who went home with me. I did not see Mrs. Lowe, nor was there any disturbance at her house. When I got home I went upstairs and was about to get into bed when I heard the bell ring. Mr. Thompson opened the door, and the defendant said, "She has been to my house and I have come to hers." I put my dress on and went down stairs, and she threw her shawl back, her sleeves were turned up, and she said, "You'll see what I can do." I told her to leave my premises, but she would not, and after a scuffle Mr. Thompson took her out. I was told that my daughter was outside and I went out to fetch her in, when Mrs. Lowe seized me by the hair and beat me unmercifully. I never struck her till after she had seized me by the hair of my head. My daughter fetched somebody and they got her away. I have suffered since from pain in my head and cheek.

Cross-examined by Mr. FLEWKER—I knocked at the shutters at Mrs. Lowe's. I did not make a disturbance to disturb the whole street. I did not call Mrs. Lowe and her sister b—— thieves. What was said was said to my husband and not to Mrs. Lowe. I did not use any bad language. I did not get her turned out of a house three years ago. Mrs. Lowe did not ask me what I meant by calling her a b—— thief or bitch. I did not threaten to throttle her. I did not see her pick up her bonnet, nor, as I am aware, did I tear it off. I did not tell her I would mark her. Mr. Broughall was there. I think he was fetched. Her bonnet might have been on my grass plot. I did not attack her again, nor did I call her a thief. I went to Mrs. Lowe's house with my son at half-past ten the same morning. I did not take a knife threatening to commit murder. I did not go through the house.

Mr. LEECH—The defendant was not there, for she had gone out of town with Mrs. Thompson's husband.

Mrs. Thompson—I knew that she was not there, for she had gone away with my husband. I went to fetch him away, and when I got there I found them gone. My son searched the house but conld not find them. They had been seen to go away in a cab together. I did not see my son pick up a knife. I did got see any knife at all. I have seen my husband since the assault. He left my house for London on Wednesday morning. I did not show Mrs. Lowe three of my naked children to insult her.

Elizabeth Thompson, 14 years of age, and daughter to the complainant, was aroused by the disturbance, and she added, I saw Mrs. Lowe in the passage; I heard her call my mother names, and saw my father take her out. I was shut out. I went to Mr. Broughall's, and when I got back there were some words, and Mrs. Lowe caught my mother by the hair and struck her many times till Mr. Broughall came. My mother did not strike except in her own defence. My mother was very ill the next day.

Cross-examined—Mrs. Lowe did not ask for her bonnet; she called Mr. Broughall names. Her bonnet was torn off and lay in our small garden.

Re-examined—I saw the first blow, and then Mrs. Lowe had her bonnet on.

Mr. FLEWKER then vigorously addressed the Bench for the defendant, and said he still thought, for the sake of public morality, this case ought not to be proceeded with. Mr. Flewker was commenting upon the conduct of Mrs. Thompson going from the top of Uttoxeter-road to the top of Gerard-street at two o'clock in the morning, when peaceable people were in bed, when

The BENCH interfered, and said Mr. Flewker should bear in mind that Mrs. Thompson went to fetch her husband, who was conducting himself most improperly, and in bed with another woman.

Mr. FLEWKER said he was about to make the same remark, but Mr. Thompson was alone responsible for that, and particularly as Mrs. Thompson knew that it had been going on for three years. He contended that Mrs. Lowe was attacked first, and called the following evidence:—

Ann Tracey, sister to the defendant, was sworn and said—I was at home on the morning in bed when Mrs. Thompson came to disturb the neighbourhood. She rattled the door and shutters, and called us foul names. It continued till her husband went away. I was ashamed to go into the yard. My sister said, "I can't stand to be called a thief," and away she went. The same morning when she and her son came he picked up a knife and threatened to murder them.

Cross-examined—I live with my sister. I have not asked any of the neighbours to come here to-day. Mr. Thompson and Mrs. Lowe had gone out in a cab about half-an-hour before the son came. Mr. Thompson and Mrs. Lowe were asleep in bed together when Mrs. Thompson came. All the bad language was on the side of Mrs. Thompson, my sister never said a word.

Mr. FLEWKER said he had another witness who was in the house when the son went, but it was hardly relevant to call her.

Mr. LEECH replied in an eloquent speech, and

The BENCH retired, and on their return into Court the MAYOR said—Elizabeth Lowe, the Bench have heard the charge that has been brought against you, and also your defence. They have given the case the most serious consideration, and they have come to a unanimous decision upon it. They have two alternatives—fine or imprisonment. The former—a fine—they consider would be no punishment to you; they have, therefore, no alternative but to sentence you to be imprisoned for two months, with hard labour.

Loud applause followed the decision, and the defendant, who did not expect such a result, was removed in custody.

Joseph Silvas, who was remanded on Tuesday, on a charge of stealing half a sheep, the property of Mr. Holbrook, butcher, who has a shop in the Market-place, was again brought up, and after hearing the evidence of prosecutor and the man at whose house the prisoner lodged, Inspector Fearn, and Detective Vessey, the prisoner was committed for trial at the next Borough Sessions.—The prisoner told Charles Swindell, the man with whom he lodged, in Goodwin-street, that he had "set-to" for the mutton at Cowlishaw's public-house, and his father had "backed" him. Prisoner said to Vessey when he was apprehended and told the charge, "What can a poor devil do—I have nothing to do."—The witness Swindell, received a severe reprimand from the BENCH, as prisoner had brought large quantities of meat into his house within ten days.

On Friday, Saturday, and Monday, the Court was occupied in hearing charges of vagrancy against an unprecedentedly large number of prisoners. On Monday there were no fewer than 21 prisoners, and a large majority of them were sent to gaol with hard labour for begging. The magistrates are determined to put down the incessant nuisance of vagrancy as far as the law will allow.

COUNTY COURT, DERBY.

[Before WILLIAM ELMSLEY, Esq., Judge.]

BEAN V. THE MIDLAND RAILWAY COMPANY.

This was an action brought by Mr. James Bean, of Norwich, commercial traveller, against the defendants, to recover the sum of 10*l*., by reason of their having lost or detained certain wearing apparel, goods, and samples of goods, together with the cases, packages, and boxes, containing the same, delivered to them at Burton, to be conveyed to Nottingham, the 26th August last, as the luggage of the plaintiff, as a passenger.

Mr. J. B. Smith appeared for the plaintiff, and Mr. Huish, instructed by Messrs. Beale, Marigold and Beale, for the defendants.

A jury was impannelled to try the case.

Mr. SMITH, in opening the case to the jury, said the plaintiff took a second-class ticket as a passenger, from Burton to Nottingham, and had with him four small cases containing patterns of single boots of the right and left foot, together with various articles of wearing apparel. At Burton these packages were taken by the Inspector at the station into his care, were marked by him as for Nottingham, and placed in the train in the presence of the plaintiff, who was told they would not be removed until their arrival at Nottingham. By the regulations of the company the plaintiff was at liberty to take with him 100lbs. of personal luggage, not being merchandise or other articles carried for hire or profit, free of charge; and special provision is made for commercial travellers' extra luggage that the same should be charged according to a reduced scale, and they be allowed the privilege of booking it from the station they start from to the station at which their day's journey is to end, although they might have occasion to stop, during their day's business, at intermediate stations. The weight of the plaintiff's luggage was 60lbs. only, and was, therefore, clearly under the weight he was entitled to take free of charge. Objections would probably be raised to the contents of the packages that they were not personal luggage, but though they did not come under that denomination he submitted they were not excepted by the terms of the company's restriction; they were neither merchandise nor articles carried for hire or profit, but simply patterns which the plaintiff was obliged to return when he had completed his journey, but besides that he contended that the packages having been taken as commercial travellers luggage, and marked through to Nottingham, a special contract had been created and the company were responsible for not duly carrying the luggage to Nottingham. On the question of damages, the plaintiff was in receipt of a salary of 350*l*. a year, besides travelling expenses, but when he lost time on his journeys these were stopped for the time so lost, and the plaintiff had lost much time and was obliged to forego doing business at Nottingham in consequence, so that he thought 10*l*. not too much to ask for damages. The luggage was ultimately found, and restored to him, but not till he had suffered loss to the extent of the amount claimed.

Mr. HUISH then said that admitting the facts to be as stated by Mr. Smith he contended the company were not liable. No payment had been made for the carriage of the luggage, or other contract entered into other than that the passengers ticket indicated, and by the company's Act that contract extended to personal luggage only; and the articles in question were clearly not personal luggage but goods carried for profit. The same question had arisen in a case of Cavania v. the Midland Railway Company, before his Honour, in which several authorities were cited, and his Honour held that the obligation of the company was confined to the personal luggage of the passenger; and if the passenger took with him articles which were not of that character he did so at his own risk. But there is a more recent decision in the case of Phelps v. The London and North Western Railway Company, 34 L. J., 260 C. P., where an attorney going by railway to attend a County Court took in his portmanteau, documents, and bank notes for use in certain cases in which he was engaged as an attorney. When he arrived at the station his portmanteau was missing, the consequence was that he was put to inconvenience and expense in waiting, and his journey was rendered fruitless; for the loss thereby occasioned he sued the company, and it was held that the articles were not personal luggage, and that the defendants consequently were not responsible for them. Here, therefore, he submitted that the plaintiff had no case in law.

Mr. J. B. SMITH having been heard in reply,

His HONOUR said the right of the plaintiff to recover against the defendants for the loss he had sustained entirely depended on the contract the company had entered into, and that contract appeared to be such as arose from the taking a passenger's ticket to carry free of charge a certain quantity of his personal luggage. It was said by the plaintiff's solicitor that an officer of high rank had labelled the luggage at Burton as for Nottingham, and he submitted that created an additional obligation on the company; but in the absence of evidence that such officer had authority to vary the contract entered into with the passenger, no additional liability could be created by his acts. The only contract then was to take the plaintiff's personal luggage, which could not extend to the articles the plaintiff had taken as his luggage, which were articles used for the purposes of his trade, and such as were indispensibly necessary to the carrying on of that trade, and must be regarded as articles carried for profit, articles specially excepted from the contract. In his opinion therefore the plaintiff had no cause of action in respect of the detention of those articles, and as there did not appear to have been any loss to the plaintiff by reason of the detention of the few articles of wearing apparel the jury would find for the defendants.

Verdict accordingly.

WHEATCROFT V. HART AND ANOTHER.

This was an action brought by Edwin Wheatcroft, of Stanley Common, labourer, against the defendants, the secretary and steward of the Amicable Friendly Society, held at the Newdigate Arms, Lewcote-gate, West Hallam, under the provisions of the 41st section of the 18th and 19th Victoria, cap. 63, called the Friendly Society's Act, for the purpose of obtaining an order of the Court to reinstate the plaintiff as a member of that society, to entitle him to the benefits and advantages of membership, or to recover the sum of 20*l*. as damages for his having been wrongfully and illegally expelled from the society and excluded from all benefit.

Mr. Walker, of Belper, appeared for the plaintiff; and Mr. Leech for the defendants.

Mr. LEECH objected to the action being proceeded with, on the ground that by the rules of the society all disputed claims under those rules are required to be settled by arbitration.

Mr. WALKER, in answer to the objection, cited the case of Exparte Woolridge, 31 Law Journal, 122 Q. B., in which it was held that the County Courts had jurisdiction to reinstate a member of an enrolled Friendly Society improperly expelled, although the rules of the society prescribe a mode of determining disputes under them.

His HONOUR directed Mr. Walker to proceed with his case.

Mr. WALKER then called the plaintiff, who said, that he entered the society seven or eight years ago and continued in membership until July last, paying his contributions regularly. At the latter end of February he fell sick and declared on the sick fund, his sickness continued, and up to July he had received sick pay to the amount of 15*l*. In July he sent his contributions to the proper officer of the society who refused to receive the money stating that the society had expelled him. Before that he had been told that there were complaints of his having broken the rules, and a meeting had been called to consider his case at which he had better attend; but he did not attend it having heard from one of the committee that the intention was to turn him out of the club. He afterwards applied to the club surgeon for a certificate on which to apply for his sick pay, and was refused it on the ground that notice had been given of his expulsion from the club. The accusation against him was unfounded. The society charged him with having been at work, with having gone to the Derby Arboretum anniversary, and to public-houses during the time he was on the sick box, but the charge was untrue. On one occasion he went to the President's house and told him he was going to be off the club, and to carry out that intention he went to the mine at which he worked and tried to work, but he could do nothing, and his master told him to go home as he was unable to work. He received no wages. He earned nothing. He had been to the Derby Infirmary for medical aid and the club had paid him his sick money on Dr. Ogle's certificate. When he came to Derby he was asked by one of the members who came to Derby in the carrier's van with him to go into the public-house and take a glass of ale with him. He went in and drank two glasses of ale, and later in the day he had half-a-pint more with some bread and chesse. Beyond that there was no truth in what he understood the club now charged against him.

Mr. LEECH said the reason for the plaintiff's expulsion from the club was that he had broken one of the rules which provided that any member who should do any kind of work, frequent public-houses, or go more than four miles from the society house, should be expelled. A meeting had been regularly convened for the consideration of the complaints against him, of which notice was given to the plaintiff, but he refused to attend. He had, therefore, no right to complain of the decision against him, upon uncontradicted testimony that he had broken the rule by going more than four miles from the society house, by being drunk, from which it might be concluded he had frequented public-houses, and by having done work when on the sick list. He would call the evidence to prove the plaintiff's course of conduct in that respect, and leave the matter to his Honour's decision.

Several witnesses were called, but their evidence did not prove more than the plaintiff had admitted, except that one of them said he went to the plaintiff's house on one occasion, and found the plaintiff, as he believed, in a state of intoxication. He said to him "You are drunk," and plaintiff laughed, and did not deny it.

His HONOUR said that he saw nothing in the rule to forbid a member getting drunk, and that the man was drunk did not prove that he had frequented public-houses: he did not consider that drunkenness entitled the society to expel a member under the rule referred to. There was no evidence of his having frequented public-houses: all that had been proved was that he went to one public-house, and took what might rightly be considered needful refreshment. The only ground remaining to be considered was that of travelling more than four miles from the society house, and as to that he was of opinion that, by accepting the certificate of Dr. Ogle and giving the plaintiff his sick pay upon it, the society waived any objection they might otherwise have had on that ground. His judgment would therefore be that the plaintiff be reinstated a member of the society.—Judgment accordingly with costs.

Nov. 28.

[Before Mr. Registrar G. H. WELLER.]

BANKRUPTCY.

In re Hannah Bucknall, of the London-road, Derby, milliner, and now of Osmaston-street, Derby, out of business.—This was the first meeting of creditors herein. One creditor proved his debt, but no creditors' assignee was chosen. It appeared the amount owing by the bankrupt is 53*l*. 11s. 3d., against which there are the book debts, of which 17*l*. 12s. 8d. are considered recoverable.—The REGISTRAR passed the examination, continued protection, and appointed the 18th of December for the last examination and application for discharge.—Bankrupt's solicitor, Mr. Wm. Briggs.

In re David Anderson, of 4 and 5, Ford-street, Derby, whitesmith, plumber, bell-hanger, gas-fitter, provision dealer, and shop-keeper.—This was the first meeting of creditors herein. Several proofs of debts were taken, and after an examination of the bankrupt, and application for an allowance for maintenance made by him, the meeting was adjourned until the 4th December, with protection.—Bankrupt's solicitor, Mr. Wm. Briggs.

December 4.

In re John Spencer, of Agard-street, Derby, green-grocer and huckster, late in partnership with Joseph Hassell.—This was the first meeting of creditors herein. Four creditors proved their debts. No creditors' assignee was chosen. The bankrupt was examined as to his property, when it appeared that his liabilities amount to 86*l*. 7s. 3d., and that he has no assets.—The Registrar passed the examination, continued protection, and appointed the Court to be held on the 22nd January next for the last examination and application for discharge.—Bankrupt's solicitor, Mr. J. B. Smith.

In re David Anderson, Ford-street, plumber, &c.—This bankrupt duly surrendered on his adjourned first meeting. Two creditors proved their debts. No creditor's assignee was chosen. It appeared that the bankrupt's liabilities amount to about 290*l*., and his assets (exclusive of bad and doubtful debts to the extent of 100*l*.) amount to about 274*l*. The creditors made him an allowance of 30s. per week for five weeks towards his maintenance.—The REGISTRAR passed the examination and continued protection, and appointed the 22nd of January next for the last examination and application for discharge.—Bankrupt's solicitor, Mr. Wm. Briggs.

CHARGE OF MANSLAUGHTER AGAINST THE GOVERNOR OF THE BURTON UNION WORKHOUSE.

At the adjourned inquest on the body of the infant child of Sarah Bland, which was held at the Star Inn, Repton, on Saturday week, Mr. George Waring Cartwright, master of the Burton Union Workhouse, was committed by the verdict of the Coroner's jury to the next Assizes for the county of Derby, on the charge of the manslaughter of the child. The inquest had been adjourned from a previous date for the appearance of the mother, and the evidence adduced before the jury at the first sitting having been read over, Sarah Bland, the mother of the child, was called and sworn. She said that she had been in the service of Captain Pead, at Repton, since August, 1864. On the morning of the 13th ultimo, between eight and nine o'clock, she felt very ill, and had felt unwell during the whole of the previous night. She knew that she was pregnant, but she did not expect to be confined until the latter end of November. Mrs. Pead was aware of her condition, and advised her to go to the Union. She was under notice to leave her service at this time, and she asked for her wages—12s.—thinking that she was going to be confined. Her wages were refused her on the grounds that her notice had not expired. Soon after ten o'clock that morning she went to the house of a Mrs. Walker, and told her that she was going to the Burton Workhouse to be confined. Mrs. Walker accompanied her some distance on her way to Burton, and when they had gone about five hundred yards she stopped and told Mrs. Walker she was in labour. Mrs. Walker then rendered her some assistance, and saw her start again for Burton, where she arrived between one and two o'clock. When at the workhouse, she saw Mr. Cartwright (the governor) and James Hacket (the porter), in the porters' lodge. She told them where she had come from, and that she wished to be admitted into the workhouse to be confined. At this time she was suffering from the pains of labour. In reply to the question as to where she was born and bred, she told the governor that she was born at Sileby, in Leicestershire. He then told her to go to the Ashby Union, where the authorities would be obliged to admit her. She was standing about three yards from the governor when she told him that she was in labour, and