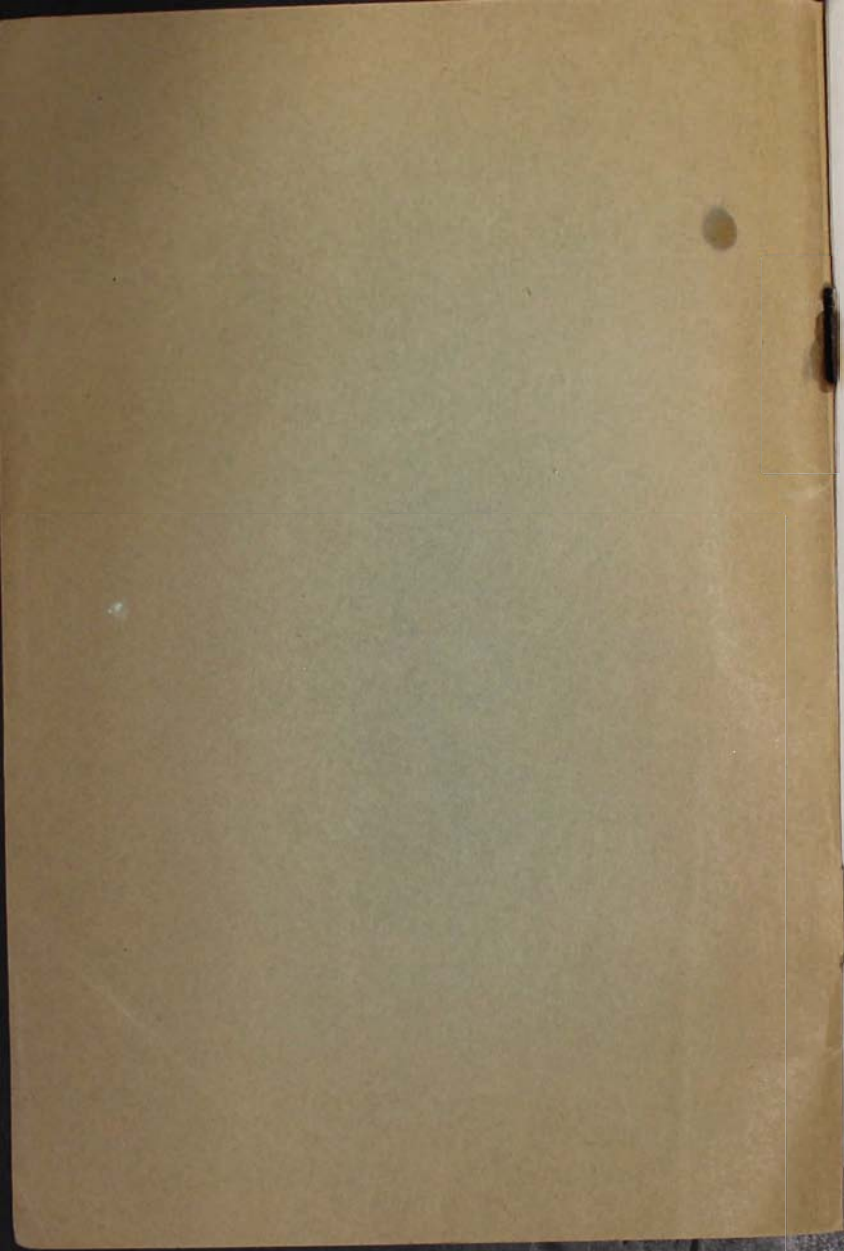


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ROGUES AND VAGABONDS

By
MAURICE BARBANELL
(Editor of "Psychic News")

Price 6d.



Distributed by
THE NATIONAL SPIRITUALIST
765 Oakwood Boulevard
Chicago 15, Illinois

"WE ALWAYS STOLE TOGETHER"



Here are the two crooks on whose evidence Stella Hughes, a well-known medium, was convicted under the Vagrancy Act. Sergeant Jean Stratton and Constable Margaretta Gibson Low turn their backs on the camera when they were photographed on their way to the West London Police Court where they were sentenced for systematic thefts. Yet Herbert Morrison refused to grant the medium a King's Pardon!

ROGUES AND VAGABONDS

By

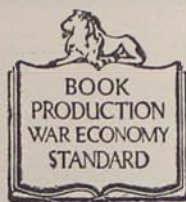
MAURICE BARBANELL

(*Editor of "Psychic News"*)

When this booklet was written, 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 references, therefore, to the Witchcraft Act, on page 60, are no longer relevant. When the Helen Duncan case has been finally decided, fresh consideration will have to be given to its effect on Spiritualism.

PSYCHIC PRESS LIMITED
144 HIGH HOLBORN, LONDON, W.C.1

First Published . . . 1944



THIS BOOK IS PRODUCED IN COMPLETE
CONFORMITY WITH THE AUTHORISED
ECONOMY STANDARDS

MADE AND PRINTED IN GREAT BRITAIN BY
EBENEZER BAYLIS AND SON, LTD., THE
TRINITY PRESS, WORCESTER, AND LONDON

INTRODUCTION

THIS is the story of an attempt to obtain simple justice for a body of Britons, men and women who, although they are in every other respect regarded as decent members of the community, are stigmatised as rogues and vagabonds and deprived of their fundamental liberties.

"I want justice for the German people," said the Rt. Hon. Herbert Morrison, Home Secretary, in a speech made during the war—one that caused a furore. Yet he denies justice and rights regarded by Britons as sacred since Magna Charta to the Spiritualists of this land.

In Britain, which has boasted for centuries of its toleration and its love of liberty, there are tens of thousands of people who have no freedom to practise their religion according to the dictates of their conscience. They are at the mercy of an obsolete Act of Parliament, placed on the Statute Book 120 years ago, which makes their activities illegal, is responsible for their mediums being arrested, fined and imprisoned, and compels the police to be the tools of sectarian bigots who are often animated by spite and jealousy. The identity of these bigots is never disclosed. They are able to strike and to wound from the shelter of their anonymity.

Because of this Act the police use that loathsome creature, the *agent provocateur*, whose activities in tempting law-abiding citizens to become rogues and vagabonds is an affront to every canon of justice, decency and morality.

The truth is that this Act was never designed to apply to Spiritualism, or to Spiritualists. As its name implies—the Vagrancy Act—it was framed to protect the illiterate and the ignorant from the wiles of vagrant gipsies. Yet, because it has never been repealed, every time Sir Oliver Lodge went to a seance, he could have been prosecuted for breaking the law!

Whether you agree with Spiritualists or not, you cannot deny that robbing them of their religious freedom makes a mockery of all our war aims. The whole trouble is contained in these words which form part of Section 4 of the Vagrancy Act:

"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."

Because of these words, the courts have gone so far as to declare that the mere practice of mediumship, irrespective of whether any attempt is made to foretell the future, is illegal! Whether mediums are paid or not makes no difference—they are still offenders in the eyes of the law.

Mediumship is the unique contribution made by Spiritualism. It is the foundation upon which the whole of Spiritualism rests; it is our supreme contribution to modern knowledge. To be a medium, you have to be sensitive to vibrations which others are unable to register; mediumship is a psychic sensitiveness. Yet these are the people who have to practice their gifts with the threat of prosecution hanging over their heads.

Every seance is automatically an illegal activity; every Spiritualist religious service at which mediumship is demonstrated is illegal. Requests left for the training of mediums have been declared invalid. The Government has refused to recognise that Spiritualist ministers are ministers of religion. And all this has happened in so-called free Britain.

The climax of a long fight to obtain relief from the operations of the Vagrancy Act was reached in January, 1944, when Morrison rejected the pleas made by a deputation of Spiritualists, which he had refused to meet. His rebuff does not end the campaign, for Spiritualists will continue to work for the freedom which is their inalienable right.

This booklet will tell you the story of what we have tried to achieve.

THE GOVERNMENT'S PRETEXT

ONE of the excuses offered by the Government for refusing to amend the Vagrancy Act is that it protects the public from fraud. The truth is that the law does not differentiate between genuine mediums and charlatans. All mediumship, says the law, must be regarded on the same level. It is all a pretence.

There is very little fraud in Spiritualism, no more and no less than exists in any department of human activity. The fraud has been exaggerated by our detractors. Until quite recently newspapers were hostile to Spiritualism. The only references to it that they would print were so-called exposures of fraud, many of which merely revealed the stupidity of the exposers.

The normal activities of the Spiritualist movement, the tens of thousands of messages from the "dead" received in public—and in private—seldom were regarded as news by newspapers. As a result the idea began to grow that Spiritualism was all fraudulent.

Then, unlike other religions, Spiritualists have refused to maintain a discreet silence about charlatans.

Incidentally, because of their long experience, they are the only ones capable of judging the difference between genuine psychic phenomena and the attempts to simulate them. Spiritualists have been ruthless wherever chicanery has been discovered. They have insisted that the widest possible publicity be given to those harpies who have preyed on the bereaved for the sole purpose of extracting money from them.

Given the power, the Spiritualist movement is quite capable of dealing with this very small proportion of frauds. Yet what happens when we expose frauds? Years ago I caught a man, claiming to be a medium, cheating at a seance. I applied to the Stratford Police Court in East London for a warrant for his arrest. After glancing at my desposition, the magistrate, with a smile, refused my application. I appealed to the Home Office to intervene, and after a month's delay, received its refusal.

How then can there be any justification for the Home Secretary's statement that one reason for refusing to amend the Vag-

rancy Act is that his department must protect the public against fraud.

Here are the landmarks in the history of our campaign to amend the unfair Vagrancy Act. First the petition method was tried. Thousands of signatures—I believe the figure was 40,000—were collected in 1928 by enthusiastic Spiritualists, and these weighty parcels were deposited in the House of Commons. And that was that! What happened to them, I do not know. I hope they were used for salvage.

THE FIRST DEPUTATION

THEN, in 1930, nearly all the sections of the Spiritualist movement combined to form a deputation to J. R. Clynes, Herbert Morrison's predecessor. The deputation was headed by Sir Arthur Conan Doyle, that doughty warrior for our cause, then a dying man, who rose from a sick bed to go to London for the purpose. It was his last public effort, for shortly afterwards he passed on. Many people think that his death was hastened by the exertions caused by this action.

"The real medium and the honest medium is in an enormous majority," the famous author said to Clynes. "These people are decent citizens who shed around them such an atmosphere of human comfort and consolation, and also a religious assurance, as no other body in the whole community does. I do not think that the most busy medical man or the finest workman can succeed in giving more happiness to the human race than a competent medium.

"These people, who are very delicate and sensitive creatures, are living always under the shadow of the police. I would ask you to consider the administrative way in which the police act in these matters.

"They send to the medium disguised policemen and policewomen who pretend to be in trouble and ask for consolation, and then they take out a summons against the medium. That is being an *agent provocateur*, and the act, like the word, is not English; it is against all our feelings and traditions.

"Just consider what the effect on the public would be if there was criminality in the park, and it was shown that the police had connived at the immorality; that would be an exact parallel with what occurs with us.

"If you were to send word to the different chief constables asking them in future to let the public who are aggrieved take action, but not the police to lay traps in this questionable manner, we think that you would go a long way towards alleviating the grievances from which these people suffer."

Ernest Oaten, as spokesman for the deputation, submitted that "since Spiritualism and psychical research in this country date from 1850, an Act of 1824 could not possibly have contemplated the psychical activities against which the Act is so frequently used.

"It is obvious from the very title, the '*Vagrancy Act*,' that it was intended to apply to the vagrant gipsy who went from door to door (very often back doors) imposing upon the ignorant classes, servants and such like, and often instilling into them superstitious fears.

"It must not be forgotten that these were times when the education of the masses was an unknown thing, and when pretenders who claimed strange powers struck terror into the hearts of the credulous. We are living in different times. To apply the term vagrant and vagabond to an individual who has a permanent residence and is often the owner of the house in which he lives is an anomaly which surely speaks for itself.

"The Act is intended to protect the public, but we would stress the fact that the Act is never put into operation save by the police, and then only through *agents provocateurs*. A careful reading of the Act suggests that the police take action on the complaint of the common informer, but we ask you to note that there has never, to our knowledge, been a case in which any member of the general public has gone into court and said that he was either injured, deceived or cheated.

"We have no evidence that there have ever been *bona fide* complaints by the general public, although we have heard statements to that effect. No witnesses have ever been put into the box other than *agents provocateurs* employed by the police. Without such, presumably at the instigation of unnamed persons in the background, *agents provocateurs*, we are certain the authorities would have no case.

"Sittings are often held in private and no one is present but the

police agent and the medium. There is generally a total denial by the medium of the evidence given, but the evidence of the paid police agent is always taken, generally without corroboration.

"We have reason to believe that in some cases agents provocateurs have visited mediums ten or a dozen times, and, failing to find evidence in his ordinary practice, have deliberately put leading questions to such mediums for the purpose of extorting replies to questions, and other information which would bring them within the law. This in practice is a distinct incitement to break the law."

"Spiritualism, to many of us, has deep and sacred religious implications. It goes without saying that such a movement which is building up a religious organisation, has excited—I do not want to be offensive—but shall I say the antagonism, even the enmity of certain other churches. It is no secret that a 'Papal Bull' has been issued by the Roman Catholic Church against its practice.

"We have every reason to believe that, if and when complaints have been received by the police, such complaints have often emanated from one particular church, which has been able thus to oppress others, while itself remaining unseen.

"We submit that any Act which lends itself to exploitation by one religious community for the persecution of another is an unfair Act, which needs drastic revision."

"The exercise of mediumship is claimed by Spiritualists as a means of getting into contact with deceased friends and relatives. It must be obvious that when one enters into communication with such deceased persons, the conversation is bound to deal with either the past, the present or the future.

"It is unthinkable, for instance, that a man could converse with his deceased father without the father in some degree referring to incidents in the life and prospects of his son. Such conversations, whether relating to the past or to the future, have been held to be fortune-telling, no matter how great may be the evidence of the identity of the spirit one is communicating with.

"As in biblical times there were priests and prophets, so we claim that our mediums are the prophets of the modern church, and without them the spiritual voice is silenced. The very phenomena of the Old and New Testaments, upon which the

religion of this country is based, are of exactly the same nature as that of modern psychical phenomena.

"Yet while we are trained to believe that such phenomena are sacred when located in the past, they become illegal when indulged in in the present."

"There is scarcely a phase of mediumship, whether clairvoyance, psychometry, prophecy, healing, writing, or spirit messages of any description, which has not been held to be illegal, with the result that every medium who practices is liable to prosecution, however honest, however conscientious, or however genuine."

Oaten pointed out that in 1923 a gift by will for the purpose of training mediums was held not to be a valid charitable gift, because mediumship was illegal. As a result, Spiritualists could not receive any legacy bequeathed to them if one of the objects was the training of mediums.

The Charity Commissioners had refused to recognise as a charity a Spiritualist body which had then been established for over 30 years. The refusal was based on the fact that the training of mediums was one of the objects of its trust deed.

"Our legal advisers," he added, "are still in a position of uncertainty as to whether we as a body have the power to hold churches which have been bought, built and paid for by Spiritualists, upon religious and charitable trusts."

Cases had arisen in which the right of interment of Spiritualists in a churchyard had been disputed under the Burials Act of 1880.

Speaking from the "point of view of an ordinary man of the world, who finds himself impelled to join the Spiritualist movement," Hannen Swaffer said that he had received that morning in his ordinary post-bag three letters from bereaved people.

"Sometimes, after addressing a meeting, I receive as many as 20 in the course of a day," he said. "Sir Arthur will tell you that after his long crusades on behalf of our movement, he has received hundreds of letters.

"People to-day are demanding proof of things which formerly they were content to believe. I could be of great service to people in this troubled age but for the fact that owing to a stupid and ridiculous and old-fashioned law, mediumship, which we consider sacred, is still illegal."

The Rev. C. Drayton Thomas, a Spiritualist and a Methodist, declared: "Mediumship is Heaven's gift. Where that gift has been duly trained, and is being discreetly used, we have a human instrument by which God can bring to earth something which society deeply needs.

"There is reason for believing that of the numerous suicides committed every day that passes in these islands of ours, several of them result immediately from hopeless depression following bereavement, and this is often combined unfortunately with an entire disbelief in any future life.

"Half an hour with a gifted medium would have saved those people, and the assertion is founded on several years of personal work with mediums, during which I have seen possible suicides saved.

"The question is one which touches the religious convictions of great multitudes at the present day. They are people who know from experience that mediumship provides present-day evidence for the reality of life beyond death.

"If I may say so I mean no disrespect to the cloth; it is my profound conviction that one heaven-gifted medium is of more value than many bishops.

"We believe that Spiritualism has a great contribution to make towards the moral and spiritual uplift of society. We are equally convinced that mediumship is an absolutely indispensable instrument by which that movement must advance."

J. R. Clynes in his reply said he had listened "with the deepest sympathy as regards your consciousness of grievance. As to the evidence of grievance under which you are labouring you have left me in no doubt."

Then he referred to the vexed question of *agents provocateurs* by saying: "While technically, as head of the Metropolitan Police, I would not like to be under the stigma of employing agents to procure breaches of the law, at the same time it is the obligation resting upon the police to see that the law is enforced.

"Do I understand under this head that your case is that, so far as prosecution ever might arise, it should arise only where some member of the public takes the initiative, and that the police ought not, within the law, to have any right themselves to act in initiating proceedings?"

"That is my own feeling," replied Conan Doyle.

Continuing, Clynes said: "The deputation is all the more

welcome because personally I want to see the most complete tolerance of freedom towards every tendency and every disposition of either individual or organised religion.

"I want to see the most complete freedom, and there is nothing more hateful to me than any kind of interference with people's tendencies of conscience in these matters. But the law is what it is, and the duty of the poor Home Secretary is to administer the law; at any rate, he is technically responsible for many aspects of its administration."

He suggested the introduction of a private Bill. "If you take that step," he said, "I can only say, for the present Government, that we would meet you with every sympathy and see that, so far as the Government can, no difficulty was placed in your way of having your case fully ventilated in the House of Commons."

Clynes gave the official attitude of the Home Office in these words: "It is quite inconceivable that the law would ever be invoked for the purpose of interfering with scientific research into psychical phenomena. The sole function of the Government in this matter is to protect the public against fraud, imposture, and mental terrorisation.

"In every large community there are numbers of ignorant and credulous people who would be willing to part with their money in order to have their fortunes read, and would place implicit reliance on what was revealed.

"Parliament has not yet been seized of the various matters to which the Spiritualists have called attention. It seems to be the duty of the Spiritualists themselves, who alone have any real knowledge of the organisation of Spiritualists, their needs and difficulties, to prepare a Bill, as they have been invited to do several times, which would:

"Define the qualification of mediums;

"Provide rules for the governance of their conduct; and

"Indicate specific immunities which Spiritualists would wish to see conferred upon them.

"If such a Bill were prepared and introduced into Parliament, the Government would give sympathetic consideration to it."

The Home Secretary's advice was followed. A Bill was drafted on the lines he suggested. It was introduced into the House by Alderman W. T. Kelly, curiously enough, himself a

Roman Catholic. The Labour Government of that day, despite Clynes's promise, instead of leaving it to the free vote of the House, put the Whips on, thus forcing the votes against it. The Bill was "talked out" at its second reading!

TACKLING THE CANDIDATES

IN 1935, advantage was taken of the general election to submit a questionnaire to every candidate. These were the questions candidates were asked to answer:

"Would you, if returned, be prepared to grant to Spiritualists the right to teach and practise their religious beliefs without interference?"

"Would you be prepared to support a Bill which provides for the removal of such interference, and the other legal disabilities outlined by which Spiritualists are handicapped in their religious observances?"

"Would you be prepared to (a) take an active part in introducing such a Bill into Parliament, (b) assist it through the legislature?"

A copy of the Bill which Spiritualists had prepared, at Clynes's advice, was sent to every candidate. It consisted of these few sentences:

"After the passing of this Act no person shall be prosecuted or convicted under the statutes relating to witchcraft or vagrancy or otherwise in respect of any act done or words spoken in the promulgation or exposition of the teachings of Spiritualism, or in the pursuit of psychical research, or any similar investigation, at any service, seance, meeting, or interview, whether in the capacity of (a) promoter, chairman, or other official, (b) lecturer or speaker, (c) clairvoyant, or (d) medium; notwithstanding that messages or warnings be given thereat as to the future.

Provided always that the foregoing immunity shall not apply where intention to defraud is proved.

"For the purpose of this Act the words 'medium' and 'clairvoyant' shall mean a person holding a certificate or licence of fitness to practise either as a medium or clairvoyant, or in both capacities, such certificate or licence to be issued by registered or properly constituted Spiritualistic or psychical societies, or a joint committee representing such

societies, or such other certifying or licensing body as may be approved by His Majesty's Secretary of State for Home Affairs."

One pledge of support came from Clement R. Attlee, then Leader of the Labour Party and now Deputy Prime Minister. He announced that he was "in favour of freeing Spiritualists from restrictions on their liberty, and of repealing obsolete Acts. I am in general agreement with the purpose expressed in the Bill, and would support legislation designed to give freedom under proper conditions to those engaged in psychic research."

Yes, Atlee made that pledge in 1935. In 1944, Herbert Morrison, his colleague in the Government and in the Labour Party, refused to grant the justice for which Atlee had pledged his support!

Five hundred replies were received in answer to the questionaire; only two of the candidates declared themselves against relief being granted to Spiritualists. In the new Parliament 114 members had pledged their support.

SUPPORT FROM AN UNEXPECTED QUARTER

UNEXPECTED support for our campaign came in an article published in the "Policewoman's Review," of all papers, in the following year. Seeing that policewomen, often disguised in widows' weeds, have been responsible for prosecuting mediums, the appearance of this article was all the more striking.

The author referred to a book recently written by a former member of the C.I.D., who told how the police had used mediums for detecting crimes. "It would seem to an unbiased observer," he wrote, "curiously illogical that on the one hand the law may make use of the powers of a clairvoyant or medium, and on the other that the same individual is liable to prosecution and fine under the Vagrancy Act of 1824."

He pungently commented on the fact that obscure fortune-tellers were frequently prosecuted, while those who conducted their business on a large scale in the West-end of London, were seldom brought to court.

Eloquent support to his argument comes from the fact that

there is one psychic, who describes herself as "a well-known society clairvoyant," whose clients have included crowned heads, and who has been received at St. James's Palace. She has never been prosecuted under the Vagrancy Act, which she flagrantly violates.

Again and again, there has been proof of this discrimination. The rich and the powerful, the newspaper barons who encourage fortune-telling on a wide scale with alleged astrological forecasts, have all escaped scot-free, but the medium, who consoles the stricken mourner, has been fined and made a "rogue and a vagabond."

So absurd is the law that one medium who has been fined under the Vagrancy and Witchcraft Acts—the latter is seldom used—was able to declare: "I have been called for jury service as one of the 'twelve good men and true' to sit in the same court where I have been twice convicted as 'a rogue and a vagabond, a vagrant and a witch'."

None of the managing directors of the large London stores has been convicted under the Vagrancy Act for selling fortune-telling teacups, special packs of cards, or all the other impedimenta of fortune-telling.

I TURN COMMON INFORMER

IN an attempt to arouse the public conscience in this matter, in 1936 I turned "common informer"—except that I refused to remain anonymous—and had proceedings instituted against R. H. Naylor for his "What the Stars Foretell" feature in the "Sunday Express," and the Editor of the paper for aiding and abetting. The case created a furore when it was heard at the Mansion House. So nervous was the newspaper about these proceedings that for a fortnight Naylor's feature was dropped.

For the purpose of a prosecution, one particular article had to be cited. The magistrate dismissed the case on the grounds that the statements in Naylor's article were "of such a vague and general character that there is nothing that can clearly be said to amount to the telling or pretending or professing to tell any person's future so as to come within the terms of Section 4 of the Vagrancy Act."

Asked to give costs against me, the magistrate refused. "I am rather reluctant to give costs in this case," he said, "because I think it is of public interest. I think these articles might induce weak-minded people to do and think things that it is not intended they should. It is not for their benefit that they should do these things. The case is brought in the public interest and no costs should be allowed."

I appealed, but I lost again. Lord Hewart, then Lord Chief Justice, described Naylor's astrological forecasts in this article in the "Sunday Express" as a "collection of imbecile and repulsive twaddle."

"There should be a second heading to 'What the Stars Foretell'," he said, "'Merely Vague Suggestions as to the Possibility of Certain Events'."

He added that if the question had been whether Naylor's articles were imbecile and repulsive twaddle, there could be only one answer; the question was whether the article came within the "mischief" of the Act.

Not long afterwards, the "Times," for years consistently hostile to Spiritualism, published a vigorous plea for the repeal or amendment of the Vagrancy Act. Not many people know that some years ago the "Times" was foolish enough to declare that it would be interested in Spiritualism when mediums could foretell the winners in horse races.

The plea was published in the "Times" on the occasion of the bi-centenary of the abolition of some laws against witchcraft. The writer suggested that one useful way of celebrating this bi-centenary would be to amend or repeal Section 4 of the Vagrancy Act. After citing examples to prove how unfair this Act was, the writer said:

"Successful judicial interpretations of 'any subtle craft, means or device, by palmistry or otherwise, to deceive and impose on any of His Majesty's subjects' have made it practically impossible for any *bona fide* medium who happens to be summoned (generally as the result of a visit from an *agent provocateur*) to avoid conviction, especially since the common-sense decision of the late Lord Darling and the present Lord Sankey, in *Davis v. Curry* in 1918 that an intention to deceive was a necessary ingredient of the offence was overruled in *Stonehouse v. Masson* three years later."

I was tempted, a few years ago, to turn common informer again, this time against the B.B.C. and Stuart Hibberd, its chief announcer. After a palmist had broadcast, Hibberd disclosed that he had been given a reading, and broadcast one or two details. But I considered I had done enough with my action against Naylor and the Editor of the "Sunday Express." Still, it might have caused a sensation!

MEDIUMS TREATED WORSE THAN PROSTITUTES

THE punishment for those charged under this antiquated piece of legislation seems to depend upon the whim, ignorance or knowledge of the magistrate. A few years ago, Sir Robert Gower heard a case at Tunbridge Wells. He refused to impose a fine and dismissed the person summoned on payment of 9s. costs. He said from the Bench that the Vagrancy Act ought to be amended. He knows something about Spiritualism, for he has attended several seances.

Other magistrates have imposed fines ranging from £5 to £25. The figures seem to be arbitrary. Kenneth Marshall, the Marylebone magistrate, fined one medium £10 which, he said, was the maximum penalty, and five guineas costs. But one medium has been fined £25 for two "offences."

An examination of the Vagrancy Act reveals that mediums are regarded as worse than prostitutes! Whilst those who are said to have exercised psychic powers can be imprisoned up to three months for the first offence, the maximum imprisonment for prostitutes under the same Act is only one month!

For a second offence the medium, after being recorded as a "rogue and vagabond," is now officially described as an "incorrigible rogue." The punishment becomes more severe.

First, the offender must be "detained in the House of Correction until the next General or Quarter Sessions of the Peace," being "kept to hard Labour during the Period of his or her Imprisonment".

Then, at the Sessions, "it shall be lawful for the Justices of the Peace . . . to order, if they think fit, that such Offender be further

imprisoned in the House of Correction, and be there kept to hard Labour for any Time not exceeding One Year from the time of making such Order, and to order further that such Offender (not being a female) be punished by Whipping, at such Time during his Imprisonment, and at such Place within their Jurisdiction, as according to the Nature of the Offence they in their Discretion shall deem to be expedient."

So, if you are convicted twice under the Vagrancy Act, and you are not a woman, you can be flogged!

The Act encourages people to "denounce" alleged offenders. By one provision, it is laid down that the police are bound to take action when a medium has been "denounced!"

If a police officer refuses to take an alleged offender into custody, it is deemed a neglect of duty, and he can be fined up to £5 for every such neglect. If the fine is not paid, the officer's goods can be distrained on and, if the money is still not realised, he can be sent to jail for three months.

The Act gives power to Justices of the Peace, on information being laid before them, to authorise any person to enter at any time "any House kept or purporting to be kept for the Reception, Lodging, or Entertainment of Travellers" to apprehend any offender under the Act who is suspected of being there.

In plain English this means that a medium is liable to be dragged out of his bed, if he is staying at a hotel, and sent to prison for three months. For a second offence, he could be sent to prison for a year, as well as being in jail while waiting for the Quarter Sessions, and given as many whippings as the magistrates think are deserved!

A few years ago it was announced by one newspaper that the Statute Law Revision Committee, "a learned body which has been sitting for several months, will recommend the abolition of some silly old laws." The newspaper added that one of these was Section 4 of the Vagrancy Act. Nothing of the kind ever happened. Instead a new menace was introduced.

In July, 1940, in prosecutions at Birmingham and Birkenhead, Section 4 was cited as usual, but these words were added as part of the offence, "pretending to communicate with spirits." All references to the pretending or professing to tell fortunes was deleted. It was a direct attack on mediumship, making a pretence of communicating with spirits an offence.

It is primarily, as a grand priority, a heralding of knowledge, world-embracing knowledge, of the indwelling Light. Do we not realise that Man is a complexity of expression of that indwelling, of that immanence? Firstly, he is endowed by his Maker with the five fundamental senses, hearing taste, smell, sight and touch. By virtue of the mind, part of the All Mind within him does he use those senses. By the mind, yes, for it is only by a sound mind in a sound body that the full use of those senses can be appreciated. But Man has another gift, most precious, from the Almighty. It is sometimes latent, but mostly active in some degree or other; and that gift is of paramount importance. It is the sixth sense of intuition or apperception.

Perception is an outcome of the normal, developed mind; but apperception is that faculty which enables Man, as Shakespeare says: "To perceive sermons in streams, books in running brooks, and God in everything."

Truly does he hear the Creator's Voice in the moaning wind and the song of the birds; the babble of falling water and the rustling whisper of falling leaves; the cry of the suffering—the gurgle of delight of the happy babe.

The scent of flowers and aromatic herbs are Nature's call to him to commune with his Maker. The vista of sunlit scenes and shady nooks—moonlight upon snow-capped mountains—give him promise of the planes of Spirit from whence all these originated. All the senses convey many messages to him who has that wonderful sixth sense in course of development.

Moreover, the gift of apperception becomes stimulated and enhanced in another way by the inflow of Light, and that is through the psychic centres. The undifferentiated Light inflows through the solar plexus centre, and becomes Om in manifestation within the etheric body, and the inner petals of that lotus body of light. Through these seven lotuses does it stream, differentiating, qualifying, as it passes through first one and then another. In our deepest contemplations the coronal chakra, or lotus, expresses that Light in highest illumination. Seen clairvoyantly, its multi-petalled flower revolves in beauty once it has been awakened to the inner wisdom. Its transcendental qualities induce the deeper trance states, and it is then that the Voice is heard in the innermost recesses of the soul. It is in moments such as these that that wisdom comes which

Roman Catholic. The Labour Government of that day, despite Clynes's promise, instead of leaving it to the free vote of the House, put the Whips on, thus forcing the votes against it. The Bill was "talked out" at its second reading!

TACKLING THE CANDIDATES

IN 1935, advantage was taken of the general election to submit a questionnaire to every candidate. These were the questions candidates were asked to answer:

"Would you, if returned, be prepared to grant to Spiritualists the right to teach and practise their religious beliefs without interference?"

"Would you be prepared to support a Bill which provides for the removal of such interference, and the other legal disabilities outlined by which Spiritualists are handicapped in their religious observances?"

"Would you be prepared to (a) take an active part in introducing such a Bill into Parliament, (b) assist it through the legislature?"

A copy of the Bill which Spiritualists had prepared, at Clynes's advice, was sent to every candidate. It consisted of these few sentences:

"After the passing of this Act no person shall be prosecuted or convicted under the statutes relating to witchcraft or vagrancy or otherwise in respect of any act done or words spoken in the promulgation or exposition of the teachings of Spiritualism, or in the pursuit of psychical research, or any similar investigation, at any service, seance, meeting, or interview, whether in the capacity of (a) promoter, chairman, or other official, (b) lecturer or speaker, (c) clairvoyant, or (d) medium; notwithstanding that messages or warnings be given thereat as to the future.

Provided always that the foregoing immunity shall not apply where intention to defraud is proved.

"For the purpose of this Act the words 'medium' and 'clairvoyant' shall mean a person holding a certificate or licence of fitness to practise either as a medium or clairvoyant, or in both capacities, such certificate or licence to be issued by registered or properly constituted Spiritualistic or psychical societies, or a joint committee representing such

societies, or such other certifying or licensing body as may be approved by His Majesty's Secretary of State for Home Affairs."

One pledge of support came from Clement R. Attlee, then Leader of the Labour Party and now Deputy Prime Minister. He announced that he was "in favour of freeing Spiritualists from restrictions on their liberty, and of repealing obsolete Acts. I am in general agreement with the purpose expressed in the Bill, and would support legislation designed to give freedom under proper conditions to those engaged in psychic research."

Yes, Atlee made that pledge in 1935. In 1944, Herbert Morrison, his colleague in the Government and in the Labour Party, refused to grant the justice for which Atlee had pledged his support!

Five hundred replies were received in answer to the questionnaire; only two of the candidates declared themselves against relief being granted to Spiritualists. In the new Parliament 114 members had pledged their support.

SUPPORT FROM AN UNEXPECTED QUARTER

UNEXPECTED support for our campaign came in an article published in the "Policewoman's Review," of all papers, in the following year. Seeing that policewomen, often disguised in widows' weeds, have been responsible for prosecuting mediums, the appearance of this article was all the more striking.

The author referred to a book recently written by a former member of the C.I.D., who told how the police had used mediums for detecting crimes. "It would seem to an unbiased observer," he wrote, "curiously illogical that on the one hand the law may make use of the powers of a clairvoyant or medium, and on the other that the same individual is liable to prosecution and fine under the Vagrancy Act of 1824."

He pungently commented on the fact that obscure fortune-tellers were frequently prosecuted, while those who conducted their business on a large scale in the West-end of London, were seldom brought to court.

Eloquent support to his argument comes from the fact that

there is one psychic, who describes herself as "a well-known society clairvoyant," whose clients have included crowned heads, and who has been received at St. James's Palace. She has never been prosecuted under the Vagrancy Act, which she flagrantly violates.

Again and again, there has been proof of this discrimination. The rich and the powerful, the newspaper barons who encourage fortune-telling on a wide scale with alleged astrological forecasts, have all escaped scot-free, but the medium, who consoles the stricken mourner, has been fined and made a "rogue and a vagabond."

So absurd is the law that one medium who has been fined under the Vagrancy and Witchcraft Acts—the latter is seldom used—was able to declare: "I have been called for jury service as one of the 'twelve good men and true' to sit in the same court where I have been twice convicted as 'a rogue and a vagabond, a vagrant and a witch'."

None of the managing directors of the large London stores has been convicted under the Vagrancy Act for selling fortune-telling teacups, special packs of cards, or all the other impedimenta of fortune-telling.

I TURN COMMON INFORMER

IN an attempt to arouse the public conscience in this matter, in 1936 I turned "common informer"—except that I refused to remain anonymous—and had proceedings instituted against R. H. Naylor for his "What the Stars Foretell" feature in the "Sunday Express," and the Editor of the paper for aiding and abetting. The case created a furore when it was heard at the Mansion House. So nervous was the newspaper about these proceedings that for a fortnight Naylor's feature was dropped.

For the purpose of a prosecution, one particular article had to be cited. The magistrate dismissed the case on the grounds that the statements in Naylor's article were "of such a vague and general character that there is nothing that can clearly be said to amount to the telling or pretending or professing to tell any person's future so as to come within the terms of Section 4 of the Vagrancy Act."

Asked to give costs against me, the magistrate refused. "I am rather reluctant to give costs in this case," he said, "because I think it is of public interest. I think these articles might induce weak-minded people to do and think things that it is not intended they should. It is not for their benefit that they should do these things. The case is brought in the public interest and no costs should be allowed."

I appealed, but I lost again. Lord Hewart, then Lord Chief Justice, described Naylor's astrological forecasts in this article in the "Sunday Express" as a "collection of imbecile and repulsive twaddle."

"There should be a second heading to 'What the Stars Foretell,'" he said, "'Merely Vague Suggestions as to the Possibility of Certain Events'."

He added that if the question had been whether Naylor's articles were imbecile and repulsive twaddle, there could be only one answer; the question was whether the article came within the "mischief" of the Act.

Not long afterwards, the "Times," for years consistently hostile to Spiritualism, published a vigorous plea for the repeal or amendment of the Vagrancy Act. Not many people know that some years ago the "Times" was foolish enough to declare that it would be interested in Spiritualism when mediums could foretell the winners in horse races.

The plea was published in the "Times" on the occasion of the bi-centenary of the abolition of some laws against witchcraft. The writer suggested that one useful way of celebrating this bi-centenary would be to amend or repeal Section 4 of the Vagrancy Act. After citing examples to prove how unfair this Act was, the writer said:

"Successive judicial interpretations of 'any subtle craft, means or device, by palmistry or otherwise, to deceive and impose on any of His Majesty's subjects' have made it practically impossible for any *bona fide* medium who happens to be summoned (generally as the result of a visit from an *agent provocateur*) to avoid conviction, especially since the common-sense decision of the late Lord Darling and the present Lord Sankey, in *Davis v. Curry* in 1918 that an intention to deceive was a necessary ingredient of the offence was overruled in *Stonehouse v. Masson* three years later."

I was tempted, a few years ago, to turn common informer again, this time against the B.B.C. and Stuart Hibberd, its chief announcer. After a palmist had broadcast, Hibberd disclosed that he had been given a reading, and broadcast one or two details. But I considered I had done enough with my action against Naylor and the Editor of the "Sunday Express." Still, it might have caused a sensation!

MEDIUMS TREATED WORSE THAN PROSTITUTES

THE punishment for those charged under this antiquated piece of legislation seems to depend upon the whim, ignorance or knowledge of the magistrate. A few years ago, Sir Robert Gower heard a case at Tunbridge Wells. He refused to impose a fine and dismissed the person summoned on payment of 9s. costs. He said from the Bench that the Vagrancy Act ought to be amended. He knows something about Spiritualism, for he has attended several seances.

Other magistrates have imposed fines ranging from £5 to £25. The figures seem to be arbitrary. Kenneth Marshall, the Marylebone magistrate, fined one medium £10 which, he said, was the maximum penalty, and five guineas costs. But one medium has been fined £25 for two "offences."

An examination of the Vagrancy Act reveals that mediums are regarded as worse than prostitutes! Whilst those who are said to have exercised psychic powers can be imprisoned up to three months for the first offence, the maximum imprisonment for prostitutes under the same Act is only one month!

For a second offence the medium, after being recorded as a "rogue and vagabond," is now officially described as an "incorrigible rogue." The punishment becomes more severe.

First, the offender must be "detained in the House of Correction until the next General or Quarter Sessions of the Peace," being "kept to hard Labour during the Period of his or her Imprisonment".

Then, at the Sessions, "it shall be lawful for the Justices of the Peace . . . to order, if they think fit, that such Offender be further

imprisoned in the House of Correction, and be there kept to hard Labour for any Time not exceeding One Year from the time of making such Order, and to order further that such Offender (not being a female) be punished by Whipping, at such Time during his Imprisonment, and at such Place within their Jurisdiction, as according to the Nature of the Offence they in their Discretion shall deem to be expedient."

So, if you are convicted twice under the Vagrancy Act, and you are not a woman, you can be flogged!

The Act encourages people to "denounce" alleged offenders. By one provision, it is laid down that the police are bound to take action when a medium has been "denounced!"

If a police officer refuses to take an alleged offender into custody, it is deemed a neglect of duty, and he can be fined up to £5 for every such neglect. If the fine is not paid, the officer's goods can be distrained on and, if the money is still not realised, he can be sent to jail for three months.

The Act gives power to Justices of the Peace, on information being laid before them, to authorise any person to enter at any time "any House kept or purporting to be kept for the Reception, Lodging, or Entertainment of Travellers" to apprehend any offender under the Act who is suspected of being there.

In plain English this means that a medium is liable to be dragged out of his bed, if he is staying at a hotel, and sent to prison for three months. For a second offence, he could be sent to prison for a year, as well as being in jail while waiting for the Quarter Sessions, and given as many whippings as the magistrates think are deserved!

A few years ago it was announced by one newspaper that the Statute Law Revision Committee, "a learned body which has been sitting for several months, will recommend the abolition of some silly old laws." The newspaper added that one of these was Section 4 of the Vagrancy Act. Nothing of the kind ever happened. Instead a new menace was introduced.

In July, 1940, in prosecutions at Birmingham and Birkenhead, Section 4 was cited as usual, but these words were added as part of the offence, "pretending to communicate with spirits." All references to the pretending or professing to tell fortunes was deleted. It was a direct attack on mediumship, making a pretence of communicating with spirits an offence.

Whoever was responsible was behaving with great subtlety. As the law has never recognised the fact of spirit communication, every seance is a "pretence" in its eyes, and every medium liable to prosecution, although his genuineness has been proved a thousand times.

In three other towns the "offence" later became "pretending to hold communication with the spirits of deceased persons." How far, I wonder, would the police be prepared to carry the logic of this "offence"? Would they arrest every bishop and every priest? In churches throughout the land they regularly "pretend to hold communication with the spirit of a deceased person"—the founder of Christianity!

Let me make the position quite clear. We Spiritualists would never complain if only charlatans were prosecuted. Indeed, you will remember I have told you how I failed to get such a fraud charged at Stratford. Our complaint is that mediums, whose powers have been well tried and tested throughout the land, are haled before the magistrates on the statements made by policewomen, and the wives of police officers, who ask the kind of leading questions which, when answered, make the medium a law-breaker, and automatically transforms her into a "rogue and a vagabond."

When there is a conflict of testimony between the police witnesses and the medium, inevitably the magistrate believes the police officer.

I must quote one exception. Mr. Justice Cassels said in an appeal case at Lewes: "I would not trust a policeman to write down accurately anything that has been said to him, for I know how often they are incorrect: and I do not hesitate to make this statement." Unfortunately, magistrates who dealt with Vagrancy Act cases have not been of the same opinion.

"CREDIBLE WITNESSES"

THE Vagrancy Act lays it down that the offender can be convicted only on the testimony of "credible witnesses." What is a "credible witness?"

In May, 1942, in the midst of the war for freedom, Scotland Yard staged a psychic blitzkrieg by a prosecution that spread alarm and despondency among the Spiritualists of this land. Acting as usual on the information of an unnamed common informer, the might and majesty of the law was set in motion against Stella Hughes, one of our best-known mediums.

Two policewomen, Sergeant Jean Stratton and Constable Margaretta Gibson Low, described at the Marylebone Police Court how they had disguised themselves in plain clothes and visited the medium's home. Both admitted that, on instructions from Scotland Yard, they deceived the medium. Jean Stratton, who is attached to Scotland Yard, though a spinster, deliberately wore a wedding ring to deceive the medium into thinking that she was married.

As part of her evidence, she described how she had told Stella Hughes that she was "recommended by a friend!" Her testimony, though she was supposed to be a "credible witness," was contradictory.

"I have been to a good many Spiritualist meetings," she said. Later this became: "I have been to one or two meetings." Then, explaining why she was half an hour late for her appointment with the medium, she spoke of her difficulty in getting to the house, saying: "I did not know the way." Yet, earlier, she had declared: "I had kept observation on her place."

The magistrate, Kenneth Marshall, was confronted with conflicting versions of what had transpired in the medium's house, for Stella Hughes flatly contradicted the police evidence. He said he preferred to accept the testimony of the policewomen because he found it difficult to believe that they were not telling the truth.

A year later, these two policewomen, whose testimony was responsible for convicting Stella Hughes, were sentenced at West London Police Court to 12 months' imprisonment for systematic thefts. Both pleaded guilty to the stealing of property for two years from empty or unoccupied houses.

It was stated in court that Stratton had stolen 260 articles and Low 230 articles. These women, who lived in the same street, entered the houses from which they stole while working together in their duties of special observation. The prosecuting counsel said that both women frankly admitted that for two years they had persistently abused their position as trusted police officers.

Sometimes they had keys to the houses, which they obtained by stating they were keeping special observation. Some of the stolen property was of considerable value, which nobody could possibly have thought was abandoned.

Counsel told of investigations made by a detective which revealed that Low lied when first confronted with some of the stolen articles. Later she began to confess. I cite one example of her lying. When the detective pointed to three cut-glass goblets, Low said these were the property of her landlady. The next day she confessed she had stolen them from one of the houses under observation.

She admitted to the detective: "The property you have taken possession of is all stolen," and added that she had never done any stealing on her own—"only when I was with Jean."

When Jean Stratton made her statements she declared: "We always stole together."

In sending them to prison, the magistrate was forthright in his denunciation. The two women left the dock without uttering a word throughout the entire proceedings. Low suddenly pitched forward into the arms of the jailer and was carried out of court.

Stratton had been commended by the Commissioner of Police on 33 occasions for "good work," and Low on seven occasions. It was later revealed that Stratton, who was the first woman member of the C.I.D., had often disguised herself in various coloured wigs and make-up. Both women were in possession of a wardrobe full of disguises provided by the police to be used for police purposes. Instead, they were used to cover up a number of crimes.

These are the two "credible witnesses" whom the magistrate preferred to believe rather than Stella Hughes, and on whose testimony he fined the medium £10 and five guineas costs.

In this connection I must tell you a story. Just before these two policewomen were convicted, the Spiritualist movement was startled by the possibility of a new kind of menace. Gladys Spearman, a medium well known in London, had given a sitting to two women on the premises of the Balham Spiritualist Society. After the sitting the women revealed that they were police officers. A detective later told the medium that she would be charged under the Vagrancy Act. Had this case come to court, it would have been the first in which a medium would have been

prosecuted as a result of a seance given on church premises. But the case never came to court. The two women were Stratton and Low, and after they had visited Gladys Spearman, they had been sent to prison.

Scotland Yard, in its wisdom, decided not to bring two criminals from prison to testify against Mrs. Spearman. Scotland Yard must have decided that no magistrate would regard Stratton and Low as "credible witnesses."

SWAFFER APPEALS TO MORRISON

YET Herbert Morrison, when appealed to even by his old friend Hannen Swaffer, refused to grant Stella Hughes a King's Pardon. Swaffer sent the following letter to Morrison in May, 1943:

"MY DEAR HERBERT,—The conviction this week of two police-women for systematic robbery from unoccupied houses—they were both sent to prison for 12 months—makes it necessary for me to call your attention to what is becoming a national scandal.

"I mean the use of women police as *agents provocateurs* for the trapping and conviction of mediums who are accused of telling fortunes when, week after week, and month after month, millionaire newspaper proprietors are allowed to do it on a wholesale scale.

"Stella Hughes, a friend of mine, a well-known Spiritualist medium and the wife of a Hampstead borough councillor, was fined at the Marylebone Police Court, last May, under the Vagrancy Act. Her conviction was obtained because the magistrate preferred to take the evidence of two policewomen who had gone disguised to her home to that of the medium. He accepted this notwithstanding the fact that one of the women, whose verbatim evidence is before me, contradicted herself.

"Having to deal with a conflict of evidence, Kenneth Marshall, the magistrate, said: 'These two women give on oath, in detail, what happened, and it would be a most serious case, had it ever happened, if the account which the defendant has given were true and that the officers should deliberately concoct a pack of lies.'

"Whereupon, he imposed the maximum penalty.

"Now, this week these same two policewomen have been convicted of systematic robbery, of crimes, indeed, which they were committing at the time when their evidence was accepted by a London magistrate in preference to that of a most respectable woman!

"When sending the policewomen to prison, Paul Bennett, another London magistrate, said: 'Our police force is held in such high regard that it is a shock to me and for all of us to see two police officers in the dock pleading guilty to these serious charges. The facts of this case have been described as terrible and I would add the word "disgraceful." You have betrayed your oath, for the property you were there to guard you have stolen. I wish to give the fullest possible consideration to your excellent services in the past, but, at the same time in my view, no police officer who betrays his trust as you have done can expect leniency in this court, or any other.'

"Among these 'excellent services,' I have no doubt was the obtaining of a conviction, by means of a trick, of a Spiritualist medium of the highest character.

"Now this raises a very important issue. How long are you, as Home Secretary, going to continue to be a party to the police practice of obtaining convictions for so called fortune-telling by the use of *agents provocateurs* of this type?

"For over a year now, as a result, we suspect, of Roman Catholic pressure—not many years ago, the Pope declared, in an encyclical, 'Spiritualism is the enemy'—policewomen have been employed in all parts of the country to obtain convictions against mediums.

"Hugh Dalton, the President of the Board of Trade, recently promised not to use *agents provocateurs* for the obtaining of convictions in regard to matters of trade. Lord Woolton, Minister of Food, made a similar promise in regard to his department.

"Yet the Home Office still tolerates the misuse of *agents provocateurs* in regard only to one offence—so-called fortune-telling.

"In regard to offences against food and trading regulations, accused people have a chance of putting forward a defence. Yet, in the case of a medium, her only defence is that she is a medium. As, under the Witchcraft Act, mediumship is in itself illegal, she

could only acquit herself in regard to the Vagrancy Act by proving that she had broken the Witchcraft Act.

"Here are we—at least you and I, if no one else—waging a war for liberty, and yet all the time Spiritualists, who really believe that they can comfort the bereaved by giving them evidence of Survival, are made rogues and vagabonds.

"Now we discover that, in one case at least, the connivers are habitual criminals.

"One of these *agents provocateurs* had misrepresented herself to Stella Hughes as a married woman when she was a spinster. She was not doing anything unusual.

"In fact, while on detective work for which she has been promoted, and commended on 33 occasions, she often disguised herself, according to a police statement, in various coloured wigs and make-up.

"Stella Hughes was not pretending to turn bread into flesh, or wine into blood.

"She is a medium of the type who recently convinced the last Bishop of Bath and Wells, the Master of the Temple, the Dean of St. Paul's, and all the other distinguished members of a committee appointed by the present Primate, and adopted by his predecessor, that the evidence for communication with the dead had been established.

"Although their report was suppressed, all these members have admitted that Survival has been proved through mediumship.

"There are in this country hundreds of thousands of Spiritualists, and there are over 1,000 Spiritualist churches.

"Yet, Spiritualists are the only religious body who are subject to habitual and continual persecution.

"I am in favour of freeing Spiritualists from restrictions on their liberty and of repealing obsolete Acts,' declared Clement Atlee, now the Deputy Prime Minister, at the time of the last election.

"One of these, the Witchcraft Act, was passed by James I because, when he was crossing the North Sea to bring Anne of Denmark, his bride, the sea was rough and it was officially decided that the waves had been made rough by witchcraft. As for the Vagrancy Act, it makes 'rogues and vagabonds' of most respectable householders whenever policewomen dress them-

selves up, pretend to be mourners and connive at the offence for which they drag mediums into court.

"Incidentally, it is also true that, for the purpose of raising funds for their own charities, the police have themselves engaged fortune-tellers!

"Similar contradictions in the application of the law against so-called fortune-tellers are to be found almost everywhere.

"Some seaside boroughs will not allow it; others rent to fortune-tellers booths on the piers, and then either never prosecute them or do it only occasionally.

"Almanacs whose sales depend entirely on predictions have circulations of millions. These are published with no police interference.

"Indeed, the abuse, misuse and non-use of the law is so paradoxical that it would be a joke if it were not a crying scandal.

"Will you, as Home Secretary, obtain a King's Pardon for Stella Hughes, an honest woman who was convicted merely on the testimony of two habitual crooks?

"And will you, as Home Secretary, give instructions that at least in London, where you are the head of the police, this pernicious practice—I hesitate, as one Socialist to another, to say it is 'un-English'—of employing as stooges, stool-pigeons and inciters to law-breaking, policewomen who, in these days of labour shortage, might be more profitably employed?

"If you believe in human liberty, you must immediately do what I am urging.

"Why should one religion be persecuted at a time when we are urged on the air, and even in a wireless speech by the Queen, that only a return to religion can save us?

"It has long been whispered that there is Roman Catholic influence in the Home Office. Whether that is true or not, I do not know.

"But if, after promises from the Board of Trade and the Ministry of Food that *agents provocateurs* are no longer to be used to encourage the breaking of the law, I shall have to conclude that this is true, unless your department acts as do those over which Hugh Dalton and Lord Woolton preside.

"Believe me,

"Yours sincerely,

"HANNEN SWAFFER."

HOME SECRETARY SAYS "NO"

MORRISON replied a few weeks later:

"I have carefully considered your representations and have had full inquiries made, but I regret that I have been unable to find any grounds on which I should be justified in recommending any interference with Mrs. Hughes' conviction. Whatever may be one's opinion of any particular provision of the law, it is the duty of the police to enforce it as it stands and it would clearly not be proper for me to interfere because a section of the public disapproved of any particular enactment.

"I can readily give you an assurance that no Home Secretary would tolerate the use of *agents provocateurs* by the police. But there is every difference between inciting a person, whom there is no reason to suspect of previous offences, to commit a crime, and arranging for a police officer to disguise his identity for the purpose of detecting a person who is systematically carrying on illegal activities."

"LIKE AN OBSTINATE BUREAUCRAT"

THIS led Swaffer to reply:

"MY DEAR HERBERT,—In refusing to arrange, because of my appeal to you, a King's Pardon for Stella Hughes, you are behaving, for once, like an obstinate bureaucrat.

"The Vagrancy Act, under which she was convicted, demands—I quote the exact words—'the evidence on oath of one or more credible witness or witnesses.'

"The only witnesses called in this case were two policewomen who, a year later, confessed that for two years—that is, at the time they were considered 'credible witnesses'—they had been guilty of systematic stealing. For those crimes—all told they stole more than 500 articles—they are now in jail.

"Where, then, are we to find the Freedom from Fear about which there has been so much boasting in the Atlantic Charter? How can there be any freedom if a respectable woman is to remain 'a rogue and a vagabond' on the testimony of two witnesses who, self-confessed crooks, were prosecuted by the same police who sent them out as *agents provocateurs*?

"Far from admitting that the police blundered, you make matters worse by implying that Stella Hughes was 'systematically carrying on illegal activities.' Of this there was no evidence offered in court.

"Stella Hughes only consented to give a seance to the two crooks because they pleaded, telling lies, of course, that they were in distress. She felt sorry for them, not imagining, in her innocence, that they were lying cheats.

"And so they were the instigators of her so-called offence which, but for them, would never have been committed.

"Yet now you say, despite the grave scandal of the criminal habits of her accusers, that you can find no grounds for interfering with the conviction.

"But it is not only the Stella Hughes case that raises the whole question of 'freedom for every person to worship God in his own way,' to quote President Roosevelt.

"All over the country mediums are now being harried and haled before magistrates. And mediumship is an essential part of the religion of Spiritualism.

"Recently, in four towns far distant from each other—Cardiff, Birmingham, Birkenhead and Yarmouth—an entirely new offence has been manufactured. That is, 'pretending to communicate with the spirits of dead persons.'

"When this was made a crime, I do not know. It is not so named in the Vagrancy Act, which obviously was aimed against fortune-telling gypsies, or in the Witchcraft Act. These are the only two statutes ever cited in such proceedings.

"Why is it that, suddenly, we find this phrase 'pretending to communicate with the spirits of dead persons' spring up in different parts of the country?

"It can only have been sponsored by the Home Office, or by some cunning Roman Catholic, or other religious bigot. It cannot have been spontaneous in the minds of four different chief constables.

"I can only assume this is the thin end of the wedge which someone intends to drive, before long, into the Spiritualist movement itself.

("I was wondering, when realising this, the other night, whether it should be called the Home Office or the Rome Office.)

"Now if, as you assert, it is the duty of the police to enforce the law as it stands, it means that you are in favour of encouraging religious persecution. For old-fashioned laws load the dice against Spiritualism.

"If you seriously intend to carry out your expressed determination to enforce the law, which means all the law, you must immediately have me arrested.

"I, at my own home circle, which is held regularly every week, 'pretend to communicate with the spirits of dead persons.' If you persist, you can yourself come along next Saturday, with or without disguised policewomen, 'detect' me, and then prosecute me for 'systematically carrying on illegal activities.'

"More than that, you must arrest Air Chief Marshal Lord Dowding, who tells, in this week's 'Sunday Pictorial'—the fact that he is seeking to comfort the war bereaved would aggravate his offence in orthodox eyes—how he has been communicating with the spirits of dead persons. The fact that, as chief of Fighter Command, he won the Battle of Britain, would be no excuse.

"I am not sure whether the Editor should not be charged with being an accessory and whether his paper should be suppressed. You are held to be an expert on that sort of thing.

"Then there is the Archbishop's committee which, during two years of inquiry into Spiritualism at the request of the present Primate, who was backed by his predecessor, so successfully 'pretended to communicate with the spirits of dead persons' that they persuaded even themselves that it was not a pretence but a reality.

"They started an investigation which, pure and honest though were their motives, might be held to have broken the law. They themselves would be most surprised to discover that their inquiry could possibly have the effect of making them 'rogues and vagabonds.' For that surely is the logic of the law.

"There are probably nearly 1,000,000 people in Britain who,

regularly or occasionally, are, or have been, present during a 'pretence' of communicating with the spirits of dead persons.

"I will tell you in private, if you like, the names of two of the present crowned heads of Europe who, in the last few years have connived at such practices; the names of two members of our own royal family; and the name of at least one member of the War Cabinet.

"Why, even the Prime Minister himself tells in his autobiography, 'My Early Life,' how he experimented with a planchette, thus making him guilty of this same offence.

"Then, Dr. Sidney J. Peters, M.P. for Huntingdonshire, must be arrested. He regularly uses spirit communication for the purpose of doing healing which, apart from the two Acts I have mentioned, is in itself an offence. You ask him!

"Then I have evidence of how this 'pretence' is being carried on on warships, in military and R.A.F. camps, and on vessels in the Merchant Navy, and how even during the Battle of Africa seances were held in the front line!

"Why, my dear Herbert, you will have to build, if you carry out the law, a prison as large as all the concentration camps in Germany.

"You know, as well as I do, that if all the out-of-date laws were to be enforced business could not go on.

"If, seriously, you are to pursue your determination to enforce the law, you must see that all the clauses of the Sunday Observance Act of 1677 are obeyed. If that is done, every factory will have to stop on Sunday. All buses must remain in their garages. No trains can run. For that Act provides that no tradesman, artificer, workman, labourer or other person shall do or exercise any worldly labour, business or work of his ordinary calling upon the Lord's Day.

"The Prevention of Corruption Act of 1806 makes Christmas-boxes illegal, and the Profane Oath Act of 1745 makes it a punishable offence for 'a labourer, soldier or sailor to swear or curse profanely.'

"But—I am quoting a legal authority—that is not all.

"If a fireman, seaman, servant, apprentice or fisherman plays football, tennis, bowls, ninepins, dice or cricket on the Sabbath he can be prosecuted under an Act of Henry VIII.

"If a person washes a shop window except between the hours of midnight and nine a.m. he commits an offence.

"You must be pleased to know in these days of food shortage that eating more than three courses of a meal has long been a criminal offence.

"It is unlawful to make 'or to be concerned in the making of' a mince pie, for that delicacy 'is an abominable and idolatrous thing.'

"Nor can anyone without breaking the law eat sweets or chocolate 'in any public place'; nor can he buy or sell a lobster of a shorter length than eight inches from 'beak to tail.'

"It is also an offence to eat meat on a Wednesday. An Act for the Keeping of Holidays and Fasting Days of 1552 ordains that the King's subjects shall abstain from all bodily labour on Saints' days so that they can fast.

"Other musty laws declare it to be illegal for a Roman Catholic priest to appear in public in his clerical dress, or for any person to carry a lighted cigar—I tremble to think what you will do to Winston about this—or cigarette in any public place. No person must fail to go to church on Sunday, and, if he uses a carriage to go to church, a constable can seize it and sell it 'for the benefit of the indigent of the parish.'

"As I believe you do not yourself go to church every Sunday, you must, indeed, summon yourself to court.

"I implore you to show that better side of your nature which makes you one of the most competent Ministers this country has known and to side, not with prejudice and reaction, but with tolerance and freedom.

"Lord Woolton has promised not to use *agents provocateurs* in regard to Ministry of Food offences. Hugh Dalton has given a similar pledge in regard to the Board of Trade. Why don't you do the same?

"Surely nothing that even a fraudulent medium could do is worse than conducting a black market in wartime, or than dealing illegally with goods of which there is a shortage.

"Clement Attlee, your own chief, pledged himself, during the last election, to help free Spiritualists from the restrictions imposed on their liberty by obsolete Acts.

"The Labour Party stands for the complete freedom and equality of all religious bodies,' he wrote.

"My last two speeches in the 1935 election were made at the eve-of-the-poll meetings, at which I was the chief speaker, held by yourself and Attlee. I addressed them because I believed that you and he were champions of that liberty for which half the world is now bleeding.

"The Vagrancy Act is an out-of-date relic of the stupid reign of George IV. If you remember, a wit wrote, when he died:

*George the First was always reckoned
Vile, but viler George the Second;
And what mortal ever heard
Any good of George the Third?
When from earth the Fourth descended
God be praised, the Georges ended!*

"Although subsequent events, fortunately, have falsified the last line of this verse, there should surely be an end to all that the first four Georges and their foolish reigns stood for.

"I know that the work of Parliament cannot now be interrupted while the Acts which oppress us are repealed. But at least they can be allowed to remain obsolescent.

"I do not ask you to do more than leave them in the obscurity of your Home Office museum. Leave us alone—and get on with the war!"

To this there was no reply, except that I learned that Morrison was displeased because Swaffer's letters had been printed in *Psychic News*.

OFFICIAL EXCUSE IS LAME

MORRISON'S earlier defence of police practice—curiously enough he is the son of a policeman—raises the whole question of the use by the police of *agents provocateurs*. His justification is very weak, and he is obviously equivocating. Surely, police officials who disguise themselves in widows' weeds, for example, and incite people to break the law, are *agents*

provocateurs, that is, they are acting as agents who provoke people to become law-breakers. In one case where male *agents provocateurs* were used, these police officers went so far as to disguise themselves in the hospital blue uniforms reserved for wounded soldiers.

Morrison, constrained to find some justification, declares that the function of these police officials, whom he will not have dubbed as *agents provocateurs*, is to "detect" a person "systematically carrying on illegal activities." Why then, all the police disguises—all the paraphernalia to try and make a policewoman not look like a policewoman?

Every week in Spiritualist newspapers, there are advertised public meetings and private seances, where mediumship is regularly practised. All these mediums, and the officials of the churches and societies where they demonstrate their powers are "systematically carrying on illegal activities." The newspapers which publish the advertisements are aiding and abetting them. There is no need to "detect" these "offenders." They should all be arrested, including the editors and staffs of the newspapers! Morrison, in fact, ought to get busy, if he is to be consistent, and build jails all over the country to accommodate all the Spiritualists who are "systematically carrying on illegal activities."

But the Home Secretary obviously is afraid of the logic of his own statement. The use, by varying Government departments, of *agents provocateurs* has been denounced many times in this war.

When one scandal followed their employment by the Board of Trade, there was such an outcry that Hugh Dalton, its President, announced in the House of Commons that he had issued "strict instructions to his enforcement officers not to entice traders to break the law. It was necessary sometimes for officers to make test purchases, but he disapproved of his representatives acting as *agents provocateurs*."

Another scandal arose in connection with the use of *agents provocateurs* by the Ministry of Food, and this led to Lord Woolton, then Minister of Food, declaring that the inspectors attached to his department had been instructed not to tempt traders to break the law.

This police practice was condemned by the National Council of Civil Liberties, which stated: "Our executive committee takes the view that the use of *agents provocateurs* by a Govern-

ment department is an utterly unsuitable method and should never be used except in circumstances of an astonishing kind. It is, however, difficult to think of any circumstances in which there could be any justification for the use of an *agent provocateur*."

The "Daily Mail," in a leading article, described it as "an evil practice."

The "Daily Sketch," also in an editorial, declared: "It violates the Briton's conception of the law and his notion of decency. The *agent provocateur* by inciting anybody to break the law is himself breaking it, for incitement to a crime is a crime."

"The *agent provocateur* should have no place in our system of law," said a leading article in the London "Evening Standard."

The London "Star" was fierce in its denunciation, also in a leading article. "In Britain, justly reputed to be about the most law abiding country on earth," said this newspaper, "the *agent provocateur* should have no place. Signs are growing that Government departments are descending to one method of the Gestapo or the Ovra in order either to find work for all their vast staffs or else to get publicised convictions, as a warning to others to stay within the law. There can be no real justification for such tactics. They are unnecessary, and wasteful. They are also distinctly un-English. Our legislation is neither framed on Hitler lines nor intended to be Himmler-enforced."

F. O. Langley, the Old Street, London, magistrate, refused to convict in connection with one of these Board of Trade cases. In dismissing summonses against two people, he said: "Our law regards the evidence of detective and preventive agents acting as such *agents provocateurs* with suspicion."

His comment inspired the "Star" to return to the subject in another leading article, in which it said: "This disclosure, that official servants are instructed to provoke suspected traders into illegal acts, by themselves breaking the regulations, is as offensive to the law as it is to the British sense of fair play. The method of hidden denunciation, and the trapping of the unwary by quasi-policemen, can be left to those countries where the Gestapo reigns."

"ALIEN TO BRITISH LAW"

THE fiercest condemnation of this police practice was made by Daniel Hopkin, North London magistrate, when he dismissed the charges against a doctor, and gave ten guineas costs against the Director of Public Prosecutions. This was a case in which it was alleged that the doctor had given certificates, stating that they were unfit, to three fit aircraft workers.

In reply to the magistrate's questions, a Scotland Yard detective stated that the three men had acted as *agents provocateurs*.

"*The methods which were employed in this case are quite alien to the spirit of British law and ought to be condemned,*" said the magistrate. "*Not only are such methods not to be encouraged, but for my own part I hope no such case will be brought into this court again where such methods are employed.*"

"The three men said that they were told what to say by the police officer, and each says that the stories put to the doctor were wholly untrue. I say that kind of thing is wrong."

It was stated for the prosecution that the three men were sent to the doctor on police instructions. One man said that the police told him to give a false name and address. Another said that the detective instructed him to feign sickness when he saw the doctor.

This North London case was discussed in the House of Commons, but none of the M.P.s who questioned the Home Office could get beyond the stone-walling tactics adopted by Osbert Peake, Morrison's second-in-command. He contented himself with repeating the same formula that his chief had used in his reply to Swaffer.

Peake referred M.P.s to the "Report of the Royal Commission on Police Powers and Procedure," made in 1928, in which the whole code of police conduct is set out. This report speaks of the difficulty in trying to justify the use of *agents provocateurs*. It says: "The use of a foreign phrase for which there is no exact English equivalent indicates that the practice is regarded as alien to our habits and traditions. We assume that an *agent provocateur* may be taken to mean a person who entices another to commit an express breach of the law which he would not have otherwise

committed, and then proceeds or informs against him in respect of such offence."

The report goes on to refer to the differences of opinion held by the police themselves on this practice. It says: "One school holds that the duty of the police should be strictly confined to observation only, and that they should not participate in the offences committed. It was said by one responsible supporter of this view that it must be a poor case if the police cannot obtain evidence by observation only, and that there was a danger that a policeman who participated in the offence might unconsciously induce others to participate who would not otherwise have done so.

"The other school holds that it is necessary that the police should participate in offences, although they should not in any event initiate them. This view is held by a number of chief constables.

"It will be observed that neither of these two schools of thought lends any countenance whatever to the practice of initiating offences with a view to enticing or entrapping members of the public into committing breaches of the law. Any such action would at once meet with the strongest disapproval from all responsible police officers. We do not believe that a prosecution would ever be instituted on evidence obtained in such circumstances, or that a prosecution thus instituted would result in a conviction."

Unfortunately those words have been belied on many occasions, as Spiritualists can prove.

The report gives these directions in dealing with fortune-tellers, and it should be noted that it confines itself to fortune-tellers who obtain "money from ignorant girls":

"No precise regulation can be laid down to deal with the problem, but we recommend that, as a general rule and subject to the exception referred to below, the police should observe only without participating in the offence.

"The exception which we would make to this general rule arises in a certain type of case in which observation, without participation, is from the nature of the case impossible. For example, it is not unusual for information to reach the police that a certain person is acting as a fortune-teller and thereby obtaining money from ignorant girls by prophecies of the kind which might be expected to be well received,

"It is impossible for any policeman or policewoman to be present, as a third party, when these fortunes are told, and the only way in which the evidence necessary to institute a prosecution can be obtained is by sending a constable in plain clothes, or an agent on their behalf, to the fortune-teller to have his or her fortune told. In such a case it may be said that the police initiate the actual offence in respect of which the prosecution is instituted, but we understand that they never take this action until they have reliable information that the offence is being habitually committed."

Unfortunately the people who drafted this report overlooked the fact that the Vagrancy Act makes it compulsory for the police to initiate proceedings after one "complaint" is made by a common informer, and therefore the question of "the offence being habitually committed does not arise."

MAGISTRATE SAYS: "STUFF AND NONSENSE"

CONFRONTED with the growing menace of the Vagrancy Act to Spiritualism, the Spiritualists' National Union, our largest organised body, took steps to meet the threat. It opened a Freedom Fund, with the object of securing adequate legal aid for mediums prosecuted under the Vagrancy Act.

With the help of M.P.s who are either convinced or sympathetic to Spiritualism, a deputation was arranged to visit the Home Office. The date fixed was July 27, 1943, but Morrison refused to see this deputation and delegated the task to Osbert Peake.

Meanwhile Spiritualists were incensed by another prosecution, this time of a well-known medium, Ann Novak, which occurred a few days before the deputation visited the Home Office.

This case followed the usual lines, and it was distinguished by the fact that the magistrate, John Harris, delivered this gratuitous observation: "I think myself that this Spiritualism is very largely stuff and nonsense." Then he must have remembered that it was no part of magisterial function to express opinions outside his views on law, for he added: "But it does not matter what I think about it." Unfortunately, it does matter what magistrates think about Spiritualism, for their opinions affect their decisions.

THE SECOND DEPUTATION

AFTER three months delay, the report of what transpired when the deputation of Spiritualists visited the Home Office, was released. The reason given by the Spiritualists' National Union, for the delay, was that the Home Office had to approve the report before it could be published. Here are the observations made by members of the deputation.

The legal case for the amendment of the Vagrancy Act was admirably stated by C. E. Loseby, a barrister with considerable experience in psychic matters. He said:

"I have for a long time been a humble but industrious student of psychic matters. I was chairman of the Leicester Psychical Research Society for some years, and myself fought the case through which and under which they were relieved from rates upon the grounds that they were a scientific body working, of course, with mediums.

"More than that, I have been privileged for many years now to defend mediums in courts of law, and on that matter I have expressed the opinion that Spiritualist mediums are almost completely at the mercy of any ill-disposed person.

"I know of no other group of persons similarly penalised. I have expressed the view that it is quite idle to pay lawyers to defend them unless a move is made in several other directions at the same time. One most important direction is the matter of the alteration of the law. My predecessors, I understand, advised to the same effect.

"Now I think it only right and only fair to commence with this: that our opposition to the Vagrancy Act, 1824, Section 4, which is the main cause of trouble, admits of no compromise.

"It is, in our submission, the embodiment of ignorance, intolerance and injustice. It must go. Those of us who either know or think we know the facts of the matter must not and cannot rest until it is removed *in toto*—that particular section—from the Statute Book.

"I should like to commence by a reference to the Vagrancy Act as a whole. You will find it in the Volume of Collected

Statutes and Textbooks under the heading of Poor Law Administration.

"From the first page to the last you will find that the Act breathes the spirit of the Poor Law administrators of 1824. Upon the day that the House of Lords and King George the Fourth of pious memory gave their assent to it, Mr. Bumble was commencing his career as a Poor Law administrator. It was the charter under which he worked so faithfully that is still in being to-day.

"Now the material words of Section 4 are these: 'Any person professing to tell fortunes or using any subtle means or device by palmistry or otherwise' commits an offence and is liable to punishment.

OSBERT PEAKE: "It goes on, does it not, 'to deceive and impose on His Majesty's subjects'?"

LOSEBY: "Yes, and it has been held in a court of law that these words are not of any importance, because the mere fact of a person using 'subtle means or device'—in this case to be a Spiritualist medium—of itself and *ipso facto* shows that the person intends to deceive.

"The effect of the words has been established by judicial decision. The words 'by palmistry or otherwise' cover the case of any person professing to hold communication with departed spirits. A Spiritualist medium is such a person.

"I refer you to the case of *Monk v. Hilton*, 1877, in which it was held that it was not necessary to prove fraud, as I have stated. The allegation of itself carries with it the presumption of fraud.

"Section 4, therefore, in my submission, as judicially interpreted and established, reads as follows: 'Any person professing to tell fortunes or professing to be a Spiritualist medium commits an offence and is liable to the penalties under this Act.'

"Now here is the list of persons with whom Spiritualist mediums are classified. I want you to note the people *inter alia* who are listed and stand in the dock with these persons sometimes called sensitives, and not inappropriately so called:

"No. 4: A woman deserting her bastard child.

"No. 8: A person in a public place exposing indecent prints or exhibitions.

"No. 9: A person lewdly and obscenely in a public place exposing his person with intent to insult a female.

"No. 10: A male person who lives on the proceeds of prostitution or in a public place importunes for immoral purposes.

"Fortune-tellers and mediums come under No. 11.

"This is the list of people who are placed in the same category as Spiritualist mediums.

"I am reading from the Act. I ask you, Mr. Peake, to consider for a moment—with what is this woman charged? What is the seriousness of the offence in law of this person who stands in the dock charged alongside the woman who has deserted her bastard child, and the man who has exposed his person in a public place, and the male person who lives on prostitution, whose offence is deemed to be *ejusdem generis* (of the same kind), and such that if she is found guilty she is liable to the same handling?

SOCRATES ALSO A ROGUE!

"SHE is a person who has been heard to speak, no more—(like Socrates) 'A voice not my own speaks through me.' (Like Joan of Arc) 'Spirits from another world use me.' (Like Luther) 'Here stand I, I can do no other.'

"Let her but admit such words and she must be told by counsel defending her that she has no defence in law. They are the words however, that every medium, if she is honest, must say. Every medium does not say them because of the law, and because every medium is not honest.

"I have said that every medium is at the mercy of any ill-disposed person. I repeat that. I might have added 'and a medium is a person who from the very nature of things excites and must excite hostility in the minds of certain persons.'

"Under the Vagrancy Act, 1824, any person may arrest a professing medium without a warrant. A policeman refusing to arrest, when requested to do so, is himself liable to penalties. Is that fair to the police?

"In fact, it is the practice for the police to proceed by arrest rather than by summons. Worse than that, in many cases the police arrest upon request.

"I am satisfied that many mediums are only safe from persistent persecution under the above powers by reason of one thing and one thing only; namely, that these powers given by law to officious and unofficial people are not widely known.

"A veritable spate of attacks, however, might come at any time. They will come if mediums prove their value to the community in the way we hope and think they will.

"I have never been at a case in which I have defended a medium in which I have felt I have earned my fee, or in a case in which I have not left the court feeling depressed and rather ashamed, in which I have not felt that I have been taking part in a sorry farce, in which I have not felt that in the bustle and scurry of a court of petty sessions neither has justice been done nor has the appearance of justice been given.

"The reasons are two-fold. Firstly, the muddled state of the law; secondly, the fact that under Section 4 the right of trial by indictment and by jury is not given.

"The matter of amending the law could be dealt with simply if some member of the Government initiated some such amendment as this: 'No proceeding under this Section shall lie against any person claiming to be a Spiritualist medium and proved to be acting at the time as a representative of a recognised religious or scientific society or body.'

"Of course, I visualise that the onus would be on the person accused to prove that she was acting at the time as a representative of a recognised religious or scientific body when it had once been established that she claimed to be a Spiritualist medium.

"Secondly, the fact that under Section 4 the right to trial by jury is not given. A one-line amendment would put that right: 'Any person charged under this Section shall be entitled to trial by jury.'

NO TRIAL BY JURY

"**N**OW how do we establish that claim? I am quite satisfied that the present unsatisfactory trial method is due to an oversight and nothing but an oversight.

"It is, of course, a fundamental principle of English law (dating

back as far as Magna Charta) that any person placed in grave peril on a criminal charge is entitled to trial by jury.

"The extent of the trial is dogmatically fixed by the rule that any person liable to imprisonment for more than three months is entitled to trial by jury. A Spiritualist medium is imperilled to a much greater extent than three months' imprisonment.

"Is it really true, this assertion that trial by jury ensures anything? The answer is—'It is true.' Trial by jury is the only known method calculated to ensure justice at every stage. It enables the accused to examine the evidence of hostile witnesses, reduced to writing, and to protect himself against unscrupulous evidence and surprise—a vital point for mediums.

"It is the only system that enables a person in peril to prepare his defence knowing what the evidence against him is and ensuring that he can prepare his defence, having examined it with his legal adviser; it is the only system which ensures careful direction of the presiding judge on the facts, the law and the admissible evidence—the judge works throughout in a public court with a fierce glare upon him the whole time, and is liable to have his directions and decisions examined by the Court of Criminal Appeal.

"This form of trial carries with it the right of appeal to the Courts of Criminal Appeal, who will unhesitatingly quash conviction if there is any irregularity proved at any stage. Is this important? I say it is of vital importance.

"What is the punishment that I say is greater than three months' imprisonment? I have given you a list of the rather odious people with whom mediums are classified. No differentiation is made between them.

"For the first offence a medium is liable to three months' imprisonment, and to be put on a certain black list known as the List of Rogues and Vagabonds.

"Any practising lawyer will tell you that being put upon this list is rather a terrible punishment. You are on the list for all time. Whatever you do, you cannot be removed from that list. At the top of it—I think it is hardly an exaggeration to say this—might well be written the words: 'Abandon hope all ye whose names are written here.'

"The penalty of being black-listed is such that I would undertake to destroy any medium as a medium, however valuable to

science, within a short period. I know of one case in which a medium this year, as a medium, has been destroyed—and through this list.

AND A BLACKER LIST

“FOR the second offence a person goes to trial knowing that the court is told as she is being tried: ‘This is a person who has been condemned of using subtle means to deceive and impose.’

“For the second offence, on conviction, the punishment is one year’s imprisonment, a whipping, and her name is placed on a different black list, namely, a List of Incurable Rogues.

“By a subtle gesture, under the Vagrancy Act, 1824, things were so manipulated that there was no right to trial by jury in this case either.

“The conviction only is established by the court of summary jurisdiction, and then the person is committed to prison to await trial and sentence by quarter sessions.

“If being put upon the black list were equivalent to one day’s imprisonment only, then the right to trial by indictment and by jury would become automatic.

“I repeat my view that this is a matter of oversight only. The legislature have overlooked a peculiar and quite extraordinary penalty—rather a barbaric and terrible penalty—which is tucked away into an Act of Parliament passed when Charles Dickens was a boy.

“By one of the law’s vagaries, a medium convicted and sentenced to imprisonment has it recorded not only that she has been sentenced to imprisonment, but also that she has been found guilty of using ‘subtle craft to deceive and impose,’ although she will not be allowed to submit in evidence that she was in truth and in fact a genuine medium.

“The mere fact of holding yourself out to be a medium has been held, by the court of 1877, of itself to prove that you are a fraud.

“That might do for the year 1877, but who is there who would be heard to-day to say that from such facts such a conclusion and

such a deduction is an inevitable and right conclusion in the year 1943?

"Now, if nothing is done in the matter quickly, will great harm be done? The answer is that great harm may be done. Nothing was done by Mr. Clynes 13 years ago, and great harm was done.

"The wrongness of inactivity is made plain by a consideration of the qualities and nature of these people under discussion—these people who are treated by the legislature as coming naturally under the Poor Law administration, who are being treated not as gifted persons of high potential value, but as being odious.

"The quality and nature of them was well described by the last deputation, all of whom had mediums under observation for many years.

"I should like to add a description of my own which I base on actual personal experience. I would describe them as:

"'People who in the matter of scientific research in all fields relating to the cause of alleviation of human suffering and disease have a value and importance that can hardly be overestimated.'

"I have coldly weighed my words in the matter of this last description, and used them after deliberation.

"These are the people who are treated by the legislature as being odious, who, in the words of Alderman T. J. Brooks, M.P., to the Home Secretary in his letter of June 30, 1943, are described as people to whom fundamental elementary justice is denied. It is my submission that these words are not too severe. They are words that simply cannot be challenged.

"There is not a person in this room who would not wish to dissociate himself from me and repudiate me if I were to suggest by implication or otherwise that the Home Office had been a conscious party to injustice. No such suggestion, of course, is made. The suggestion and submission is that the Home Office could help to rectify matters.

THESE WERE THE PROPOSALS

"**N**OW for my precise proposals. These are the proposals which I must respectfully put forward for your considera-

tion, and I prefer to do so without argument. I attach the greatest importance to No. 4.

"Of one thing in regard to this committee I am sure. You would discover a surprising consensus of opinion by the Home Office representatives and the representatives of ourselves as to what is desirable and could be done.

"You would certainly find no desire on the part of any representatives of Spiritualist organisations to weaken the machinery of government regarding fraud or chicanery. Anything in the nature of fraud or chicanery, is, of course, deadly to the cause we are representing.

"I will but read the proposals:

"1.—The Home Secretary is asked to secure the amendment of Section 4 of the Vagrancy Act, 1824, through the following amendments:

"At the end of Section 4 and add the words following:

"(a) No proceedings under this section shall lie against any person claiming to be a Spiritualist medium proved to be acting at the time as a servant of a recognised religious or scientific society or body.

"(b) Any person charged under this section shall be liable to trial by jury.

"2.—To advise the Police.

"In the matter of proceedings against Spiritualist mediums to proceed under the Common Law and to avoid the use of machinery provided under the Vagrancy Act, 1824, Section 4. (And any advices from the Home Office I have no doubt are of the greatest possible value.)

"3.—To advise the Magistracy.

"To frown upon any unfair use of the Vagrancy Act, 1824, Section 4, in so far as it relates to Spiritualist mediums; for example, in such cases as when fraud is alleged and there are alternative methods provided under the above Act and under the Common Law.

"4.—The Home Secretary is asked to set up a small committee consisting of representatives of the Home Secretary and representatives of Spiritualist and psychic research organisations and kindred bodies, to consider the Vagrancy Act, 1824, Section 4, and the machinery provided under it in so far as it affects Spiritualist mediums—and to report.

"5.—To move for the appointment of a Select Committee of Members of Parliament to consider the Vagrancy Act, 1824, Section 4, of the said Act in particular. This committee, I submit, should be set up as well as the Home Office committee."

"PROSECUTIONS ARE LAMENTABLE"

AIR Chief Marshal Lord Dowding spoke as one who is facing the problem of comforting those who mourn for the war "dead." He said:

"I have no right to speak for anyone but myself and, therefore, perhaps I should confine what I have to say to my own very limited experience of this movement, because I regard myself not as a religious pundit, but as an earnest seeker after truth and one who has, so far, gone only a very short distance along the way.

"If I may refer to the only practical contribution which I have to offer, it has been to secure the publication of a small number of messages in the Press which have been for the very elementary purpose of bringing to the minds of people who have never thought about those things, or, at any rate, who have never thought clearly about them, a conviction of the continuous existence of the individual.

"And the primary object of that was to bring comfort and consolation to the many thousands of people who have suffered bereavement in the course of this war.

"I have had abundant evidence in the correspondence which I have personally undertaken that these efforts have not been without success.

"I have had a very large number of letters and I have tried to answer them all. I have had a small but very gratifying number of responses showing that in many cases the little contribution which I have tried to make has indeed brought comfort and hope and conviction to a number of people in this country.

"I want to say that whatever I have been able to do has only been possible owing to the existence of the operation of mediumship, and I regard any attempt to oppress and stamp out medium-

ship—and there is no other lesson to be drawn from the history of recent prosecutions than that—as being most lamentable, in the interests of the public, and in every other interest.

“The basic objection of the police and authorities is ‘pretending to communicate with spirits.’ That word ‘pretending’ is an implication that communication is not possible, and that the whole of the operation of mediumship is fraudulent and deceitful.

“And it is this aspect of the case which every right-thinking man and every man who has at heart the liberty of the subject to follow his intellect into the religious paths where it must lead him must deprecate in the strongest terms.

“God is a spirit; Christ is a spirit. Every time a religious service is held in this country the object is to communicate with spirits. Where are you going to draw the line?”

CHURCHES CANNOT HELP MOURNERS

THE case for our religious freedom was stated by Alderman T. J. Brooks, M.P. (Rothwell, Yorks), who said:

“It has been known publicly that I am a Spiritualist and that has been something that needed courage in the district where I live.

“One of the things that we are fighting for is religious freedom and surely it is part of the Atlantic Charter that we should have religious freedom.

“I was brought up in the Church, sang in the choir and was a teacher in the Sunday School, but to-day I say the Churches are out of date. What can the Church do for the bereaved? Only ask them to believe and have faith.

“I was one of a large family. As my father was killed when I was only a boy, I helped to bring up the family. I have had described in evidence to me at public meetings things which happened between my parents and me and which were beyond doubt.

“My Sunday School teacher was a very lovely woman, beautiful in the true sense of the word. For many years she taught us, both in the Church and at meetings at her own home,

training us for life. I have had that woman and her work described to me beyond a shadow of doubt. I think even to-day I am still influenced by her great and noble soul.

"As one who has been trained in religious matters, I want to say what a great joy and help Spiritualism is to me. It gives you a new outlook on life, a new happiness, a better understanding of man and the people you meet in this world, and prepares you for the world to be. This life is only the first step. We shall go on.

"I said to Mr. Morrison in the House privately that this intolerance had got to go and that he had to help us. There is not a journey I make to and from London in which I do not get into touch with somebody who has some understanding of psychic matters.

"When the curtain goes up for you and for me it will not be what we believe, but what we have done, what service we have given that will count.

"The people who have passed on are coming back to prove they are still alive; I, myself, have had wonderful proof from my parents and my own children who have passed on. We are trying to lift people up to this knowledge."

Brooks told this story:

"The first day I came to the House of Commons I had a thrill. Mr. Churchill, moving a resolution on the death of the Duke of Kent, said: 'He has gone to join a happy family.' How did he know? I saw Mr. Churchill afterwards and told him: 'I was thrilled by your words.'

"'Oh, why was that?' he asked. I repeated his sentence and said: 'Do you believe that?'

"He replied: 'I do.' I asked: 'Is it true, then?' He answered: 'There is no doubt about it in my mind.'"

"LAWYER, PREACHER AND ROGUE"

DR. Sidney J. Peters, who described himself as a "lawyer, local preacher, incorrigible rogue and medium," said:

"I have been asked to address many meetings throughout the

country and if this intolerance goes on there will be such a commotion that the Government will have to listen to it. The time has come when something has got to be done by the Home Office and the Government.

"I think I have a perfect right to the attitude I take, as one who has had practical experience of seeing suffering humanity brought to whole life again. We are not going to stand down in a democratic country that has the name before all others for its tolerance towards religious and political refugees.

"I have heard it said that you are sending your *agents provocateurs*, a method which stinks in my nostrils, not only into the rooms where mediums are working, but into the churches, places of worship. I say this is a very low thing to do and that it must stop."

John M. Stewart, an S.N.U. official, speaking as one who attended the previous deputation 13 years ago, said:

"The position has worsened since then. We hope you will convey to Mr. Morrison a sense of our determination to go forward in this matter so that we can gain some relief from these restrictions.

"One thing which has hurt us immensely is the interference with mediums not only in their homes but in our churches.

"In your letters from the Home Office to M.P.s you say that the S.N.U. has acknowledged there are many frauds practised on members of the public. We should like some reference as to your authority for this statement, because we are not aware that we have admitted this at all."

H. L. Vigurs, S.N.U. president, said:

"We seek but the privilege of other religious bodies in this country—freedom to express our religious convictions and to worship God in our own way without let or hindrance. In the spirit of the Atlantic Charter we ask that our approved mediums should be exempt from prosecution under the onerous provisions of the Vagrancy Act."

OSBERT PEAKE: "Can you give me any example as to whether any medium approved by the S.N.U. has been prosecuted other than in a case where money has been accepted?"

C. E. LOSEBY: "No, I know of no such case. I say that the money taken in this case is taken under the auspices of a church, for the purpose of the upkeep of the church. If that were the

objection in the minds of the legislature, equally strong would be the objection of the payment of ministers of other religions.

"As I see the position, we have to advise that on these questions it does not matter a bit whether they receive or do not receive money. There is no question in the Act as to whether the person has obtained or attempted to obtain anything of value; it is just the fact that he is guilty immediately of a false pretence, the pretence of getting into touch with spirits. It seems to me that the legislation was passed for the purpose of preventing itinerant gypsies from frightening servant girls at the back doors and obtaining money from them under false pretences."

PEAKE: "I have listened carefully and with interest to everything that you have said. I notice that a shorthand report is being taken and I feel sure that in due course I shall receive a copy of the transcript. That will be carefully studied in the Home Office in order that we may form our view as to whether anything could or should be undertaken at the present time.

"I shall report to the Home Secretary not only what the deputation has said, but also the general feeling of uneasiness which the deputation has conveyed to me."

M.P.s MAKE THEIR PROTESTS

MORRISON kept the S.N.U. waiting for four months before he gave his considered reply. Meanwhile, Spiritualists protested to their M.P.s about the scandal of this Act. They, in turn, approached Morrison. Each received this stereotyped reply about the Vagrancy Act:

"Although the issue may seem clear to spiritualists, it is highly controversial in the minds of a large number of people as is evidenced by the fate of the Private Members' Bill, introduced in November, 1930.

"Moreover, although no one wishes to interfere with the legitimate activities of spiritualists, the Spiritualists' National Union admits that there are many frauds practised on ignorant and credulous members of the public, and it is particularly

important in wartime to protect these persons against the mental distress caused by impostors.

"Apart therefore from the difficulty of devising an appropriate amendment to the particular Act, it would not be possible to introduce in wartime controversial legislation which is not related directly to the war effort or to post-war social and economic problems."

This reply rubbed the salt into the wounds of Spiritualists. The fate of the Bill introduced in 1930 gave no evidence that the subject of Spiritualism was highly controversial in the minds of a large number of people. After all, his predecessor, J. R. Clynes, told a previous deputation: "As to the evidence of grievance under which you are labouring, you have left me in no doubt."

It was at the suggestion of Clynes that Spiritualists introduced the Bill couched in the terms indicated by him. Clynes made this promise: "If such a Bill were prepared and introduced into Parliament the Government would give sympathetic consideration to it."

I do not know whence Morrison obtained his information that the S.N.U. admitted there were many frauds practiced on ignorant and credulous members of the public. No Spiritualist has ever denied that there exists some fraud, but its proportion is very small, and is certainly no larger than that which exists, say, within the Church of England, or the medical and legal professions. Besides, the object of the Bill was to license recognised mediums of quality and integrity, so that no others could practice.

When the deputation visited the Home Office on July 27, this point was dealt with by John M. Stewart, who asked Peake to give him Morrison's authority for this statement on fraud, because the Union had made no such admission. Peake was unable to supply the information.

Of course the obvious reply to Morrison is that, if he is so concerned about the "ignorant and credulous members of the public"—are they really so ignorant and credulous?—why did he not initiate prosecutions against the wealthy newspaper proprietors who, week after week, contravene the Vagrancy Act by publishing fortune-telling features? His excuse would have sounded more plausible if he had put Lords Rothermere,

Beaverbrook, Southwood and Kemsley in the box rather than single out humble mediums.

It is strange that Morrison should refer to the difficulty of devising an appropriate amendment to the Vagrancy Act, in view of his reputation for being an able administrator. Clynes, his predecessor, had no such difficulty, for he outlined the main clauses of the Bill!

I am also surprised to discover that Morrison is afraid to introduce controversial legislation, a problem which does not seem to have troubled the War Cabinet. Besides, Morrison showed he was not afraid of controversy when a few months after making that statement he released Sir Oswald Mosley from jail, despite a national outcry!

And what about the Education Bill sponsored by the Government? It has aroused violent controversy, and is in no way related to the war effort.

MORRISON TURNS US DOWN

AFTER thinking for four months, Morrison replied with a rejection of the proposals made by the deputation, although he offered what at first sight appeared to be a concession. He began by saying that he had "given very careful consideration to the representations"—this is the official jargon—"made by the deputation," and then added:

"As was recognised by the members of the deputation, there can be no question of introducing legislation in war-time to amend Section 4 of the Vagrancy Act, 1824. In any case, I fear that 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.

"I have considered the suggestion that a committee should be appointed, consisting of representatives of the Home Office and of spiritualist and psychical research organisations, to consider this question, but I have come to the conclusion that the appointment of such a committee would not be an appropriate method of dealing with the problem.

"I appreciate, however, the feelings of spiritualists on this subject, and I have made inquiries as to prosecutions under this Act.

"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."

"JUSTICE IS DENIED TO MEDIUMS"

THE S.N.U. replied in this letter signed by J. B. McIndoe, chairman of its parliamentary committee, who did not mince his words:

"Your reply has been read by us with feelings of astonishment and even indignation.

"In approaching you, the responsible Minister of a Government pledged to the principles of religious freedom embodied in the Atlantic Charter, we had felt convinced that it would only be necessary to draw your attention to the indignities and injustices inflicted on Spiritualists in order to secure, as the very least possible response from you, the appointment of a committee to advise how these grievances could be most quickly and effectively remedied.

"We stressed that mediums are important and valuable members of the community. We did not ask that they should be specially privileged, but merely that the law should cease to discriminate against them, that they should have elementary justice, the right of trial by jury when accused. That is a fundamental right of every British citizen. But it is denied to mediums charged under Section 4 of the Vagrancy Act, 1824, the harsh penalties of which entail grievous peril to those involved.

"Is it seriously contended that there is in the House of Com-

mons one single Member whose ideals of justice are so low that he would describe as 'controversial' our plea for trial by jury?

"How can it be that granting this to mediums—or anyone else—would, to quote your own words, 'open the door wide to fraud and grave abuses'? Nothing in your letter deals with, or even begins to touch, this entirely reasonable request.

"That you have suggested to all chief constables that they should 'consider' adopting the procedure which some now follow has no bearing upon it.

"To say that you can go no further than that to remedy our grievances seems to us to savour almost of insult. In plain language, it means that you prefer to let our mediums remain the victims of the whims and prejudices of the less enlightened of the police in their administration of an antiquated Act of Parliament; to force on them the ordeal of a trial in which Mr. Loseby, speaking as a practising barrister with many years' experience, says the scales of justice are heavily weighted against the defence; and with the knowledge that penalties evolved during the dark ages may be inflicted upon them.

"You refer to the 'aspirations of spiritualists' and say that you appreciate their feelings. But it seems that you fail to realise that Spiritualism is the religion of many thousands of your fellow-citizens.

"Our mediums, by the exercise of their psychic gifts, have proved that men live on after physical death, and thus, as well as in other ways, provide an incentive and a stimulus to higher ethical standards of life.

"We demand for them respect and even-handed justice.

"It is intolerable to us that they shall any longer remain liable to street arrest, even in any one single town, at the whim of a prejudiced chief constable. It is intolerable that when brought to court they should be denied a fair trial with adequate right of appeal. It is intolerable that they should be subject, on conviction, to barbaric penalties, including their listing as rogues and vagabonds along with the ten categories of wretched, disreputable, or odious persons thus stigmatised by the Vagrancy Act.

"We have waited four months for this very unsatisfactory reply, and we feel strongly that we had a right to expect better treatment from the Home Secretary of this free nation.

"We appear now to have no alternative but to go back to our people, and to the public at large, and to tell them that we have

no hope for justice, even elementary justice, or for fair hearing from the Home Office.

"Nevertheless, we trust that even at this eleventh hour you will still find it possible, on a further review of our case, to grant at least our request for a full inquiry by a representative committee."

To this Morrison replied, in a letter to Brooks:

"I have considered the suggestion that persons charged with an offence under Section 4 of the Vagrancy Act should be given the right of trial by jury, but there would be no justification for giving the persons charged under this particular section a special right which the law does not give to persons charged under numerous other provisions relating to offences for which the maximum penalty is not more than three months' imprisonment.

"I could not in any event accept the suggestion that persons charged with offences under this section do not receive a fair trial from magistrates' courts, nor can I accept the argument that the law discriminates against mediums. Section 4 of the Act of 1824 punishes certain conduct therein described and it applies to all alike, irrespective of their calling, profession or religion.

"As regards enforcement of the law, I must repeat that I have no authority to give any directions to the police, but I have done what I can to secure uniformity throughout the country and I have no doubt that the advice which I have given to chief constables will be generally followed.

"Mr. McIndoe's statement that mediums 'remain the victims of the whims and prejudices of the less enlightened of the police' appears to be wholly misconceived, since the power to convict does not rest with the police and a person charged with an offence of this kind has every opportunity to state his defence before the court.

"As regards Mr. McIndoe's statement that spiritualists are 'liable to street arrest,' the power to arrest without a warrant a person committing an offence against the Vagrancy Act is a necessary provision, since offenders against the Act are often persons of no fixed abode, who could not otherwise be brought to justice. It is not, however, the practice of the police to use this power unless there is reason to think that the summons would be ineffective."

He ended by turning down the request for the appointing of a committee.

Brooks, in his reply, enclosed a letter written by Loseby, dealing with the more important of the legal points raised in Morrison's statement. "It seems to me as a layman," Brooks said, "that Mr. Loseby gives an answer to every one of the legal arguments your advisers have put forward; and that his case for a fuller inquiry into the iniquities of the Vagrancy Act is so strong as to be irresistible.

"You have ever been such a champion of freedom and justice that I cannot help but think that if only you would allow yourself to become fully informed of our case, you must, for your own conscience's sake, do everything you can to meet our entirely reasonable requests."

BARRISTER TRIES AGAIN

HERE is the letter Loseby sent:

"As I accepted the responsibility for the case, involving serious allegations of fact and law, relating to Section 4 of the Vagrancy Act, 1824, and also for the specific appeals made to you as Home Secretary, I ask to be allowed to support it by a final letter and appeal. The subject is so important and involves consequences so far reaching that misunderstanding is not excusable.

"It was my main purpose originally to make good the proposition of Mr. Brooks, contained in his letter to you, dated June 30, 1943, that a certain section of the community is being denied fundamental elementary justice and that this denial involved others and constituted a present and immediate danger.

"I laid myself out to make good these propositions in a minimum of words and to avoid, if possible, any incautious phrase that could not be justified. I have now re-examined the case as it was originally stated and reaffirm my view that there is not a line in it that can be rightly challenged.

"There are, of course, matters that can be and should be more fully explained and stressed. It was for this reason that a committee to inquire and report was asked for.

"The value and importance of mediums requires to be more

fully explained and stressed. It is, for example, not generally known and realised that experiments are at this moment being conducted that seem to justify hopes that yield to none in their value and importance. Without mediums of a high order these experiments could not be continued.

"It is not fully understood how great is the harm that has been done, and is being done, by degrading mediums, and the extent to which work, full as I have said of hope, has been impeded. It is not understood that the State, out of ignorance rather than malice, has been the main offender.

"The law itself, and the machinery operated under it, are not generally understood. You yourself, with great respect, still give the impression that you do not appreciate it. The infamy of it and the complete folly of it you certainly have not yet fully realised.

"The State cannot be allowed to remain, even out of ignorance, the champion of oppression, injustice and evil. Do you realise that this is what we are saying and must—if we keep faith—continue to say? Of course we know that you do not stand for any of these things.

"In your letter to Mr. Brooks you say that the members of the deputation said they fully appreciated that you could not undertake in wartime to introduce legislation to amend the provisions of the Vagrancy Act. With respect they said nothing of the kind. On the contrary they asked you, quite unanimously, to do so by initiating a one-line amendment, giving to mediums the right 'to elect to go to trial'—that is the right phrase.

"They understand, of course, that you cannot, in wartime, initiate *controversial* legislation. They believe, however, that not a Member could be found to object to a move in the direction of securing for any person accused a right of trial easily demonstrable to be in accordance with every rule and principle regulating trial and justice.

"You suggest that we are asking for a special right for mediums. If you will verify the references that we gave you, you will see that the contrary is the case. We ask for no special right. We ask for such rights only as have been accorded from time immemorial to persons accused of offences. The right we ask for is the right of trial commonly called trial by jury. The value and importance of this we explained in detail.

"Any person charged with an offence and liable to more than three months' imprisonment has the right 'to elect to go to trial.' Persons charged under Section 4 of the Vagrancy Act are liable to much more than three months' imprisonment. In the interests of justice, for example they have, *inter alia*, to be branded for future reference. They are, however, denied the 'Right of Trial.' Upon what principle?

"If any think that mediums are odious, the answer is that they are so treated in the matter of punishment and that it is in such cases that the law normally safeguards the method of trial.

"It is true that certain other persons are similarly penalised, only, however, those persons who are classed and ranked with mediums in the Section complained of. I am not anxious to constitute myself a champion of male persons importuning for immoral purpose in public places. For the purpose of clarity, however, I will do so and say immediately that there is no justification for denying to them either when so charged the 'Right of Trial.' The punishment involved should carry with it the right of trial.

"You say that you cannot accept the argument that 'the law discriminates against mediums.' With great respect it is not a question of argument but of hard fact. No other persons (except those classed with them under the same Section) are first of all insulted and stigmatised, thereafter subjected to pre-trial indignities which are exceptional and, finally (contrary to rule and principle), denied the protection of a normal trial. They are differentiated against in that the methods adopted towards them are throughout exceptional.

"You object to Mr. McIndoe's statement that mediums 'remain the victims of the whims and prejudices of the less enlightened members of the police.' The phrase is not mine. It is, however, true and just. The more enlightened members of the police do not proceed against mediums charged with fraud under the Vagrancy Act at all. There is no need to do so.

"The Common Law procedure, which is fair and just and safeguards the rights of accused persons at every stage, provides ample remedies. The fact remains, nevertheless, that prosecutions under the Act continue. As far as mediums are concerned the Vagrancy Act serves no purpose but that of oppression. It provides no safeguard against fraud.

"You say: 'The power to convict does not rest with the police.' This, of course, is true. The contrary has not at any time been suggested. It is suggested that the police have the power to ensure conviction and do ensure conviction by proceeding under the Vagrancy Act, which bars our defence, rather than under the Common Law, which is just and ensures a fair and adequate trial.

"It is suggested also that (under machinery provided under the Act) the police may be compelled to act at the instance of any interested, malicious or ill-disposed person. I myself used the phrase, 'mediums are placed at the mercy of any malicious or ill-disposed person.' This, too, is true.

"You say further: 'Mediums . . . have every opportunity to state their defence before the court.' I endeavoured to make plain the fact that mediums are denied this opportunity. You appear to agree that the point is vital.

"The liability to street arrest—at the instance, incidentally, of any ill-disposed person—is perhaps not a very serious matter. It is, of course, degrading and humiliating. A legislature, however, that ranks mediums with 'male persons importuning for immorality in public places' can hardly be expected to be unduly delicate in its methods. Reference to this right and power placed in the hands of any ill-disposed person is made only to illustrate the contention that the Act in so far as it relates to mediums is contemptible.

"I have written again at length, firstly, because I wish to keep precise my own allegations and, secondly, because I have a strong feeling that you would help if you felt that you could. I wish to repeat my own view that you might help very greatly if you would set up a committee to inquire and report. That at the moment is the sole request.

"In his letter to you I note that Mr. McIndoe asked for a representative committee. Is any difficulty constituted by the word *representative*?

"If there is such a difficulty, may I ask you if it is possible for you to set up a small committee, not professing to be representative, and let me enter the den of lions quite alone? I would gladly do so. I am convinced that a solution could be found and I offer my services towards that end. I know the case and I know or think I know the solution.

"A committee set up by you would represent a step forward and would be so regarded. Could any harm come from the attempt?

"The alternative is an embittered struggle between people on the one side who are right and know that they are right and know, too, that they must fight for light, if they have any sense of trust, honour or gratitude; upon the other side would be the Government, with no excuse other than that of ignorance, committed to fight in darkness, and for darkness in defence of the indefensible."

IT HAD NO EFFECT

LOSEBY'S letter apparently had no effect on Morrison, for he sent this answer to Brooks:

"I have read Mr. Loseby's letter with care, but I cannot find that it adds anything material to the representations already put forward by the deputation from the Spiritualists' National Union, and in the previous correspondence on this subject.

"He appears entirely to overlook the effect of the advice which I have given to the police will—I hope—be to limit action to cases where there has been complaint by members of the public and where there is evidence that the person is an impostor taking money, or other valuable consideration. I take it that neither you nor Mr. Loseby would wish to defend a medium who is an impostor.

"I have again considered the request that a committee should be appointed to consider Section 4 of the Vagrancy Act so far as it applies to Spiritualist mediums, but I regret that I remain of opinion that such a committee of inquiry would serve no useful purpose."

Then Brooks wrote one more letter to Morrison on January 14:

"I have consulted the Spiritualists' National Union on your reply to Mr. Loseby's letter.

"They have asked me to let you know that they consider that you have not even dealt with the main issue, which is whether or not a Spiritualist medium charged, fairly or unfairly, with an offence, should be entitled to defend himself or herself according to the ordinary process of law.

"They do not accept the implication in your letter that the

police will not move unless invited to do so and that, therefore, such matters as fair trial and defence are formalities only.

"In order to make their position plain, beyond all possibility of misunderstanding, they now formally ask you to initiate a one-line amendment to Section 4 of the Vagrancy Act *increasing* the maximum penalty of imprisonment from *three* months to *four* months.

"Such an amendment would carry with it automatically the right to trial by jury and, whilst bettering the position, would not favour the accused, would be non-controversial, and would take up but a few moments of Parliamentary time—certainly not so much as the Bill relating to outlaws which we see you are to introduce this session.

"The Spiritualists' National Union note that you are unwilling to have the matter inquired into by any committee, representative or otherwise, and however small. They wish me to say that they regard this as a plain indication that you realise that every contention they have made is just and would upon inquiry be so found."

Morrison's reply was "No" once more.

THE ACT HAS BEEN AMENDED!

NOW, I want to point out that although Morrison hides behind the poor excuse that it is difficult to amend the Vagrancy Act, it has in fact been amended five times in the past few years!

The most recent was the amendment enacted in the Fire Arms Act of 1937, which provides for increased punishment for certain Vagrancy Act offences where firearms or imitation firearms are carried.

In 1935 the same Section 4 of the Vagrancy Act which has been used against mediums was amended. The penalties relating to persons wandering abroad and lodging in barns and outhouses were considerably modified.

In 1930 there were several amendments relating to Poor Law.

In 1927 officers of the Forestry Commission were given authority to remove persons offending against the Vagrancy Act from the Commissioners' territory.

In 1925 the Criminal Justice Act made several minor amendments to the Vagrancy Act.

Make no mistake about it, our campaign is only just beginning. However fierce any language I have used may seem, it is surpassed by the statements made by Dr. Sidney J. Peters, M.P. "We Spiritualists are not even treated as refugees," he said. "We are treated more like evacuees who come from lousy homes." We were looked upon "as the very dirt of the gutter, and regarded by the Home Office as individuals who had been pitchforked out of hell on witches' brooms."

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

Amazingly enough, Morrison has denounced common informers. In the House of Commons on February 3, 1944, he said: "The common informer is an antiquated and undesirable device for enforcing the law." That was part of his condemnation of "individuals who have exploited" the Lord's Day Observance Act of 1781.

But how can Morrison have it both ways? He is incensed by the common informer who exploits an Act of 1781 and stops Sunday shows for the troops, but he justifies the common informer who exploits the Vagrancy Act of 1824! If the common informer is an "antiquated and undesirable device"—and I agree—the Government should end his activities.

OUR POST-WAR CAMPAIGN

WHEN the war is over, Spiritualists will expose the stupidity and absurdities in the Vagrancy Act by turning common informers—yes, against the police when they use so-called fortune-tellers for their own fetes! We will invoke all the other

outmoded Acts that have never been repealed and initiate such a spate of prosecutions that Parliament will be compelled to give us our freedom. After all, if the Suffragettes could do it, so can we! And Spiritualists are as entitled to their freedom as women were entitled to their suffrage.

As it is, Spiritualists are in a most paradoxical position. Though we are regarded as illegal, though Ernest Bevin has refused to accept our ministers of religion as ministers of religion, the Passport Office accepts the signatures of some 50 people, all Spiritualists, as competent to sign passports! These same 50 signatories are competent to sign, as ministers of religion, forms in connection with lost ration books, and, in fact, all documents that other ministers of other religions can sign.

Our ministers are allowed to visit Spiritualists in prison.

The War Office declares that it would have arranged for Spiritualists to be chaplains in the Forces, were it not for the fact that, according to its statement, there are not enough Spiritualists in the Services.

Our churches are registered as places of religious worship.

Yes, in many respects our status as a religion is granted, until it comes to the Vagrancy Act, and then we are all "rogues and vagabonds."

I turn to the "Oxford Dictionary" for definitions. A "rogue" is defined as: "an idle vagrant (archaic)"—this is a clear condemnation of the Vagrancy Act—"knave, rascal, swindler (often playfully of mischievous child or waggish or arch-mannered person)." Having spent nearly a quarter of a century in the movement, I see nothing in Spiritualism's religious practices to justify any of these definitions being applied to its members.

Still, perhaps Morrison, who I believe is an agnostic, takes refuge from the added definition of a rogue: "wild beast, especially elephant, driven or living apart from the herd and of savage temper."

The definition of a "vagabond" doesn't help the Home Office. He is defined as: "having no fixed habitation, wandering; driven, drifting, to and fro." Nearly all the prosecuted mediums have been householders and ratepayers! They obviously do not qualify for this definition.

WOULD MORRISON JAIL WINSTON?

IT may surprise Morrison and his associates at the Home Office to know that, had the law been invoked, Winston Churchill would have become a rogue and a vagabond! In his biography, "My Early Life," Churchill tells of the time when he escaped from a detention camp during the Boer War. He was stranded in unknown territory, with a price on his head, suspicious of every voice he heard from his hiding place. He was guided by psychic means to the only friendly house in the neighbourhood, where he received help which enabled him to rejoin the British forces.

He had been taken prisoner while acting as war correspondent for the "Morning Post." He escaped alone, with only some chocolate for food. He "jumped" a luggage train and dropped down into absolutely unknown country.

"I found no comfort in any of the philosophical ideas which some men parade in their hours of ease and strength and safety," writes the Prime Minister. "They seemed only fair-weather friends.

"I realised with awful force that no exercise of my own feeble wit and strength could save me from my enemies, and that without the assistance of that High Power which interferes in the eternal sequence of cause and effect, more often than we are always prone to admit, I could never succeed!

"I prayed long and earnestly for help and guidance. My prayer, as it seemed to me, was simply and wonderfully answered. . . . Suddenly, without the slightest reason, all my doubts disappeared. It was certainly by no process of logic that they were dispelled. I just felt quite clear that I would go to the Kaffir kraal."

Then Winston revealed that in former years he had experimented with a planchette—an offence under the Vagrancy Act—and "written while others had touched my wrist or hand. I acted in exactly the same unconscious or subconscious manner now."

This psychic impulse directed him towards the kraal, where he found some miners' huts, and was admitted to one of them. At

first he said he was a burgher who had fallen off a train. He was not believed, and eventually confessed to his identity, wondering whether he would be delivered up to the Boers. He learned later that there was a reward offered for his capture, "dead or alive."

The miner, on hearing that he was an escaped prisoner, rose from the table at which they were seated and slowly locked the door.

"After this act," wrote Winston, "which struck me as unpromising and certainly ambiguous, he advanced upon me and held out his hand. 'Thank God you have come here! It is the only house for twenty miles where you would not have been handed over. But we are all British here and we will see you through.'"

And here is the Prime Minister's comment: "It is easier to recall across the gulf of years the spasm of relief which swept over me, than it is to describe it. A moment before I had thought myself trapped; and now friends, food, resources, aid, were all at my disposal. I felt like a drowning man pulled out of the water and informed he had won the Derby!"

The same psychic power is used by our mediums who are convicted under the Vagrancy Act. When he experimented with a planchette, and when this psychic power saved him in the Boer War, Winston was just as much a "rogue and a vagabond" as any of our mediums who have been held up to public obloquy in our courts. Could there be a clearer denunciation of the stupidity of the Vagrancy Act?

FOR FREEDOM

THE world has been stirred during this war by the Atlantic Charter and also by the eloquent speech on the Four Freedoms delivered by President Roosevelt.

These declarations have put heart into the members of our fighting forces everywhere. It has given them a shining ideal and a sanctified purpose for our war against tyranny. The Atlantic Charter proclaims as one of our post-war aims "that all the men in all the lands may live out their lives in freedom from fear."

This does not apply to mediums or to Spiritualists. The fear of prosecution hangs over every medium.

Roosevelt included among his Four Freedoms, "freedom for every person to worship God in his own way—everywhere in the world." No Spiritualist possesses that freedom, and it is unlikely that he will possess it when the war ends.

What a mockery of all our claims to be fighting for liberty! What does the Spiritualist, in any of the three Forces, think of all the exhortations to sacrifice when he recalls that though he may be designated a Spiritualist in the Service records, he is a "rogue and a vagabond," a member of an illegal body, denied simple justice in his own land. The Spiritualists in the Services who have given their earthly lives in this war which, we are told, is being waged for freedom from tyranny, now realise that so far their sacrifice has been in vain. Morrison's rejection mocks both the living and the dead!

And what of other members of the War Cabinet, some of whom are no strangers to Spiritualism, and who have attended seances? They are equally guilty in the refusal to grant Spiritualists their elementary justice.

The Spiritualist movement is preparing its plans for this abuse and inequality to come to an end. It has suffered for too long. The presence on the Statute Book of this law is a scandal.

When the war ends, we shall demand our rights. We will not go, cap in hand, to the Government of the day. We shall insist that we receive the justice which is our due as citizens of this country. For too long we have been the victims of spite, malice, ignorance, superstition and bigotry. For too long we have been the only body denied religious freedom in this country!

Let those "religious" people who have been foolish enough to oppose us ponder on this fact. If Jesus of Nazareth were to reappear in Britain, and to repeat some of the acts with which he is credited in the Bible, he, too, would be guilty of breaking the Vagrancy Act, and would be dubbed a "rogue and a vagabond."