

REPORT

OF THE

SELECT COMMITTEE ON PRIVILEGES,

(IN THE CASE OF JOHN MARTIN,)

TOGETHER WITH THE EVIDENCE.

REPORT BROUGHT UP 3RD SEPTEMBER, 1872, AND ORDERED TO BE PRINTED.

WELLINGTON.

—
1872.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

WEDNESDAY, THE 28TH DAY OF AUGUST, 1872.

Ordered, That a Select Committee be appointed to inquire into the allegations contained in the report of the meeting of the Waste Lands Board of the Province of Wellington, held on Monday, the 26th instant, and which appears in the *Evening Post* of same date. Such Committee to consist of Sir David Monro, Mr. Rolleston, Mr. Bluett, Mr. Studholme, and Mr. Reynolds; to have power to call for persons and papers; and to report within eight days. Three to be a quorum.
(On motion of Mr. Reynolds.)

REPORT OF THE PRIVILEGES COMMITTEE.

Your Committee appointed to inquire into the allegations contained in the report of the meeting of the Waste Lands Board of the Province of Wellington, held on Monday, the 26th day of August, and which appears in the *Evening Post* of the same date,* have the honor to report to the House the following Resolution, at which they arrived without any dissentient voice :—

“That the evidence given before the Committee, goes to prove that Mr. John Martin has been heard to say, that he had made application for a block of land on Mr. Andrew’s run, and in doing so intended to make Mr. Andrew pay for a vote which he had given in the House of Representatives last Session.”

Your Committee have not examined Mr. Martin, nor any one on his behalf; they conceived it to be the wish of the House that they should ascertain whether there was any sufficient foundation for the paragraph in the *Evening Post*. Having reported to the House that in their opinion there is sufficient ground for the statement made in that article, they presume that further proceedings, if it should be deemed proper to take any, will be directed by the House itself.

Your Committee think that they will not be exceeding the limits of the duty assigned to them, in reporting that the act complained of appears to them to be very distinctly a breach of privilege.

Threats levelled at individual Members have always been regarded as insults to the Legislature as a whole, and calculated to impair its independence and freedom of action.

Although not in the opinion of your Committee the principal question referred to them, your Committee think that it is right that they should report that the examination of the Commissioner of Crown Lands of the Province of Wellington has disclosed the fact that, in the event of simultaneous applications for pastoral land, there is no provision for determining which of the applicants is to be considered as entitled to priority.

Your Committee would further report, that, in their view of the matter, it would be no more than just and right that Mr. Andrew should be protected from the injury with which he has been threatened.

D. MONRO,
Chairman.

3rd September, 1872.

MINUTES OF EVIDENCE.

THURSDAY, 29TH AUGUST, 1872

Mr. JOHN C. ANDREW in attendance, and examined.

Mr. Andrew.
29th August, 1872.

1. *The Chairman.*] The Committee is desirous of knowing what evidence can be given in support of an article in the *Evening Post*, read before the Committee, in which you are alleged to have stated, at a meeting of the Waste Lands Board, Wellington, that certain lands for which you had made application were applied for also by Mr. Martin, with the view of inflicting a punishment or penalty in consequence of your having, in the discharge of your duty as a Member of the House of Representatives, given your vote in a particular direction. The Committee are desirous of knowing what evidence you suppose can be brought forward to prove that fact.—In the month of April last, or thereabouts, in the course of conversation on other business, I learned from Mr. Levin that Mr. Martin had stated publicly that he would take care to punish me by putting up the land I held under pastoral license. I am not certain that Mr. Levin’s memory is quite exact as to the words made use of. Similar statements were made to Mr. Richard Collins, of Te Ori Ori, and to the Hon. Mr. Pharazyn, a Member of the other House. These statements were to the effect that he (Mr. Martin) would punish me by making me pay for my vote £500. This statement was made on the Beach, on the 12th day of August.

2. In reply to a further question, the witness said :—That vote to which the punishment alludes is a vote given by me in the House on the 17th November last, in respect of certain claims put before the House by Mr. Martin. On that occasion I voted according to my conscience, and, in doing so, I opposed Mr. Martin’s claims. I considered in doing so I was consulting the interests of the country.

3. *Mr. Reynolds.*] Then how many persons have you got to prove these statements do you say?—Mr. William Levin, merchant, Wellington; Mr. Richard Collins; and the Hon. Mr. Pharazyn, a Member of the Upper House.

* Extract from *Evening Post* referred to :—He (Mr. Andrew) stated, and was prepared to produce evidence, if required, that Mr. Martin had publicly avowed that “his motive in applying for the land was to punish Mr. Andrew for a vote given last session of the General Assembly; that it was the only way he could get at him, and it should cost him 500 notes.”

Mr. Andrew.

29th August, 1872.

[The witness here volunteered a statement to the following effect:—I think it only fair that I should state that the report published in the *Evening Post*, as well as that in the *Independent*, was written by myself, no reporter having been present.]

4. *Mr. Bluett.*] The report is a fair one, is it not?—To the best of my belief, it is correct; if anything, it is understated.

5. *The Chairman.*] Has Mr. Martin ever made any threat to you in the matter personally?—No; not to myself.

6. Has Mr. Martin got any other property in that part of the country?—No; none that I know of. I could produce neighbours acquainted with the land, who recommend that Mr. Martin should be allowed to purchase the land at 5s. per acre, in order that it might be a pecuniary loss to him.

7. In reply to a question by Mr. Rolleston, as to the preference given by the Waste Lands Board in the case of two applications being lodged simultaneously, witness said that the determining questions of conflicting applications was, by the Land Regulations of the Province, part of the duty of the Lands Board.

8. In answer to Mr. Studholme, witness said that if one person only applies for the land, it is put up to public auction, at an upset price of 5s. per acre. If two applicants apply on the same day, the Board determines which of the applicants are first, and the first applicant may bid for the land at 5s. per acre. Any other person getting the land must pay 5s., or some advance on the upset price.

9. In reply to Mr. Bluett, witness said that both his application and the application lodged by Mr. Martin were made on the 12th August, at 10 o'clock. Both parties entered the office at the same time.

10. *The Chairman.*] The Report states that you declined to draw lots. Did you do so because you thought the proposal illegal?—I declined because the case was altogether an unique one. It was the first case of the kind that had come before the Board. The Land Regulations make no mention of drawing lots.

11. In reply to Mr. Studholme, witness said the decision of the Board was arrived at with closed doors. These meetings are, by the Land Regulations, to be open to the public; but after the Commissioner had heard my statement, and my offer to produce evidence, if required, it was intimated that I had better withdraw. I have applied to the Board for a rehearing of the case, in respect of the Board having been so closed. It was not a full meeting of the Board. Three members were present,—the Provincial Secretary, the Chief Commissioner, and the Chief Surveyor,—constituting a quorum.

12. To *Mr. Bluett.*] The quantity of land applied for was 3,325 acres, comprising four (4) blocks. Mr. Martin applied for the whole of the land in one application: I applied for each of the four blocks separately, and I contend that my application covers the whole area. The land, if put up to auction, must be put up in blocks of something like a square mile.

FRIDAY, 30TH AUGUST.

Hon. Mr. Pharazyn.

30th August, 1872.

Hon. C. J. PHARAZYN in attendance, and examined.

13. *The Chairman.*] This is a Committee of the House of Representatives, appointed to inquire into the truth of a paragraph which appeared in the *Evening Post* about a week ago, in reference to the purchase of certain lands by Mr. Martin, or rather a proposal by both Messrs. Martin and Andrew to purchase the land. At a meeting of the Waste Lands Board, Mr. Andrew alleged, so says the newspaper, that Mr. Martin has been heard to say, over and over again, that he would inflict a penalty or punishment on Mr. Andrew, in consequence of Mr. Andrew having given a certain vote as a Member of the House of Representatives. I may here state that Mr. Andrew admits that he himself was the author of the newspaper article. Mr. Andrew has been examined by this Committee, and has given us the names of two or three persons to whom these remarks were alleged to have been made: amongst others, your name.—I do not [pointing to and perusing the newspaper paragraph produced] recollect that part of the conversation. I recollect, about a fortnight since, meeting Mr. Martin on the Beach, when he said he had just purchased three or four thousand acres on Mr. Andrew's run. I said, "I suppose you will make five hundred notes out of the transaction," as he had made out of Riddiford's purchase. He said yes, and made some other remark in a half jocular manner. The remark was openly made, and could have been heard by the public passing by. The remark was made in a half joke, such as Mr. Martin is in the habit of indulging in.

14. Did he say anything about punishing Mr. Andrew for a certain vote?—Not that I recollect. Mr. Collins says that he said so; but from the general tone of the conversation, I paid no particular heed to what was said.

15. Do you remember any remark having been made about a double motive?—No; I do not recollect anything of that sort. He merely explained that he had walked into Andrew, and would make five hundred notes out of him.

16. *Mr. Bluett.*] Have you any idea of the nature of the vote Mr. Andrew is alleged to have given? Have you ever heard Mr. Martin criticise any particular vote?—No, I have not. I presume the vote refers to one passed regarding the Government buildings.

Mr. Collins.

30th August, 1872.

Mr. RICHARD COLLINS in attendance, and examined.

17. *The Chairman.*] We are a Committee of the House of Representatives to inquire into the truth or otherwise of an article which appeared in the *Evening Post*. [Article produced and read.] We are told that you can supply some information on the subject. The point to which we are more desirous of directing your attention is the allegation, as stated by Mr. Andrew, that Mr. Martin threatened to inflict some sort of punishment for a vote given in the House of Representatives. That is the point upon which we particularly wish information. Can you give any information on this subject?—I can only say that I heard Mr. Martin say that he would make Mr. Andrew pay for a certain block of land on his run.