

The Ohinemuri Gazette.

VOL XXV. NO 3193.

{ Circulated throughout the
District.

PAEROA, MONDAY, JANUARY 26, 1914

Established 1850

{ On the Alteration of
Publication

PRICE: ONE PENNY.



PHONE 27.

"Write for Samples."

P.O. BOX 14

FRESH AIR FOR LUNG DIFFICULTY.

The heart, brain, and lungs are often

STRUCK WITH A WHIP.

AN OWHAROA ASSAULT.

PENALTY INFLICTED.

At the Police Court at Paeroa on Friday afternoon, Robert Whitten was charged with assaulting and beating Thomas Dally at Owharoa by striking him on the head with a whip. Whitten was also charged with using insulting words towards Ellen Dally, namely, "You are a murderess," within the hearing of passers by with intent to provoke a breach of the peace. There was a cross-action by Whitten, who charged Dally with assault.

Mr Porritt appeared for the complainants, and Mr Clendon for the defendant Whitten. The cases were all taken together.

Mr Porritt, in outlining the case for the complainants, said there had been certain business relations between Dally and Whitten, with the result that Dally owed Whitten £13 6s 6d for certain cattle. Whitten sent Dally a note to pay £5 of the amount to another man, but subsequently Whitten repudiated

portion of this amount and wrote to Dally. Then on a Sunday Whitten went to Owharoa and there struck Dally over the head with a whip. On the next day Mrs Dally went into Whitten's shop at Paeroa with the intention of paying the account, when Whitten ordered her off the premises and called her a murderess, with the result that she fainted. Another lady paid the money to Whitten, but he was so excited that he wrote out the receipt as if the money had been received from Robert Whitten.

Thomas Dally, contractor, said he lived at Owharoa. He had had dealings with Whitten and had at one time owed Whitten £13 6s 6d. He paid a man named Bramble £5 on Whitten's account, but Whitten wanted to give him credit for only £3 19s. Whitten came out to Owharoa on a Sunday to see him, and said the pigs he got from Bramble were worth only £3 19s and said witness would have to pay the balance. Witness said he had nothing to do with that, and Whitten then struck him over the head with a whip stick. Whitten made a second smack at him and witness got the whip stick. Whitten said he was a special constable and if he had a revolver he would put a hole in witness. On the Monday morning witness sent his wife down to Paeroa

ing witness sent his wife down to Paeroa to pay Whitten the balance of his account.

Cross-examined by Mr Clendon:

There was some dealing about a goat, and witness gave Whitten an order to get the goat. Whitten had written to him asking why he did not pay up without shuffling, and this annoyed witness. The scene of the trouble was at the Maori pah at Owharoa. Witness fell off his horse, and Whitten's horse attempted to jump a ditch and he also came off, and they both ran round the pah catching their horses. He denied having struck Whitten in any way.

Mrs Dally, wife of the previous witness, stated that she saw the affray at Owharoa and saw Whitten strike her husband over the head with a whip stick. She heard Whitten say he was a special constable and if he had a revolver he would put a hole through her husband. She only saw the one blow struck. On the next day she came to Paeroa to settle an account with Whitten. When she got to the shop Whitten ordered her off the premises. She went on to the footpath, and Whitten abused her and called her a murderess. This caused her to faint, and she was attended by some bystanders. Her sister, Mrs Fasher, subsequently paid the account, and the receipt for the money she returned was made out as for money paid by Whitten.

paid by Whitten.

J. H. Fasher said his wife was unable to attend the Court that day because of illness. He deposed to hearing Whitten order Mrs Dally off his premises and calling her a murderess. Witness told Whitten to "take a pull" on his language, but Whitten kept on and Mrs Dally fainted. Afterwards witness' wife paid the money to Whitten and got a receipt. Had witness not been a cripple, there would have been trouble because of Whitten's behaviour.

This concluded the case for the prosecution.

Robert Whitten, the defendant, said he had written to Dally saying he did not want any further shuffling about the account Dally owed. There was a goat and a pig missing that witness was to get. On the Sunday when witness was out riding at Owharoa, Dally pulled a letter out and asked what witness meant by calling him a shuffler. Witness retorted "Why don't you clear your accounts up?" Dally then used bad language and caught witness round the waist, and witness struck Dally with the whip in self defence. Dally pulled the whip out of witness' hand and flogged him over the back. Witness came off the horse, and then Dally came off his horse also. When Mrs Dally came on the scene the affair was practically over, and she could not see from the house what happened. When the affair was over Mr and Mrs Dally chased him down the road. He didn't lose much time in getting away from them. The next day Mrs Dally came into witness' shop and said he wasn't able to take his own part. He ordered her out of the shop, and admitted calling Mrs Dally a murderess. There was no breach of the peace, and he believed

Mrs Dally might have fainted because of the heat.

The Magistrate said there was no doubt the insulting language was used but it was probably not done with a view to provoke a breach of the peace. He would dismiss that information on that ground, although it was decidedly insulting to a woman. Regarding the assault he had no doubt it was committed by Whitten. He would be convicted and ordered to pay 40s and costs 2s.

The cross-action by Whitten was dismissed.