

REPORT

OF A

SELECT COMMITTEE

APPOINTED TO CONSIDER

THE PETITION OF CERTAIN RESIDENTS OF THE
BULLER DISTRICT,

RELATIVE TO

LANDS PURCHASED BY E. J. O'CONNOR, ESQ., M.H.R.

REPORT BROUGHT UP 23RD AUGUST, 1872, AND ORDERED TO BE PRINTED.

WELLINGTON.

—
1872.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

FRIDAY, THE 19TH DAY OF JULY, 1872.

Ordered, That a Select Committee be appointed to consider the petition of certain residents of the Buller District, relative to lands purchased by E. J. O'Connor, Esq., M.H.R. Committee to consist of Mr. Pearce, Captain Kenny, Mr. Murray, Mr. Swanson, Sir D. Monro, Mr. O'Rorke, Mr. Rolleston, Mr. Studholme, Mr. White, Mr. Bryce, Mr. Carrington, Mr. Steward, and Mr. Gillies, Chairman.

REPORT OF COMMITTEE ON PETITION OF CERTAIN RESIDENTS OF THE BULLER DISTRICT.

THE Committee beg to report as follows :—

Owing to the vagueness of the allegations in the petition, the Committee had some little difficulty in determining to what their inquiry should extend. They believe that the House desire to give the honourable Member for Buller an opportunity of vindicating his character and honor, as a Member of this House, from charges made against him by the Provincial Council of Nelson, and would not expect the Committee to examine into vague accusations and recriminations between Mr. O'Connor and individuals. They therefore determined, at an early stage of the inquiry, to confine themselves to the question, "Did a knowledge obtained by Mr. O'Connor, as a Member of the Provincial Council, of the intentions of the Westport Committee, to recommend the reserve from sale of certain lands at Westport, induce or contribute to induce him to forestall the Committee's intentions, by the purchase of these lands on his private account?"

Copies of the evidence taken by the Committee of the Provincial Council of Nelson were put in evidence, and Mr. O'Connor submitted himself to examination on oath, and to cross-examination by counsel on behalf of the Speaker and some Members of the Provincial Council of Nelson.

Your Committee find—(1.) That Mr. O'Connor had the intention of purchasing the land in question in Westport some time prior to the meeting of the Westport Sea Encroachment Committee. (2.) That he was present in the Committee Room during the deliberations of the Committee, and had an opportunity of hearing those deliberations. (3.) That he having stated on oath that he did not hear those deliberations, your Committee are bound to believe him. (4.) That he has sufficiently accounted, by the production of documentary evidence, for his having, immediately after the deliberations of that Committee, purchased the land in question, without having recourse to the supposition that he heard, or was in any respect influenced by a knowledge of, those deliberations. (5.) That, before his conduct was publicly called in question, he, as soon as the resolution of the Committee was communicated to him, offered to surrender the land for the public benefit. (6.) That your Committee are of opinion that Mr. O'Connor did not act in any way dishonourably in the matter, and that there was nothing in his conduct connected with that purchase derogatory to his character as a Member of this House.

Your Committee will only add, that, whilst they considered it unnecessary to put the public to the expense of calling witnesses from a distance on such a matter, they gave time for production of witnesses, and they were willing to adjourn further for that purpose, on payment of costs of adjournment, which was declined; and that they attach no weight whatever to the declaration put in of one J. M. Langdon, it being improbable in itself, and contradicted by the declaration of Mr. A. Wilkin.

THOMAS B. GILLIES,
Chairman.

23rd August, 1872.

18. Did he say why?—I asked the reason. He said, because of a vote in regard to Government House.

Mr. Collins.

30th August, 1872.

19. Do you recollect anything more that took place?—I do not recollect the whole of the conversation. Mr. Martin rode up on horseback at the time, and said something about having just been walking into Andrew. That that was the only way he could get at him about that vote, and that he would make him pay five hundred notes.

20. *To Mr. Reynolds.*] He appeared as if he had just come direct from the Land Office. What he said was to the effect that he had just been and pitched into Andrew.

21. *To the Chairman.*] I really forget the date on which this conversation took place. The allusion made to a vote, referred to one given last session.

22. *Mr. Bluett.*] Can you tell how that vote affected Mr. Martin?—Only from public rumour.

Mr. W. H. LEVIN in attendance, and examined.

Mr. Levin.

30th August, 1872.

23. *The Chairman.*] Show Mr. Levin the article.—I have seen it. We are a Committee of Privileges, appointed by the House of Representatives to inquire into the truth of certain statements made in that article. The point to which we more particularly wish to direct your attention, is the statement made to the effect that Mr. Martin is alleged to have asserted that he made application for certain lands to punish Mr. Andrew for a certain vote.—I have already told Mr. Andrew that my evidence is of little value in the matter. I have an indistinct recollection that, some six weeks or two months ago, Mr. Martin told me he had applied for Mr. Andrew's land,—that he would make him pay for an adverse vote in reference to the Government House.

24. In reply to further question, the witness said: I cannot remember whether the remark was made by Mr. Martin to myself. It took place in the Club. There were other people standing round.

25. *To the Chairman.*] I merely recollect the general tenor of what passed. I have no further evidence to give on the subject.

Mr. J. G. HOLDSWORTH in attendance, and examined.

Mr. Holdsworth.

30th August, 1872.

26. In reply to the Chairman, witness said that he was Commissioner of Crown Lands for the Province of Wellington.

27. *The Chairman.*] The attention of the House of Representatives has been directed to an article in the *Evening Post*.—I have seen the article to which you allude.

28. It is right I should inform you that Mr. Andrew admits that he wrote the article himself. Mr. Andrew asserts that Mr. Martin purchased, or rather applied for the purchase of, certain lands upon his run, and that he (Mr. Martin) has been heard to say that he did so with the view of inflicting a punishment upon Mr. Andrew for a vote given in the House of Representatives. That is the point upon which we are more particularly desirous of obtaining information. There may be some other questions arising out of it, regarding the working of the Waste Lands laws, upon which you will be desired to give information. Our principal object is to discover what truth there is in that statement. Can you give any information?—I am not aware that Mr. Martin ever made any such statement. I have heard that he did, but he never did so directly to me. I have no personal knowledge of any such statement having been made.

29. I understand you to say that you have heard that he has made threats of the kind?—Mr. Andrew told the Waste Lands Board so at its last meeting. Since then I have heard otherwise, that he did make such a threat.

30. *To Mr. Reynolds.*] I have heard that he made such threats to other persons. Mr. Pharazyn just now gave me to understand that statements of that kind had been made. Mr. Collins has also told me the same thing. It is only, however, within the last twenty-four hours that I have heard of these statements having been made. I am not aware that they have been made to any one else.

31. *The Chairman.*] Is the land in question situated on Mr. Andrew's run?—The whole of the land is situated on the run. Mr. Andrew holds the run on payment of 2d. per acre. Mr. Martin desired to purchase the land at 5s. per acre, but could not do so, as the land had not been declared pastoral country.

32. In reply to further interrogatories, witness said that the land could have been opened to the public for sale at 7s. 6d. per acre, or if applications were put in under the Regulations, it would be put up to auction at 5s. Both Mr. Martin's and Mr. Andrew's application for the land in question were put in on the same day. These applications necessitated the land being put up to auction at 5s. Both applications were received simultaneously, although Mr. Martin's was first entered. Both applicants wished to know how I proposed to deal with their applications. I declined to give any answer until I saw whether any other applications would come in that day. The following morning I informed Messrs. Martin and Andrew that they had better draw lots to decide which of their applications should be registered. Registration, I may explain, was the first step to be taken. The land would then go to auction.

33. *The Chairman.*] Does the law, in a case of that kind, provide for lots being drawn?—No; the law makes no provision for a case of that kind. Mr. Martin expressed his willingness to comply with the suggestion, but Mr. Andrew requested time to consider over the matter. After taking time to consider the matter, Mr. Andrew informed me that he declined the proposal to draw lots, and stated further that he would press his application.

34. *Mr. Reynolds.*] Did he give any reason?—He wanted to have a rehearing. The application was reheard, and Mr. Andrew attended before the Board. The suggestion to draw lots was again made to him.

35. Did you suggest the drawing of lots as Waste Lands Commissioner or as Chairman of the Board?—I suggested to Mr. Andrew that the only way out of the difficulty was to decide it by lot. I did so as Commissioner in the first instance, and afterwards as Chairman of the Board. The Board has since met, and Mr. Andrew was informed that, as he had declined to draw lots, the other application would be registered.

36. What is the effect of this registration?—It has not much effect, seeing that the land has to be submitted to auction before either can get possession of it. The only one who can buy the land at 5s. is the one whose application has been registered.

37. Has Mr. Martin's application been registered?—No, it has not. I concluded that it was better to take no further step in the matter until a decision had been arrived at here. The application has been filed while the matter is under discussion in the House, and no formal act of registration has yet been given effect to in either case.

38. In reply to further questions, witness said that Mr. Martin made one application for the four sections, but Mr. Andrew put in four applications—one for each section.

39. In reply to Mr. Rolleston, witness said that the land had been open for purchase at 10s. for a considerable time.

40. *To the Chairman.*] If there were no other applications, the land would be taken up prior to auction at 7s. 6d., but, as a necessary consequence, when the land goes to auction, it may be run up. The land in question is strictly pastoral country. It is situated at a pretty high elevation. In the most of cases, the land is of a clay subsoil. It is situated some hundreds of feet above sea-level. It is very much the character of other land in the district.

41. *To Mr. Rolleston.*] No land is purchaseable until proclaimed open by the Superintendent.

42. *Mr. Studholme.*] When two applications are received simultaneously, is there any provision made for the Board to arrive at a decision which application is to get the preference?—No, not that I know of.

43. *To Mr. Bluett.*] Although Mr. Martin's application was actually put into the hands of the clerk first, I myself saw both gentlemen together. In fact, they entered with their applications simultaneously.

44. *To Mr. Studholme.*] I believe that my suggestion to draw lots is not without a precedent. My chief clerk, who has had seventeen years' experience in the office, states that it has been done in many cases.

45. *Mr. Bluett.*] Was this dispute heard in open Court?—Yes, it was. After we had heard Mr. Andrew's statement, Mr. Bunny said, "We'll just talk the thing over." Mr. Andrew said "Oh, yes," and walked out into the next room. We then asked him back.

[Reference was made to the minutes of the meeting, which the witness produced. These minutes, he explained, had not yet been approved by the Board, from the fact that another meeting had not yet taken place. Minutes read.]

46. *Mr. Bluett.*] Is there no provision made for drawing lots?—No; not in the case of pastoral land. This is the first case of the kind that has arisen of simultaneous applications being sent in.

47. *The Chairman.*] If the Waste Lands laws provide no solution, does it not authorize the Board to take other circumstances into consideration: for instance, the fact that one of the applicants is lessee?—I think it does.

48. *Mr. Bluett.*] Can you give any reason why Mr. Andrew declined to draw lots?—No other reason but what is set forth in the newspaper paragraph.

49. *The Chairman.*] Was Mr. Martin's object in applying for the land, to make a speculation in it?—I do not know of my own knowledge.

50. You do not know officially, but practically was that his object?—I do not know, of my own knowledge, the reason that influenced Mr. Martin to put in the application.

51. Do you know if Mr. Martin has made other purchases obviously for the purpose of making money out of the runholder?—His last purchase of part of Mr. Riddiford's run, in the East Coast District, is said to have been a purchase of this sort. Out of doors I have heard it said that Riddiford had to pay him handsomely.

52. *Mr. Reynolds.*] How much did he get out of Mr. Riddiford?—I have heard £1,500, but that is one of these things one hears on the Beach.

53. In the absence of any provision, is there no rule about giving the preference to the lessee?—No rule, as a matter of fact. I do not think that this feeling has prevailed in the past, either with the Commissioner or the Board. Occupation of large blocks of country at a small annual payment is not sufficient inducement to weigh with either the Commissioner or the Waste Lands Board, if the land is wanted by others for settlement.

54. *Mr. Rolleston.*] In the minutes I find it stated: "On Mr. Andrew being recalled, and the decision of the Board communicated to him by the Chairman, he declined to accede to the arrangement, and was informed that Mr. Martin's application would be registered; it being at the same time pointed out to Mr. Andrew that Mr. Martin's single application covered the whole four sections, while he (Mr. Andrew) had put in four applications, one for each of the sections, and that this fact had weighed with the Board in arriving at its decision." Will you explain what is that fact which weighed with the Board?—Mr. Martin could only have purchased the whole, whereas Mr. Andrew might only have purchased portions—one piece out of the four.

55. *The Chairman.*] Do you consider that the land in the hands of Mr. Martin would be more likely to be settled than in the hands of Mr. Andrew?—Mr. Andrew has already settled the land with his sheep.

56. *Mr. Rolleston.*] Had there been four applicants, one for each block, and one applicant for the whole four, to whom would you have given the preference? Would you have given the preference to the one applicant for the whole, or would you have given it to the four applicants for the separate blocks?—I think the preference would have been given to the one applicant for the whole, as in the other case, four separate surveys would have to be made, and the cost of survey thereby much increased.

57. *To Mr. Reynolds.*] The decision arrived at by the Board was unanimous. Three members constitute a quorum. The Board consists of four members.

58. I think you stated that the Board was not in the habit of giving any preference to the lessee?—Yes, I said so.

MONDAY, 2ND SEPTEMBER.

Hon. M. S. GRACE, M.D., in attendance, and examined.

Hon. Dr. Grace.

59. *The Chairman.*] We are a Committee of the House of Representatives, delegated to inquire into a matter of privilege. Mr. Andrew, a Member of the House, it appears, has got a run, a portion of which was put up to auction not long since, when 3,000 acres of it was purchased by Mr. John Martin. Mr. Andrew alleges that Mr. Martin did so to punish him for a vote upon a certain question last session, his vote being adverse to Mr. Martin's interest. We are told that Mr. Martin has been going about publicly, stating that he would make him pay a penalty for his vote up to £500. Of course, to punish a Member for the proper discharge of his duty is a serious offence. The Committee has been nominated to inquire into the truth of these allegations, and we understand you are in a position to give evidence on the point.—Mr. Martin told me that he would put up Mr. Andrew's land, as he (Mr. Andrew) had voted against him in that contract business. Mr. Martin is a loose talker, and no one attaches much importance to what he says. I did not believe in the motive he alleged at the time. I believe he would put up the land to make a profit out of it, as he had done with Riddiford's land, against whom he had no animus.

2nd September, 1872.

60. In reply to a further question, witness said that Mr. Martin was in the habit of talking foolishly, and without consideration as to the exact meaning of words.

61. In reply to a further question, witness said, If I might be allowed to express an opinion, I would say that Martin is a man of this kind,—he wishes to make money, but does not appear to me to bear malice.

62. *To the Chairman.*] Mr. Martin is a man of this kind. He is in the habit of expressing himself very loosely, and I do not attach much importance to his statements.

Extract from the Wellington Waste Lands Board Minute Book.

At a meeting of the Board held at the Crown Lands Office, Wellington, on Monday, the twenty-sixth day of August, 1872.

Present:

Mr. Bunny, Provincial Secretary.

Mr. Jackson, Chief Surveyor.

Mr. Holdsworth, Commissioner of Crown Lands, in the Chair.

The minutes of the last meeting were read and confirmed.

SIMULTANEOUS applications of Mr. John Martin and Mr. J. C. Andrew for pastoral sections Nos. 804, 806, 808, and 810 in the Whareama Block, to be put to auction at 5s. per acre, read.

Mr. Andrew being present, stated his reason why, in his opinion, his applications (four in number) should have priority over Mr. Martin's.

Mr. Andrew having retired, the Board decided that lots should be drawn by the applicants for priority, and that, in the event of either of them refusing to accede to the arrangement, his application should be declined, and the opposing application be received and registered.

Mr. Andrew being recalled, and the decision of the Board communicated to him by the Chairman, he declined to accede to the arrangement, and was informed that Mr. Martin's application would be registered; it being at the same time pointed out to Mr. Andrew, that Mr. Martin's single application covered the whole of the four sections, while he (Mr. Andrew) had put in four applications for one section each, and that this fact had weighed with the Board in arriving at its decision.
