

Coalville Times – September 1915

Friday September 3rd 1915 (Issue 1226)

Local News

Primitive Methodist Chapel

Special services were conducted by Mr A. Lacey, Loughborough, at the Whitwick Primitive Methodist Church on Sunday morning and evening when there were good congregations. A musical service was held in the afternoon which the children sang their anniversary hymns, and there were solos by Miss E. Webb (Leicester), Miss L. Anderson (Coalville) and Mr J. B. Newbury (Whitwick). The proceeds were for the trust funds.

Local Chit Chat

Mr Ernest Aris, of Silver Street, Whitwick, and Mr John Henry Taylor, of Standard Hill, Coalville, have both succeeded in passing the Associates' examination of the Incorporated Secretaries' Association, London. The holding of this diploma gives them the privilege of becoming Associates of the Association.

Mr Walter Brownlow, late of 'The Laurels,' Whitwick, has received an intimation from the War Office that his youngest son, George Harry Toon Brownlow, of the 7th Battalion Royal Munster Fusiliers, was twice wounded in actions at the Dardanelles on August 9th and was removed to the Base Hospital, Alexandria, Egypt, where he is going on as favourably as can be expected. The injuries are to his side and under his arm and it is not stated whether they are severe or otherwise dangerous.

Mrs J. J. Sharp reports having received for the 5th Leicesters at the front during the past fortnight, 64 packets of cigarettes and 241 loose from Mr Tyler's box, Engineer's Arms, Coalville; 28 packets and 11 1/2d cash from Mr W. Higgins' box; 35 packets, 5 loose and 5 1/2d from the Coalville Liberal Club box; 15 packets, 4 loose and 3d from the Coalville West End Club box; and 45 packets, 40 loose and 1d from the Whitwick Liberal Club box.

Do You Know

That the 'Coalville Times' was greatly in evidence in the Whitwick Property Case at the Ashby County Court being frequently quoted from by Counsel on both sides?

Deed to be Cancelled

Result of the Whitwick Property Case

Full Report of the Two Days' Proceedings

Application for Stay of Execution Not Granted

The Question of Costs

At a special court at Coalville, before His Honour, Judge Moore Cann, on Saturday, August 21st, a case adjourned from the Ashby County Court was heard in which Martha Spencer, widow, of Hall's Lane, Whitwick, sued Albert Clarence Spencer Williamson, an infant, and Charles Williamson, factory hand, both of Whitwick, for the delivery up of a deed and damages for detention, and for the cancellation of a deed of gift of a messuage and premises at Pares' Hill, Whitwick.

Mr H. H. Joy instructed by Messrs. Crane and Moore, Coalville, was for plaintiff, and Mr Marriott, instructed by Messrs. Sharp and Lancaster, Coalville, for the defendants.

Mr Joy, opening the case, said the plaintiff was an old lady, 86 years of age. The action was for the return of a deed dated 1884 relating to property owned by the plaintiff at Pares' Hill, Whitwick, and for a declaration that a certain document dated 2nd February, 1914, which was a deed of gift to the younger defendant should be set aside on the ground either that the plaintiff never signed it at all, or if she did, she did not understand what it was she was signing, and the signature was obtained by the elder defendant under circumstances which should not be allowed to stand. What plaintiff said was that she never signed it, at any rate, that she had no knowledge of signing it, and never intended to sign it.

The Judge: Is it a suggestion of forgery?
Mr Joy said he could hardly say that.

Proceeding, counsel said that plaintiff was married in 1852 at the age of 23 to Mr Warrington. There were no children of the marriage, and Mr Warrington having died, plaintiff was married again in 1894 to Mr Edward Spence, who had children by his first wife and one of these was Mrs Williamson, wife of the elder defendant. Mr Spencer died in 1904 and during her widowhood, the plaintiff seemed to have been very industrious and accumulated a sum of money. Spencer also had some property in Leicester Road, Whitwick, and that property he left to the plaintiff as tenant for life and then to Mrs Williamson, his daughter by his first wife, and her sister, Mrs Whitmore. From that period up to 1915, the old lady apparently lived by herself at Pares' Hill, Whitwick, at the property adjoining the Wesleyan Chapel, bought by her in 1884. She had five nieces – Emma Berrington, Elizabeth Williamson, and three others – up to 1913, and during that period of her widowhood Emma Berrington and her husband acted practically as son and daughter to the old lady and looked after her in every way. Mr Berrington practically managed things for her during the whole of that time, though in regard to her property affairs, she was usually advised by Mr West and Mr Stinson, members of the Wesleyan Chapel. On September 4th, 1908, plaintiff made a will, which was prepared by Mr Crane of Coalville, and he produced this for His Honour to see the plaintiff's signature, also that to a codicil executed on July 8th, 1912. About the end of 1912, plaintiff had a severe illness, lasting about 26 weeks, which did not improve her mental condition. Early in February 1914, Mrs Williamson, wife of the elder defendant, died. Williamson became very assiduous in his attentions to the old lady. He used to go to see her practically daily and apparently he had some arrangement with her whereby he attended to the garden and shared the produce with her, but Mr West and others were often there, and there was never any indication that plaintiff took Williamson into her confidence in regard to her property. In 1913, Dr. Hamilton, of Coalville, received a message from the defendant Williamson to go and see the plaintiff. He was not her usual doctor and was rather puzzled, but he went. He (the doctor) would tell the court that he found the plaintiff partly deaf and partially blind and her

mental powers very dull, and it was clear that her mind was a blank. She said she could not remember having sent for him and addressed him as Dr. Burkitt. Dr. Hamilton saw the plaintiff again this August and he would say that in his opinion the plaintiff at the beginning of 1914 would certainly not be fit to appreciate and execute a deed relating to her property. Early in 1914, a curious thing happened. Apparently, Mr Williamson was very anxious to know how matters stood as regard the old lady's money, because his wife having died, the property which was going to her after the tenancy for life of the old lady did not go to him, but to some other lady. He made enquiries at the London City and Midland Bank, Coalville, but the manager declined to give him any information as to the old lady's financial affairs. Later, defendant called at the bank with a solicitor and told Mr Williams (the manager) that the old lady wished him to go to her to talk over her affairs. Mr Williams went, but could not make the old lady understand anything. All he could get from her was, 'I am very ill, I have had a stroke.' Mr Williams would tell them that from what he saw, he would not honour cheques signed by the plaintiff without ascertaining the circumstances under which they were signed. At the time of his visit, Mrs Berrington was there too and there was some disturbance between her and Williamson, when Sergt. Betts came on the scene. He would be another independent witness who would say what he thought of the old lady. Coming to the early part of 1915, counsel said the old lady left her lonely habitation at Pares' Hill and went to live with the Berringtons, leaving the next door neighbour, Mrs Broadhurst, to look after the Pares' Hill property. In April 1915, the defendant Williamson appeared at the property claiming a right of way to the garden and when this was disputed by Miss Broadhurst, an assault took place resulting in police court proceedings. During these proceedings, Williamson produced a deed, dated 1884, as a vindication of his right to go there. Enquiries were set on foot as to how defendant became in possession of the deed. The plaintiff had kept all her papers in a bundle at the property at Pares' Hill. On May 14th, 1915, Messrs. Crane and Moore, who had been consulted, wrote to the defendant asking for the delivery of the deed which was produced in the police court, stating that their client (the plaintiff) was at a loss to understand how it came into defendant's possession and that if it was not returned proceedings would be taken for its recovery. On May 17th, Messrs. Sharp and Lancaster replied for the defendant, stating that the plaintiff knew the circumstances under which the deed came into his possession. Plaintiff's solicitors wrote that defendant had no right to the document, and that they had instructions to proceed. Messrs. Sharp and Lancaster replied that in November, 1913, they were seen by Williamson and asked to prepare a deed of gift. They told him they would require the deed of conveyance and when the engrossment was prepared it was handed to Williamson to obtain the signature, he having stated that he did not wish them to call on plaintiff in order not to excite comment from members of the family. It was a curious circumstance, continued counsel, that a document should have been sent to an old lady, 86 years of age, for her to sign without any steps being taken to see that she understood it or knew what she was doing. The deed was dated February 7th, 1914, and what he would like to draw His Honour attention to was the signature. On every other document to which they had access, the signature was 'Martha Spencer.' In this particular case it was 'M. Spencer,' which was certainly something unusual. Though Mr Berrington, Mr West, and other friends had been continually seeing her, none of them knew about this deed of gift. For some reason or other, it was apparently carried out with the greatest secrecy. Counsel suggested that it was clearly a case where the old lady did not knowingly execute the deed, or, if His Honour thought that she had sufficient mental capacity, the circumstance under which the signature was secured were such that it should be set aside.

The old lady was then called and Counsel explained some difficulty in getting her to answer the questions. She said that she had lived at Whitwick all her life.

“Did you ever give your house away to anyone?” asked Mr Joy.

“No, I never have,” she replied. “If he has put it on, he has done it on his own account.”

Mr Marriott: You are quite friendly with Charles Williamson. – Yes, but not friendly enough for him to take my writings. (Laughter)

Mr Marriott remarked that they were not in a music hall. The Judge said there must be silence in court.

At the suggestion of the Judge, Mr A. West, with whom the plaintiff was familiar, acted as interpreter to the questions put by counsel for the defendants. When Mr West asked the plaintiff whether she knew him, she replied, “Yes, it’s Master West. The Lord bless you.”

Replying to these questions, plaintiff said she was fond of the boy Clarence, but could not strip herself for him. She gave him some shares in the Whitwick Liberal Club, but did not remember saying that she would make some provision for him. She could not make herself destitute for him. His father had some property and could see to him as well as her.

Did you say to Charlie that you would like to give the blind boy a house and garden? – That would not justify Charlie coming to my house and taking my papers.

Did you say you would give Clarence a house and garden? – No, I should never strip myself like that.

You have other property bringing you in about 30s a week? – Nothing of the sort; it doesn’t make £1 and then there are rates and everything to pay.

Further questioned, she said she did not say that she wanted the gift to Clarence kept quiet from the Berringtons. She was living with the Berringtons now but never paid them anything. They did not owe her money. She did not lend Sam Berrington £200 when he took a farm and she had not lent Joseph Berrington money. Asked whether she wrote the signature ‘M. Spencer’ she asked, “What’s the meaning of it?”

It is a deed giving the house and garden to the boy – I have never given it to him.

Did you write ‘M. Spencer’? – I don’t think I did. They had better take my life and be done with it. I am miserable and they should not torment me. When further questions were put, the old lady replied, “I don’t want to be worried like this.”

The Judge said he was sure that neither Mr Joy nor himself would take advantage of anything Mr Marriott could not put to the plaintiff.

Dr. Hamilton, of Coalville, then spoke of his two visits to the plaintiff and said she was inclined to wander. She did not realise what she was doing. Dr. Logan, of Ashby, said he had examined the plaintiff and concluded that she was incapable of having any legal documents explained to her.

Mr Williams, manager of the Coalville branch of the London City and Midland Bank, gave evidence as to plaintiff's transactions at the bank and of his visit to her, at defendant's request, but said he could make nothing of her.

By Mr Marriott: He believed the signature 'M. Spencer' on the deed of gift was that of the plaintiff. The plaintiff signed all notices of withdrawal from the bank.

Charles E. Crane, solicitor, Coalville, deposed to preparing plaintiff's will in 1908 and a codicil in 1912. He had some difficulty in getting the plaintiff to appreciate the contents.

By Mr Marriott: The codicil was a great deal more simple to explain than a deed of gift.

When did she become incapable of having legal documents explained to her? – I did not see her between 1912 and 1914 – a lapse of two years.

By Mr Joy: Mr West looked after most of the plaintiff's papers and affairs and advised her.

Sergt. Betts, in khaki, formerly police sergeant at Whitwick, said he had known the plaintiff for some years. She wanted a lot of looking after and in his opinion was not capable of looking after herself. He had been to the plaintiff's premises when disturbances had occurred over a right of way, but he never heard it suggested that plaintiff had given her property to anyone.

By Mr Marriott: It was not usual at Whitwick for people to talk to the policemen about the disposal of their property. (Laughter)

William D. McCarthy, architect, Coalville, said he collected rates at Whitwick and called on the plaintiff in that capacity. He had difficulty in making her understand. Usually Mr Berrington paid. The only time plaintiff paid the rates when no one was with her was in 1912.

Alfred E. West, shop manager, Whitwick, said he had known the plaintiff for 50 years. She had made it a practice of getting his advice in regard to her affairs and in that connection he had continually seen her, sometimes two or three times a week. Of late years it had been difficult to make her understand things. The deeds of the Leicester Road property were in his possession as one of the executors.

Questioned by Mr Marriott, witness said he did not think plaintiff understood the deed of gift. He had heard her say scores of times that she was leaving the house and garden to Mrs Berrington for her kindness and attendance on her. He had never heard her say she wanted to give it to Clarence. He added, though some protest was made by counsel, that plaintiff was continually in fear of Williamson going to the house.

Replying to the Judge, witness said the plaintiff was about the same that day as in 1914, a little better if anything.

Questioned as to her income, witness said some of her tenants had lived rent free for two or three years. (Laughter)

Levi Clarke, boot maker, Pares' Hill, Whitwick, said he had known the plaintiff for 24 years. She was not capable of looking after her affairs.

Nellie Broadhurst, of Whitwick, having spoken as to the assault case, this concluded the evidence for the plaintiff.

Mr Marriott submitted that he had no case to answer.

The Judge ruled otherwise, remarking that it was admitted in evidence that the defendant was the only witness of the signature to the deed and there was no one but him to explain it to her.

Defendant was then called and said he was a factory hand, employed by Messrs. Seale and Co., Whitwick. He was 56 years of age and the younger defendant was his son and was 17. The latter was partly blind. Defendant was nephew of the plaintiff. His wife often nursed her and while doing that met with an accident. She was ill for 15 months and died in 1914. Defendant also used to do jobs for the plaintiff. The latter expressed her desire to give the house and garden to the boy, Clarence, and defendant saw Mr Sharp to prepare the deed. Mr Sharp wanted a copy of the conveyance and when he told the plaintiff she gave him the deed (produced). When the deed of gift was prepared, he fully explained it to the plaintiff. She thought there was not room for her to write 'Martha Spencer' in full and he said 'M. Spencer' would do. She said she should want to live in the house as long as she liked, but he was not to say anything about it as the Berringtons would not like it.

The Judge remarked that the deed was dated three months after the execution. Counsel said that could be explained by Mr Sharp, who was ill at the time.

Defendant, proceeding, said he did not ask plaintiff to give the house to the boy and brought no pressure on her to do so. It was at plaintiff's request that he asked the bank manager to go down.

By Mr Joy: He was not disappointed at being left nothing in the late Mr Spencer's will. Something was left to his wife, subject to the life interest of the plaintiff, but his wife died. The gift of the house to the boy was never mentioned between him and the plaintiff when anyone else was present. He paid Mr Sharp for preparing the deed.

By Mr Marriott: He had no reason for keeping the matter quiet except at the request of the plaintiff.

John Joseph Sharp, of Messrs. Sharp and Lancaster, Coalville and Loughborough, said he had known both Mrs Spencer and Mr Williamson for 30 years. He was solicitor for the plaintiff's late husband and wound up the estate. That was in April 1904 and that was the last time he saw the plaintiff professionally. But he had seen her occasionally at Whitwick since. He considered her capable of understanding things and thought she would resent any suggestion to the contrary. When the defendant saw him and told him his aunt wished to give the house to the boy, witness said it could be done by deed of gift and he would want to see the title. Defendant later brought the document of 1884. When the engrossment was prepared he suggested that he should call and see the plaintiff, but defendant said she did not want him (witness) to go as there may be trouble with the Berringtons if they got to know. Witness said he did not mind and told defendant he must

explain it to the plaintiff before she signed it. He asked about a witness and he (Mr Sharp) told him that if the plaintiff wished it kept secret, he (Williamson) might witness the signature.

Mr Sharp then explained the circumstances which delayed the dating of the deed, pointing out that he had been ill and that the deed was kept at Somerset House for some weeks owing to a question as to the stamp duty.

Dr. Burkitt, of Whitwick, said he had known the plaintiff for 30 years. She had had good health and a good constitution. He last attended her in October, 1912, for bronchial catarrh. She was a woman difficult of persuasion any way. Even in medical treatment she would want to know why certain things should be done. She was undoubtedly slow in grasping any subject, and, of course, her deafness rather increased that. Until one got used to her and she used to them, it was rather difficult to explain things to her. If she had no illness between the time he last attended her and early in February, 1914, he thought she would then be perfectly capable of executing any deed.

Mr Joy: What makes her keep alluding to her illness, when asked questions?

The Doctor: I noticed she said that when she did not want to answer questions.

You think she is cute. – Yes, for a woman of her age.

The case was then adjourned to Ashby on Monday, August 30th.

Mr Marriott asked for it to be at Coalville, but the Judge said he had to consider the officials at Ashby.

Hearing Resumed at Ashby

Before His Honour Judge Moore Cann at a special sitting at the Ashby County Court on Monday, the hearing of the action was resumed.

John Joseph Sharp, of the firm of Sharp and Lancaster, solicitors, Coalville and Loughborough, who was under examination when the case was adjourned at Coalville, resumed his evidence for the defence. He stated that the completed deed was returned about the middle of December, 1913. He was uncertain of the exact date. It was given to his son as he (witness) was ill. He was aware of the relations existing between the various branches of the family: there was jealousy everywhere. He did not see that there was any impropriety in keeping secrecy about the deed, as he knew Williamson well, and Williamson often came to him about Mrs Spencer's affairs.

Witness was cross-examined by Mr Joy at some length as to dates of stamping and executing the deed and explained that some delay occurred owing to his illness. The Judge said deeds must be stamped within 30 days of the execution, failing which the law provided for a penalty. Witness said that was so.

The Judge: What puzzles me is that you say no penalty was required in regard to this stamp.

Witness: I handed the deed to my son and he took it to Leicester. No date had been inserted and they would date it to come within 30 days.

Mr Joy: You mean they would do that in your office? – Yes.

It seemed that Williamson took a few weeks' to get the old lady's signature? – Yes, it is open to that.

Do you agree that in a deed of gift you should get instructions from the donor? – I don't agree, taking the whole of the circumstances into consideration.

You knew she was an old lady getting on in years? – Yes.

And partly deaf? – Yes.

And you say you knew that there was considerable jealousy between branches of her relations? – Yes.

And in spite of that you didn't consider it your duty to get the old lady's instructions? – I did not.

Did you know that Mr Crane had made her will? – I did not.

Then you did not know whether she had made a will or not? – I did not.

Didn't you think it right to enquire whether a lady of her age had made a will? – I said to Williamson, "Why doesn't she do it by will?"

What was the answer? – His answer was that she wanted to give the house to the boy.

By Mr Marriott: He knew the parties and trusted Williamson, relying on his request for secrecy.

Do you know the property? – I have known it for 30 or 40 years.

What is its condition? – Practically uninhabitable. It was very old when it was bought.

Mr Joy said that was irrelevant.

Mr Marriott: I only want to show that it is not a palace.

Mr Joy: I have never suggested it was a palace.

Replying to the Judge, Mr Sharp said Williamson told him that plaintiff expressed a desire to live in the house as long as she wished, but he did not put that in the deed.

The Judge: The effect of the deed was that the boy could have turned her out next day? – Yes.

When the deed was handed back to you, you were told that was Mrs Spencer's intention? – Yes.

Didn't it occur to you that it did not carry out her intention? – No, sir. I thought that was an afterthought on her part. That is how it struck me. If it had been mentioned to me before there would have been a trustee appointed. Williamson handed over the deed and said the old lady wanted to live there as long as she desired and on that understanding she gave him the deeds. I said, "You will act accordingly." – Witness added that the boy was an infant.

The Judge: But he could have brought an action for possession.

His Honour then asked why it was that the stamping authorities were not informed that a penalty was payable. He could not conceive them stamping the deed if they knew it was more than 30 days after execution.

Mr Sharp said he did not think the person who took the deed to the stamp office would know when it was executed. Had he not been ill he would have attended to the matter himself. The Judge said the authorities should have known that a penalty was liable to be paid. Mr Sharp said it was not usual to take an isolated document for stamping. Probably

they would go once or twice a fortnight with half a dozen at a time and it was usual to leave the date open till they were stamped.

Albert Clarence Spencer Williamson, the younger defendant, said he was the son of Charles Williamson, and was 17 years of age. He was blind in the right eye and could not see much out of the other and he was now a student at a music college for the blind at Upper Norwood. Formerly he was for five years at a blind school at Sheffield. Occasionally he had visited his parents at Whitwick and the plaintiff took an interest in him and enquired how he was getting on. She was very friendly towards him and told him she would like to do something for him. In the summer of 1913, when he was visiting Whitwick, she told him she had left him some shares in the Liberal Club at Whitwick and that if she could she would do something else too. He did not come at Christmas, 1913, owing to his mother's illness, but he came in January, 1914, and stayed till after his mother died on February 11th, 1914, and during that time plaintiff made enquiries as to his progress and told him of her intention to give him the house.

By Mr Joy: He was led to understand that when plaintiff had finished with the house it belonged to him and plaintiff told him to keep it to himself as people might not like it.

Maria Hill, wife of Willoughby Hill, retired licensed victualler, of Leicester, said she was a niece of the plaintiff and it had been her habit to go to Whitwick once a quarter to receive rents. She always called to see Mrs Spencer on these visits, sometimes staying with her for two or three nights, before she was seriously ill. The only night she had stayed at Williamson's house was when his wife was ill, but she called to see him when she was over as he collected the rents. Witness had been to Whitwick regularly every quarter for some years up to the beginning of this year. The plaintiff had very much improved of late in her mental condition. Witness did not know she was a legatee under the plaintiff's will. Plaintiff had often spoken to her about Clarence and said she felt sorry for the boy. She told witness she should leave him 10 shares in the Whitwick Liberal Club and that she should do something more for him. Later she told witness of the deed of gift to the boy and said Mr Sharp was preparing the papers. Witness told her she was very pleased. Plaintiff seemed quite capable of managing her affairs at that time and spoke quite rationally about it. She told witness to keep it a secret as she said the Berringtons would be so jealous if they got to know.

By Mr Joy: She did not go to Mr West and ask him whether plaintiff had made a will. The plaintiff was much the same now as she had been for the last two years.

By Mr Marriott: Plaintiff saw her at the Ashby Court on Thursday week and recognised her and conversed with her, but when she saw her at the Coalville Police Court she did not appear to know her. Witness thought that was in consequence of something she had been told in the meantime.

George West, cemetery caretaker, Whitwick, said he had known the parties for many years. Witness for many years had collected the fees of Dr. Burkitt's club patients, one of whom was the plaintiff. She paid him herself up to the March quarter, 1913, and when he called in June, she told him Mrs Berrington had the card and she would pay. He had seen the plaintiff frequently. She seemed all right up to her illness in October, 1912, and though she was somewhat feeble afterwards, she seemed fairly well. He noticed no decline in her mental powers. He had read letters to her from a nephew abroad and she appeared to

follow him with interest. He did not think she was the sort of person who would sign a document that she did not understand, or did not approve of.

Mr Marriott: Was she the sort of person who could be overborne by anyone? – Not in regard to money matters I don't think she could. (Laughter).

Mr Joy: Then she is not the sort of person to give much away in her life-time? – She was very careful.

And strong minded? – Yes.

So strong minded that if she gave anything away she would not care about anyone knowing anything about it? – I don't think so.

Walter Briers, builder and cabinet maker, Whitwick, stated that in 1911 and 1912 he carried out some repairs to the Leicester Road property for Mrs Spencer. She discussed it with him and said she wanted a good job made as cheaply as possible. He had seen her and talked with her many times since then. He had known her all his life and had not noticed much change in her of late years. She was not a person, in his opinion, who would sign anything that she did not approve or understand, especially if it was giving something away. He thought her quite capable of understanding things. He did business with her in February this year and she explained what she wanted doing. He had known Williamson all his life and had business relations with him.

Mr Marriott: What do you say as to his character for honesty? – No one could be straighter.

Mr Joy: Are you related to him? – Yes.

Are you his nephew? – Yes.

Then would it not have been straighter on your part to have told us? – I was not asked.

Oliver Burton, of Whitwick, said he had known the defendant for some years and regarded him as a straightforward, honest man.

Are you related to him? asked Mr Marriott amidst laughter. "No" said Mr Burton.

Proceeding, witness said he had also known the plaintiff for some years and she always talked rationally and sensibly. He thought she would want to understand what any document was before she signed it.

William T. Williams, manager of the London City and Midland Bank, Coalville, was recalled as to what took place at the interview between witness and the plaintiff, and the judge said there was a discrepancy between his evidence and that of defendant. Answering His Honour, witness said he adhered to his former statement at Coalville, that he could make nothing out of her.

By Mr Marriott: He could not remember Mrs Berrington saying in the police court proceedings at Coalville for assault that they were discussing the plaintiff's affairs at the time and that she (Mrs Berrington) refused to leave the house as she thought she had a right there.

Mr Marriott said that was reported in the "Coalville Times," which paper had also been used by Mr Joy for the purpose of the case. The Judge said all that Mr Williams said was that he did not remember it.

Father O'Reilly was called but had left the court, and Mr Marriott said that closed the evidence for the defence.

Addressing His Honour, Mr Marriott said it had never been suggested that plaintiff signed the deed under a mishapprehension or that any coercion was brought to bear on her by defendant. He submitted that she was quite capable of dealing with such matters and said he might recall questions he put to her as instancing that she had a clear mind. She was now living under the wing of the Berringtons, and when he put the question to her as to whether she had given any money to the Berringtons she denied having done so. According to the bank book, however, £300 was paid from her account to Samuel Berrington in January, 1913. If that was a gift, the consideration given by the old lady was much greater than she had given to this lad.

The Judge: It may be open to attack.

Mr Marriott, continuing, said it was a very serious and material circumstance in consideration of this case, because the value of this property in the 1884 deed was taken as £74 and in the later deed as £90. They might assume that the latter figure was the outside value, because they had been told that the place was dilapidated. In view of this £300 having been paid, the Berringtons would hardly wish to say that the plaintiff was incapable of understanding transactions in January, 1913. Supposing the £300 was not a gift, but only a loan, some security must have been given. They did not know, but later £24 was paid into the account by Berrington, which may have been interest or a payment on her account. But in any case the plaintiff had made a valuable gift or an advance to this man.

Counsel went on to review the evidence, questing the payment of rates by the plaintiff and other incidents sworn to as indications that the old lady was capable of dealing with her affairs. Alluding to the police court proceedings for assault, he said it came out there that Williamson was in possession of deeds and then it was that the Berringtons instituted these proceedings.

At this point there was an interruption by Mr Berrington from the court and Mr Marriott retorted: If you can't be quiet you had better go out. I am not accustomed to be told my duty by members in the crowd.

As soon as the Berringtons got wind of this, continued Counsel, they communicated with Messrs. Crane and Moore, acting, no doubt, on the instructions of the plaintiff, who was living under their wing, and those proceedings were commenced.

The Judge said it did not seem to him to be very important who instigated the proceedings. Mr Marriott said he only wanted to point out that if this deed of gift became invalid, the property would go to Mrs Berrington. Proceeding, he submitted that the evidence showed that the plaintiff knew what she had done and approved of what she had done.

Resuming after lunch, Mr Joy was about to address the Judge for the plaintiff when His Honour observed that it would perhaps affect what Counsel had to say if he informed them that the view he took at present was that the plaintiff, owing to her infirmity, did not understand the effect of the deed.

Mr Joy said it was obvious that within a very short time of her having put her name to it, it was found to be very different from what she intended to convey. He went on to quote legal cases in support of his contention that the deed should be set aside. Concluding, Counsel said the plaintiff could not have understood what the signature meant, and he was content to leave the case there.

The Judgement

His Honour, in giving judgement, said he accepted the evidence afforded by the marriage certificate that plaintiff was now 86 years of age. He had seen the lady and she certainly was a woman of very advanced years. It was extremely difficult to make her understand anything and he thought she had a fairly strong will, but the difficulty in dealing with her was to make her understand for the moment. She had a life interest in property at Leicester Road, Whitwick, and owned the Pares' Hill property, and she was surrounded by nieces, or rather step-nieces. He was not going to say anything to the discredit of one or the other, but it did seem to him that there had been something of the nature of rivalry, not disconnected with possible future benefits which might come to them, and it may have accounted for some of the trouble which had arisen. But what he had to say was whether, on the facts before him according to the evidence, this lady did execute a deed by whom she was bound. The deed in question was a voluntary deed of conveyance executed on 2nd February, 1913, or purported to be executed on that date – as a matter of fact he found that it was executed in December – and the person who benefited under the deed was Clarence Williamson, son of the defendant. There was no pretence that Clarence Williamson was a party to any imposition or undue influence at the time, but the law was that no person could benefit under any deed which might have been improperly obtained by a third person, and so Clarence Williamson must stand or fall by the circumstances under which this deed was obtained. One should consider the effect of the deed, as executed. It was to convey absolutely and immediately to a boy of 17, the home in which plaintiff lived. He could immediately have turned the plaintiff out of the house and driven her to live as best she could on 17s per week which, His Honour was told, was the income derived from her other property. *“Here is a woman of 86 years,”* continued the Judge, *“who, it is said, voluntarily and deliberately gave to a boy of 17, her own home, with the possibility of his immediately turning her out, if he thought fit to do so. In law, there would be no answer to him if he determined to do it. That seems to me an extremely improvident action. The Courts of Equity, as I have said, do not relieve foolish people from their natural consequences of their deeds, if they have done those deeds without knowing properly what they were doing, or under the effect of some improper influence exercised by some other person. Therefore I have to consider whether this old woman meant and understood what she was doing; if she did not understand, was it because of her incapacity or was influence exercised over her by some third person.”* His Honour repeated that he had seen her in court and found that it was extremely difficult to make her understand anything. That was also corroborated by medical evidence. Having referred to the conflict between the evidence of the defendant and that of the bank manager as to what took place at the interview, His Honour said he thought the defendant was mistaken and he accepted the evidence of Mr Williams. Reference was also made by the Judge to the evidence of Mr Crane, who said he had difficulty in making the plaintiff understand the terms of a codicil to her will, and as against that His Honour said he was not very much impressed by the fact that plaintiff had signed her name to various receipts. The receipts were written by someone else and she had signed her name. She had trusted Mr Berrington and had sometimes signed her name without any trouble at all, but that did not show that she was

capable of executing this deed. He had come to the conclusion that on the date of the deed she was not capable of understanding it except under the most detailed, re-iterated, fullest and most complete explanation by someone who had set his mind to tell her the whole effect, the disadvantages of it and put her in completed possession of every detail which a person in her position should have considered. Unless that was driven into her by constant repetition, he was positive that she did not on that date, understand what she was doing. Beyond that he had evidence of what might have been the plaintiff's intention. Witnesses had stated that subsequent to the execution of the deed they had heard the plaintiff refer to having left the property to the boy. But when people of that class talked of leaving property they meant it to take effect after their death. Williamson's own evidence was to the same effect because he said that plaintiff told him that in giving the house and garden to the boy it would be a benefit to him in time to come. That pointed to the gift being intended to take effect at some future date. But this deed of gift entitled to immediate possession. It was very different from a gift by will, because not only did a gift by will take effect at the death of the testator, but it was recoverable at any time. What were the circumstances under which this deed was executed? The old lady was to strip and destitute herself of her home. The only person whom she communicated with was Charles Williamson, the father of the person to whom she proposed to give it. He did not go to the solicitor who prepared Mrs Spencer's will and codicil, but went to another solicitor in the town. He was most properly asked by that solicitor whether he (the solicitor) should go to see the lady, "No," said Charles Williamson. He had no written instructions. The solicitor did not consider the plaintiff as his client and he took no steps for her protection as he would have been obliged to do if she had been his client. The deed was prepared and engrossed and was taken for Mrs Spencer's signature. Williamson said he explained it to her. Did he explain it to her so that she understood it was a gift of the house to take immediate effect with the possibility of her being turned out the next day, deprived of her home, and to live on 17s per week? He (the Judge) was positive such was not the case and Williamson's own act seemed to confirm that view. When he went back to the solicitor he told him that the plaintiff wanted to stay in the house as long as she liked. Charles Williamson took on himself to explain the deed to the plaintiff so that she understood it and His Honour found that he failed to do that, so he could only decide the case one way. He must direct that the deed be delivered up to be cancelled and he also directed that the defendant hand over to the plaintiff the deed of 1884. He assumed that no damages were asked for.

Mr Joy: No.

The Judge: And I must direct the defendants pay the cost of the action.

Question of Costs

Mr Marriott, on the question of costs, said the action had been launched on three grounds. The first was that plaintiff never executed the deed, and it was quite clear that on that the plaintiff had failed. The second ground was that the deed was obtained after undue influence by the defendants or some person on their behalf, and the third was that it was obtained under circumstances which rendered it void and of no effect. Those three issues had been contested and he asked that the ordinary rule should be followed in this case, that where charges involving separate issues were made and the plaintiff failed on these issues, while they might be entitled to the costs of the action, the costs on those issues should be for the defendants. That was the usual practice. The matter certainly appeared in the correspondence to have involved a charge of forgery. It was said that plaintiff denied

any knowledge of signing the deed until he (Counsel) got it from Mr Williams, the bank manager, that it was her signature. He submitted, therefore, that he was entitled to costs on that. Then as regards the second point, undue influence, no attempt had been made to prove that. All the evidence in the case went to show that she was a person who could not be coerced. On both these issues he submitted that defendants were entitled to costs. He made his request for the costs because the allegations were of a serious nature. They were allegations of fraud or dishonesty on the part of the defendant, and he (Counsel) did not think that His Honour – certainly not by anything that he had said – thought that the defendant had acted dishonestly.

The Judge: I am always very chary of making that sort of remark if I can avoid it. Under the circumstances I don't think I ought to accede to your request. If I thought that any considerable expense had been incurred by the defendants in respect of those points which have not been contested before me, I might make some order to that effect, but I don't think that is the case and my original direction must stand, defendants to pay the cost of the action.

Mr Marriott: I ask your Honour to grant stay of execution in this case until we have had time to consider your judgement.

The Judge: I have taken rather a strong view about the facts of this case and I don't think I ought to interfere. I don't like this case. If you wish me to say more, I will.

Replying to Mr Sharp, the Judge said that the costs of a former application for plaintiff's evidence to be taken on commission, which was dismissed, would be set off against the costs of the action.

A photo of the house appears on page 8.

Coalville Police Court

Friday – Before Major Hatchett, (in the chair) Mr H. J. Ford, and Mr B. G. Hale.

Bad Language

Robert Gamble, collier, Ibstock, was summoned for using bad language at Whitwick, on August 7th, the case having been adjourned from the last court.

He pleaded not guilty.

P.C. Jelley said he was on duty near the Whitwick Picture Palace and saw the defendant with a man named Howe. He used very bad language and when witness spoke to him he said he was on the Council, while Howe also shouted, "Yes, he's a magistrate and sits at Bosworth." P.C. Grewcock corroborated.

Richard Kelly, manager of the Whitwick Picture House, said he heard Gamble use a lot of bad language. Defendant strongly denied it.

The Clerk: Three witnesses have sworn that you did use bad language.

The defendant was fined 5s 6d and 3s 6d for witness' fees, the chairman remarking that the fine would have been 10s but they reduced it in consideration of him having to attend the last court when the case was adjourned owing to P.C. Jelley's illness.

William Howe, collier, Coalville, was summoned for using bad language at Whitwick, on July 31st and also for being drunk and disorderly at Whitwick on August 2nd.

He did not appear.

P.C. Jelley proved the case and a fine of 10s or seven days was imposed.

Thomas Hall, collier, Whitwick, was summoned for using bad language on July 31st and also for being drunk and disorderly at Whitwick on August 2nd.

He did not appear.

P.C. Jelley said the defendant used the language as wounded soldiers were passing in motor cars from Coleorton Hall. Jelley also gave evidence as to the offence on Bank Holiday.

In the first case defendant was fined 10s or seven days and in the second 12s or seven days, the sentences to run concurrently.

A Whitwick Fight

Walter Jakeman, collier, Whitwick, and Arthur Hunt, banksman, Thringstone, were summoned for violent conduct at Whitwick, on August 3rd. P.C. Jelley said the men were fighting.

Defendants who did not appear, were each fined 10s or seven days.

Drunk and Disorderly

William Hopkins, collier, Whitwick, was summoned for being drunk and disorderly at Whitwick, on August 15th.

He did not appear.

P.C. Grewcock proved the case and defendant was fined 12s or seven days and 2s 6d witness fees.

Round the Theatres

The Picture House, Whitwick

There have been good audiences here again this week to witness another excellent programme of films, and an extra good 'turn', Lever Bros. comedians, splendid artistes, whose funninesses have kept the audiences in a continual state of laughter. The impersonator of Charlie Chaplin is a good one, and is "he to the T." Patrons should not miss this during the week-end. – Episode 21 of the "Million Dollar Mystery" was the chief

film at the beginning of the week, and as usual was received with enthusiasm. As a result of the mission of the high Russian official, Norton visits Washington and interviews the authorities in order to secure the deportation of the Countess and Braine, and other members of the gang. In the meantime there is a visitor to the well, into which, in an earlier episode mysterious hands lowered the box, apparently containing the treasure. The box is opened and an official looking document is taken out. It is addressed to Henri Servan, the Russian official. The box is sealed and lowered into the well again. Mysterious hands from behind a curtain give the document to Braine and the Countess as they sit at dinner in a fashionable restaurant. Florence, later on, gets hold of this document, and, in order to recover it, Braine visits the Hargreaves' mansion. In the garden he sees Jones and the Russian official closely examining the papers he so much desires. Jones goes into the house, and Braine, with assistance, attacks the Russian, ties him to a bench and makes off with the papers. A series of incidents result in Jones following Braine and engaging in a desperate struggle. Norton comes on the scene just as Jones is getting the worst of it, and Braine escapes by leaping from a bridge into the river forty feet below. But Jones and Norton have regained the precious papers. – Others were good. – For the week-end a fine film, in addition to an excellent collection, is "The Millionaire Engineer." The millionaire engineer gives a reception in honour of his engagement. The employees call on the millionaire and demand a rise in wages. He will not treat with them, and his fiancée breaks the engagement. One day the forest catches fire and the millionaire takes the train through the fire and rescues children and others. The strikers are appeased and the lovers are reconciled. – Next week's 'bill' see our advertisement columns.

Births, Marriages and Deaths

Burials

Colledge – At Whitwick, yesterday, Dorrien French Colledge, aged seven months, of Church Lane.

Friday September 10th 1915 (Issue 1227)

Local News

We regret to hear that Capt. A. T. Sharp, son of Mr and Mrs J. J. Sharp, of the White House, Whitwick, has been injured at the front and is now in hospital in France. Happily the last letter received stated that he was progressing satisfactorily.

Last month in acknowledging the gift of a portrait of the Rev. Francis Mereweather, M.A. says the 'Whitwick Parish Magazine', it was stated that he had been Vicar of Whitwick for the long period of 45 years. It is not generally known that his predecessor, the Rev. Francis Harris, B.A., was Vicar of Whitwick for 52 years, and that Whitwick had only two vicars from the year 1767 to 1864, a period only three years short of a century. Also Mr Harris's predecessor, the Rev. Charles Frank M.A., was Vicar here for 32 years, from 1735 to 1767. It is not very often that this record has been surpassed in the Church of England.

From the 'Whitwick Parish Magazine'

"Our bell ringers have just shown their love for their grand old Church by presenting an addition to its furniture in the form of a very beautiful and very chastely designed polished

brass font ewer. The ewer cost £3 15s and the inscription on it 6s 11d, making a total of £4 1s 11d. This gift is not only useful but also very timely, as the old painted ewer had seen long service, had been repaired several times, and was lately in a leaky condition. We are therefore exceedingly thankful to our kind friends for so splendidly supplying what was really a need."

Coalville Urban District Council

The monthly meeting of this Council was held in the Masonic Hall, Coalville, on Tuesday night, Mr A. Lockwood presiding. There were also present Messrs. W. Fellows, M. McCarthy, R. Blower, T. Kelly, C. W. Brown, A. J. Briers and F. Griffin, with the clerk (Mr T. F. Jesson), surveyor (Mr L. L. Baldwin), assistant surveyor (Mr Hurst).

A Satisfactory Ending

The clerk said he had taken legal proceedings for the eviction of a tenant of dangerous property at Pares' Hill, Whitwick, and the case was to have come on at the Coalville Police Court on Friday, but he understood that the woman had now left the house and he was very glad.

Plans

The following plans were recommended for approval: House, Meadow Lane, Whitwick, for Mr T. Coadwell; mixing house, Meadow Lane Farm, Whitwick, for Mr M. McCarthy; and extension of factory for the Coalville Highfields Weaving Company.

The report was adopted on the motion of Mr Kelly.

Whitwick Lodgers

The surveyor reported that the number accommodated at the Whitwick lodging houses during the month was 603, against 562 the previous month and 934 in the corresponding month of last year. A surprise visit and also an inspection of the premises found them to be clean and satisfactory.

A Whitwick Notice

The surveyor reported that a statutory notice as to an ashpit nuisance at Whitwick had not been complied with. Mr McCarthy said the man had only been in the house a week or two and it was rather hard. He suggested that it stand over for a bit.

The surveyor said that would be creating a dangerous precedent. If a nuisance was there it had to be dealt with.

Mr Fellows: Where is the man who left the house?

The Surveyor: I don't know.

Replying to Mr McCarthy, the surveyor said he could not say whether a preliminary notice was first served. Mr Fellows said he should object to being served with a notice if he had only just gone into the house. The clerk said the present tenant of the house was the only

man against whom they could proceed. The question was whether the man had had sufficient notice.

Mr McCarthy: Let it go for a month or two.

The Surveyor: Oh no. We can't allow an overflowing ashpit to remain.

Mr McCarthy: I am pleased to hear that. Sometimes I have had to send postcards to the office to tell them of ashpit overflowing notwithstanding all the inspectors we have going round.

Eventually the matter was left in the hands of the clerk.

Coalville Police Court

Harry Springthorpe, collier, Whitwick, was charged with unlawfully unramming the explosives in a charged hole at the Whitwick colliery on August 26th.

James Gee, John W. Gee and James Smith, colliers, all of Thringstone, were summoned by Trevor Pratt, gamekeeper, Shepshed, for day poaching at Whitwick on September 1st.

Ernest Smith, of Whitwick, William Rawlings and Tom E. Newton, both of Coalville, Thomas King, Frederick Blinks and Samuel Gent, jun., of Hugglescote, all pony drivers, were summoned by Richard Massey, mineral water manufacturer, of Hugglescote, for maliciously destroying a wall, on September 2nd.

Joseph Horrobin, collier, Whitwick, was summoned for using bad language in a house at Whitwick, on August 29th.

Frederick Griffin, John Newell, Oliver Rushton and Arthur Botterill, colliers, all of Whitwick, were summoned for gaming with cards and coins at Whitwick, on August 29th.

Patrick Costello, collier, Whitwick, was summoned for indecency at Thringstone, on September 4th.

Ashby Police Court

Saturday – Before the Rev. C. T. Moore (in the chair) Sir William Abney, Major Hatchett, Mr J. Turner, Mr J. P. Adcock and Mr T. Dennis.

Whitwick Shoehand to Support his Mother

John Doyle (43), shoehand, Whitwick, was summoned by the Ashby Board of Guardians for refusing to maintain his mother, chargeable to the union. Defendant said he was unable to pay.

John William Bowley, relieving officer, said the defendant's mother was an old age pensioner. She was admitted to the Union, with a fractured thigh on June 16th. The Guardians made an order for the payment of 2s 6d per week, but nothing had been paid. Defendant was a single man employed at Messrs. Brown and Sons' boot factory, and his average wages for the past 16 weeks were 19s 2d per week. Defendant said that included overtime.

The Clerk: They say you only worked 4 1/2 days a week.

The Bench made an order on defendant for 2s 6d per week, and 12s 6d costs.

Round the Theatres

The Picture House, Whitwick

There have been large audiences this week, and a fine programme is showing all the week. The 'turns' are good and are: The Andersons (Will and Laura) in a vocal comedy and burlesque entertainment. "She would be an Actress" is a good 'take-off' and causes roars of laughter. This should be seen – Miss Laura Louise, in illustrated songs, is a good artiste, and a very pleasing vocalist. She has had a great reception. – The 'star' picture during the early part of the week was Episode 22 of the "Million Dollar Mystery" viz., "The Menacing Past." In this episode, all the scattered threads of the story are gathered together. Events take place which point to speedy action by the authorities against the conspirators, who are well aware of the threatened danger. A plot to capture Norton results in the police, headed by the reporter, surrounding the secret cave and arresting a large number of the conspirators. To their disgust Braine and the Countess are not among them. Jones makes frequent visits abroad and is one day seen returning with a stranger, whose clean cut features closely resemble those of the butler. The Countess accordingly forces her way into the house and insists on seeing Stanley Hargreaves, who, she claims, is in the house. Florence, taking a revolver from the drawer, orders her from the room. She fires, but the bullet strikes down Braine, who is climbing through the window to her assistance. In desperation, the Countess escapes up the stairs. In the confusion, Norton and Susan enter. Florence throws her arms about the mysterious stranger's neck, who later on tells the secret of "The Million Dollar Mystery." – Others were good. – For the week-end "Father's Three" is the chief one. Three bachelors read of a poor woman who wishes somebody to adopt her little daughter. They take the child and bring her up. All three offer her marriage, and she answers that the one who will bring her the most appropriate present for her eighteenth birthday will stand highest in her affections. Robert brings her a gown, Henry a diamond necklace, but Vincent decided to find her mother. This he does, and later he and the girl are married. – Others should be seen. – Next week in addition to a good film list, there are three good 'turns,' so that patrons will be having a nice time next week, and should see that the management is well supported by bumping 'houses'. Full particulars see our advertisement columns.

Friday September 17th 1915 (Issue 1228)

Local News

Accident to Mr T. Y. Hay

An accident happened on Friday to the chairman of the Coalville Urban Council, Mr T. Y. Hay. He was walking to the Whitwick Colliery, of which he is the manager, and when crossing the line at Coalville East, tripped against an obstacle on the line and fell rather heavily, dislocating his shoulder. We are pleased to hear that he is making good progress.

Soldier's Wedding at Whitwick

Soldier's Wedding at Whitwick.



Pte. A. Concannon and Miss H. Perry.

See Page 3.

A military wedding was solemnised at Whitwick Roman Catholic Church on Saturday by the Rev. M. J. O'Reilly. The contracting parties were Arthur Concannon, 1st Sherwood Foresters and Miss H. Perry. The bride, who was given away by her father, wore a very pretty dress of voile, with wreath and veil and carried a bouquet of white sweet peas. The bridesmaids were the Misses Chrissie and Nellie Concannon, in pale blue crepe de chene, and Miss E. Perry and Miss L. Concannon in pale pink crepe de chene and the little trainbearer, Miss Mary Collin (niece of the bridegroom) wore a pretty dress of pale mauve crepe de chene and carried a basket of mauve sweet peas. The bridesmaids carried bouquets of sweet peas and roses, the gift of the bridegroom. Mr Joseph Concannon was best man. After the ceremony the happy pair left by motor for their short honeymoon, as the bridegroom is only home from 'Somewhere in France' on 7 days' leave. He is to be congratulated on passing through 10 months of warfare as a bomb-thrower and his many friends will wish him a safe and speedy return home.

Harvest Thanksgiving

The harvest festival was observed at the Whitwick Primitive Methodist Chapel, on Sunday, the preacher being the Rev. J. A. Wales. The chapel was nicely decorated and the sermons and singing were appropriate to the occasion, the services being well attended. A public tea was held on Monday, followed by a sale of the fruit and vegetables, the proceeds being for the trust funds.

Local Chit Chat

We are pleased to hear that Capt. A. T. Sharp, who is now in hospital in London, is making good progress.

Round the Theatres

The Picture House, Whitwick

Three excellent 'turns' besides some fine pictures, are proving very attractive at the Whitwick Picture House this week and numerous encores testify to the heartiness with which the performances have been appreciated. At the top of the bill is Lilian Farrar, very aptly described as the daintiest of comediennesses and dancers, in her charming song scenes, "Bubbles" and "Our Lady of the Lamp." Charles Kay, in his latest songs, "The Vicar," "The Curate" and others, gives some clever impersonations, while The Trents,

comedy entertainers, in their screaming burlesque, "The Modern Detective," have caused boundless mirth. The star picture for the first half of the week was another instalment of "The Million Dollar Mystery," which has thoroughly gripped patrons of the theatre and the unfolding of the story is looked forward to with much interest week by week. Showing tonight and tomorrow night is a capital list, the chief of which is "Her Husband's Son," which is a powerful drama and occupies 2,182 ft of film. Robert Willard, after promising his wife on her deathbed that he will never marry again, falls in love with a girl not much older than his son and marries her. To the son this is sacrilege in the broken promise and he refuses to accept the girl-wife, Dorothy, as his mother. At college, the son is seized with the gambling fever, and writes home for extra funds, but his father eventually becomes exasperated and informs his son that he can stand it no longer. The girl-wife has seen the boy's appealing letter and promises to send him the money. She obtains a large sum from her husband, but his suspicions are aroused. At a ball given in her honour, a note sent to her is lost, and the husband finding it, thinks his wife is unfaithful and that she is secretly meeting a lover. He steals out and shoots at the form he sees embracing his wife. Later he is horrified at having shot his own son, but the wife forgiving of heart, finally unites the three in a happy family. Others include "The Angels," a screaming Keystone comedy and "A Gentleman of Nerve," featuring Sid Chaplin, brother of the famous Charlie of that ilk. Another excellent programme for next week.

Coalville Police Court

Friday – Before Major Hatchett, (in the chair) Mr B. G. Hale and Mr J. W. West.

Serious Offence at Whitwick Colliery

Harry Springthorpe, collier, Whitwick, was charged with unlawfully unramming the explosives in a charged hole at the Whitwick Colliery on August 26th.

He pleaded guilty.

Mr J. J. Sharp prosecuting for the Whitwick Colliery Company, said it was a serious charge, another man being injured through the defendant throwing the powder onto the gob. The prosecutors, however, did not wish to press the case, defendant having pleaded guilty.

Thomas Young Hay, manager of the Whitwick Colliery, said the defendant was a stallman. The defendant attempted to extract a charge which had not been fired. It was dangerous and a serious breach of the rules. Defendant had worked at the mine for some years and this was the first complaint against him. The powder ignited and another man was rather badly burnt. That had to be reported to H.M. Inspector of Mines, who thought it was a case for prosecution. He (witness) did not wish to unduly press the case.

Defendant said he was very sorry and it should not occur again. The chairman said the Bench considered it a very serious offence, but they would take notice of what Mr Hay had said. Defendant would be fined £2 2s or 14 days. That did not really represent fit punishment for the offence, but they hoped it would be a warning to the defendant not to again endanger his own life and the lives of others.

"Banker" at Whitwick

Frederick Griffin, John Newell, Oliver Bishop and Arthur Botterill, colliers, all of Whitwick, were summoned for gaming with cards and coins at Whitwick, on August 29th. They did not appear.

P.C. Grewcock said Sunday card playing was getting a nuisance and he had received several complaints. He surprised the defendants in Church Lane and secured a number of cards and 1s 4d in money.

Each defendant was fined 6s.

Bad Language

Joseph Horrobin, collier, Whitwick, was summoned for using bad language in a house at Whitwick, on August 29th. P.C. Grewcock proved the case in defendant's absence and a fine of 10s or seven days was imposed.

Whitwick Collier's Offence

Patrick Costello, collier, Whitwick, was summoned for indecency at Thringstone, on September 4th. P.C. Bursnall said he was on duty at Thringstone wake and saw the defendant commit the offence near a stall.

Fined 10s or seven days.

Births, Marriages and Deaths

Burials

Cheney – At Whitwick, on Monday, Charles William Cheney, aged ___ months, of Leicester Road.

Commons – At Whitwick, yesterday, James Commons, aged 72 years, of Church Lane.

Friday September 24th 1915 (Issue 1229)

Local News

Juvenile Missionary Effort

The annual juvenile missionary effort was held at the Whitwick Wesleyan Chapel on Saturday and Sunday. On Saturday evening a public meeting was held at which Mr C. March presided and addresses were given by the Rev. G. C. Main, of Manchester, formerly of the circuit, and the Rev. T. Cottam, of Coalville. The services on Sunday were conducted by the Rev. G. C. Main and there were good congregations. The collections for the missionary society amounted to £5.

Hayfield Fatality at Whitwick

An Old Man's Fall

Jury and a War Bonus

An inquest was held by the Deputy Coroner for North Leicestershire (Mr T. J. Webb) at the Wagon and Horses Inn, Whitwick, on Monday afternoon, concerning the death of James Lane Nutt, aged 71, of Church Lane, Whitwick, which occurred on Saturday.

Mr T. Kelly was foreman of the jury. One of the jurors, Mr W. Briers, arrived a little late and the Deputy Coroner informed him that in another minute he would have been fined 10/-. He said Mr Briers might have control over his own time, but he had no right to waste other people's time. Mr Briers said he was summoned for 1:45. Mr Webb said he had kept thirteen people waiting for five minutes and he had only just escaped being fined.

Beatrice Rawson, wife of John Rawson, 23, Church Lane, Whitwick, said the deceased was her father and lived with her. He was 71 last August. Up to three years ago he worked as a collier and had since done odd jobs. His health was good and he had good sight and hearing for his age. He was not subject to giddiness. On Wednesday, the 15th inst., he went out at 8 o'clock in the morning to work in the hayfield for Mr Hull and he was brought home at 3.55 in the afternoon by Mr Hull in a motor car. He said he had fallen. He died at 5.45 am on Saturday morning.

Dr J. Webster, locum tenens, for Dr. Burkitt, Whitwick, said he was sent for about 4 o'clock in the afternoon on Wednesday, the 15th inst., and saw the deceased on the sofa. He had just been brought in. He was conscious but was suffering in a minor degree from shock. His mind was sufficiently clear for him to answer questions. There was no external evidence of injury, except bruising, and deceased recovered from the shock, but on the 17th he showed signs of suffering from severe congestion of the lungs, probably due to him having to lie in a flat position. That was common in elderly people in such circumstances. The cause of death was congestion of the lungs.

By the Foreman: The only complaint made by the man was of pain between his shoulders.

Mr S. W. West: It was the accident he met with in falling off the hay cart that caused his death?

The Doctor: The primary cause was congestion of the lungs.

Mr West: But the accident produced that?

Witness said that was so. Answering another juror, the doctor said he could not say from what height he fell.

William Smith, baker, of Cademan Street, Whitwick, said he was working in Messrs. Hull and Son's hayfield, in Cademan Street, on the 15th inst. He was throwing up the hay and deceased was on the cart. Witness told him he ought not be up there, but deceased insisted on it. Before starting the horse, witness shouted, "Hold you," and he replied, "Go on, I am alright." It was a two wheeled cart. Soon after the horse started someone called out and witness saw Nutt on the ground by the side of the cart. It looked as if deceased had rolled off the cart with a forkful of hay, but witness did not actually see him fall. Deceased did not say anything.

Patrick Wm. Griffin, beerhouse keeper, Whitwick, said he was on the stack in the next field at the time. He saw the cart start for the stack, Smith leading the horse with the deceased on the top. It was a small load and the height from the ground would not be more than 7ft. When the cart had gone about half a dozen yards, witness saw Nutt tumble off. He seemed to slip sideways and some hay went with him. The horse was going quietly and as far as witness could see there was nothing to cause the deceased to fall, except that deceased had got the hay in the cart a little rounded. Witness could not say whether the man had done that kind of work before.

By the Foreman: They were not hurrying at all.

By Mr West: Deceased seemed to prefer to go on the cart. Witness told him not to go on the cart, but he would go on and said he could manage it. A juror remarked that the deceased was experienced in farm work.

By Mr West: They were using a suitable cart. Witness had used a similar cart hundreds of times. The fields were on a slope.

The Deputy Coroner said the facts appeared to be simple. The deceased was warned that it was risky for a man his age to do that kind of work, but he said he could manage it alright. The medical evidence was clear as to the cause of death.

The jury returned a verdict of death from congestion of the lungs induced by an accidental fall from a load of hay and that no one was to blame.

The Foreman jocosely asked whether there was any increase in the jurors' fees on account of the war.

A juror: A war bonus.

Mr West: We had better send a request from the jury. I am sure it would be unanimous.

The Deputy Coroner said he was afraid it would not be much use. He added: "*You are supposed to do this for the good of the country. The shilling is not intended as remuneration, but is only to meet any little expense.*"

The Foreman: I had spent a shilling before the inquest began. (Laughter)

Mr Briers: Where would my 10/- fine have gone?

The Deputy Coroner: The county would have collected that.

Mr West: We should have wanted to spend it among the jurors.

Parish Church

The special preacher at the Whitwick Parish Church on Sunday was the Rev. F. Clarke, of Hitchen, the collections being for the S.P.G.

Drunk and Disorderly

At the Coalville Police Court, before Major Hatchett (in the chair), and Mr J. W. West on Monday. John Sheen, an elderly man, who described himself as a slater of no fixed abode, was charged with being drunk and disorderly at Whitwick, the previous day.

P.C. Grewcock stated that about 9 o'clock on Sunday night he was in the Market Place and saw the defendant who was very drunk, accosting people and asking them for money. When they declined to give him anything he was very abusive towards them. Witness asked him where he wanted to go and directed him to the lodging house, but he came back and continued his conduct, witness having to bring him to Coalville. There was a lot of blood on the man's face and clothes.

Defendant was sent to prison for seven days with hard labour.

Whitwick and Thringstone Citizen Corps

Shooting Match

An interesting shooting match was held on the range at Whitwick, on Saturday, between teams representing the above corps and the Hugglescote and Ellistown Citizen Corps. Ten rounds at deliberate and ten at rapid firing was the test at 25 yards N.R.A. target. Hugglescote by some very good shooting proved the betters in each section scoring 222 and 175 to their opponents 213 and 156.

Mr Blow, of Whitwick, was the top scorer with 68, followed closely by Mr Woods, of Hugglescote, with 66. Following are details of the scoring:

Whitwick

	Deliberate	Rapid	Total
Mr Burton	28	17	45
Mr Millership	2	27	29
Mr Hull	29	23	52
Mr Storer	17	17	34
Mr Blow	32	36	68
Mr Pegg	21	29	50
Mr Geary	12	28	40
Mr Irons	15	36	51
	156	213	369

Hugglescote

Mr Woods	31	35	66
Mr Millership	2	27	29
Mr Dixon	28	29	57
Mr Canner	16	10	26
Mr Langley	18	36	54
Mr T. Weston	15	23	38
Mr Lander	26	36	62
Mr W. Weston	28	27	55
	175	222	397

Two Whitwick Soldier's Killed

The Result of an Accident

Hand Grenade Prematurely Explodes

We regret to report this week the deaths of two Whitwick soldiers, at the front, as a result of an accident. They were Private H. Smith Hurst, No 13172, whose parents, Mr and Mrs Bowley Hurst, reside at Parsonwood Hill, and Pte. Arthur Charles Johnstone, No. 12435, whose home was at Castle Hill, his father being Mr Robert Johnstone, who is employed at Messrs. Brown and Sons' boot factory in Whitwick. Both men were in the 'B' company of the 8th Leicesters and the official notice received by their parents from the military authorities state that on August 31st, Pte. Hurst was accidentally killed by the exploding of a hand grenade and from the same cause Pte. Johnstone received wounds to which he succumbed the next day, September 1st. Hurst had gained a good reputation as a bomb-thrower and from letters received from other sources, it was learned that he was preparing to throw the grenade towards the German lines when it prematurely exploded.

Wesleyan Chaplain's Sympathy

Mr and Mrs Hurst, a few days ago, received the following letter:

"Dear Mrs Hurst, - I expect by this time that the sad news of the death of your son has reached you and I hasten to assure you of my sincere sympathy in this time of trial and loss. As Wesleyan Chaplain, it was my duty to perform the last solemn rites. Side by side with the other brave comrades we laid him to rest in the corner of a quiet cemetery confident that by his willingness to die for the cause of right, he has proved his title to that unending life where eternal mercy shall arise and shadows end. Again, assuring you of my sympathy and prayers, I remain, yours sincerely."

S. Morgan
Wesleyan Chaplain

Best Bomb-Thrower in the Regiment

The Chaplain of Hurst's company wrote as follows:

"Dear Madam, - Please accept on behalf of myself and my brother officers of the 'B' Co., our deepest sympathy in the great loss you have had. I cannot speak too highly of your boy, who had shown himself to be so full of pluck and grit as to have earned the reputation of being the best bomb-thrower in our brigade. Always cheerful and conscientious, he will be sadly missed by all ranks. Had he been spared, I feel sure he would have added to his already well-earned reputation. He met his death by doing his duty and that is the consolation I can offer you in your great trouble and the knowledge that it is the grandest way of passing into the happier life. - Believe me, yours in all sincerity."

H. L. Beardsley, Captain.

Pte. Hurst was 23 years of age and single. Before the war, he worked, like his father, at the South Leicestershire Colliery. He enlisted in August, 1914, but had only been at the front about five weeks. He was at Whitwick at the wake on leave.

PRIVATE JOHNSTONE'S LAST LETTER

In his last letter to his mother and father, written only about two days before he died, Johnstone said he was quite well and hoped they were all were at home. *"I will send M_____ a soldier's button to make a hat pin of and also one for F_____ and some other souvenirs if possible. I have got a ring made out of the aluminium nose-piece of a German shell. While I am writing this letter shells are bursting about a hundred yards away. W. Wright has had a letter asking if it right that I have been killed. I don't know who circulated the news, but you can tell them from me that I am as much alive as any of them. They wanted to know if 'Rabbit' had gone under, but he wishes them to know that he is very much alive yet."*

OLD PLAYMATES

Asked by the writer to whom 'Rabbit' referred, Mrs Johnstone, the deceased soldier's mother, said it was Pte. Hurst who used to go to school with her boy and they were playmates together. Hurst was known by the nickname of 'Rabbit' and her boy as 'Bunny'.

Pte. A. C. Johnstone was only 21 years of age and was a widower. His wife died about a month before he enlisted in August last year. He went to the front on July 30th, last, so had only been there a few weeks.

OFFICER'S TRIBUTES

Mr and Mrs Johnstone have received letters both from the captain and lieutenant of the deceased's soldier's company, in which they both testify to Johnstone's excellent character as a soldier and a man. The lieutenant said he was one of the finest men in his platoon, a conscientious worker and always willing and the men all miss him very much.

ROYAL SYMPATHY

To the parents of both soldiers, Lord Kitchener has forwarded a letter as follows:

"The King commands me to assure you of the true sympathy of His Majesty and the Queen in your sorrow."

MEMORIAL SERVICES

On Sunday evening a memorial service for Pte. Johnstone was held in the Whitwick Holy Cross Church, being impressively conducted by the Rev. M. J. O'Reilly. There was a large congregation. The priest read extracts from the officer's letters testifying to the deceased's worth and spoke of the righteousness of the cause in which he had died.

A memorial service for Pte. Hurst is to be held at the Whitwick Wesleyan Church next Sunday.

WHITWICK SOLDIER WOUNDED

PRESENT AT HIS BROTHER'S MEMORIAL SERVICE



PTE. A. C. JOHNSTONE.

Pte. George Johnstone, of the 1/5th Leicestershire Regiment, brother of the deceased soldier above referred to, was admitted to the Cambridge Hospital, Aldershot, on August 10th last, suffering from a severe gunshot wound in his right thigh. Happily, this soldier is now convalescent and is assisting in recruiting at Loughborough. He visited Whitwick on



PTE H. S. HURST.

Sunday and attended his brother's memorial service in the evening at the Holy Cross Church.

Round the Theatres

The Picture House, Whitwick

A fine Vitagraph drama, "The Under-Study" was the star film at the Whitwick Picture House on Monday, Tuesday and Wednesday evenings, and was greatly appreciated. It was a pretty love story dealing with stage life. Last night was put on the screen and will be repeated tonight and tomorrow night, "The Red Blood of Courage," a realistic and gripping Oriental drama, proving the charity of love. Professor Duane, an ethnologist and his assistant, Roscoe Harding, plan a journey into the wilds of Hindostan. Harding is in love with Lydia, the beautiful daughter of Professor Duane, and they are engaged to be married. Lieut. Tavish, a British army officer, is fascinated by the loveliness of Lydia, and plans to take her away from Harding by fair means or foul, for he believes that everything is fair in love and war. Tavish plans to ruin Harding by making him appear to be guilty of crime, feeling sure that in such case, Lydia will renounce him, and then he can advance his suit with her. For the time being the plot succeeds. With the help of a wild Hindu prince, Gunga Din, Harding is disgraced, but the Prince then falls in love with the girl and endeavours to carry her to his harem. She is rescued by Harding, after some thrilling incidents, and Tavish, having confessed his part in the plot, they shake hands and become friends again and Harding claims the fair Lydia as his bride. The film contains some beautiful settings and a succession of spectacular surprises. The "turns" appearing all week are "Fred Zarinella" in his eccentric juggling and acrobatic comedy acts, and the nimble Scot, Dave Abbott, comedian and eccentric dancer. Both are very good. The star picture for the first three nights next week will be "A Raid of Human Tigers," a thrilling

drama by the Bison Co., and for the second half, a splendid film by the Million Dollar Co., entitled, "Fingerprints of Fate," well produced. Two good turns next week will be James Bendon, a whistling and singer newsboy, and Renee Logan, comedienne and dancer.

Sport

Football

Leicestershire Senior League

Good Start by Coalville Swifts

The disbanding of some football clubs owing to the war has been the means of strengthening some of those which are continuing, inasmuch as it has led to a migration of players. This was demonstrated at Coalville on Saturday when the Swifts opened their Leicestershire Senior League fixtures with a match against Whitwick Imperial on the Fox and Goose ground. The Swifts have a capital team. The defence is the same as last year – Nicholls, in goal, and Underwood and Brett backs, - but Sid Storer, an Ibstock man, who was last season with the Long Eaton Rangers, is a good addition to the halfback line, and appearing at centre, with Bradshaw and Staley on the wings. The only old players in the forward line are Starkey and Cliff Price, the new men being Charlie Storer, late of Bradford City, Percy Underwood from Ellistown St. Christopher's and Wilkins from Coalville Town. It was particularly noticeable in Saturday's game that in the brothers Storer, the Swifts management have made a good capture. They were both very energetic all through the game and contributed in no small degree to the success achieved. The Whitwick team included three new players, all in the forward line. They were G. Smith, late of Ellistown, A. Lakin, from Loughborough Corinthians – who was chosen reserve and substituted Lockwood – and Lee, formerly of Hugglescote St. John's. The extreme wingers were M. Bird (right) and Keach (left) as last year. Dexter, Wright and Lovett formed the halfback line, Cooke and Waterfield backs, with Roadley in goal. Thus it will be seen that Whitwick have as good a team as that which won the league championship last year and the fact that the Swifts easily triumphed over them on Saturday, is an indication of the extent in which the Coalville club has improved. It is the more striking when it is borne in mind that soon after the start on Saturday, Staley hurt his knee and had to go off, the Swifts playing practically throughout the game with ten men.

The football displayed was good and a fairly large crowd watched with much interest. Roadley had plenty to do in the first half and about halfway through he was well beaten by C. Price with a good shot after that player had spoiled a lovely centre by Starkey by kicking high over the bar. Soon after this Lakin got away on his own and looked like equalising but Nicholls judiciously ran out and got the ball away just as the ex-Loughborough man was about to shoot. Roadley cleared other good shots, but was again beaten, this time by P.C. Underwood, before the interval arrived.

Whitwick were seen to better advantage early in the second half and Lakin succeeded in reducing the arrears, but the Swifts again forced matters. After Roadley had partially cleared a nice shot by C. Price, Starkey dashed up and netted while another by C. Price, who played a fine game, gave the Swifts a 4 – 1 victory.

Births, Marriages and Deaths

Burials

Nutt – At Whitwick, on Tuesday, James Lane Nutt, aged 71 years, of Church Lane.

Stanyard – At Whitwick, on Tuesday, Enid Mary Louvain Stanyard, aged nine months, of Silver Street.

Meakin – At Whitwick, on Sunday, Austin Aubrey Meakin, aged 15 months, of Hermitage Road.