Arthur DRAKE (1852-1916)

1880-1881 Foxton Electoral Roll
Arthur Drake, sheepfarmer, Waikawa; Thomas John Drake, farmer, freehold Porirua Road, house and land

Manawatu Times 5 Mar 1884 Breach of Sheep Act - £100 Penalty Inflicted
Foxton, This day. At the R.M. Court this morning Arthur Drake was charged with taking sheep from Wanganui district into Rangitikei without giving the Inspector the required seven days notice. The case occupied through ignorance on the part of the defendant, two days after the coming into operation of the new regulations. The Bench said it had no power but to impose the penalty provided by the Act, viz., £100, but remarked that the case was one in which the penalty would doubtless be remitted.

Taranaki Herald 25 Sep 1885 Marriage
On the 24th September at St Mary's Church, New Plymouth, by the Ven. Archdeacon Govett, Arthur Drake, of Whenuakura, to Harriet (Hettie) Halse, of New Plymouth.

1887 Foxton Electoral Roll
Francis Drake, farmer, Waikawa; Walter Drake, sheepfarmer, Waikawa; Arthur Drake, sheepfarmer, Waikawa

Evening Post 28 Jun 1887
Notice is hereby given that the Partnership lately subsisting between us, the undersigned Walter Drake, Arthur Drake, and Francis Drake, carrying on business as Sheepfarmers at Waikawa, under the style or firm of "Drake Brothers," has been dissolved by mutual consent so far as regards the said Walter Drake, who retires from the firm as from the 1st day of January 1887. The business will be continued as from that date by the said Arthur Drake and Francis Drake under the style or firm of "A. and F. Drake." As witness our hands this 25th day of June, 1887. Kirk & Atkinson, Solicitors for the Parties.

Wanganui Chronicle 4 May 1888 News of the Day
The following have been appointed Justices of the Peace:- Messrs John Davis (Wirokino), Arthur Drake (Horowhenua), Francis Robinson (Manawatu), John R. Russell (Foxton), Alexander Small (Otaki), and Thomas Smith (Horokimi)

Evening Post 4 May 1888
A fresh batch of 27 Justices of the Peace appears in the Gazette. Those resident in the Wellington district are:- Messrs John Davies, Wairokino, Manawatu; Arthur Drake, Horowhenua; Francis Robinson, Manawatu; J. R. Russell, Manawatu; Alexander Small, Otaki; and Thos. Smith, Horokiwi.

1890 Palmerston Electoral Roll
Francis Drake, farmer, Waikawa; Arthur Drake, sheepfarmer, Waikawa

Evening Post 27 Jun 1891
At a sitting of the Trust Commissioners' Court held this morning by Mr Robinson, R.M., several transfers and leases were dealt with as follows:- … lease of Manawatu Kukutanaki No. 4A Reserve, from Pine Whareakaka and others to Arthur Drake, certificate of issue…

Evening Post 20 Jul 1894
Messrs N. J. Tone, W. Tosswill, Arthur Drake, George Brown, and Constable Cooper are appointed rangers for the Wellington district under the Animal Protection Acts.

1896 Otaki Electoral Roll
Johnsonville: Walter Drake, farmer
Manakau: Harriet Drake, married woman
Ohau: Percival Tenby Drake, settler; Helen Russell Drake, married woman; Thomas John Drake, farmer
Te Horo: Francis Drake, farmer and Amelia Drake, lady
Waikawa: Arthur Drake, sheepfarmer

1897 Otaki Electoral Roll
Johnsonville: Selina Drake, widow; Walter Drake, farmer
Manakau: Harriet Drake, married woman
Ohau: Helen Russell Drake, married woman; Thomas John Drake, farmer
Te Horo: Francis Drake, farmer; Amelia Drake, lady
Waikawa: Arthur Drake, sheepfarmer

1899 Otaki Electoral Roll
Manakau: Harriet Drake, married woman
Ohau: Percival Penly Drake, farm hand; Thomas Frederick Drake, farm hand; Helen Russell Drake, married woman; Thomas John Drake, farmer
Te Horo: Amelia Drake, lady
Waikawa: Arthur Drake, sheepfarmer

Evening Post 4 Jul 1900 Dissolution of Partnership
Notice is hereby given that the Partnership hitherto subsisting between Arthur Drake and Godfrey George Halsted, trading together as Farmers at Waikawa, in the Provincial District of Wellington, has been this day dissolved by mutual consent. The business will in future be carried on by the said Arthur Drake alone, who will pay all the debts and liabilities and receive all moneys due to the partnership. Dated at Waikawa this 15th day of June, 1900. Witness to both signatures: Frank Wills, Managing Law Clerk, Wellington.

Wanganui Herald 14 Aug 1902 The Otaki Child-Beating Case
Wellington, August 13. At the Supreme Court to-day, the hearing was commenced of the charge of manslaughter of Dorothy Drake preferred against Harriet Drake, mother of the deceased, and wife of Arthur Drake, farmer, of Otaki. The accused, a tall, dark woman, about 40 years of age, appeared in the dock closely veiled, and pleaded not guilty. Evidence was given by Matilda O'Connor, domestic servant, and Loeta Drake, sister of deceased. Their testimony was the same as given by them at the preliminary hearing, going to show that deceased had been flogged with a supplejack and riding whip for refusing to repeat certain lessons. At the rising of the Court accused was liberated on bail till the morning, but the jury were locked up for the night.

New Zealand Mail 20 Aug 1902 pages 22a-25a Alleged Manslaughter – Trial of Mrs Drake

FIRST DAY's PROCEEDINGS. At the Supreme Court on the 13th, before Mr Justice Edwards, the trial was begun of Mrs Harriett Drake, wife of Arthur Drake, Otaki, for the manslaughter of her eight-year old daughter, Dorothy Gwendoline Drake at Otaki, on the 26th of June. There were minor counts for causing actual bodily harm and common assault. The Court was densely crowded throughout the proceedings – the gallery being packed with women, who strained eagerly over the balcony to get a glimpse of the accused. Mrs Drake is a tall, dark haired pale complexioned woman of about forty. She was closely veiled and attired in deep mourning. In a low tone of voice she pleaded not guilty to the indictment. Messrs Gray and Herdman prosecuted for the Crown. The accused was defended by Messrs Skerrett and Wilford. Mr Jellicoe held a watching brief on behalf of an interested party. The following jury was sworn:- Thomas Wilson, 43, Martin Square (foreman); Henry Joseph Pearman, Riddiford street; Christopher Marchell, Herald street; Thomas Ambrose Clark, Herald street; Albert William Moran, Brooklyn; Arthur Robert Alpe, Brooklyn; Albert Hatfield, 54, Austin street; James Alphonsus Martin, Kilbirnie; Mark William Griffen, 46, Abel Smith street; James Goer, Taitville; Edmund George Corbet, Johnsonville; and Joseph Tilyward, South road. Mr Gray, in opening the case, said the charge was, happily, one of very rare occurrence in the colony - it being against a mother for causing the death of her own child; the means employed being beating with a whip. The accused was the wife of a farmer in a good position. The circumstances of the case were painful and shocking - not least the painful being the fact that the Crown had to rely partly upon the evidence of two of the prisoner's daughters. Counsel detailed the circumstances as already reported, and pointed out that the medical evidence showed that the child had died of shock, the result of violence. The Crown intended producing evidence not previously given to show that the conduct of the mother towards this particular child before the occurrence had been devoid of the slightest spark of affection. This might influence them in deciding whether or not the accused had cruelly beaten the child in the manner he had described. The case had excited a great deal of interest, not only in the locality in which it had occurred, but also in Wellington. He asked the jury to dismiss from their minds anything they might have heard or read about the case, and to be guided solely by the evidence which would be laid before them. The social position of the accused was not to be taken into account, except that it might be regarded as an aggravation of the offence with which she was charged. Matilda O'Connell was the first witness called by Mr Gray. She stated that she was employed as domestic servant in prisoner's house. There were seven children - three girls

and four boys - the eldest being about fifteen years and the youngest a year and ten months. The deceased child Dorothy was about eight; and had been away from home for some time living with an Aunt at Taranaki; she only returned soon after last Christmas. Witness identified a photo of Dorothy taken during her temporary absence, and stated that she was a healthy child at the time of her death. She remembered the afternoon of the 26th June, when Loeta was trying to induce Dorothy to say her lessons in the dining room. Accused and May being also present at the time, Loeta had said "Dorothy, you are a naughty girl," and witness heard the sound of slaps. The beating might have lasted half a minute, but not more. Witness heard the younger sister, May, address Dorothy, saying "Come along, Dorothy, and say it for me," followed by more slapping. Witness next saw the child in the hall about an hour afterwards with her mother. Mrs Drake was slapping the child with a riding-whip (produced). The accused had hold of the child's hand, and was beating her about the body, holding the lash as well as the handle of the whip. Witness was passing through to the kitchen at the time, and heard a few slaps after entering it; that would be between 2 and 3 o'clock in the afternoon. The child was fully dressed, with the exception of boots and stockings, and the accused appeared to be angry. Witness last saw Dorothy at about half-past 7 that evening standing in the dining-room with her mother and sisters, Loeta and May; and she looked a bit paler than usual. Witness had noticed the marks of some bruises on the child's legs before that. Witness never saw the child alive again. Cross-examined by Mr Skerrett, the witness stated that Mrs Drake had always been a careful mother, and the children had lived happily together. The deceased had attended school regularly; she was a very stubborn child. Witness had heard Dorothy fall in the dining-room about half an hour before dinner; but the child had not made any complaint of being hurt. Re-examined by Mr Gray: She had seen Mrs Drake beat Dorothy with a supplejack in the kitchen on the previous Saturday. When she last saw Dorothy alive, Mrs Drake was speaking to her about her lessons. Loeta Constance Drake, aged fifteen, eldest daughter of the accused, deposed that Dorothy had been a long time living with her aunt, and had not gone to school until after returning home. She was not quick at her lessons. Witness remembered being in the dining-room with Dorothy, May and her mother on the afternoon of the 26th June. Witness was trying to get Dorothy to repeat a verse of poetry, but she would not; and witness slapped her with the supplejack on the arms and bare legs. Dorothy did not cry, and May then tried to get her to repeat the lesson. As she would not, May had whipped her on the legs and arms with the supplejack. May tried a second time to get her to say her lesson, and as she would not, her mother had whipped her, after saying, "If you do not say it, I will punish you myself." It was the riding whip which her mother had used, beating Dorothy across the body. The whip was her mother's. It was usually kept in the hall, from which her mother had fetched it before the beating. Her mother had held the butt and lash in her hand when applying it. After the whipping, May had again tried unsuccessfully to get her to repeat the lesson in the passage. After some time, her mother had followed them out, and witness had heard her again beating Dorothy in the passage. Dorothy had screamed slightly more than once. Witness noticed a few marks on her legs that afternoon. Dorothy had been playing about with the other children in the dining-room before going to bed. She was taken there by her mother and May. Her mother had told Dorothy to go to bed after tea. Dorothy had walked part of the way to bed, but being unsteady on her feet, her mother had carried her the remainder of the way. Dorothy had complained of being unwell after tea. Witness had not heard Dorothy say anything after being put to bed. Her mother had sent her to fetch her father, whom she met on the road some distance outside. Witness was cross-examined by Mr Wilford. She stated she had not heard Dorothy fall in the dining-room before dinner, but she had heard Matilda O'Connell say "Oh, Dorothy, is that you?" to which her deceased sister had merely smiled. The whip and the supplejack had been kept in the hall for riding purposes. There had not been any further whipping after that administered by her mother in the passage during the afternoon. Witness had been only once to the bedroom from the time her mother took Dorothy there until she was sent to fetch her father. Her mother had told her if she did not meet him, to bring a doctor. Her mother had given Dorothy whisky and milk after tea, as she had complained of being unwell. At the conclusion of the witness's evidence, as the Court was about to adjourn, Mr Skerrett applied that the accused be admitted to the same bail as heretofore, which was herself and her husband in 400 pounds, and two sureties of 200 pounds each. His Honor consented to this course. Mr Skerrett mentioned that circulars had been published, and were obtainable at a stationer's shop in town, calculated to prejudice this unfortunate woman in her trial. His Honor: If there is any improper interference with the course of justice, you must bring it before the Court in a formal manner. You don't expect me to institute proceedings against stationers? Mr Gray observed that he thought his friend was

suggesting that the Crown was prejudicing the case. Mr Skerrett disclaimed any such idea. His Honor said at all events he would take the responsibility of keeping the ... whether until the case was over. The jury was then locked up for the night, and the Court was adjourned until next morning.

SECOND DAY's PROCEEDINGS. At the Supreme Court on the 4th, before Mr Justice Edwards, the trial of Mrs Harriet Drake, wife of Arthur Drake, Otaki, for the manslaughter of her eight-year-old daughter, Dorothy Gwendoline Drake, at Otaki, on the 26th of June, was resumed. There were minor counts for causing actual bodily harm and common assault. As on the previous day, the Court was crowded with spectators of both sexes. The accused entered leaning on her husband's arm, and took her place in the dock. Messrs Gray and Herdman prosecuted for the Crown. The accused was defended by Messrs Skerrett and Wilford. Mr Jellicoe held a watching brief on behalf of an interested party. The following are the jury:- Thomas Wilson, 43, Martin Square, (foreman); Henry Joseph Pearman, Riddiford street; Christopher Marchell, Herald street; Thomas Ambrose Clark, Herald street; Albert William Moran, Brooklyn; Arthur Robert Alpe, Brooklyn; Albert Hatfield, 14, Austin street; James Alphonsus Martin, Kilbirnie; Mark William Griffen, 46, Abel Smith street; James Goer, Taitville; Edmund George Corbet, Johnsonville; and Joseph Tilyward, South road. Frances May Drake, the fourteen year-old daughter of the accused, examined by Mr Gray, deposed that she had gone to Otaki School with Dorothy, who had been attending it for about a month. She corroborated the evidence of her elder sister, Loeta, with regard to the slapping of Dorothy in the dining-room and hallway, for not repeating her lesson, on the afternoon of the 26th June. Witness and Loeta had used the supplejack, and her mother had beaten her twice with the whip. Dorothy had not taken any tea that evening, merely having a drink of milk; and her mother had thought she was stubborn. Dorothy had taken some whisky and milk afterwards, as she complained of being unwell. Witness and her mother put her to bed, and witness noticed blue stripes on her legs. Witness had not heard her complain afterwards. Cross-examined by Mr Skerrett, witness said her father was in the back-yard while Dorothy was being beaten, about 3 o'clock in the afternoon. Dorothy had appeared quite well until tea-time. Dorothy had not been beaten after the whipping in the passage. Witness was in the bedroom with Dorothy and her mother until the doctor's arrival, except for one interval while she was fetching some whisky. Dorothy had complained twice during the evening of water in her ears, and her mother had examined them. Dr Patrick J. Power testified that he had been practising in Otaki for the past seven or eight years, and remembered being called to Drake’s house at about 9.10pm on the 26th June. On arriving there, he found the accused in the bedroom with the child, who was quite dead. The mother asked him if the child would recover, and to avoid giving her a shock he had replied that the child was very bad. Mrs Drake thereupon exclaimed "How frightful! How fearful!" but she did not seem to get into any great panic. He noticed a mark on the child's left eye like a slight black eye, and also some light abrasions around the eye. On making an examination of the body, he found extensive bruises and discolouration all over, with the exception of the face and neck. The marks were most pronounced on the legs, and appeared to be severe bruises, being dark blue in colour. There were dark bruises on the chest and stomach, and horizontal linear cuts on the right side of the abdomen, in groups of three, and making about fifteen altogether. The skin was broken, and the cuts had the appearance of very severe scratches; they were slightly tinged with blood. They appeared to be abasions of the skin, as if caused by the lash of a whip, and the blood had dried. There was a larger abrasion a little higher up on the ribs of the right side; and the skin was just broken, and it was more of a bruise. There was an older abrasion on the left side of the abdomen. He found a depression on the right side of the skull, just above the ear. There were severe bruises on the back, arms and hands. The bruises were so coalesced all over the body, with the exception of the abdomen, that there was no spot on which you could get a sixpence between them. Mrs Drake held the light while he made his examination, and remarked more than once. "How frightful! I gave her a severe thrashing," also stating that she was a naughty girl and told stories. Witness told the accused that an inquiry should be held into the cause of the child's death, to which she replied, "You don't think it necessary, doctor?" Witness had repeated that it would be far better for her own sake to have an inquiry, to which she had answered, "Could not you prevent it?" He said "No." That was all that took place at the time. Accused told him he had attended the child for fits seven or eight years before, but he told her that would not stop the inquiry. He had no recollection of having ever attended any of Mrs Drake's children for fits, or this particular child for any ailment. That night he formed the opinion that the child was about an hour dead; and next day, about 1 or 2pm, he made a post-

mortem examination in conjunction with Dr Clay. On examining the inner circles of the depression on the head, they had found the inner fibres of the muscles broken, and a little coagulated blood between the skull and the scalp. The external depression was about an inch and a half in length and one-eighth of an inch in breadth. The injury was such as would have been caused by a fall or a severe blow on the head, such as might have been inflicted with the butt end of the whip handle (produced). There was a small circular depression about an inch further up which, with the other, would correspond with the shape of the whip handle. All the organs of the body were in a healthy condition, and the body appeared to have been well nourished. The bruises on the body appeared to be the result of violence, and could not have been caused by the thin end of the crop through the child's clothes, or by the lash. The abrasions on the abdomen might have been caused by the lash while the child was undressing; and the thong at the end might have caused the groups of abrasions there. All the bruises seemed to have been inflicted within the previous twenty-four hours. He arrived at this conclusion from the colour of the bruises. He believed that death had resulted from shock produced by the injuries on the body, or from concussion of the brain. Cross-examined by Mr Skerrett: Accused was depressed and despondent when he was called in, and spoke coolly and reasonably. There was nothing in her conduct that might not have been expected of an affectionate mother. There was no attempt on her part to conceal the fact that she had administered punishment to the child. Where the depression existed was a part of the skull which the child was liable to have injured by a fall. He considered a fall a more probable cause of the injury than a blow with a blunt instrument. Supposing the child had sustained a fall at half-past 11 o'clock in the forenoon, it was quite possible that death might not result for some time, but the child would be insensible from concussion. It was possible for death to occur without the mother observing the symptoms of concussion. He had found coagulated blood in small quantities inside several of the bruises. The object in incising some of them was to ascertain if they had been made during life, and were not caused by disease. Previous to the adjournment for luncheon witness accounted for certain discrepancies in his evidence by stating that he was unwell. On resuming at 2.5pm Mr Skerrett continued his cross-examination of Dr Power. The witness thought that the child must have been very severely and continuously beaten to account for the condition of the body. He had made twenty or thirty post-mortem examinations in his life, the last before this case being about nine years ago. He did not know that post-mortem stains frequently resembled the effects of flogging. Mr Skerrett quoted the authority of Dr Tidy on "Legal Medicine" to show that such was possible. Witness said that post-mortem stains might resemble flogging, but could not be mistaken for it. He had not examined the wind-pipe to see if death had resulted from suffocation, but the heart would have indicated if anything of the kind had occurred. Counsel quoted Bronardel on "Death and Sudden Death" to show that examination of the wind-pipe was necessary in all cases of post-mortem. Witness replied that authorities differed on such matters; and that the heart and lungs showed no symptoms of suffocation. He had not examined the intestines, but there were no superficial symptoms of death by convulsions. He had not made any microscopic examination of the blood. A person suffering from shock, and dying within four hours, would be exhausted, in a semi-comatose state, or perhaps affected with hysteria. It would be extraordinary for the child to have been playing about during the evening and be suffering from shock. The witness was questioned as to other diseases which would give no post-mortem indication, and said he had no reason to expect their existence. Re-examined by Mr Gray, the witness said he was quite satisfied the child had not died from any of the causes Mr Skerrett had quoted as being possible. The post-mortem had been performed in a skilful manner. Dr Lloyd Clay, Otaki, deposed to having made a post-mortem examination of Dorothy Drake in conjunction with Dr Power. They found extensive bruises and abrasions all over the body, and a depression over the temple region on the right side of the head. He had satisfied himself that the injuries on the body were bruises; they were such as would have been caused by a stick, or cane, or whip. The mark on the head was such as would have been caused by the butt end of the whip. All the organs of the body were healthy, and the conclusion he had arrived at was that death had resulted from shock or concussion. The mark on the head would have caused concussion, and shock might have been produced by the other marks on the body. Death might result from concussion immediately, or not for a long time. He would expect the patient to be in a semi-comatose condition in the meantime, and death to take place some time after the shock. At the conclusion of the witness's direct examination, Mr Skerrett intimated that he would not be able to conclude his cross-examination of Dr Clay that evening. His Honor asked if there were any witnesses for the defence. Mr Skerrett replied that he would probably call some. In the meantime there might be some discussion with his learned friend

with regard to the admissibility of certain evidence, and it was not necessary that the jury should be present at that discussion. His Honor expressed his readiness to deal with the matter then, and the jury retired for the night. Mr Gray observed that the evidence he intended to submit was with regard to the conduct of the mother towards this child on previous occassions, indicating dislike. It had been stated that the child had been living away from home for a long time with an aunt, and he proposed to call the aunt, who took the child in August, 1899, and restored it to the parents as late as the 15th February last. He proposed to put in evidence, statements made by the accused to the aunt as to her feelings towards the child, and not only what she said, but the manner in which the aunt had observed her to treat the child. The aunt, Mrs Jenkins, was a sister to Mr Drake, and she could also prove the state and condition of the child when she took charge of her, her condition while in her care, and at the time of being restored to her mother. He also proposed calling other witnesses to speak of the conduct of the accused towards the child, and of her treatment of her prior to Mrs Jenkins taking her away. He submitted that this evidence would help the jury to determine what the intention of the mother was, and also the degree of her culpability. It was quite clear that if the charge were one of murder the evidence would be admissible, and certainly it was relevant in a charge of causing actual bodily harm. It was relevant here because it went to show that it was not an isolated act of cruelty, but was part of what might be called a system. His Honor: I suppose the defence is that whatever took place was not an assault, but a proper and lawful exercise of parental control. Mr Skerrett did not think he should be asked to give his defence at that stage, or that it had anything to do with the admissibility of evidence. His Honor observed that counsel would have to indicate it if the question were to be gone into. If it was a lawful exercise of parental control, and if the child died, it would be misadventure. Mr Gray: When it exceeded the bounds of moderation, then it became unlawful. It is relevant, therefore, I submit, to show that the mother acted in such a manner. Counsel proceeded to quote authorities on the subject, and said the evidence to which he alluded would show the state of mind that would necessarily accompany the doing of an unlawful act. Mr Skerrett submitted that such evidence would be clearly inadmissible. It was first necessary to understand what the Crown should establish before it could ask the jury to convict on any of the counts. There was no question but there was a reasonable occasion for correction - that was undisputed and indisputable. The next question was - Was the punishment reasonable? If unreasonable, was it the cause of death? If so, it was manslaughter. No question of intent or of condition of mind was involved in any of the acts; no condition of mind was involved in that inquiry; no question of accident or design was involved; nor could it be suggested that the acts or declarations alluded to were in any way connected with the acts which were alleged to constitute the offence. The jury would have to consider the case by reference to what had occurred that day – the actual circumstances, the weapon used, and the age and condition of the child. These could not be added to, or assisted by, exterior circumstances. The jury should determine the question of the reasonableness of the punishment by reference to the actual circumstances. It was alleged that three years ago the mother had made some statement which would indicate ill-feeling to the child. That she denied; but it had nothing to do with whether the punishment on this occasion was reasonable or not. How could anything that had occurred two years and ten months anterior to the state of things under investigation, and which was not alleged to have affected the child's health, be relevant? Intent was quite beside the question. It did not matter what the intention of the woman was, the question to be decided was - was the correction immoderate or excessive? His Honor asked how would counsel's argument apply if the jury thought that the woman intended to kill the child? Of course, they must not assume anything against the prisoner, but if the jury thought that under pretence of correcting the child the woman had used excessive violence? Mr Skerrett: Intent is immaterial. His Honor: I don't say so. There may not be intent to commit murder; but there may be intent to commit something unlawful. Mr Skerrett: If a parent exceeds reasonable correction and in consequence a child dies, though the parent does not intend death, that is manslaughter. Intent is absolutely immaterial. There is no dispute that the act of striking the child was intentional, but what my learned friend asks is that you should admit evidence of acts three years before to prove dislike or illtreatment to the child. I submit that it would be unjust in determining what occurred on a particular day to go back to what occurred years before. His Honor remarked that there were other counts in the indictment besides that for manslaughter. If Mr Skerrett were right in his contention, it would be all the better for him that this evidence should be admitted. Mr Skerrett, in conclusion, said the subject of the prosecution was not to throw light on this case, but to fill the minds of the jury with prejudice against the prisoner, so that the case might not be determined by reference to this particular occasion, but

to what had occurred years before. His Honor reserved his decision in the matter. The Court then adjourned until 10.30 next morning, the accused being again admitted to bail.

THIRD DAY's PROCEEDINGS. At the Supreme Court on Friday, before Mr Justice Edwards, the trial of Mrs Harriet Drake, wife of Arthur Drake, Otaki, for the manslaughter of her eight-year-old daughter Dorothy Gwendoline Drake, at Otaki, on the 26th of June, was resumed. There were minor accounts for causing actual bodily harm and common assault. As on the previous days, the Court was crowded with spectators of both sexes. The accused entered leaning on her husband's arm, and took her place in the dock. Messrs Gray and Herdman prosecuted for the Crown. The accused was defended by Messrs Skerrett and Wilford. Mr Jellicoe had a watching brief on behalf of an interested party. The following are the jury:- Thomas Wilson, 43 Martin Square (foreman); Henry Joseph Pearman, Riddiford street; Christopher Marchell, Herald street; Thomas Ambrose Clark, Herald street; Albert William Moran, Brooklyn; Arthur Robert Alpe, Brooklyn; Albert Hatfield, 54, Austin street; James Alphonsus Martin, Kilbirnie; Mark William Griffen, 46, Abel Smith street; James Goer, Taitville; Edmund George Corbet, Johnsonville; and Joseph Tilyard, South road. Dr Lloyd Clay, whose direct examination concluded the previous evening, was examined by Mr Skerrett. He stated the injury on the child's head was the most serious of all, and was sufficient to have caused death. There was nothing inconsistent in its having been caused by a fall. In his opinion, none of the marks below the neck could have been caused by the metal handle of the whip, nor were they likely to have been inflicted through the clothes. A very severe flogging should have been administered to cause them. He attributed death to shock or concussion. He did not think the injuries, apart from the mark on the head, would have caused death. He had made notes at the time of the post-mortem, which could be available if required. Counsel expressed his desire to have them, and witness said he would wire to Otaki and have them sent down. Further cross-examination failed to shake the witness's direct evidence. He did not believe that death could have resulted from suffocation or intestinal derangement without symptoms being apparent. Re-examined by Mr Herdman, witness expressed the opinion that the child would have been unconscious after the blow on the head. He did not believe that she would have been playing about afterwards in the ordinary way. He had no doubt that the child died of shock. Constable Timothy O'Rourke gave evidence that he was stationed at Otaki and knew the accused. He remembered going to her house shortly before 11pm on 26th June. He saw the child lying dead in a bedroom, and examined the body in Dr Power's presence. He described the injuries. After that he saw Mrs Drake in the presence of her husband in the front bedroom. The husband said, "Mr O'Rourke has come to see you," and she made answer, "You know I did not do it all myself." The husband remarked, "Mr O'Rourke will do the best he can for you." The whip (produced) was given to him by Mr Drake on the 27th June, the day of the inquest. Witness was present at the post-mortem, and the body presented the same appearance as on the previous night, except that the hands were covered. In reply to Mr Skerrett, witness said he did not believe it possible to put the point of one's finger between the discolourations on the body. Dr Power had called his attention to the mark on the head. Chief Detective McGrath was present with him at the post-mortem examination. Chief Detective McGrath deposed to having arrested the accused on the present charge on the morning of the 28th. Mrs Drake made the statement, "She was severely beaten, but I never intended to do her harm. I am sorry to say she was very stubborn. I was never alone with the child in the room. The two girls held the lamp while I gave her milk and spirits. I did not think the beating caused her death; but, oh! she is horribly bruised. I never saw the bruises until she was dead." Mr Gray stated that this was all the evidence he intended offering, except that regarding the admissibility of which his Honor had yet to decide. His Honor said the question was - whether the woman used reasonable correction to the child under the circumstances? In his opinion, "under the circumstances" must necessarily mean all the circumstances, including the relations between the child and the prisoner. To his mind the case stood in exactly the same position as that of a schoolmaster charged with assault. For instance, if a lad set himself to destroy the discipline of a school, and after repeated warnings still persisted in such behaviour - how much more punishment under the circumstances would be reasonable and proper than in the case of an isolated instance? There was no expressed authority upon the point, and he should reserve it; but at present he would admit the evidence. Mrs Mercy Jenkins was then called by Mr Gray, and deposed that she was the wife of Thomas Hunter Jenkins, a farmer residing at Eltham, Taranaki, and a sister to Arthur Drake, husband of

the accused. She was in the habit of visiting her brother's house at Otaki, and also when he had lived at Waipawa. She knew the deceased child, Dorothy, and first saw her when she was two and a half years old; that was about five years ago. Dorothy was in the nursery at the time, in her bare feet; and as the weather was cold, witness had commented on the fact to the mother, who said they were not used to many fires there; and that when the child was tired running one way she could run the other. In August, 1899, her brother wrote for her to come and take Dorothy away. She remained a few days on that occasion. In a conversation with Mrs Drake the latter had stated that Dorothy was "a dirty beast of a child," compared her to an animal, and said she had taken after her father, who was "a dirty, selfish, bad man." She told witness to take the child, and do whatever she liked with her; that she could adopt her and keep her. Accused said she disliked the child through her husband being intimate with one of the servants. Accused had made use of a lot of other statements against her husband, whom witness always believed to be a good man. Witness remained at Otaki about three days. She did not observe any bad behaviour towards Dorothy, who appeared to be always kept in a room, and not allowed to mix with the other children. Mrs Drake had said that the alleged impropriety on her husband's part had taken place shortly before Dorothy's birth. The child seemed rather stunted, was lame in one leg, and could not walk well; which witness attributed to her being constantly kept inside. Witness took Dorothy home to Eltham, and found her to be a remarkably clean child, and very obedient. Witness had no trouble with her whatever; and she became greatly improved during her stay - getting healthy and stout, and able to walk six miles. Dorothy was a gentle, obedient, cheerful child. Shortly before last Christmas her brother wrote for the child. The mother had come to see the child once in the winter of 1901, and asked if witness could keep her a little longer as she was busy at the time. Witness had expressed a desire to keep her altogether, but the accused did not, as fas as she could remember, make any answer. Witness brought the child home on the 15th of last February, and never again saw her alive. The photograph of Dorothy (produced) was taken while the child was living with witness. She had always been on friendly terms with the accused. Cross-examined by Mr Skerrett, witness said Mrs Drake had not asked her to adopt the child. She admitted having spoken to Mr Jellicoe about the case, but denied having instructed him to appear. Re-examined by Mr Gray, witness stated that Mr Jellicoe had advised her to go and make her statement to the police. Mrs Sarah Webbey, a half-caste Maori, wife of Edward Webbey, Otaki, gave evidence that some five years ago she was in service at Drake's, and spent two years in their employment. Dorothy was at home at the time, and was two or three years old when witness left. Mrs Drake never let her play or have her meals with the other children, and was in the habit of calling her a dirty child. Dorothy usually had her meals with the servants. Sometimes Mrs Drake fed her there, and the other children in the dining-room. Mrs Drake whipped Dorothy sometimes but only when the child was naughty. Sometimes Mrs Drake tied the child to the fence with a tether-rope around the child's waist. She would tie her up after breakfast; bring her in to dinner; and tie her up again during the afternoon. On wet days the child was put into the nursery by herself. Mrs Drake said she used to tie her up keep her away from the river; but as there was a high wire-netted fence on the bank of the river, the child could not have reached it. She was treated that way all the time witness was with Mrs Drake. Cross-examined by Mr Wilford, witness said the river flowing in front of Drake's property was the Waikawa river. The rope with which the child was tied was fastened round her waist. She was given toys to play with when tied up. When Mrs Drake punished Dorothy for being naughty she sometimes hit her with the back of a brush. She was always well fed; but the mother did not appear to pay as much attention to her as to the other children. Mrs Jessie Martha Rickard, wife of John Rickard, junr., Manakau, deposed that she was formerly at service in Drake's house, both in Otaki and Waipawa, for three different terms, making up about three months altogether; that was about three years ago, and Dorothy was then about four years old. She did not appear to be treated the same as the other children. She was punished more by her mother; a strap being used for the purpose, and the child being beaten on the body. This had occurred pretty frequently. The child had been tied to the fence at Waipawa, but the other children were never treated in that manner. Witness had seen her tied in the wash-house in wet weather. Cross-examined by Mr Skerrett: The child had always been well clothed, and appeared to be well fed. Counsel proceeded to ask the witness regarding the position of the fence between the house and the river. His Honor interposed that it was a matter of no importance. Either it was right or it was wrong to tie the child to the fence; that was the question for the jury. Mr Skerrett contended that the question was, Whether the tying to the fence was an act of cruelty? He intended to show that it was not; and that it was quite a usual thing for parents living along the banks of the river to tie up their children to

prevent them falling into it. His Honor said it was quite immaterial whether the fence was there or not, and he should tell the jury so. The question for them was one of fact. Replying to further questions from Mr Skerrett, witness denied any knowledge of two little girls having been drowned in the river at Otaki; or that Dorothy had on one occasion been found in a drain. During the witness's evidence, there was some laughter from the spectators in the body of the Court, which his Honor sternly rebuked, reminding them that they were not in a theatre, but attending the trial of a very serious case. Thomas Candler, labourer, residing at Manakau, gave evidence that he had spent about seventeen years in Arthur Drake's employment at Waipawa, and left if about four years ago. He sometimes had his meals in the house, and saw the deceased child sometimes in the kitchen and sometimes tied to a fence. The child would have been between one and two years old at the time. The wire fence was about five chains from the house, on the river bank, and the child was tethered in the kitchen yard. George Philips, labourer, who had fifteen months in Drake's service, previous to October, 1895, gave corroborative testimony. Mr Skerrett cross-examined the witness at some length in front of the jury-box with respect to the position of the fence referred to - using a plan which had been handed in during the hearing of the case. His Honor observed that really his patience was nearly exhausted with the line pursued by counsel. In reply to a further question, the witness said it would be possible for the child to get into the river if unattended. At 3.20pm, Mr Gray informed the Court that Dr James, who he intended to call, had to attend an operation, and would not be disengaged before 4 o'clock. His Honor accordingly adjourned the Court in the meantime. Mr Skerrett intimated that he had several witnesses to call to rebut the evidence that was being given. On resuming at 4.10pm, Mr Philip James, was called as expert evidence, and testified that he practised in Wellington, and had had considerable experience. If a child had been severely beaten so as to cover the body with bruises, and death ensued, death would be the result of the violence which had caused the bruises. He considered it would result from shock, which really meant a condition of collapse caused by injury to the nervous system. Any violence applied to the surface of the body was followed by a degree of shock, which would depend on the extent and severity of the violence inflicted. When shock resulted in death, the manifestations presented themselves almost on receipt of the injury, such as faintness and insensibility. Concussion would be accompanied by conditions essentially the same - insensibility. Shock would apply to any other part of the body than the head, and would be conveyed to the brain through the sense of the nerves. Concussion might be more or less severe – quickly fatal, or it might pass off in five minutes. Death might result from concussion without leaving any appearances discernible to the naked eye. Concussion produced immediate insensibility; but shock would not be so absolutely instantaneous in its effects, although it would produce insensibility sooner or later. It was possible for a person to die from shock due to heart failure without being absolutely insensible, but that was an exceptional case. Death might result from shock without any indication from any of the organs of the body. Assuming that the child had received a severe beating, and the injury to the head mentioned, it was reasonable to conclude that death had resulted from concussion or shock, or from both. Certain conditions of the lungs and heart were apparent in causes of death from suffocation. It would be extremely improbable that a child could die from such a cause without a parent who was present being aware of it. In the course of a lengthy cross examination by Mr Skerrett, witness, gave it as his opinion that an ordinary post-mortem - not microscopic - might be made in an hour and a half or two hours. He considered that under the circumstances mentioned the medical men who had made the post-mortem would be quite justified in arriving at the conclusion that death had resulted from shock, in the absence of any indications of disease. His Honor asked if the child had sustained a fall during the early part of the day which would produce concussion, would the effects have been observable before half past 7 in the evening, which appeared to be the time the child first complained? The witness expressed the opinion that they would; and mentioned that vomiting was an almost invariable symptom of concussion.

FOURTH DAY's PROCEEDINGS. At the Supreme Court on Saturday, before Mr Justice Edwards, the trial of Mrs Harriet Drake, wife of Arthur Drake, Otaki, for the manslaughter of her eight-year-old daughter, Dorothy Gwendoline Drake, at Otaki, on the 26th of June, was resumed. There were minor counts for causing actual bodily harm and common assault. Messrs Gray and Herdman prosecuted for the Crown. The accused was defended by Messrs Skerrett and Wilford. Mr Jellicoe had a watching brief on behalf on an interested party. The following are the jury:- Thomas Wilson, 43, Martin Square (foreman); Henry

Joseph Pearman, Riddiford street; Christopher Marchell, Herald street; Thomas Ambrose Clark, Herald street; Albert William Moran, Brooklyn; Arthur Robert Alpe, Brooklyn; Albert Hatfield, 54, Austin street; James Alphonsus Martin, Kilbirnie; Mark William Griffin, 46, Abel Smith street; James Goer, Taitville; Edmund George Corbet, Johnsonville; and Joseph Tilyard, South road. Mr Wilford, in opening the defence, reviewed the evidence given for the prosecution, and said the defence would make a strong point of the medical evidence of Dr Power and Dr Clay, particularly with reference to that part which dealt with the wound on the right temple. Dr Power had stated in cross-examination that a fall was "more probable" to have caused it than a blow, and Dr Clay had stated that a fall would be quite sufficient to account for the injury, and that there was nothing inconsistent in the theory that it had been so caused. The defence would submit that the injury was caused by a fall, and that if the accused had used the whip to inflict it she would not have been satisfied with striking the one blow. Counsel further contended that death might have resulted from other causes not indicated by the post-mortem examination, such as haemophilia: that no acts of cruelty had been proved against the accused, unless the beating on the day in question could be construed into such: that the evidence with regard to the tying to the fence was simply brought up to prejudice the prisoner's case, and constituted no cruelty at all, it being quite a common thing for mothers to tie young children to prevent them wandering out of their sight and into danger: and that the fact of toys having been left with the child when so secured completely disposed of that theory. They intended showing that Mrs Drake was not a woman of cruel disposition, and had done everything she possibly could for this little child. Jessie Bicknell deposed that she resides at Nelson, and lived for about a year with the Drakes at Waipawa in 1897-1898. She was governess to the children: and Sarah Webbey and George Philips were also employed there at the time. Dorothy was then three years old. Witness had every opportunity of judging of Mrs Drake's conduct towards her children, and she always found her kind and the children most devoted to her: they were a most happy family. The only difference in the mother's treatment of Dorothy was that she was a difficult child to manage, being very stubborn, but witness had had never seen any severity excercised towards the child. Witness used to take all the children but Dorothy for walks: Dorothy could have come if she wished. The child had accompanied her on one or two occasions to the beach when the mother was away, and witness was in charge. She had seen the child tied up once or twice after going there, but Dorothy was very fearless, and would have been in danger if left to do as she wished. Cross-examined by Mr Gray: Mrs Drake had a fear of the children getting into the river. Annie Maitland Stewart Barraud gave evidence that she lived at Tinakori road, Wellington, and resided at Otaki before that. The prisoner's house was close to her place, and there was frequent intercourse between the households. The children, including Dorothy, were always happy, playing about; and witness never saw any difference in their treatment. Previous to her coming to Otaki in January or February 1899, witness had stayed a week in prisoner's house at Waipawa, and had seen the child treated the same as the others, and having her meals in the dining-room. There was nothing to indicate that the mother had any dislike to Dorothy. Cross-examined by Mr Herdman: Witness was aware that Dorothy went away from Otaki in August 1899. She thought the reason was that the mother was ill at the time, but Mrs Drake had expressed to witness on several occasions that she was anxious to have the child back. Ada Hayes, Manakau, deposed to having been in Mrs Drake's service a little over eighteen months previous to February 1899. The accused was a very devoted mother, and her children were very happy. Witness saw no difference in Dorothy's treatment, or any indication of dislike on the mother's part. Witness only say her tied up once to her knowledge; the child was rather old then to be tied up: that was at Waipawa. She had seen Mrs Drake punish the children, but not severely: she had seen her use a strap towards Dorothy. Cross-examined by Mr Gray: Witness admitted having been in the gallery of the Court during the trial, although required to be out of hearing. Louisa Wilhelmina Reese, Otaki, gave evidence to having lived near the accused at Waipawa for about five years, during which time witness frequently visited her house. Witness considered Mrs Drake could not have been a better mother, as she devoted all her time to her children, and Dorothy appeared to be just as dear to her as the others. Mrs Drake had asked her to take charge of the child about April 1896, when she was going away to New Plymouth, and had offered to make every provision for the child's comfort during her absence, but witness did not take Dorothy at the time. Cross-examined by Mr Herdman: Witness had never seen Dorothy tied up, but she was aware that such had occurred. Mrs Drake was accustomed to tie all the children up at times when she was busy and could not attend to them, and had told witness so. That was when she had asked her to take Dorothy. Witness had expressed her unwillingness, as she had a child of her own of

the same age, and it would be difficult to take care of both when she would require to fetch firewood. Mrs Drake had then offered her a rope to tether Dorothy, stating that she was in the habit of tethering all her children. Witness had never tethered any of her own children, but she had put them in tubs to keep them from mischief. Matilda May Greeks, Otaki, who had been employed as seamstress in the house for a fortnight last June, deposed to having seen Dorothy treated the same as the other children. In reply to Mr Gray, she denied having ever told anybody in Otaki that Dorothy had a black eye, and was kept in the bath-room. Matilda O'Connell had not told her that Dorothy had been thrashed on Friday, 26th June, nor had she seen any marks on the child. Alfred Knox, labourer, who had been employed by Mr Drake for various terms amounting to three years, and Catherine Fanny Bird: cook, who had been in the house a year and nine months have corroborative evidence as to Mrs Drake's kindness towards her children. Mrs Drake was next examined, and gave evidence in answer to Mr Skerrett, that she was seventeen years married, and had eight children. The deceased child, Dorothy, was eight years old. She had always lived on good terms with her husband. Dorothy was born at Waipawa, and as there was sickness in the house at the time, the child was sent to Wellington, and remained there until she was about three months old. Witness had to go to New Plymouth on one occasion, and placed Dorothy with Mrs Hansen at Manakau, providing every necessary for the child - a girl, a cow and clothing. Dorothy was between two and three years of age at the time. Witness had been accustomed to tie up whichever child was most troublesome during the busy part of the morning, but that would be only for a short time - an hour at longest at a time - and in summer weather. The reason was to keep them from getting into mischief, in the drain and river. Dorothy had gone astray sometimes, and was found in a drain on one occasion, and on the road to the beach another time. When witness or her husband went from home they usually secured the river gate by padlocking or nailing it up. Dorothy was always tied up in the same way as the little boys. The child was subject to fits at times - she did not know what kind of fits - and Dr Power had attended her. While at Waipawa she had not made any difference in her treatment of Dorothy from the other children. The child might have had meals in the kitchen on some occasions, but that was not the rule. Witness remembered Mrs Jenkins staying a night at the house, when Dorothy was about four years old. It was not true that the child was running about a room trying to keep herself warm at the time: it was a comfortable room having linoleum on the floor. Witness had been living in Otaki for over three years, and had spent the greater part of her previous married life at Waipawa. At the time of Mrs Jenkins's visit, witness was living in the house at present occupied by Dr Power, and she and her husband asked Mrs Jenkins to take Dorothy, as witness was in delicate health. It was utterly false to say that she had even told Mrs Jenkins that Dorothy was a dirty beast of a child, or that she had stated "Dorothy was like her father, who was a drunken bad, selfish man"; or that she had compared the child to an animal, or stated that Mrs Jenkins could take the child and do what she liked with her. It was also false that she had complained of impropriety on the part of her husband with one of the servants, or that she had made any complaints about him whatever. Neither she nor her husband had ever spoken of getting Mrs Jenkins or any other person to adopt the child. Dorothy went away with Mrs Jenkins, and witness wrote repeatedly to send or bring her back. Mrs Jenkins very seldom replied, but when she did, expressed a wish to keep the child longer, but nothing was ever said about adopting the child. Witness ultimately went for Dorothy, but Mrs Jenkins did not wish to part with her, and said she would send or bring the child at Christmas. Witness consented to this, and Dorothy was brought home in February by Mrs Jenkins, who remained a week on the occassion. There was no truth in the suggestion that witness had taken a dislike to the child. Dorothy attended the Otaki School. On the day of Dorothy's death luncheon was served between 12 o'clock noon and 1pm. It was a holiday from school, and the child had spent morning about the house. Witness had seen Dorothy in the kitchen that morning, when she told her she had had a fall. Witness had sent her to fetch a pin before that, and where they were generally kept in the dining-room would be out of the child's reach. Witness had heard a noise of a fall while Dorothy was out, and asked the child if she was hurt, but she made no reply. After lunch, witness was in the dining-room, when Loeta, May, Dorothy and little Ivan came in. Loeta attempted to get Dorothy to repeat a verse of poetry but Dorothy would not do it, and witness tried to persuade her to do what she was told. Dorothy was ... disobedient, and Loeta again tried to persuade her but finding it useless, Loeta used the supplejack, strking Dorothy on the arms two or three times. The blows were not severe. Loeta still tried to persuade Dorothy to repeat the lesson, but to no purpose. Witness again tried to persuade her, saying if she did not do what she was told she would have to punish her. Witness asked Dorothy to repeat a line after her, but she would not, and witness

then punished her with the whip which had been produced in the trial. She applied the whip seven or eight times on the child's back holding the handle of the whip and end of the lash in her hand. May then asked Dorothy to repeat the poetry outside the dining-room door in the passage, but Dorothy still refused, and May struck her once or twice. Witness could not say what May used for the purpose, as she was sitting in the diningroom with her back to the door. Witness next heard her husband had come home, and on her way out to meet him she struck Dorothy again a slap or two with the whip as she passed. After speaking to her husband for about half an hour in the yard, witness went back to where she had been darning in the diningroom. She did not give any other whipping to Dorothy that day. Witness described the child's clothing, and stated that she was bare-footed and bare-legged. Dorothy was playing about with her brother Ivan during the evening. Witness and all the children sat down to tea, her husband having left before that on business. Dorothy refused her tea and witness tried to induce her to take it, but she only had a drink of milk. The child had complained before tea-time of water in her ears, and witness examined her, but could not see anything wrong. Witness again put the tea before her prior to her going to bed, but the child did not take it, saying she was only thirsty: that she did not feel well, and would not take it. Witness then gave her a cup of milk with some whisky in it, and the child drank it readily. Dorothy again complained of being unwell, and witness carried her to bed, accompanied by May. The reason for carrying her was that she had started to walk, and witness remarked that she was walking unsteadily. Witness told the child that she was sorry she had whipped her that day, and that she should sleep with the girls that night. Witness then put her to bed, and put stockings on her, as her feet were cold. The child was very pale, and witness gave her some hot whisky and water with a spoon. Dorothy was lying on her back in bed and witness did not raise her head when giving her the whisky and water. Witness then sent two of the boys to the club for her husband, and sent Loeta afterwards to fetch the doctor. When her husband came home Dorothy was still alive. She told him to go back at once for Dr Power. While he was absent the child gurgled, and then remained quite still. When the doctor came in he looked at the child, and said she was very bad. It was her husband who told her the child was dead, after Dr Power had gone away. It was absolutely untrue that she had any conversation with Dr Power about an inquiry being held. Not a word had been said on the subject, nor was she aware an inquiry was to be held until about an hour before the inquest. She did her utmost for the child when she was found she was ill. Cross-examined by Mr Gray: The tying up of the child was not adopted as a mode of punishment, nor was it ever regarded as such. The child was never left tied up when the family were away from the house. She knew a fisherman named Anderson. Did he ever tell you that on some occasion he found Dorothy tied up and nobody at home, and that as it was going to rain, he had put a sack over her? I never had any conversation with him, but I heard such a story lately; it never occurred. Continuing witness did not remember having suggested to Mrs Reese that she might tie the child up. She had never been in the habit of tying up children while she was out, nor did she approve of anybody else doing so. Neither May or Marjorie had ever been tied up, and Dorothy was the first with whom it had been necessary. Dorothy had had convulsions when eight months old, but that was the only occasion in her life. The story told by Mrs Jenkins with regard to witness's husband was absolutely untrue. Her husband had very little intercourse with any of his own family, but always stood up for that particular sister. Dorothy was a strong, wiry child when Mrs Jenkins took her. Witness had been in the habit of feeding her the same as the other children. Mrs Jenkins had expressed a wish to adopt her. When witness sent Dorothy for a pin on the morning of the 26th of June, she heard a heavy crash from the dining-room, but the child made no complaint at the time, and witness made no further inquiries. The child was not usually stupid, but was not generally obedient, being stubborn at times. Witness had never chastised her for being stubborn before that day, but she had corrected some days before for uncleanly habits. She was the same before she went to Eltham, and witness thought she might have told Mrs Jenkins about it. It was untrue that she had beaten the child with the back of a hair-brush, and she had no recollection of having ever used a strap. She did not think she had chastised the child more than once previously after her return from Eltham; that was on the previous Saturday, and she could not say whether she had used a stick or a whip. Witness had used the whip because she was vexed, and Dorothy did not mind the slapping. Witness had used the same whip on the boys, but not on any of the other girls, nor had she used the supplejack on any of them. Witness was not aware of Loeta or May having beaten Dorothy before that afternoon; she was sure they never did; she had not made any objection to Loeta beating her that evening, but she had corrected May for doing it. Dorothy had not cried when whipped. There was no other whipping after that in the passage. The supplejack was generally used

by the boys on the pony. When putting Dorothy to bed that evening witness did not observe any marks on her legs, arms, or any part of the body. After being put to bed, Dorothy had only replied in monosyllables to questions. Witness had asked her if she was comfortable, and Dorothy said "Yes", but she made no complaint about the fall or otherwise. Witness had noticed one or two marks on the child's legs during the week, but she had not observed the other bruises until Dr Power came. The marks on the legs had been before the beating on the previous Saturday. She did not tell Dr Power she had given the child a severe thrashing, but she told him she had whipped her. She had no recollection of having told him that Dorothy was a naughty girl and told stories, or of any other conversation about an inquiry. All his evidence on that point was absolutely untrue. She had not said to him that he could give a certificate of death, or mentioned the fact that he had attended Dorothy for fits, until next day, when she heard there was going to be an inquest. It was utterly false that he had suggested…

Appendices to the Journal of the House of Representatives (AJHR) 1911 Section G14H Manawatu-Kukutauaki 4B No. 2
Laid before Parliament in compliance with Subsection (4) of Section 28 of the Native Land Claims Adjustment Act, 1910.

In the matter of a block of land called... and in the matter of a petition by Arthur Drake, No. 133, of 1910, praying for valuation of a transfer of part of the said block (undated). Report of the Ikaroa District Maori Land Board.

1. The Board held a special sitting at Wellington on the 29th June 1911 to hear evidence for and against the petition. At the hearing Mr Drake was represented by his solicitor. None of the Native owners were present or represented, although they had been advised of the inquiry being made by the Board.

2. The title to their interests in the land in question is such that a short epitome of it is requisite for a proper understanding of the allegations in the petition.

3. The summarized history of the title is as follows:- (a) On the 17th August 1882 a Crown Grant under the Land Transfer Act was issued to Rawiri te Rangitekehua and nine others for Manawatu-Kukutauaki 4B, containing 1403 acres, antevesting to the 12th May 1873. This grant was subject to the restrictions - "Inalienable by sale or lease for a longer period than 21 years, or by mortgage, except with the consent of the Governor being previously obtained to every such sale, lease or mortgage." (b) The only interest in question in the present inquiry is that of Rawiri te Rangitekehua. On the 18th December 1878, he conveyed by deed of gift all his interest in this land to his daughter, Te Arai te Punga, and Hana Pewene. The latter's interest under this deed of gift was subsequently partitioned off, and is not now in question. The area of the interest from Rawiri now in question is 42 acres 1 rood 32 perches. (c) By partition order dated the 18th July 1889, the land was subdivided, and Manawatu-Kukutauaki 4B 2 was awarded to Te Arai te Punga (42 acres 1 rood 32 perches) and the Toka family (84 acres 3 roods 8 perches). It is the first-named interest that is now in question. (d) The donee under the deed of gift, Arai te Punga, died on the 15th January 1895, and Hingaia Raika Kereaina, an infant, was appointed to succeed her on the 30th January 1896. (e) Hingaia died on the 28th February 1900 leaving no issue. (f) Rawiri te Rangitekehua, the donor of the deed of gift, died on the 18th October 1896, leaving a will by which he left his interest in the land in question to Mi Otonore, a stranger in blood, or distant relation. At the time of his death, however, he had no interest in the land, as he had conveyed it away under the deed of gift. (g) On the 11th January 1901 Judge Mackay ordered that letters of administration of the will of Rawiri te Rangitekehua be granted to Mi Otonore, subject to the following conditions - viz., "that so far as the deceased died possessed of an interest in the parcel of land known as Manawatu-Kukutauaki 4B Section 2, the letters of administration hereby granted shall be limited in their operation to one-half of the deceased's interest in the aforesaid land." Hakaraia te Whenua was appointed successor in respect of the other half-interest in Manawatu-Kukutauaki 4B Section 2. When Judge Mackay made these orders he either was not aware that at that time Rawiri te Rangitekehua had no interest in the land, or he was under the belief that the deed of gift was not valid, and that the partition order and succession order mentioned in (c) and (d) above were, as a consequence, of no effect. (h) Hakaraia te Whena died on the 4th April 1908. (i) On the 6th December 1905 the Court, by partition order, vested 22 acres 2 roods 33.9 perches, called Manawatu-Kukutauaki 4B 2A, in Hakaraia te Whena. This order presumably was bad in law, because at that time Hakaraia was not possessed of any registered or registerable interest. The order was subsequently amended by substituting Hingaia's name for Hakaraia's, and Hingaia was also awarded an interest of 19 acres 2 roods 39 perches in 4B 2B. (j) On the 14th December 1908, for the purpose, no doubt, of bridging the gap in the title, the Court made an order appointing Hakaraia te Whena and Mi Otonore as successors to Hingaia. (k) The orders referred to in (i) and (j) were undoubtedly applied for the sole purpose of enabling the transfers by Hakaraia and Mi Otonore to Bevan and Drake respectively to be completed, for prior to the date of the orders Hakaraia te Whena died. Representations were made to the Court that these Natives had sold their interests, and on these representations the

Court made the orders. It has since appeared at least doubtful whether Hakaraia was entitled to the half-share he was awarded, and Mi Otonore's right is even more problematical.

4. On the 20th April 1903 Judge Mackay recommended the removal of the restrictions from the 42 acres 1 rood 32 perches. On the 6th of Feb 1907 the Hon. the Native Minister directed the gazetting of an Order in Council removing the restrictions, but, as the title to the land was found to irregular, the Order in Council, was not issued.

5. The transfer to Mr Drake is from Mi Otonore, and is for an undivided share equal to 19 acres 3 roods 1 perch in Manawatu-Kukutauaki 4B 2. It is undated, but the translation by the interpreter is dated 3rd October 1903 and as a payment on account of purchase money was made to the Native on the same day, the presumption is that the transfer was signed on the 3rd October 1903. The payments made by Mr Drake are: On the 3rd October 1903 32 pounds; the balance of the purchase money, 8 pounds, has since been paid to Mi Otonore, but the date is not known.

6. From the above recital of the title, and by comparing the date of payment of the purchase money with the date of the recommendation for removal of restrictions, it is perfectly plain that when the whole of the purchase money was paid to Mi Otonore the Native had not even a registerable title, and, moreover, the land was subject to restrictions.

7. The Board is of opinion that it would be establishing a dangerous precedent to legalize documents of alienation taken, as this one was, in defiance of restrictions, and at a time when the title of the vendor was non-existent.

8. The only aspect of the matter that induces the Board to take a lenient view of Mr Drake's action in paying over the purchase money to Mi Otonore is that in 1901 Judge MACKAY made an order awarding Mi Otonore a half-interest in the land as devisee under the will of Rawiri te Rangitekehua, who in reality had no interest to devise; but if he had had, Mr Drake was not justified in paying over the purchase money in defiance of the restrictions against alienation.

9. This land was not separately assessed when the transfer was signed, and it is now impossible to estimate the adequacy of the consideration expressed. The land has increased in value since.

10. Mr Drake is not a qualified purchaser under the Native Land Act, as he holds more than the limit of area set out in Part XII of the Act.

11. Mi Otonore is still living. As she has received 40 pounds in all from Mr Drake on a misrepresentation that she had a saleable title to the land, and has failed to give that title, we think Mr Drake should resort to his legal civil remedies for recovery of the money he paid Mi Otonore under that misrepresentation.

12. The Board takes the liberty of again emphasizing the grave danger of validating resurrected documents such as this one. To validate this transfer would have the effect of opening the flood-gates to scores of invalid deeds taken in defiance of statutory law, in a meagre hope that something would turn up some day to put the illegality right.

Given under the seal of the Ikaroa District Maori Land Board, this 1st day of September 1911. J. B. JACK, President, E. NICHOLSON, Member

Evening Post 16 Sep 1913 Otaki Items
Messrs Jos. D'Ath, jun., and Arthur Drake have been nominated for the vacant seat on the Horowhenua County Council, and Messrs Jos. Noble and George Dempster for the seat on the Town Board, both vacancies being caused by the death of Mr Skerman. The election takes place on Saturday.

Evening Post 28 Jul 1916 Death and Funeral Card
On the 27th July, 1916, at Dr Faulke's Private Hospital, after a serious operation, Arthur Drake, beloved husband of Hettie Drake, of Manakau; aged 67 years. The Friends of the late Arthur Drake are invited to attend his Funeral, which will leave the Anglican Church, Manakau, on Sunday, 30th July, 1916, at 2 p.m., for the Public Cemetery, Manakau. E. Morris, jun., Funeral Director and Embalmer, 60, Taranaki-street, and 28, Riddiford-street. Telephone 936 (night and day)

Evening Post 29 Jul 1916 Personal matters
The late Mr Arthur Drake, whose death was chronicled in last evening's Post, was one of the leading pastoralists of the Wellington district, and had been engaged in farming pursuits on the west coast of this island since boyhood. He was born at Johnsonville, and was sixty-six years of age at the time of his death. His parents arrived at Wellington on the day of the foundation of the province, 22 January, 1840. The late Mr Drake on 23rd September, 1885, married a daughter of the late Mr William Halse. For some years he held interests in grazing properties at Patea and Manakau, and he made his permanent home at the latter place. He was a well-known identity in the Horowhenua district, and was highly esteemed both by the Europeans and Natives. His widow, four sons, and three daughters survive him. Two of the sons are members of the 16th Reinforcements.

Hawera & Normanby Star 31 Jul 1916 Personal Items
Mr Arthur Drake, who died in Wellington on Thursday, had engaged in farming pursuits on the West Coast of this island since boyhood. Mr Drake was born at Johnsonville on the day of the foundation of the province, January 22, 1840, making the voyage to New Zealand in the *Aurora*. Mr Drake for a long time held interests in grazing properties at Patea and Manakau.

Manakau Cemetery Headstone Transcript
In loving memory of Arthur Drake born 10th March 1851 died 27 July 1916; and his wife Harriet died 9 April 1965 in her 100th year; and their daughter Loeta died 12 April 1970 aged 83 years.

Evening Post 19 Feb 1917
Missing from Luggage Room, Thorndon Station, since 18th January, small Suit Case, containing documents bearing name of Mrs Arthur Drake. If any knowledge, kindly communicate with Stationmaster, Thorndon.

Archives NZ Wellington Reference AAOY Acc W3298 Box 407 No.133 – Will of Arthur Drake
I, Arthur Drake of Waikawa, Manakau, NZ, sheepfarmer declare this to be my last will and testament - I give, demise, and bequeath all my property whatsoever to my wife Harriet Drake and children Loeta Constance Drake, Frances May Drake, Erica Marjorie Drake, Arthur Clayton Drake, George Roland Drake, Ivan Neville Drake and Bernard Raymond Drake - That the said Harriet Drake, Loeta Constance Drake and Arthur Clayton Drake having certain portions of land in their several names shall only receive under this my will such portions of the balance of the landed estate as will equalise in monetary value in the division of the whole property in which their several holdings form a part - That the said minors interests, George Roland Drake, Ivan Neville Drake and Bernard Raymond Drake be held in trust by their mother Harriet Drake until they come of age, with the right to use the proceeds of her own share and that of the minors or minor at her discretion for their own general use. As witness my hand 9 Jul 1913 and witnessed by Cecil Josiah Smith, clerk in holy orders, Pahiatua and Mabel Kate Smith wife of above. Nov 1916 Loeta is a nurse at Taumaranui, at Patea Oct 1916 Estate 20,000 pounds. Nov 1917 Arthur Clayton and George Roland are overseas with NZEF Percy William Inge was appointed attorney on their behalf on 5 Jun 1917. Includes: Administrators' Accounts with Verifying Affidavit, Affidavit by Administrators Supplementary Inventory (Shares), Administrators' Inventory includes stock and furniture.

Real Estate Inventory
Subdivisional Huritini Block 99a (CT 166/172)
Pt Huritini 6 Blk VI 99a 2r 7p (CT 78/124)
Huritini 7 Blk VI 65a 1r 35p (CT 78/123)
Huritini 2 Blk VI 224a 3r 29p (CT 77/34)
Huritini 2A Blk VI 10a (CT 77/35)
Huritini 8 Blk VI 62a 3r 8p (CT 70/119)
Huritini 3A Blk VI 64a 3r 26p (CT 70/116)
Kotia No. 2861 at Waikawa 13a (CT 5/8)

Subdivision 1 Manawatu:
Kukutauaki 4C No.1 Blks III & IV 45a 1r 14p (CT 87/176)

Part Manawatu Kukutauaki 4B No. 1a - 5a 1r 27p (CT 220/263) and being Lot 4 on DP 2750

Part Manawatu Kukutauaki 4B No. 3 being Lot 13 on DP 2750 containing 50a 2r 20p (CT 220/264)

Part Manawatu Kukutauaki 4D No. 1 Subdivision 6C containing 46a 0r 22p (CT 161/277)

Part Manawatu Kukutauaki 4B No. 3 Subdivision 2 containing

12a 3r 31.7p (CT 176/161)

Parts Manawatu Kukutauaki 4C Subdivision 2 & 3 containing
210a 1r 4p (CT 187/278)

Evening Post 1 Dec 1928 Auctions
Subdivisional Land Sale by Public Auction at Manakau Hall on Wednesday 5th December 1928 at 2 p.m. Under instructions from the Trustees in the Estate of Arthur Drake, deceased, Abraham and Williams Limited, will offer 1706 acres, Freehold, with Leaseholds given in, situated 1½ miles from Manakau Railway Station, varying from rich flats to warm, sandy loam ridge country, suitable for dairying or the breeding of fat lambs. This property has been held by the family for fifty years, and it has now been decided to wind up the estate. The areas are as follows:- Lot 1. 646 acres Freehold and 112 acres Leasehold. Watered by streams, lake, etc. Buildings comprise 4-rd house, woolshed, yards, stable, etc. Subdivided into numerous paddocks. Lot 2. 628 acres Freehold and 71 acres Leasehold; well watered; 11-rd house and all outbuildings. Subdivided into various paddocks. Lot 3. 304 acres Freehold; S-bail cowshed with concrete floor; subdivided into convenient paddocks. Lot 4. 128 acres Freehold; no buildings; subdivided into several paddocks. Terms – 5 per cent on the fall of the hammer, 20 per cent on date of possession, balance five years at 6 per cent. Possession 1st February 1929. Plans available on application to Abraham and Williams, Ltd., Palmerston North, Wellington, or Levin, where arrangements for inspection can be made. Also to Messrs Wright, Stephenson and Co. Ltd., Wellington or to Messrs Harper, Atmore and Thomson, Solicitors, Otaki.