that the police view was that if the meeting had taken place it would have led to police action.

I must add that the police ban seemed to have scared Non-conformist bodies in Altrincham. Swaffer and I asked the local Spiritualists to hire any of the large chapels in order to hold a protest meeting. Every minister who was approached refused. In the end, we had to go outside Altrincham and hold our meeting at Sale Town Hall, three miles away.

All sorts of people were scared by the Witchcraft Act. An official of the Spiritualists' National Union wanted to get some literature printed, dealing with this case, for distribution among M.P.s. Two printers, after seeing the references to the police and to the illegality of mediumship, got cold feet, and refused to go on with the job. In one case, that happened after the type was set.

When Morrison was questioned in the House of Commons about the banned meeting, he was needlessly truculent and treated

the whole matter as a joke. So successfully did he play the role of humorist that some M.P.s laughed. It is a sad commentary on parliament that religious freedom should be regarded as funny, in the sixth year of a war for liberty, by the elected representatives of democracy.

Worse followed when Morrison gave a written answer to another question. He defended the digging-up of the Witchcraft Act and wrote—presumably in all seriousness!—"it is not an archaic or obsolete statute." He proved that he was either badly advised or shockingly ignorant when he added that this Act penalised "fraudulent pretences." That is remote from the truth. The wording of the Appeal Court judgment makes the position perfectly clear:

"The only matter to be decided by the jury was whether there was a pretence or not. The prosecution did not seek to prove that spirits of deceased persons could not be called forth or materialised or embodied in a particular form.

"Their task was much more limited and prosaic; it was to prove, if they could, that the appellants had been guilty of conspiring to pretend that they could do these things, and therefore of conspiring to pretend that they could exercise a kind of conjuration to do these things."

That leaves Morrison without a leg to stand on. There is no mention of fraud. The mere pretence was sufficient to prove guilt.

In this connection, a comment in the "Literary Guide," journal of the Rationalists, who are unsympathetic towards the practices of Spiritualists, is worth quoting. "Protonius," a regular contributor, referred to "a certain uneasiness" over the prosecution. "According to the prosecuting counsel," he wrote, "the mere invoking the spirits is no offence, but pretending to invoke them is an offence. So the jury was asked to determine whether the accused pretended to do something which she knew she could not do. How, I wonder, can a jury decide a question of this kind on any objective basis?"

Then came this comment: "The situation presented by the invoking of the spirit of an Act more than 200 years old, and by the revival of the practice of refusing public halls, suggests a concerted and not too scrupulous effort to suppress Spiritualism. There is no need to exhume old Acts to legalise proceedings for fraud, and it is fraud, not what is regarded by most people as folly, with which the law is solely concerned."

"Protonius" ended with these words: "The Spiritualists, therefore, may well ask the Home Secretary whether he has studied the Atlantic Charter (where there is a passing reference to the sacred principle of freedom of expression) with as much care as he has searched the clauses of the Witchcraft Act."

Now let me remind you of the sequence of events. In December, 1943, after Herbert Morrison, the Home Secretary, had refused to meet a deputation of Spiritualists, who demanded the repeal of the Vagrancy Act, he offered a "concession." He had waited four months in order to give "very careful consideration to the representations" made by this deputation which had been received by Osbert Peake, Under-Secretary for State.

Morrison, who has a reputation for being a very able administrator, answered: "It would prove extremely difficult to frame an amendment of the law which, while meeting the aspirations of spiritualists, would not open the door wide to frauds and grave abuses." Because he appreciated the feelings of Spiritualists on this subject, he had made inquiries as to prosecutions under the Vagrancy Act.

He added: "I understand that it is the practice in some police forces in cases of this kind to institute proceedings only against persons whose activities have been the subject of complaint by members of the public, and where there is evidence that the person is an impostor and taking money or other valuable consideration.

"Although I have no power to issue any directions to the police as to the manner in which they should enforce the law, I have asked chief constables to consider the adoption of this practice in their forces.

"Further than this, I cannot go, but, if the practice I have described is generally adopted, persons *bona fide* engaged in the ministrations of the spiritualist churches and in psychical research should not find themselves hampered by the provisions of the law."

That was his "concession"—a directive to chief constables. Its only effect has been to make matters far worse for Spiritualists. The Witchcraft Act has been invoked by the police and this, if it is enforced all over the country, would end every Spiritualist activity. It brings within its scope all persons "*bona fide* engaged in the ministrations of the spiritualist churches." It makes them all criminals.

There was no suggestion by the Altrincham police that Lilley was an impostor. There is not a breath of superstition against a man who has thousands of cures to his credit and who has frequently been consulted by doctors when they had difficult cases. Indeed, Lilley was given exemption from military service, provided he continued his healing ministry.

When Sir Gerald Dodson sentenced Helen Duncan he said: "There is nothing in this prosecution directed against Spiritualism as such. In law there is no uncertainty at all about the position of Spiritualists, among whom there are many sincere and devoted persons. They are free to go their own way, and they are only responsible to the law when fraudulent practices are proved. In this respect they are no different from any other section of the community."

It took less than six months to prove him completely wrong. I said in "Psychic News" at the time that no such freedom existed from the moment the Witchcraft Act was conjured up.

Make no mistake about it. The application of the Witchcraft Act to Spiritualists is a clear case of religious persecution. The Helen Duncan case was the thin edge of the wedge. The Recorder's judgment, which was upheld by the Appeal Court, branded every demonstration of mediumship as a crime.

The police banned Lilley's public meeting because a trance address by a dead doctor would be a pretence of conjuring up a spirit, which is precisely the offence in the Witchcraft Act. The police need not have banned the meeting. They could have allowed the trance address to be given and then arrested Lilley. But they chose the easier way out of a dilemma. The organisers of the meeting, like the organisers of Helen Duncan seances, were guilty of the crime of conspiracy in this pretence at conjuration. And surely it follows that the members of the audience were accessories in the crime. The problem of arresting several hundreds of people was, perhaps, too much for the police. They banned the meeting instead. In declaring the meeting was illegal, the police correctly interpreted the Witchcraft Act.

"In law there is no uncertainty at all about the positions of Spiritualists. . . . They are free to go their own way." The kindest thing to say is that Sir Gerald Dodson believed what he said.

If the Altrincham meeting was illegal, so is every seance and

every Spiritualist church service where mediumship is demonstrated. It will not be long before a medium is arrested at one of these services for breaking the Witchcraft Act.

The police should be bold enough to insist that this Act is observed. To show their determination that the law should be respected, they ought to make examples of leading Spiritualists.

Air Chief Marshal Lord Dowding, though he directed the Battle of Britain, should be put into the dock. He has made no secret of the fact, in his many public speeches up and down the country, that he has pretended to conjure up spirits.

Another famous Service figure who contravened the Witchcraft Act was Air Chief Marshal Sir Trafford Leigh-Mallory, whose aeroplane disappeared on the way to the Far East. For three years, he and his wife sat in the home circle of Charles Glover Botham, a London medium.

Not only were they convinced Spiritualists, but Sir Trafford assisted Botham in giving public psychic healing at the London Spiritual Mission. That was after Leigh-Mallory discovered that he possessed the gift of psychic healing.

During the war, his official duties made it possible for him to attend only occasionally at Botham's circle. He regularly communicated with his dead brother, whose passing was a mystery in 1924, when he was a member of the third expedition to climb Mount Everest.

If the police had done their duty, instead of Sir Trafford being allowed to act as Commander-in-Chief Allied Expeditionary Air Force, second only to Eisenhower, he should have been imprisoned as a "criminal" under the Witchcraft Act.

Hannen Swaffer, Morrison's colleague in the Labour Party, the man to whom the Home Secretary has paid tribute for his great help in winning London for Labour at the L.C.C. election in 1934, is equally guilty, because of the weekly meetings of his home circle, where they pretend to conjure up spirits.

Nina Duchess of Hamilton and Brandon, a member of the best-known Scottish family, is another whose criminal activities in this direction should be stopped.

There is a long list which I will gladly supply to the police. It includes members of the War Cabinet. It includes members of our royal family. It includes men and women of distinction in this country.

As I write the closing words of this book, a statement appears

in a Sunday newspaper to the effect that Home Office experts are studying "crazy old 'nuisance' laws" which ought to be abolished. These experts "are going through the Statute Book with the object of revising obsolete laws."

The man-in-the-street doesn't realise the extent to which he can be punished for quite innocent actions merely because there are out-of-date laws which have never been repealed. Why is it that all these ancient laws are not invoked? If it is legally, ethically or morally right for the police to exhume the Vagrancy and Witchcraft Acts to punish Spiritualists, why do they not resurrect equally ancient statutes which are broken regularly day after day? If one law is to be observed, then all laws should be observed. No distinctions should be made.

In my booklet, "Rogues And Vagabonds," I have cited some of these laws, and have indicated that, when the time is ripe, we shall compel the police to prosecute under them. Do you realise that you are a law-breaker possibly six times a day? And some of the "crimes" that you commit are still punishable by death!

If you happen to kill a swan, even accidentally, a judge may sentence you to be hanged. The Act imposing the death penalty for this crime was passed in the reign of George III. Under a 200-year-old law, you can be banished for life if you "cast adrift a barge on certain canals and inland waterways" of England.

It is compulsory for everybody to go to church on Sunday. That is laid down in a law passed in 1550 when young Edward VI was on the throne. The punishments range from fines to duckings. What would happen if every Monday morning every non-churchgoer had a summons served on him, I do not know! Still, it will be interesting, when our campaign is launched, to serve summonses on every cabinet minister.

Wicked people who go for donkey rides on the sands on Sundays can also be arrested. It is a terrible crime to eat meat on a Wednesday, and those who dare to bake or eat mince pies at Christmas-time are among the worst offenders. There are statutes which make it unlawful for any of his Majesty's subjects to be more than five miles from his home between sunset on Saturday and sunset on Sunday. It is a crime to push a pram-bulator on the footway. It is also illegal to exhort any of his Majesty's liege subjects to abstain from the consumption of alcoholic liquor. It is a punishable offence to attend a prize

fight, and the offence becomes worse if a special train is run for the occasion.

These are some of the obsolete laws that have never been repealed. There may have been good reasons for placing them on the Statute Book, as there may have been good reasons for the Witchcraft Act in 1735. Those reasons now no longer obtain. This antiquated piece of enactment belongs to the dustbin of superstition. It is a legacy of darkest England at a time when its inhabitants lived in a semi-permanent black-out. We have made some advance in the last 200 years. We no longer live in the atmosphere of mediævalism that produced the Witchcraft Act and all that goes with it.

How can the Witchcraft Act be applied to a body of people who, in every other respect, are regarded as law-abiding and valuable members of the community? How can the legal arguments on conjuration bear any relation to modern seances at which Survival is proved?

It is computed that there are about a million Spiritualists in this country. It is impossible to give exact figures, but here are some that will give an idea of the menace of the Witchcraft Act.

There are at least 1,000 properly organised Spiritualist churches in Britain. There are at least 1,000 registered mediums regularly practising their psychic gifts. There are 50,000 to 60,000 home circles regularly meeting for spirit communion in private houses. At least 300,000 people attend these seances. A quarter of a million individuals attend Spiritualist churches every Sunday.

The introduction of the Witchcraft Act robs them all of their religious liberty.

We have tried by every means in our power to obtain our freedom. We have knocked at the doors of the Home Office; we have introduced a Bill into parliament. It has all been to no avail. We have fought in the law courts, at the Old Bailey, and at the Court of Criminal Appeal. The Attorney-General has refused to allow us to take the fight to the House of Lords. But the fight goes on. It will continue until we have won our liberty.

During the past few years country after country has groaned beneath the yoke of oppression and tyranny. Millions have endured martyrdom. But from the depths of despair they have risen again. The free spirit of man has refused to be subjugated. Not even the foul crimes committed by Hitler and his hench-

men have succeeded in eliminating man's innate desire for freedom which is part of his spiritual heritage.

Man is a spirit, a portion of that Great Spirit responsible for all life. Man's spirit grows and evolves, seeking to express its latent divinity. All the shackles that bind man to prejudice and ignorance, to superstition and darkness, no matter how reinforced by law or by state, must go. They are anachronisms which cannot survive in a new world.

The war has been won because man has determined to be free. He refused to bow the knee to tyranny. Spiritual freedom is equally as important as physical freedom. The contribution of Spiritualism is to prove the existence of man's spirit which survives the grave. Mediumship demonstrates that man is a spiritual being while still on earth. If the law says that these demonstrations, which comfort the bereaved and which enable thinkers to have an exalted picture of the stature that man can achieve, are criminal acts, then the law must be changed.

The demonstrations will not cease. There is no threat, there is no judge, there is no parliament which can impede the right of man to claim his spiritual heritage and to fulfil his divine destiny. In that onward evolutionary march, Spiritualism has a tremendous part to play. That part it will continue to play and all the prohibitions contained in ancient laws must be swept away.

The law has declared war on us. We have accepted the challenge. We will wage this war with all the means in our power. We will continue the fight until final victory is won. Nothing will stop us. We will go on until every Spiritualist in this country has the right to follow the religion of his choice, and to practise that religion according to the light of his conscience.

CHAPTER XX

"SHE WAS WRONGLY CONVICTED"

THE most fitting end to this book is the declaration published by the Freedom Fund committee of the Spiritualists' National Union, the largest body of organised Spiritualists, which sponsored the defence of Helen Duncan. Seven days after her release from prison, they issued this statement:

"We have been entrusted with the task of doing everything possible to secure justice for mediums, and seek the aid of all persons interested in justice and the honour of British justice.

"Helen Duncan, in the month of March, 1944, was charged under the Witchcraft Act, 1735, at the Central Criminal Court, and upon April 3, 1944, was convicted and sentenced to nine months' imprisonment.

"We are satisfied that Helen Duncan, like those charged with her, was completely innocent of the charge of pretending brought against her, that her trial violated elementary principles of justice, and that she was wrongly convicted.

"In the course of the trial Helen Duncan wished to give evidence which she believed, and which we believe, to be final and conclusive, that she has not pretended to be a medium, but that she was a medium. She wished, further, to tender the evidence of experienced and expert persons to the same effect, but was not allowed to do so.

"Helen Duncan was charged under an Act which is antiquated and obsolete. In the course of the case, rules relating to procedure and evidence were laid down which, in our view, render inevitable the conviction of any innocent person similarly placed.

"Helen Duncan was released from Holloway Prison on Friday, September 22, and announced that she was not willing to offer her services as a medium again to any person, whether purporting to act for scientific or religious purposes, or any other purpose.

"Materialisation mediums of the kind and type of Helen Duncan are very rare. Her decision constitutes a grave blow to investigation, advance and progress. For the reasons given above, we were unable to advise Helen Duncan to offer her services again. We are satisfied that she would be exposed to the attack of any unscrupulous person and that, although innocent, she would, in the event of attack, be convicted and still further degraded.

"In this first declaration, we wish only to make plain our view that the condition of things above revealed is intolerable."

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