

# BLACK AMERICANS AND TE AROHA MINING

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## BLACK AMERICANS AND TE AROHA MINING

**Abstract:** *Although no black Americans lived in the Te Aroha district, several, including some miners, lived in Hauraki and elsewhere in New Zealand. In general, blacks were stereotyped as figures of fun (as were the Irish often), but those who were known personally were treated differently. Visiting black American singers were admired for their vocal skills, and some settled in the colony, notably Robert Bradford Williams, who became mayor of the Wellington borough of Onslow.*

*This paper focuses on three very different men peripherally involved in mining in the Te Aroha district. About the first, Alexander Jackson, a carter, little is known apart from his marital problems. The second, William La Grenade Mitchell, was an Auckland accountant and land agent and was well respected, being a prominent Mason. He quickly lost this respect when forced to flee to Australia, whereupon his complicated financial and marital circumstances became public knowledge. About the third man, Edward Ralph Martin (who claimed an exotic ethnic background), a great deal is known because of his incessant efforts to raise money, including from the government, for his enthusiastic but incompetent prospecting. Calling himself a 'professor' of music, in his efforts to make money he was involved in several frauds, although there may have been an element of self-delusion about the prospecting skills claimed. His private life was also complicated.*

*One feature of this sample was that all three married white women, two of them also having white mistresses at a time when such liaisons, regular or irregular, were most certainly not socially acceptable.*

### PAKEHA ATTITUDES TO BLACKS

Some freed slaves, seamen, and other African Americans mined in the South Island along with Pakeha mates. One, from Demerara in the West Indies, had a white wife.<sup>1</sup> Several prospected on the West Coast in the 1860s and 1870s, notably Arthur Addison, who discovered the goldfield of Addisons Flat, near Charleston, in 1867.<sup>2</sup> Some visited the Thames

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<sup>1</sup> Steven Eldred-Grigg, *Diggers, Hatters and Whores: The story of the New Zealand Gold rushes* (Auckland, 2008), pp. 238-239.

<sup>2</sup> Mark Pickering, *The Colours: The search for payable gold on the West Coast from 1857 to 1864* (Christchurch, 2000), pp. 131-141 [the 2010 edition summarizes this information on pp. 126-129].

goldfield as early as November 1867, as a digger recorded: 'We have, what I suppose is the usual accompaniment of a diggings, a negro troupe, who, according to their bills, are to perform wonders, and set all who are gloomy and despondent in good humour, but they must pay well for it'.<sup>3</sup>

As no blacks lived nearer to Te Aroha or Waiorongomai than Thames, few residents would have had any personal contact with them. Some living at Thames were prominent locally, notably Robert Clements or Clementson, commonly known as 'Darky Bob', a bushman who later ran a shooting gallery.<sup>4</sup> In July 1878, 'Colonel' Richard Davis, 'alias Shanghai (a coloured man)' pleaded guilty to being drunk and disorderly, and unsuccessfully asked the magistrate 'to look over the offence, as he had been celebrating the anniversary of America'.<sup>5</sup> In the 1870s at least one was a miner at Thames: George Hall, who was variously described as 'a black', 'a coloured man', and 'a darkie'.<sup>6</sup> Two decades later, 'two darkies' worked in the Waitekauri mine.<sup>7</sup> Although the existence of several other blacks was noted in the Thames press, because they played no part in mining at Te Aroha their lives have not been traced.

Black Americans were regarded as figures of fun in entertainments held at Te Aroha and Waiorongomai in the nineteenth and early twentieth centuries. For example, amongst the skits performed at Te Aroha by a visiting variety company in 1883 was 'the screaming negro sketch "Rooms to Let." It may well be described as a "screamer," for the audience were in roars of laughter at Mr Doran's comicalities'.<sup>8</sup> In 1889, another entertainment concluded with 'the Laughable FARCE, Entitled, "Ebenezer's First Visit to New York"'. The principal character was Ebenezer Zephiah, 'a coloured gentleman of Congress'; the others appear to have been whites.<sup>9</sup> Such performances were typical of the period; at Morrinsville, for example, the Band of Hope, a temperance movement, performed 'a comical

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<sup>3</sup> Theophilus Cooper, diary entry for 23 November 1867, printed in Cooper, *A Digger's Diary at the Thames 1867* (Dunedin, 1978), p. 16.

<sup>4</sup> *Thames Advertiser*, 28 September 1870, p. 2, 26 September 1879, p. 3, 7 October 1879, p. 3.

<sup>5</sup> Police Court, *Thames Advertiser*, 6 July 1878, p. 3.

<sup>6</sup> Police Court, *Thames Advertiser*, 1 December 1873, p. 3, 5 December 1873, p. 3; Supreme Court, *Auckland Weekly News*, 10 January 1874, p. 11.

<sup>7</sup> *Observer*, 6 April 1895, p. 4.

<sup>8</sup> *Te Aroha News*, 24 November 1883, p. 3.

<sup>9</sup> Advertisement, *Te Aroha News*, 18 May 1889, p. 7.

entertainment given by eight persons, dressed in character as negroes, which set the house in roars of laughter'.<sup>10</sup>

Dressing up as black Americans was common. For instance, at a concert in 1882 to raise money for a harmonium for the Te Aroha churches, 'Master Kilian,<sup>11</sup> as a Negro boy, was loudly applauded'.<sup>12</sup> People dressed up as a 'Negro' or 'Sambo' at Te Aroha balls and a Fancy Dress Carnival at Waiorongomai.<sup>13</sup> Local amateurs formed minstrel groups, such as the 'Keep It Dark Minstrels' who performed there in 1884.<sup>14</sup> Two months later, the opening concert for the new Waiorongomai public hall featured the local Christey Minstrels, who were 'got up in A1 nigger costumes'.<sup>15</sup> The first part of a benefit concert put on at Waiorongomai in 1887 for an injured miner featured a performance by the 'Niggers'.<sup>16</sup> At the fancy dress carnival held there the following year, 'there were several niggers ... in most extravagant array, and the antics of these gentry afforded a fund of amusement to the spectators'. Once again, one man was dressed as 'Sambo'.<sup>17</sup> In 1895, a concert to raise funds for the Te Aroha school featured the song 'The Alabama Coon', sung in character to banjo accompaniment.<sup>18</sup> Early in the twentieth century, a concert to raise money for the Anglican church featured as its final quartet 'De Ole Banjo'.<sup>19</sup> As another example of the common usage of the term 'niggers', Thomas Ritchie, a miner who worked in the Tui mines early in the twentieth century,<sup>20</sup> in 1887 followed the lure of gold from Karangahake to South Africa, from whence he wrote to his mates that he was bossing 'niggers' around.<sup>21</sup>

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<sup>10</sup> *Te Aroha News*, 27 March 1889, p. 2.

<sup>11</sup> See paper on the Kilian family.

<sup>12</sup> *Thames Advertiser*, 23 October 1882, p. 2.

<sup>13</sup> *Te Aroha News*, 1 October 1887, p. 2, 23 October 1887, p. 2, 22 September 1888, p. 2.

<sup>14</sup> *Te Aroha News*, advertisement, 20 September 1884, p. 2, 4 October 1884, p. 2.

<sup>15</sup> *Te Aroha News*, 15 November 1884, p. 2.

<sup>16</sup> *Te Aroha News*, 17 September 1887, p. 2.

<sup>17</sup> *Te Aroha News*, 22 September 1888, p. 2.

<sup>18</sup> Advertisement, *Te Aroha News*, 18 May 1895, p. 2.

<sup>19</sup> *Auckland Weekly News*, 23 April 1903, p. 33.

<sup>20</sup> Thomas Ritchie, Clement Augustus Cornes, Hugh Butler to Ohinemuri County Council, 6 February 1903, Mines Department, MD 1, 05/652, ANZ-W; Te Aroha Warden's Court, Mining Applications 1908, 20/1908, BBAV 11289/19a, ANZ-A.

<sup>21</sup> *Thames Advertiser*, 13 August 1887, p. 3.

'Niggers' were not the only ethnic group to be mocked in farce or song. The same entertainment that featured 'The Alabama Coon' also included another song, again sung in character, 'The Future Mrs 'Awkins', presumably a Cockney romance.<sup>22</sup> And the Irish were seen by many as figures of fun as well as being prone to violence.<sup>23</sup>

### THE FISK JUBILEE SINGERS

When genuine blacks performed, such as the Fisk Jubilee Singers<sup>24</sup> and successor vocal troupes whose members were descendants of slaves,<sup>25</sup> they were treated with respect. These troupes visited New Zealand in 1886-7, 1888-9, 1892-3, 1899, 1904-5, 1910, and 1924,<sup>26</sup> and were enthusiastically received.<sup>27</sup> Their success was described as 'phenomenal, no such part-singing having been previously heard'.<sup>28</sup> During their 1910 tour, an Auckland newspaper referred to their 'feasts of harmony' which had 'won for them, in the Australasian colonies at least, the reputation of being the foremost interpreters of plantation melodies and quaint coon songs'.<sup>29</sup> When they visited Te Aroha during this tour, the local newspaper explained their popularity:

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<sup>22</sup> Advertisement, *Te Aroha News*, 18 May 1895, p. 2.

<sup>23</sup> For example, *Observer*, 'Te Aroha', 6 October 1883, p. 16, 7 December 1889, cartoon, p. 16, p. 17.

<sup>24</sup> For their formation and early years, see J.B.T. Marsh, *The Story of the Jubilee Singers* (London, 1886); *Evening Post*, 8 December 1892, p. 2; Tim Brooks, *Lost Sounds: Blacks and the birth of the recording industry 1890-1919* (Chicago, 2004), pp. 192-195.

<sup>25</sup> *Otago Daily Times*, 24 September 1892, p. 2.

<sup>26</sup> Chris Bourke, 'R.B. Williams: He Came, He Sang, He Stayed', *Music in New Zealand*, Autumn 1991, p. 50; *Otago Daily Times*, 24 September 1892, p. 2, 4 February 1893, p. 2; *Mataura Ensign*, 22 April 1899, p. 2.

<sup>27</sup> For examples, see *Evening Post*, letter from John Coombe, 14 February 1887, p. 2, 20 January 1905, p. 5, 14 February 1910, p. 2; *Taranaki Herald*, 24 January 1887, p. 2, 15 March 1905, p. 3; *Otago Witness*, 21 December 1904, p. 69, 4 January 1905, p. 61; *New Zealand Free Lance*, 21 January 1905, p. 16; *Observer*, 18 February 1905, p. 8; *Hawera and Normanby Star*, 31 May 1910, p. 5.

<sup>28</sup> *Cyclopedia of New Zealand*, vol. 1, p. 397.

<sup>29</sup> *New Zealand Herald*, 14 June 1910, p. 7.

Those sweet melody and harmony-makers, the Fisk Jubilee Singers, will give one of their unique and highly enjoyable entertainments at Te Aroha on Monday night next. The Fisk Singers have always held a high place in public estimation. From time to time during the past thirty years there have been many changes in the personnel of the organisation, but a high standard of excellence individually and collectively has all along been maintained. Without exception, on every visit to New Zealand, a most cordial welcome has been extended to them, and doubtless their forthcoming visit here will again exemplify how firmly established in favour are their delightful and unique entertainments. The chief attraction of the company's part singing is the wholehearted enthusiasm thrown into the various choruses, due, perhaps, to hereditary religious fervour yet existent, a fervour handed down from generation to generation. Although these concerted camp songs have become quite familiar to New Zealand audiences they have never lost their charm.<sup>30</sup>

There was 'rapt attention' at their two concerts at Te Aroha in 1886.<sup>31</sup> Before their subsequent performances at Thames, the evening newspaper there wrote that these 'colored vocalists' were 'renowned and talented' and had delighted people in England (including Queen Victoria) and Europe with 'the marvellous pathos and beauty of their melodies'. The history of these 'untutored emancipated slaves' from Nashville who formed a company in 1871 to raise money for their school would rival 'the most absorbing romance', and their remarkable success was 'striking evidence of the magic power of song'.<sup>32</sup> Readers were urged to hear them: 'Those who have heard these vocalists say that there was never singing more intensely dramatic than theirs, for there was never singing more sincere, being not an exhibition of art, but the expression of real emotion'.<sup>33</sup> The hall was full, and a review described their part-singing as 'simply perfection' and the newspaper thanked them for 'a musical enjoyment of a rare kind'.<sup>34</sup>

When they returned early in 1889, the *Te Aroha News* wrote that 'all lovers of music will do well to take the opportunity of hearing the strange weird plantation melodies, and inimitable part singing' of this 'talented

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<sup>30</sup> *Te Aroha News*, 23 June 1910, p. 3.

<sup>31</sup> *Te Aroha News*, advertisement, 11 December 1886, p. 3, 18 December 1886, p. 2.

<sup>32</sup> *Thames Star*, 14 December 1886, p. 2.

<sup>33</sup> *Thames Star*, 20 December 1886, p. 2.

<sup>34</sup> *Thames Star*, 21 December 1886, p. 2.

Company of coloured vocalists'.<sup>35</sup> Their Te Aroha performance attracted 'a bumper house', with many 'unable to obtain even standing room',<sup>36</sup> which prompted another concert being held. 'This talented Company', the *Te Aroha News* wrote, 'had every reason to be well satisfied with the very hearty reception accorded them' at the second performance:

Never before have we seen anything like such a crowd assembled to be present at an entertainment at Te Aroha. The doors were announced to be open at half-past seven, and long before that hour numbers were waiting outside, and by a quarter to eight, every available seat was occupied, and the passage filled also. In fact the Hall was regularly packed, and a large number of persons had to go away unable to obtain even standing room. Waiorongomai, Morrinsville, Waitoa, Paeroa, and surrounding districts generally were well represented.<sup>37</sup>

Their music so entranced New Zealanders that it was imitated. In January 1893, a group calling themselves the Jubilee Singers gave 'one of their unique and enjoyable entertainments' at Te Aroha 'to a crowded house', and then performed at Paeroa and Thames.<sup>38</sup>

In 1898, a Wesleyan clergyman from Auckland, billed as 'Auckland's greatest baritone', presented 'An Evening with the Fisk Jubilee Singers' at Te Aroha.<sup>39</sup> As part of this 'musical entertainment', his lecture, marked by 'humour, pathos and the dramatic', brought the audience 'frequently to the pitch of enthusiasm'.

In masterly style the lecturer gave the story of the famous Fisk University, and its more famous band of coloured singers, who, overcoming, by their faith and courage, and their marvellous musical triumphs, all persecution, prejudice, and other obstacles, won for themselves undying fame, and were successful in raising for the University many thousands of pounds. At intervals the lecturer seated himself at the organ, and with his magnificent voice, under perfect control, rendered with telling fidelity some of the more striking of the Jubilee melodies, including the ever popular favourites "Steal away to Jesus," and "John Brown's body." Pathetic reference was made to the loving and Christian

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<sup>35</sup> *Te Aroha News*, 27 March 1889, p. 2.

<sup>36</sup> *Te Aroha News*, 3 April 1889, p. 2.

<sup>37</sup> *Te Aroha News*, 6 April 1889, p. 2.

<sup>38</sup> Te Aroha Correspondent, *Auckland Weekly News*, 14 January 1893, p. 23.

<sup>39</sup> *Te Aroha News*, 21 May 1898, p. 2.

reception given to the “Singers” by the late W.E. Gladstone.... The intense appreciation of the audience throughout the evening was demonstrated in frequent loud applause, and at the close a cordial vote of thanks was enthusiastically carried.<sup>40</sup>

When the troupe visited Te Aroha in 1910, the hall was ‘well filled’ to hear the ‘famous’ singers, now all new to the company. The ‘plantation choruses’, the most ‘prominent items’, were sung ‘with considerable spirit and fervour.... Stiffness and lack of abandon are faults from which the chorus singers are delightfully free. In this respect local chorus and choir members might learn from the visitors’. Individual members were assessed for their vocal ability, which varied, but were mostly praised, and all were afforded the courtesy titles Mr, Mrs, and Miss.<sup>41</sup>

These cordial receptions encouraged at least four members to settle in New Zealand: Hamilton Hodges<sup>42</sup> and his wife, Edward Ralph Martin, and Robert Bradford Williams.<sup>43</sup> Martin will be the third case study in this paper.

Both Hamilton Hodges and his wife were born in northern states of America and were highly trained classical singers.<sup>44</sup> Hodges first arrived in New Zealand in 1892 with the Jubilee Singers, when his singing was described as ‘superb’, and liked the country so much that he and his wife decided to settle in Auckland.<sup>45</sup> Both were professional singers based first in Auckland and then in Wellington, who received consistently positive reviews for both their performances and their teaching.<sup>46</sup> In 1904 Hodges

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<sup>40</sup> *Te Aroha News*, 2 June 1898, p. 3.

<sup>41</sup> *Te Aroha News*, 30 June 1910, p. 2.

<sup>42</sup> For photographs and cartoons of Hodges and his wife, see *New Zealand Illustrated Magazine*, 1 June 1901, p. 723; *Observer*, 6 June 1903, p. 5, 11 April 1908, p. 19; *Otago Witness*, 6 December 1905, p. 48; *Truth*, 13 April 1912, p. 1.

<sup>43</sup> For his photograph, see Redmer Yska, *Wellington: Biography of a city* (Auckland, 2006), p. 113; for a group photograph of Williams with all of Wellington’s lawyers, see *New Zealand Free Lance*, 4 April 1903, p. 22.

<sup>44</sup> *New Zealand Illustrated Magazine*, 1 June 1901, p. 723; *Observer*, 7 November 1903, p. 3.

<sup>45</sup> *Otago Daily Times*, 24 September 1892, p. 2, 4 February 1893, p. 2; *Evening Post*, 8 December 1892, p. 2; *Observer*, 31 December 1892, p. 17, 25 February 1905, p. 4.

<sup>46</sup> For example, *Observer*, 22 September 1900, p. 5, 29 September 1900, p. 5, 19 July 1902, p. 6, 29 August 1903, p. 4, 2 December 1905, p. 6, 27 March 1909, p. 4; *New Zealand Free*

accompanied a young operatic soprano on a tour of the colony, and the following year was described as a better baritone than his Australian contemporaries.<sup>47</sup> When she toured with the Fisk Jubilee Singers in 1910 whilst her husband was performing in Britain and America, 'Mrs Hamilton Hodges' was lauded as a 'well-known Auckland singer'.<sup>48</sup> Hodges returned to his family in Boston in 1924, where he would die.<sup>49</sup>

As well, a popular 'sweet-voiced coloured tenor', Wallace King, who came to New Zealand as a member of a black male vocal quartet named the Mammoth Minstrels, lived for the last 15 years of his life in Wellington before returning to his native country in 1903 to die.<sup>50</sup>

Robert Bradford Williams was born in 1862 in the southern state of Georgia.<sup>51</sup> It is not known whether he was born into slavery, but undoubtedly he was a descendant of slaves.<sup>52</sup>

He began his education at the Williston Academy, a private boarding school sprawling over 125 acres in western Massachusetts to which he had won a scholarship. At Williston e showed remarkable ability in academic, sporting and musical fields and went on to gain admittance to Yale University. At Yale he excelled in singing, public speaking, athletics and boxing. His

*Lance*, 22 August 1903, p. 3, 25 June 1904, p. 16, 24 April 1909, p. 9; *Evening Post*, 17 June 1904, p. 6, 7 December 1911, p. 2, 5 June 1912, p. 8, 24 September 1913, p. 3, 30 October 1913, p. 7, 31 March 1915, p. 2, 3 July 1915, p. 6, 10 July 1915, p. 6, 1 June 1921, p. 3; *Ohinemuri Gazette*, 13 April 1908, p. 3.

<sup>47</sup> John Mansfield Thomson with Annie Morrison, 'Rosina Buckman', *Opera in New Zealand: Aspects of history and performance*, ed. Adrienne Simpson (Wellington, 1990), p. 107; Joanna Woods, *Facing the Music: Charles Baeyertz and the Triad* (Dunedin, 2009), p. 101.

<sup>48</sup> *Colonist*, 18 March 1909, p. 2; *New Zealand Free Lance*, 3 April 1909, p. 4; *New Zealand Herald*, 14 June 1910, p. 7; *Evening Post*, 15 June 1911, p. 7.

<sup>49</sup> *Evening Post*, 16 August 1924, p. 9, 18 August 1924, p. 2, 13 March 1930, p. 15.

<sup>50</sup> *New Zealand Free Lance*, 2 May 1903, p. 3.

<sup>51</sup> Death Certificate of Robert Bradford Williams, 1942/24356, BDM; *New Zealand Free Lance*, 2 May 1903, p. 3, 31 October 1908, p. 4; *Portrait of a Profession: The centennial book of the New Zealand Law Society*, ed. Robin Cooke (Wellington, 1969), p. 395; Yska, p. 113.

<sup>52</sup> Gabor Toth, 'Robert Bradford Williams: An oral history: The African-American Mayor of the Wellington Borough of Onslow', p. 1, Wellington City Libraries, google; based on the recollections of Jane Paul, his granddaughter, recorded in 2010.

prowess in the ring was to be confirmed in tragic circumstances when an opponent he “K.O’ed” died four days later having never regained consciousness. Graduating [as Bachelor of Arts] in 1885, he briefly worked as a teacher and gave lectures supporting the tightening of liquor laws in the Southern States. His prohibitionist stance was occasionally met with violence and with racial tension on the rise, Williams followed up an earlier invitation to join the Fisk Jubilee Singers.<sup>53</sup>

He had studied law as part of his Yale degree.<sup>54</sup> When the Singers visited Australia and New Zealand in 1886 as part of a world tour, he decided not to continue with the others to India but instead to settle in Wellington.<sup>55</sup> One reason was ‘the generosity of his hosts throughout New Zealand’, but the main one was that, when in Melbourne that year, he had met the woman he would marry, Katherine Josephine Bourke.<sup>56</sup> Katie, the name given on her marriage certificate, was ‘a white Irish-Catholic whom he had met when the Jubilee Singers were in Tasmania’.<sup>57</sup> She was the same age of her husband.<sup>58</sup> According to his later accounts, Williams had left the troupe ‘after the conclusion of his contract with the Fisk management’, and his future wife had ‘decided his fate and place of residence’.<sup>59</sup> (No doubt, by comparing race relations in New Zealand with Australia - and especially Tasmania - she realized which colony would be more likely to tolerate a mixed-race marriage.) In 1887, he continued to sing with the troupe in New Zealand.<sup>60</sup> He was also studying New Zealand law, and wondered whether he would have to learn Maori if he had to represent them in court.<sup>61</sup> Having spent the last half of 1887 in Australia, where his son would be born in Melbourne in 1888, he returned to New Zealand with the Singers in the latter year, and seems to have worked towards his law

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<sup>53</sup> Toth, p. 1.

<sup>54</sup> *New Zealand Free Lance*, 31 October 1908, p. 4.

<sup>55</sup> *Cyclopedia of New Zealand*, vol. 1, p. 397; Toth, p. 1.

<sup>56</sup> Bourke, p. 48.

<sup>57</sup> Marriage Certificate of Robert Bradford Williams and Katie Josephine Bourke, 5142/1886, Victoria BDM; Toth, p. 1; Death Notice, *Evening Post*, 9 April 1919, p. 1.

<sup>58</sup> Death Certificate of Catherine Josephine Williams, 8 April 1919, 1919/2885, BDM.

<sup>59</sup> *New Zealand Free Lance*, 6 May 1905, p. 4, 31 October 1908, p. 4.

<sup>60</sup> Bourke, p. 49.

<sup>61</sup> Bourke, p. 48.

degree in Sir Robert Stout's office.<sup>62</sup> In March 1889, on Stout's motion, the Auckland University Senate granted Williams a Bachelor of Arts degree, *ad eundem*.<sup>63</sup> He was performing with the singers in Napier when informed of this decision.<sup>64</sup>

The following year, he moved to Wellington and was admitted to the bar. After working for a legal firm for a few months, he set up as a barrister and solicitor 'on his own account' in an office he rented in the Supreme Court building.<sup>65</sup> He soon 'enjoyed some success in the criminal courts'.<sup>66</sup> In 1908, when he was described as a 'shrewd legal gentleman', he offered a partnership to Vincent Robert Sissons Meredith.<sup>67</sup> Later the Crown prosecutor in Auckland for 31 years, and knighted for his services both to law and rugby, Meredith may have met Williams through their love of music: one of the founders of the Wellington Operatic Society, Meredith 'sang baritone leads for some years'.<sup>68</sup> Williams later practiced law in Taumarunui and Taihape.<sup>69</sup> A granddaughter recorded his words:

Much patience and push has been necessary to get a footing here in my chosen profession, but compensations there have been for all temporary irritations; dear children have come to be a comfort to me, and an increasingly wide circle of good friends to render practical aid and give encouragement.<sup>70</sup>

In 1902, Williams was elected mayor of the large Wellington borough of Onslow,<sup>71</sup> receiving 269 votes to his opponent's 114.<sup>72</sup> After his first year in office, he was praised for being 'devoted in his attention to the affairs of

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<sup>62</sup> Birth Certificate of Robert Bradford Williams, 1888/12014, Victorian BDM; Toth, p. 1; Bourke, p. 50.

<sup>63</sup> *Te Aroha News*, 13 March 1889, p. 3.

<sup>64</sup> Bourke, p. 48.

<sup>65</sup> *Cyclopedia of New Zealand*, vol. 1, p. 479; Toth, p. 1; *Portrait of a Profession*, p. 395.

<sup>66</sup> *Portrait of a Profession*, p. 395.

<sup>67</sup> *Evening Post*, 6 June 1890, p. 3; *Observer*, 25 February 1905, p. 5; *New Zealand Free Lance*, 25 January 1908, p. 4; advertisement, *Evening Post*, 23 August 1912, p. 1.

<sup>68</sup> *New Zealand Herald*, 16 January 1965, p. 2.

<sup>69</sup> Death Notice, *Evening Post*, 9 April 1919, p. 1; *Dominion*, 30 May 1942, p. 3; *Portrait of a Profession*, p. 395.

<sup>70</sup> Toth, p. 1.

<sup>71</sup> For extent of this borough, see Yska, pp. 112-113, and map on p. 92.

<sup>72</sup> *Evening Post*, 2 May 1902, p. 6.

the borough',<sup>73</sup> and in the three subsequent years was re-elected unopposed.<sup>74</sup> His fellow councillors along with a deputation of ratepayers urged him to stand again in 1904, when according to one journal he had 'gained a reputation for honest purpose and endeavour'.<sup>75</sup> The following year, the *Observer* commented on his 'personal popularity' and noted that his legal skills combined with his 'personal influence' had been so useful on the council that the electors seemed 'inclined to offer him a perpetual lease of office if he cares to take it'.<sup>76</sup> In 1906, he defeated his sole opponent by 395 votes to 239.<sup>77</sup> He did not stand for re-election in the following year.<sup>78</sup> When he installed his successor, the latter said that 'the borough was greatly indebted to the retiring Mayor for his services'. A re-elected councillor 'said he was sorry that they were parting company with Mr Williams, who had thrown himself into the work of the borough with great energy. The retiring Mayor had proved himself a courteous and able chairman'.<sup>79</sup> In his last year in office, Williams noted that working in local government had restricted his involvement with music, commenting that local politics was 'closely allied to the life of a lawyer.... My friends (perhaps too willing to praise and not to blame) declare that I have done good work', and he did indeed achieve some notable improvements. As he noted in 1906, 'tramways, drainage, workers' homes, and kindred matters for the health and convenience of my constituents have occupied me chiefly'.<sup>80</sup>

Williams also served on the Wellington hospital board, and was an active Freemason.<sup>81</sup> His wife was also involved, to a small extent, in public life, becoming a member of the Wadestown school committee, a supporter of the Yong Men's Christian Association (ladies' auxiliary), a member of the Society for the Protection of Women and Children, and a supporter of the

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<sup>73</sup> *New Zealand Free Lance*, 2 May 1903, p. 3.

<sup>74</sup> Advertisements, *New Zealand Free Lance*, 25 April 1903, p. 7, 16 April 1904, p. 9, 22 February 1905, p. 9.

<sup>75</sup> *New Zealand Free Lance*, 9 April 1904, p. 6.

<sup>76</sup> *Observer*, 25 February 1905, p. 4, 6 May 1905, p. 4.

<sup>77</sup> *Evening Post*, 19 April 1906, p. 5, 26 April 1906, p. 5.

<sup>78</sup> *Evening Post*, 23 April 1907, p. 7.

<sup>79</sup> *Evening Post*, 1 May 1907, p. 7.

<sup>80</sup> Toth, p. 2.

<sup>81</sup> *Dominion*, 30 May 1942, p. 3; Toth, p. 2.

Babies' Home Campaign (for motherless babies).<sup>82</sup> She was known for being 'an eminently tactful woman, much liked for her geniality'.<sup>83</sup>

His attempts to be elected to higher office were unsuccessful. In 1913, he stood for the Wellington City Council, but received the second lowest vote, 2,886; the last man to be elected obtained 7,656.<sup>84</sup> In the general election of 1908, Williams stood as an Opposition candidate for the Wellington Suburbs seat, but withdrew his candidacy before polling day.<sup>85</sup> In 1911, when he gave evidence in a libel case in support of William Massey, Leader of the Opposition, he was noted as being an opponent of the Liberal government.<sup>86</sup> He did not stand in the elections held that year.<sup>87</sup> He stood for Wellington South in the 1914 election, obtaining only 221 votes compared with his opponents' 4,279 and 3,064.<sup>88</sup> Perhaps being a prohibitionist was a handicap?<sup>89</sup>

Williams was an excellent tenor and choral conductor, as the entry in the *Cyclopedia of New Zealand* (which made no mention of his ethnicity) described in 1897:

For the first two years after his arrival, the subject of this notice was ever ready as a tenor singer to assist any worthy object, and there were very few concerts in which he did not take part. In connection with the Wellington Harmonic Society he took the principal tenor parts in such works as the Messiah, Mendelssohn's Lobgerang, etc. Although Mr Williams has been unable, owing to the demands of his profession – the law – to appear as often in public for the past three years, he still conducts one of the largest City choirs. He has ever since his arrival been associated as leader of important choirs; first at St Mark's, Sussex Square, afterwards at the Terrace Congregational Church, and presently at Wesley Church, Taranaki Street. Mr Williams has

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<sup>82</sup> *New Zealand Free Lance*, 6 May 1905, p. 4; *Dominion*, 13 April 1908, p. 3; *New Zealand Times*, 7 September 1911, p. 11; *Evening Post*, 7 December 1926, p. 11.

<sup>83</sup> *New Zealand Free Lance*, 6 May 1905, p. 4.

<sup>84</sup> *Evening Post*, 23 April 1913, p. 7, 1 May 1913, p. 3.

<sup>85</sup> *New Zealand Free Lance*, 31 October 1908, p. 4; 'The General Elections, 1908', *AJHR*, 1909, H-30A, p. 3.

<sup>86</sup> *Evening Post*, 15 February 1911, p. 3.

<sup>87</sup> 'The General Elections, 1911', *AJHR*, 1912, H-12A, pp. 14-15.

<sup>88</sup> *Evening Post*, 30 November 1914, p. 8; 'The General Election 1914', *AJHR*, 1915, H-24A, p. 16.

<sup>89</sup> Yska, p. 113.

always been an honorary member of the Wellington Leidertafel, and has lately become an active member. Under his management Wesley Church choir is likely to become more than ever attractive.<sup>90</sup>

When he died in 1942, his obituary recalled that he ‘was at a time well known in Wellington musical circles’, with ‘a pleasing light tenor voice, which he used with considerable artistry’.<sup>91</sup> To quote his own words: ‘I have, if not found time, TAKEN it for music. I shall remember, with more genuine pleasure, my association with this divinest art than with any other occupation of my life’.<sup>92</sup>

Williams had four children: a son, born in Melbourne in 1888 and given his father’s name, and after his arrival in New Zealand he had twin daughters in 1890, one of whom died aged only two months, and another daughter was born in the following year.<sup>93</sup> His son and one daughter would marry Pakeha, and the other daughter married a Maori.<sup>94</sup> After his wife died, ‘suddenly’, in 1919, he sank into depression, a mood increased by his gradually becoming blind. He died aged 79 in 1942.<sup>95</sup>

In his contribution to ‘the Vicennial Record of the Class of 1885, Yale University, 1907’, Williams commented on the racial ‘problem’:

The relation of my race and people to the new order of things is, of course, forced upon me in my study of that great and rapidly increasing nation [the United States]. Is the [racial] problem ... showing any signs of being happily and lastingly solved? When perplexed and not quite sure that all will be well after all, I find

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<sup>90</sup> *Cyclopedia of New Zealand*, vol. 1, p. 397.

<sup>91</sup> Death Certificate of Robert Bradford Williams, 1942/24356, BDM; *Dominion*, 30 May 1942, p. 3.

<sup>92</sup> Toth, p. 2.

<sup>93</sup> Birth Certificates of Robert Bradford Williams, 1888/12014, Victorian BDM; Vera Jane Williams, 1890/10373; Evelyn Margaret Williams, 1890/10374; Nellie Evelyn Williams, 1891/9845; Death Certificate of Evelyn Margaret Williams, 1890/3584, BDM; Toth, p. 1; for a photograph of Williams with his adult daughters, see Bourke, p. 48.

<sup>94</sup> Marriage Certificates of Nellie Evelyn Williams, 1914/2024; Vera Jane Williams, 1916/1727; Robert Bradford Williams, 1935/888, BDM; *Dominion*, 30 May 1942, p. 3.

<sup>95</sup> Death Certificates of Catherine Josephine Williams, 8 April 1919, 1919/2885; Robert Bradford Williams, 21 May 1942, 1942/24356, BDM; Death Notice, *Evening Post*, 9 April 1919, p. 1; Toth, p. 2.

comfort in the belief that if we all do our duty, we may safely leave God to do the rest.<sup>96</sup>

### ALEXANDER JACKSON

Alexander Jackson participated, rather late, in the Te Aroha rush, taking out a miner's right on 17 December 1880, the same date as he was registered as one of the owners of the Don, owned by Cambridge residents.<sup>97</sup> He was living at Hamilton, and although he would have had to go to Te Aroha to take out a miner's right and may therefore have done some work on the claim whilst there, his involvement was limited to this one claim. Jackson had first attained some prominence when he gave evidence in an 1878 Supreme Court case over damages sought from the Waikato Steam Navigation Company:

Alexander Jackson (a man of colour), who acted on the night in question as an "out-porter" for the railway, but is at present an "express driver" at Hamilton, caused some amusement by the manner in which he gave his evidence.... He had no authority to collect tickets, but he collected "four or five." He is a tall, young, and good-looking blackman, and his dignity was becoming demonstrative, as it began to be apparent that in his mind all facts assumed indefinite dimensions. He was evidently zealous for the safety of the passengers himself, but the account which he gave of all he saw was so extended, and obscured by interpolation of the philanthropic motives which, he declared, actuated him, that the Court was moved to laughter repeatedly. This led to renewed explanations, and the explanations to renewed laughter, until the tall dark gentleman, with evident self-estimation, left the witness-box.<sup>98</sup>

In January that year, Jackson, then aged 33 and working as a carter and porter, married Lydia Ripley, aged 39, in a Catholic ceremony.<sup>99</sup> The marriage registration revealed both that he had been born in Panama and

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<sup>96</sup> Toth, p. 3.

<sup>97</sup> Te Aroha Warden's Court, Miner's Right no. 800, issued 17 December 1880, Miners' Rights Butt Book 1880, BBAV 11533/1f; Register of Te Aroha Claims 1880-1888, folio 197, BBAV 11567/1a, ANZ-A; *Waikato Times*, 16 December 1880, p. 2.

<sup>98</sup> Supreme Court, *Auckland Weekly News*, 20 April 1878, p. 16.

<sup>99</sup> Notices of Intentions to Marry 1878, folio 269, Births Deaths and Marriages, BDM 20/23, ANZ-W; Marriage Certificate of Alexander Jackson, 22 January 1878, 1878/217, BDM.

that he was illiterate.<sup>100</sup> Lydia, the daughter of a watchmaker, had been born in England.<sup>101</sup> Their only child, William Henry, was born in July 1879, when Jackson was working as a driver.<sup>102</sup> Sixteen months later, Lydia charged her husband with assault. At the first hearing before the magistrate, ‘Sergeant McGovern stated that the defendant had left for Auckland, and probably the domestic squabbles were now at an end, as they had separated’. Lydia then declared herself willing to withdraw the charge, ‘but hoped that steps would be taken to compel the defendant to contribute towards her maintenance’.<sup>103</sup> Later that month, Jackson, then at Dargaville, was arrested for deserting his wife. His defence was that he was ‘unable to send any money to his wife on account of his giving a large sum to his brother, whom he met in Auckland’. The magistrate required him to pay ten shillings each week.<sup>104</sup> Jackson then went to the new Te Aroha goldfield, but what happened to him afterwards has not been traced. He may well have worked his interest in the Don, and even have remained there until mid-1881, for as this claim was seen as having potential it was worked continuously until then.<sup>105</sup> If he did spend some months at Te Aroha he neither came to the attention of the press nor left any trace in any official record.

The only time that Lydia’s life was publicized after their separation (they were never formally divorced) was when a petty squabble in April 1881 led to a court hearing. The case arose from Lydia going to Mary-Anne Mayes’ house to collect her child and being told that she could not do so until she paid £4, owed for child-minding. Lydia claimed that she was struck and her son taken back into the house. ‘The defendant stated that the reason she took the child away from informant was that it had no hat on, and that when she did so, informant struck her on the shoulder, and “went on some’at dreatful.” - At this stage His Worship dismissed the

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<sup>100</sup> Marriage Certificate of Alexander Jackson, 22 January 1878, Waikato-Waipā District, Register of Marriages 1865-1880, no. 67, Catholic Archives, Auckland.

<sup>101</sup> Death Certificate of Lydia Jackson, 1 October 1891, 1891/4854, BDM.

<sup>102</sup> Birth Certificate of William Henry Jackson, 31 July 1879, 1879/16544, BDM.

<sup>103</sup> Magistrate’s Court, *Waikato Times*, 4 November 1880, p. 2.

<sup>104</sup> *Waikato Times*, 27 November 1880, p. 2.

<sup>105</sup> *Thames Star*, 17 January 1881, p. 3, 28 April 1881, p. 2; *Waikato Times*, 29 January 1881, p. 2, 30 June 1881, p. 3; *Thames Advertiser*, 2 April 1881, p. 3, 16 June 1881, p. 3.

case',<sup>106</sup> clearly tired of it. Lydia was to die of cancer in 1891, aged 53.<sup>107</sup> Her husband's life had not been traced after he deserted her.

### WILLIAM LA GRENADE MITCHELL

Newspaper references to William La Grenade (sometimes recorded as Le Grenade or La Grenada) Mitchell published before 1890 gave no indication of his colour or background. His only involvement with mining at Waiorongomai was when he bought four shares in the Queen in October 1883 for the (excessive) price of £40.<sup>108</sup> During that year, he published advertisements in the *Te Aroha News*:

W.L. MITCHELL  
PUBLIC ACCOUNTANT AND  
AUDITOR,  
Broker and Estate Agent.  
The Management of Companies under  
taken.  
General Agency Business, &c.  
Office: No. 8, Mercantile Chambers  
Queen Street, Auckland (Next Bank  
of New Zealand.)  
Local Agent: HENRY BUTTLE, Esq., Te  
Aroha.  
REFERENCES PERMITTED TO ---  
J. McCosh Clark, Esq.,  
J.C. Firth, Esq.,  
Thomas Buddle, Esq. (Messrs  
Whitaker and Russell),  
W. Rattray, Esq., 180, Queen street,  
R. Cameron, Esq., (Manager, Sav-  
ings Bank.)<sup>109</sup>

In directing its readers' attention to this advertisement, the newspaper noted that the references were 'of the very highest class, in addition to which Mr Mitchell is personally known to a large number of persons in this

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<sup>106</sup> Magistrate's Court, *Waikato Times*, 21 April 1881, p. 2.

<sup>107</sup> Death Certificate of Lydia Jackson, 1 October 1891, 1891/4854, BDM.

<sup>108</sup> Te Aroha Warden's Court, Register of Licensed Holdings 1881-1887, folio 59, BBAV 11500/9a; C.H. Bennett to W.L. Mitchell, 29 October 1883, Certified Instruments 1883, nos. 635-638, BBAV 11581/4a, ANZ-A.

<sup>109</sup> Advertisements, *Te Aroha News*, 27 October 1883, p. 3, 8 December 1883, p. 1.

district'.<sup>110</sup> Firth and Clark owned the Waiorongomai battery in addition to many other investments.<sup>111</sup> Buddle was head of the oldest established legal firm in Auckland, Whitaker and Russell.<sup>112</sup> William Rattray was a draper.<sup>113</sup> Richard Cameron, as manager of the Auckland Savings Bank, was a leading figure in the financial world.<sup>114</sup> That Mitchell was a respected member of the business community was indicated by his signing, with another 29 leading businessmen, a letter of support for a man accused of perjury.<sup>115</sup>

According to the date he recorded when signing an address to Sir George Grey, Mitchell arrived in New Zealand in 1872.<sup>116</sup> In addition to the financial services he advertised, on at least one occasion Mitchell was a moneylender, providing an Auckland manufacturer with £75 in 1885 at ten per cent interest, holding as security a bill of sale over the furniture and effects.<sup>117</sup> When Mitchell sued the Onehunga Sawmills Company for £550 in 1889, being five per cent commission for his sale of the latter's property to the Kauri Timber Company, the court hearing revealed details of his career. In his evidence, Mitchell stated that he had been a land and estate agent and public accountant in Auckland for over ten years,<sup>118</sup> which contradicted his statement in January 1887 that he had carried on this business in Auckland for 'about four years'.<sup>119</sup> His firm was so successful that he employed several clerks. Mitchell deposed that he 'undertook as an

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<sup>110</sup> *Te Aroha News*, 27 October 1883, p. 2.

<sup>111</sup> See paper on the Battery Company.

<sup>112</sup> *Cyclopedia of New Zealand*, vol. 2, p. 277; Julia Millen, *The Story of Bell Gully Buddle Weir 1840-1990* (Wellington, 1990), pp. 30, 35, 37-46, 73-85, 119-124, 127-129.

<sup>113</sup> For example, advertisement, *Waikato Times*, 30 December 1876, p. 4; *Marsden Electoral Roll, 1893*, no. 2782.

<sup>114</sup> *Cyclopedia of New Zealand*, vol. 1, p. 295; for his financial success, see probate of Richard Cameron, Probates, BBAE 1569/9136, ANZ-A.

<sup>115</sup> *New Zealand Herald*, 4 October 1886, p. 5, letters from W. Rigby and 30 Auckland businessmen, 5 November 1887, p. 3.

<sup>116</sup> 'Addresses Presented to Sir George Grey on his 74th Birthday, 14 April 1886, by European and Maori Residents of Auckland Province', p. 231, Grey New Zealand MS 275, Auckland Public Library.

<sup>117</sup> Instruments registered under the Chattels Securities Act, 1882, in *Observer*, 18 April 1885, p. 13.

<sup>118</sup> Supreme Court, *New Zealand Herald*, 5 September 1889, p. 5.

<sup>119</sup> *New Zealand Herald*, 24 January 1887, p. 3.

accountant to open and supervise the keeping of the books at the mill at Onehunga', permitting the mill manager to use his office in Queen Street for business purposes. Mitchell made up the company's book once a month, and paid rent of £100 p.a. on his office. He stated that he was paid the same amount for his services to the company and for the use of his office, although the mill manager stated that he was paid £150. Mitchell declared that 'it was not true he was to give his whole services to the company, and he was actively engaged in carrying on his business'.<sup>120</sup> After the broker who negotiated on behalf of the Kauri Timber Company told the court that Mitchell had for many years carried on an 'active' commission agency, the jury found in Mitchell's favour.<sup>121</sup>

Apart from acquiring an interest in one claim at Waiorongomai, Mitchell's only mining investments were made at Karangahake two years later, first in three claims and then in one company.<sup>122</sup> He invested in the Northern Omnibus Company, formed in 1883, and was elected a director.<sup>123</sup> In 1886, he purchased ten of the 100,000 shares in the North New Zealand Woollen Manufacturing Company.<sup>124</sup>

Mitchell first acquired land in Auckland's suburbs in 1876.<sup>125</sup> Between 1880 and 1886 he acquired land in Takapuna and the city and suburbs of Auckland;<sup>126</sup> some sections were owned with others.<sup>127</sup> In October 1882, he owned 12 acres in Eden County valued at £1,600 and eight in Waitemata County worth £400, plus property within the city worth £350.<sup>128</sup> In that year he became a partner, with Thomas Buddle, in a 23-acre suburban farm

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<sup>120</sup> Supreme Court, *New Zealand Herald*, 5 September 1889, p. 5.

<sup>121</sup> Auckland Supreme Court, Judge's Notebooks, Conolly J, Civil Notebook 1889-1890, p. 9, BBAE A304/134, ANZ-A; Supreme Court, *New Zealand Herald*, 5 September 1889, p. 5.

<sup>122</sup> Thames Warden's Court, Register of Applications for Licensed Holdings 1881-1886, folios 115, 118, 124, BACL 14452/1a, ANZ-A; *New Zealand Gazette*, 10 December 1885, p. 1436.

<sup>123</sup> Company Files, BADZ 5181, box 43 no. 273, ANZ-A.

<sup>124</sup> Company Files, BADZ 5181, box 49 no. 322, ANZ-A.

<sup>125</sup> Department of Lands and Deeds, Auckland, Index to Deposited Documents, vol. 2, p. 346, BCAT A1009, ANZ-A.

<sup>126</sup> Land Transfer Index, vol. 4, p. 640, Land Information New Zealand, Auckland.

<sup>127</sup> *New Zealand Gazette*, 23 December 1886, p. 1712.

<sup>128</sup> *A Return of the Freeholders of New Zealand ... October 1882* (Wellington, 1884), p. M49.

lot in Takapuna.<sup>129</sup> The total acreage the owned in Waitemata Country was 45, valued at £3,900.<sup>130</sup> In August 1885 he became an original shareholder, along with other leading Aucklanders, in the Auckland Land Investment Company, and was elected a director.<sup>131</sup> He lived in City Road, where he owned land;<sup>132</sup> his land agent's office was in a Queen Street arcade.<sup>133</sup>

Mitchell's acceptance as a valued colleague by the Auckland business community was indicated by his being initiated into the Ara Lodge in August 1873, a year after his arrival in the colony, and his election as its secretary four months later. Although replaced as secretary a year later, he held this post once more from December 1877 to January 1881, when, according to the official history of this lodge, he became treasurer, retaining this position until June 1887.<sup>134</sup> In fact he was invested as treasurer once more in the latter month, and again in the following June.<sup>135</sup> Although he was not treasurer in either 1889 or 1890, seemingly he was in charge of its finances at that time.<sup>136</sup> As another indication of his respectability, it was noted that 'he went often enough to church' and probably knew his Bible well.<sup>137</sup>

His land dealings were to cause him financial difficulties, as he explained in 1887:

In March, 1885, I purchased at public auction certain leasehold property of the Auckland City Council, situate in the Karangahape Road, on behalf of clients. At that time freehold properties in the same locality had attained a very high value, and the demand for business sites and premises seemed unabated. Shortly after the purchase it was apparent that a reaction had set in; further on, the properties still remaining in

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<sup>129</sup> *New Zealand Gazette*, 12 September 1882, p. 1303; advertisement, *Te Aroha News*, 27 October 1883, p. 3.

<sup>130</sup> *Return of the Freeholders*, p. M49.

<sup>131</sup> Company Files, BADZ 5181, box 48 no. 312, ANZ-A.

<sup>132</sup> *Auckland Central Electoral Roll, 1887*, p. 17.

<sup>133</sup> *Wise's New Zealand Directory 1887-1888*, p. 46.

<sup>134</sup> G.A. Gribbin, *The History of the Ara Lodges* (Auckland, 1909), pp. 220, 227.

<sup>135</sup> *New Zealand Herald*, 25 June 1887, Supplement, p. 1; *Auckland Star*, 25 June 1888, p. 8.

<sup>136</sup> Gribbin, p. 220; *Auckland Star*, 25 June 1889, p. 5, 25 June 1890, p. 5; *Observer*, 28 June 1890, p. 6.

<sup>137</sup> *Observer*, 28 June 1890, p. 6.

my own name, I sought to transfer them to my clients, but objection was raised on behalf of the City Council, and the leases continued in my name. In order, as I thought, to make the best of it under the circumstances, I had plans prepared by Mr Wade, architect, for buildings, and tenders were about to be called and all arrangements completed, when, seeing that so many shops were being erected by others, I determined to await the issue of their letting. Business in that locality gradually grew worse, and shops built in 1885 remain unlet to this day.

As he had to pay a rental to the council of over £300 a year for leased land that he could neither profitably build on nor sell, he became bankrupt in January 1887. By that time, he had paid ground rents amounting to nearly £400 and had paid another £60 to meet part of the cost of building a party wall for an adjoining lot. 'The City Council pressed me for payment of arrears of rent, and obtained judgment against me. The position of affairs was represented to them, nevertheless they threatened execution and levy on my goods unless the amount was immediately paid'. Mitchell pointed out that their demand would force him into bankruptcy, and in December 1886 offered to pay a penalty of £100 if the council would allow him to surrender the leases.<sup>138</sup> This was refused, one unsympathetic councillor saying that he had held the property for speculative purposes and had not spent anything to improve it.<sup>139</sup> Mitchell blamed this council decision for 'the necessity for the course I have now taken. Had the course of business continued as it was two years ago, I should have had no difficulty in carrying on these leases', but the collapse in the property market was such that, even if he had erected buildings, the revenue he would have received from renting these would not have paid the ground rent, 'and there appears little prospect of any early improvement'.

Although the leases were 'the immediate cause' of his bankruptcy, his losses from bankrupt estates during the past year amounted to nearly £1,500: 'altogether I have lost £3000 during the past 18 months'. His unsecured debts amounted to £384 14s. He owned freehold and leasehold properties 'in and about Auckland' on which there were 'encumbrances' totalling £12,632, and 'owing to the depressed state of the land market' he feared 'no surplus could be realised if a forced sale were attempted'. His only available assets were book debts of £440, estimated to produce £50,

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<sup>138</sup> *New Zealand Herald*, 24 January 1887, p. 3.

<sup>139</sup> City Council, *Auckland Star*, 14 January 1887, p. 4.

and furniture and effects, worth about £150. He was willing to disclose the full records of his financial dealings and properties to his creditors, but it was impossible to make ‘any offer in the nature of a compromise’.<sup>140</sup>

As an undischarged bankrupt, he was rarely mentioned in the press during the first half of 1887.<sup>141</sup> In mid-September, he went to Sydney,<sup>142</sup> presumably because he had been told of the serious illness of a brother, Samuel Francis Hincks Mitchell, commonly known as Frank. After arriving in Auckland in March 1876,<sup>143</sup> he had settled in Oamaru and then in Dunedin. Four children were born to him and his wife, Fanny Margaret Rebecca, whilst in New Zealand.<sup>144</sup> When Frank died aged only 29, an obituary recorded that ‘for many years’ he had been a merchant’s ‘managing clerk’ in Auckland, where he acquired ‘many friends’.<sup>145</sup> In 1885, after the birth of his last child, he had left Auckland to become a ‘commission merchant’ in Brisbane.<sup>146</sup> Mitchell arrived there just before Frank died of tuberculosis on 10 October, for he provided the details on his death certificate and cabled the news to Auckland.<sup>147</sup> Frank’s will, dated 1 September 1887, designated Mitchell as one of his executors, who, on 20 October, when still in Brisbane, signed legal papers in connection with the probate.<sup>148</sup> He had returned to Auckland by 4 November.<sup>149</sup>

Eight months after being adjudged bankrupt, Mitchell was discharged, without opposition from his creditors, who received two shillings in the

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<sup>140</sup> *New Zealand Herald*, 24 January 1887, p. 3.

<sup>141</sup> *New Zealand Herald*, 13 January 1887, p. 3, advertisement, 22 June 1887, p. 1, 25 June 1887, Supplement, p. 1.

<sup>142</sup> *Auckland Star*, 17 September 1887, p. 4, 20 September 1887, p. 2.

<sup>143</sup> *New Zealand Herald*, 24 March 1876, p. 2; Death Notice, *Auckland Star*, 11 October 1887, p. 8.

<sup>144</sup> Birth Certificates of Agnes Rebecca Mitchell, 1876/3469; Julia Ruth Mitchell, 1879/9674; Francis Robert Mitchell, 1882/9461; Albert Alonzo Mitchell, 1885/7769, BDM.

<sup>145</sup> *Auckland Star*, 11 October 1887, p. 4.

<sup>146</sup> Daphne Daifas, McGill University, Canada, to Philip Hart, 14 September 2009, email.

<sup>147</sup> Death Certificate of Samuel Francis Hincks Mitchell, 10 October 1887, 1887/594, Queensland BDM; Death Notice, *Auckland Star*, 11 October 1887, p. 8.

<sup>148</sup> Will of S.F.H. Mitchell, no. 4813, item 741947, Microfilm Z141; *Brisbane Courier*, 15 November 1887, p. 6; details provided by Daphne Daifas to Philip Hart, 23 September 2009, and Sharan Fergie to Philip Hart, 16 December 2014, emails.

<sup>149</sup> Letter from 30 Auckland businessmen, *Auckland Star*, 4 November 1887, p. 5.

pound; his estate realized a mere £34 13s.<sup>150</sup> When bankrupt, between mid-January and mid-June 1887 he did not advertise any properties for lease or sale.<sup>151</sup> After his discharge, he speculated in land once more, acquiring two buildings in Liverpool Street, Auckland, with a combined value of £114.<sup>152</sup> When the Auckland Land Investment Company was formed in 1888, he held 316 of its 50,000 shares and was a director; within a year it had ceased operations because all shareholders bar one had become insolvent.<sup>153</sup> With a restaurant owner, George William Robson, he raised money by assigning a bill of sale over Robson's property.<sup>154</sup> In 1890, in partnership with a flax dresser and agent, Frederick David Woodroffe, he leased land in the Kaipara district and erected a flax mill at Helensville, borrowing £428 15s 2d on securities worth £660 from three sources.<sup>155</sup> At the end of September, merchants Arthur Heather<sup>156</sup> and John Chambers<sup>157</sup> took him to court to enforce repayment of a promissary note. 'As Mitchell had an interest in a mill, the plaintiffs wished to proceed against him'; permission was granted.<sup>158</sup>

By that time, Mitchell was no longer in New Zealand. On 18 June, the *New Zealand Herald* reported that, two days previously, 'the offices of a well-known house and estate agent in Queen-street were noticed to be closed, and the result was that a number of friends made inquiries, but without satisfaction'. The following day, a bailiff took possession of the offices.

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<sup>150</sup> Auckland Supreme Court, Bankruptcy Register 1884-1927, folio 129, BAEA 11029/1a, ANZ-A; Supreme Court, *Auckland Star*, 25 July 1887, p. 5; Supreme Court, *New Zealand Herald*, 16 August 1887, p. 3; *Mercantile and Bankruptcy Gazette*, 21 January 1888, p. 20.

<sup>151</sup> Advertisements, *New Zealand Herald*, 15 January 1887, p. 1, 22 June 1887, p. 1.

<sup>152</sup> *Burgess Roll for the City of Auckland, East Ward, 1890-1891*, p. 17.

<sup>153</sup> Company Files, BADZ 5181, box 48 no. 312, ANZ-A.

<sup>154</sup> *Mercantile and Bankruptcy Gazette*, 23 March 1889, p. 82; for Robson's full name, see *Mercantile and Bankruptcy Gazette*, 7 May 1891, p. 122.

<sup>155</sup> *Mercantile and Bankruptcy Gazette*, 9 October 1890, p. 317.

<sup>156</sup> See *Cyclopedia of New Zealand*, vol. 2, pp. 303, 392; *New Zealand Herald*, 24 May 1933, p. 16.

<sup>157</sup> See paper on mining in the Tui district.

<sup>158</sup> Hesketh and Richmond Papers, Box 94, 1284/M, MS 440, Auckland Public Library; Supreme Court, *New Zealand Herald*, 1 October 1890, p. 3.

The last that was seen of the agent alluded to was about five o'clock on Monday morning, on the Queen-street Wharf, in the vicinity of the mail steamer *Mariposa*, since which period he has not been visible to the general public. It is understood that in Masonic circles his unexplained absence is deeply regretted.<sup>159</sup>

This extremely discreet report would have meant little to those not in the know. It was followed, on the next day, by the announcement that, when Mitchell was called to appear as a member of a special jury in a case in the Supreme Court, 'he did not answer', and the judge was informed that he had left on the mail steamer. As Mitchell had not sought leave to be excused, he was in contempt of the court summons and therefore liable to a fine of £100.<sup>160</sup> Two days later, a newspaper columnist noted that 'another smart businessman' had 'folded his tent like the Arab, and has stolen silently away, not lost, but gone before. He had the Grippe [influenza],<sup>161</sup> but it was of the funds, and everybody, wise after the event, wonders how they were "done brown" ',<sup>162</sup> meaning that they had been cheated.<sup>163</sup>

No further details of Mitchell's disappearance were published in the *New Zealand Herald*, but the *Observer*, which focused on gossip and scandal, filled this discreet vacuum. On 28 June 1890, it reported that Mitchell had 'suddenly and mysteriously left Auckland without acquainting any one of his intentions', leaving 'his business affairs in a very bad mess':

Rumour is busy with allegations of other offences, which include embezzlement of monies estimated at £2000. Of this total, some £500 belongs to the Grand Lodge of Freemasons, and £340 odd have been absorbed from the funds of Ara Lodge, of which Mitchell was treasurer. I am told that the "brethren of the mystic tie" were well aware that their coloured brother was going crooked, and at last audit they had to help him to raise money to square his accounts. The annual audit was again approaching, and certain Masons, with true fraternal feeling, tried to persuade a well-to-do "brother" to advance the money to hide Mitchell's defalcations. This brotherly intention was defeated.

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<sup>159</sup> *New Zealand Herald*, 18 June 1890, p. 5.

<sup>160</sup> *New Zealand Herald*, 19 June 1890, p. 5.

<sup>161</sup> *Black's Medical Dictionary*, 36 ed., ed. C.W.H. Havard (London, 1990), p. 314.

<sup>162</sup> 'Mercutio', 'Local Gossip', *New Zealand Herald*, 21 June 1890, Supplement, p. 1.

<sup>163</sup> Eric Partridge, *A Dictionary of Slang and Unconventional English*, 8 ed., ed. Paul Beale (London, 1984), p. 318.

Before he fled ‘everybody well knew he was not earning a pound a week at his business’.<sup>164</sup> In its next issue, the *Observer* reported that

a nice little game was worked by W.L. Mitchell, in getting hold of the sum of £340, trust money belonging to the Freemasons. To enable him to draw it from the bank, he had to get the signature of the master of the Lodge, and as the latter gentleman will not be back from Fiji till “the end of May” (or the beginning of Must) I am unable to explain how Mitchell managed to deceive such a wide-awake [sly and shrewd]<sup>165</sup> coon, or whether he was “squared.” When asked to explain what had become of the money, Mitchell defied the brethren.<sup>166</sup>

The *Observer* had now learnt that, ‘so far from the Masonic fraternity winking at his defalcations, they were inclined to prosecute him criminally; but as Masonic Lodges are not registered under the Friendly Societies Act they have no status to maintain a prosecution for embezzlement’.<sup>167</sup> Mitchell also, it claimed, ‘went round among soft-headed Masons and collected subscriptions to pay the passage of dear Brother Evans to Fiji’; David Falkner Evans was another Mason who had fled there to avoid paying his debts.<sup>168</sup> A cartoon showed them both, equipped with fairy wings, dancing happily with other ‘Levanters’,<sup>169</sup> a term used to describe people who left for foreign parts to escape their creditors.<sup>170</sup>

Later in the year, his former partner, Woodroffe, explained to the official assignee why he had been forced into bankruptcy:

He ... went into partnership in a flax-mill with Mr W.L. Mitchell, borrowing the necessary capital.... Mitchell absconded, shortly after the mill was set going, leaving the finances seriously embarrassed, all the working capital having disappeared. The mill was then closed. The debtor considered that the primary cause of his difficulties was his connection with Mitchell, who

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<sup>164</sup> *Observer*, 28 June 1890, p.6.

<sup>165</sup> Partridge, p. 252.

<sup>166</sup> *Observer*, 5 July 1890, p. 6.

<sup>167</sup> *Observer*, 5 July 1890, p. 7.

<sup>168</sup> *Observer*, 5 July 1890, p. 6; Gribbin, p. 223.

<sup>169</sup> *Observer*, cartoon, 12 July 1890, p. 16, 20 September 1890, p. 7.

<sup>170</sup> Jonathon Green, *The Cassell Dictionary of Slang* (London, 1998), p. 72; *Random House Historical Dictionary of American Slang, vol. 2, H-O*, ed. J.E. Lighter (New York, 1997), p. 424.

absconded with his money and left a load of liabilities heaped upon him.<sup>171</sup>

Only after Mitchell's flight was any reference to his ancestry published. In its first report, the *Observer* described him as a 'coloured' member of the Masons and as 'that black scoundrel',<sup>172</sup> possibly a reference to his crimes rather than his colour. In this edition, it also printed three cartoons of his flight to Fiji, in the second of which a black man is shown sitting on the deck of a ship with a cashbox beside him. The caption was: 'The detectives, searching the mail steamer for a fair-complexioned man, did not see this one'.<sup>173</sup> In its next issue, the *Observer* stated that it was 'considered likely' that he had 'gone to the obscure little Republic of Grenada. His father was President there, and recently died, leaving a bit of money to his wandering son'.<sup>174</sup> This information explained his middle name. Clearly Mitchell had told those he dealt with that his father was president, and the tradition in his family repeats this story.<sup>175</sup> His father, Samuel Mitchell, had in fact been appointed as Colonial Secretary in 1854,<sup>176</sup> and Grenada, part of the Windward Islands in the West Indies, was a British colony, not a republic.<sup>177</sup> In 1877, Samuel Mitchell had been appointed Colonial Secretary and an appointed member of both the Executive and Legislative Councils.<sup>178</sup> He had died in August 1889.<sup>179</sup>

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<sup>171</sup> *New Zealand Herald*, 1 October 1890, p. 3.

<sup>172</sup> *Observer*, 28 June 1890, p. 6.

<sup>173</sup> Cartoon, *Observer*, 28 June 1890, p. 16.

<sup>174</sup> *Observer*, 5 July 1890, p. 7.

<sup>175</sup> R.W. Mitchell to 'Enquiry, Emigration Offices, New Zealand', 19 September 1976, Turnbull Letters, TL 3/1/2, Alexander Turnbull Library.

<sup>176</sup> Marriage Certificate of William La Grenade Mitchell, 23 May 1889, 1889/946, BDM; link to [eap.bl.uk/database](http://eap.bl.uk/database) provided by Sharan Fergie to Philip Hart, 18 November 2014, attachment to email.

<sup>177</sup> For information relevant to Mitchell's father, see in particular James Anthony Froude, *The English in the West Indies* (New York, 1888, reprinted 1969), pp. 52-57; Gordon K. Lewis, *The Growth of the Modern West Indies* (London, 1968), p. 144; M.G. Smith, *Stratification in Grenada* (Los Angeles, 1965), pp. 8-12; George Brizan, *Grenada: Island of conflict: from Amerindians to people's revolution 1498-1979* (London, 1984), pp. 197-198, 203-205.

<sup>178</sup> Brizan, p. 205.

<sup>179</sup> *St George Gazette*, 10 August 1889; information provided by Daphne Daifas.

His son William was baptized in September 1847, in the parish of St George's. A member of one of the elite families in Grenada, Mitchell had obtained several positions within the civil service, commencing as a clerk in his father's office in 1865.<sup>180</sup> In January 1866, he was appointed as registrar general for the town and parish of St George.<sup>181</sup> In August 1868, when a colonial revenue officer, he applied for the post of Treasurer of Dominica,<sup>182</sup> unsuccessfully. Appointed a revenue officer in 1869, he subsequently became chief clerk in the treasurer's office. In 1871 he was Acting Auditor of Public Accounts both treasurer and secretary of the Poor House and Lunatic Asylum, and chief executive officer of the Board of Guardians of the Poor.<sup>183</sup>

As in New Zealand, Mitchell exploited his positions for his own personal benefit. In November 1871, the newspaper that had belonged to his father-in-law published the following details:

A stern sense of justice compels us today, as impartial journalists, to notice (and we do so with pain and sorrow) the rumoured defalcation and flight of Mr W.L. Mitchell, the Acting Auditor of Public Accounts and the Treasurer and Secretary of the Poor House and Lunatic Asylum in this island; and also, the reported defalcation and flight of Mr James Robertson, Acting Chief Clerk in the Treasury.

An excess of expenditure by Mr Mitchell had been discovered and reported to the Treasury. Mr Mitchell acknowledged the deficit and, suggesting that one of the contractors had received more than she was entitled to, sent £140, the amount owed, to the Governor. He would not accept it. Proceedings were ordered against Mary Gaff – the contractor.

Nov. 8<sup>th</sup> – Her counsel (Mr Munro) asked for an adjournment for more time to prepare the case.

Nov. 9<sup>th</sup> – Case was called. Mr Mitchell sent letter saying he was ill and wanted another adjournment.

Nov. 10<sup>th</sup> – Chief witness still did not appear. Police Magistrate reported he had fled the island. Mr James Robertson had also fled....

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<sup>180</sup> Daphne Daifas to Philip Hart, 14 September 2009, email.

<sup>181</sup> Appointment of District Registrars, 30 January 1866, CO 101/123/5, The National Archives, Kew, London.

<sup>182</sup> Application from William La Grenade Mitchell, 13 August 1868, CO 101/128/62, The National Archives, Kew, London.

<sup>183</sup> Daphne Daifas to Philip Hart, 14 September 2009, email.

A committee was appointed to go over the books. They found “evidence of an unpardonable looseness in the manner in which the affairs of the department have been conducted.”

The Public treasurer is seen as the chief culprit for the state of affairs as he had been leaving everything to his subordinates....

Suffice it, that the subject engrosses the public attention, and has caused much and universal regret amongst the community, as well as for the unfortunate individuals who have, seemingly completely annihilated a promising career, as for the family connections, who are among the most respectable, who are plunged into the deepest grief and anxiety.<sup>184</sup>

Early the following month, the results of an examination of Mitchell’s affairs were reported to London. There had been concern over the ‘increasing expense’ of the asylum and poor house, and Mitchell’s accounts and explanations were ‘both unsatisfactory’.

Accounts were prepared embracing the cost of rations for the two establishments, which were correct, as far as is known and were paid monthly. Accounts were then presented ... for the Poor House alone, were also paid, and of course constituted a double charge.

Accounts were prepared by a Clerk in the Auditor’s Office by order of Mr Mitchell.

His subsequent conduct raises a reasonable suspicion that the contractor, a female, was only a tool in his hands. She declared she is ignorant of having received more than she was entitled to and that he induced her to sign two sheets of receipts without ascertaining the contents, and pocketed the excess.

Mr Mitchell finding that the L[iutenant] G[overnor] had decided on investigating his conduct generally crossed the island and embarked on the 9<sup>th</sup> at Grenville in a small sloop bound for the island of St Martin....

Early in October during the illness of the Secretary to Board of Education, he obtained through the Colonial Secretary the signature of the L.G. to a cheque for \$150 ... to make remittance to a Publisher in Dublin. Having got possession of this cheque he altered the word one and the figure 1 into four and 4 respectively, not a difficult matter, the cheque having been prepared by himself, got the cheque cashed for the larger amount, remitted the smaller and retained the balance amounting to 300 dollars....

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<sup>184</sup> *St George’s Chronicle and Grenada Gazette*, 25 November 1871, recorded by Jill Aizlewood and appended to Daphne Daifas to Philip Hart, 19 September 2009, email.

[The fraud] was discovered by the Treasurer on 17<sup>th</sup> November, upon a comparison of the Bank Pass book with the counterfoil of cheques drawn.<sup>185</sup>

Some time between his flight on 9 November 1871 and the end of the following year Mitchell arrived in Auckland. Late in March 1876, his wife and daughter joined him; they had arrived from London with his brother, Samuel Francis Hicks Mitchell, on a new ship, the 'Brodict Castle'. That they travelled as first class passengers indicated their comfortable finances;<sup>186</sup> perhaps Mitchell had subsidized their passage out of his ill-gotten gains.

How 'black' was Mitchell? In September, the *Observer* referred to him as 'Darkey'.<sup>187</sup> Four years later it would describe him as 'cherry-coloured'.<sup>188</sup> An American historian, writing in 1928, had strong views about the intermixing of races in Grenada and the Caribbean in general:

The white man in tropical America was out of his habitat. Constant association with an inferior subject race blunted his moral fibre and he suffered marked demoralization.... Miscegenation, so contrary to Anglo-Saxon nature, resulted in the rapid rise of a race of human hybrids. Planter society was based upon whites and blacks, removed to unfamiliar scenes, and their unhappy offspring.<sup>189</sup>

This historian provided intricate definitions of the offspring resulting from 'miscegenation':

The offspring of a white man and a negro was known as a mulatto; the cross between a white and mulatto, a quadroon; that between a white and a quadroon, a mustee; while the union of white and mustee produced mustee-finns. These distinctions were jealously guarded; the farther from negro ancestry an individual stood the higher his social rank. Those above three steps removed

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<sup>185</sup> Governor Rawson to Earl of Kimberley, 8 December 1871, CO 101/132, folios 159-164, The National Archives, Kew, London, recorded by Jill Aizlewood and appended to Daphne Daifas to Philip Hart, 19 September 2009, email.

<sup>186</sup> *Daily Southern Cross*, 24 March 1876, p. 2.

<sup>187</sup> *Observer*, 20 September 1890, p. 7.

<sup>188</sup> *Observer*, 27 January 1894, p. 5.

<sup>189</sup> Lovell Joseph Ragatz, *The Fall of the Planter Class in the British Caribbean, 1763-1833: A study in social and economic history* (New York, 1928, reprinted 1963), p. 5.

from the full black in lineal disgression were officially deemed to be white; all below it were mulattos, so-called “persons of color,” in the eyes of the law.<sup>190</sup>

Other historians, whilst not willing to engage with the alleged evils of racial mixing, agree that there were ‘marked inequalities of status between its ethnic groups’.<sup>191</sup> Today, skin colour continues to symbolize ‘divergences of status and culture: most Grenadians of low status are black; most Grenadians of high status are fair’.<sup>192</sup> Under the British in the nineteenth century, white officials ruled.<sup>193</sup> Allied with planters and merchants, they comprised a tiny elite.<sup>194</sup> Although Samuel Mitchell was one of the six men who composed the executive and legislative councils after 1877,<sup>195</sup> he was not wholly white, being a descendant of an illustrious mulatto, Louis La Grenade.<sup>196</sup> His wife, or more probably ‘wife’, Amelia Weir,<sup>197</sup> must have been wholly or partly black.

After his departure, Mitchell, who had been a regular attendee at church,<sup>198</sup> was denounced as a hypocrite:

“Revenge is sweet,” saith the proverb, and in the anticipation of that sweetness we are just now indulging. As our readers are aware, some time ago a gentleman named Santley-Clampett, alias Sullivan, arrived here from America, and, adopting the religious racket, eased the colony of over a thousand pounds.<sup>199</sup> We longed to get square with America in some way for this, and our prayer appears likely to be answered, per our own Darkey

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<sup>190</sup> Ragatz, p. 33.

<sup>191</sup> As stated by Smith, p. 9.

<sup>192</sup> Smith, p. 16.

<sup>193</sup> Smith, p. 213.

<sup>194</sup> Brizan, p. 197.

<sup>195</sup> Brizan, p. 205.

<sup>196</sup> Daphne Daifas to Philip Hart, 14 September 2009, email; ‘Notes on William La Grenade Mitchell with respect to his African heritage’, appended to Daphne Daifas to Philip Hart, 19 September 2009, email.

<sup>197</sup> Marriage Certificate of William La Grenade Mitchell, 23 May 1889, 1889/946, BDM; Daphne Daifas to Philip Hart, 14 September 2009, email.

<sup>198</sup> *Observer*, 28 June 1890, p. 6.

<sup>199</sup> See *Thames Advertiser*, 2 February 1889, p. 2; *Press*, 4 September 1889, p. 6; *Observer*, 6 April 1889, p. 3, 3 August 1889, p. 17, 4 September 1889, p. 3, 14 September 1889, p. 11, 21 September 1889, p. 9, 14 December 1889, p. 11, 7 December 1895, p. 3.

Mitchell. This gentleman, after a rather hasty exit from Auckland, has arrived in 'Frisco, and applied to the Y.M.C.A. [Young Men's Christian Association] there for the post of secretary and treasurer. Like Clampett, he has "reformed," and means to lead a pious life - till he gets an opportunity to bolt. He has decided that his proper sphere of life lies in the religious world, and that his talents have hitherto been wasted. May it turn out so! We can back Mr Mitchell to thoroughly spoil the Yanks at the first pop, and then our revenge will be complete.<sup>200</sup>

Upon his fleeing Auckland, Mitchell's personal life became public knowledge. The *Observer* cited his behaviour in its series of examples of the low ebb of 'marital morality':

The most objectionable form of marital treachery and deceit is that which combines infidelity with desertion....

'Tis said the Devil is not so black as he is painted, and probably Mitchell is not quite so inky as the last four letters of his name would suggest; but taking the plain unvarnished facts of the case, do they not disclose a damnable state of immorality? ...

He has gone and left his wife and family quite unprovided for, with a possibility of their being dependent on public or private charity. He had left his business affairs in a very bad mess; and it is when the reason of this is sought that his moral turpitude is discovered. It turns out that he has for a long time been living a grossly immoral life. A woman who lives in Wakefield-street was "kept" by Mitchell (with other people's money, presumably), and as a result of their illicit connection two children have been born within the last two years. This woman and her two children have also been left penniless by the cowardly scoundrel, and there is a probability of their becoming charges on the Charitable Aid Board....

In addition to the facts recorded regarding Mitchell's immoralities, there are rumours of other women with whom he has been consorting, and upon whom he has been spending money lavishly, when everybody well knew he was not earning a pound a week at his business.<sup>201</sup>

The total number of his 'many' children was not given, and was probably not known. In July 1871, at the age of 24, he had married Mary

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<sup>200</sup> *Observer*, 20 September 1890, p. 7.

<sup>201</sup> *Observer*, 28 June 1890, p. 6.

Ann Wells, 22, the daughter of the late Charles Wells, a journalist.<sup>202</sup> Her mother was not recorded on Mary Ann's death certificate,<sup>203</sup> suggesting that she was wholly or partly black. Her father, a member of the 'plantocracy' of Grenada, was of mixed race.<sup>204</sup>

Before her death in 1885, Mary Ann bore him seven children.<sup>205</sup> When Mitchell fled Grenada, his wife was pregnant with their first child, Marion Gertrude Florence, born in late April 1872.<sup>206</sup> When her family left New Zealand, she remained behind, became a teacher, and married a Pakeha in 1913.<sup>207</sup> Family members remembered her visiting them in Australia.<sup>208</sup> Mary Ann's arrival in Auckland, in late March 1876,<sup>209</sup> resulted in the birth of a very premature son in September; he died immediately after birth.<sup>210</sup> Charles Ernest was born early in 1877, and died soon afterwards.<sup>211</sup> In February 1879, Jessie Irene, who had acquired no names when her birth was registered, was born.<sup>212</sup> Twin boys, William Herbert and Charles Samuel, were born in 1881;<sup>213</sup> the latter died when one month old, the

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<sup>202</sup> Death Certificate of Mary Ann Mitchell, 27 May 1885, 1885/3113; Marriage Certificate of William La Grenade Mitchell, 23 May 1889, 1889/946, BDM; *Saint George's Chronicle*, 29 July 1871, reference provided by Daphne Daifas to Philip Hart, 25 September 2009, email.

<sup>203</sup> Death Certificate of Mary Ann Mitchell, 27 May 1885, 1885/3113, BDM.

<sup>204</sup> Daphne Daifas to Philip Hart, 14 September 2009, email.

<sup>205</sup> Death Certificate of Mary Ann Mitchell, 27 May 1885, 1885/3113, BDM.

<sup>206</sup> Daphne Daifas to Philip Hart, 23 September 2009, email; for photograph, see attachment to Sharan Fergie to Philip Hart, November 2014, email.

<sup>207</sup> Marriage Certificate of Marion Gertrude Florence Mitchell to Roger Dawson, 1913/8531; Death Certificate of Marion Gertrude Florence Dawson, 1965/36512, BDM.

<sup>208</sup> Sharan Fergie to Philip Hart, 18 November 2014, attachment to email.

<sup>209</sup> *Daily Southern Cross*, 24 March 1876, p. 2.

<sup>210</sup> *New Zealand Herald*, 22 September 1876, p. 7.

<sup>211</sup> Birth Certificate of Charles Ernest Mitchell, 1877/429; Death Certificate of Charles Ernest Mitchell, 1877/114, BDM.

<sup>212</sup> Birth Certificate of Jessie Irene [these names not recorded] Mitchell, 17 February 1879, 1879/255, BDM; details and photograph in attachments of Sharan Fergie to Philip Hart, 18 November 2014, email.

<sup>213</sup> Birth Certificates of William Herbert Mitchell, 1881/2233; Charles Samuel Mitchell, 1881/2234, BDM.

former three years later.<sup>214</sup> Allen Wells was born in 1882 and died almost immediately.<sup>215</sup> Two years later, Lillian Beatrice was born, and also lived only briefly.<sup>216</sup> In the following year, the three surviving children became motherless.

Described in the death notice as his 'beloved wife', Mary Ann died in May 1885, aged 36, of chronic catarrhal pneumonia after an illness lasting a year; she received a Wesleyan burial.<sup>217</sup> Almost four years later to the day, Mitchell remarried, at the age of 42, Edith Harriet Jackson, aged 38, whose occupation was 'Lady Help'. They both lived in Birkenhead; had she been his housekeeper? Edith had been born in London to Frederick, a surveyor, and Amelia Elizabeth Schultze. The wedding was conducted by a Wesleyan minister, in the house of Charles Edward Button, who, with his wife, signed the marriage certificate as witnesses.<sup>218</sup> Button was a leading Auckland solicitor who, having been a Member of Parliament for Hokitika in the 1870s, would become a representative for Auckland City in the mid-1890s.<sup>219</sup> This was another illustration of how Mitchell was respected by leading Aucklanders.

The cartoon showing his families revealed that his mistress was white, as was his second wife and presumably the other New Zealand women (one of whom is in the background) with whom he had sexual relations. It showed his wife (who incorrectly was not shown as being heavily pregnant) with three stepchildren, incorrectly one girl and two boys, and the daughter far too small for her age; in fact his illegitimate family comprised one child of each sex.<sup>220</sup>

Nothing more was heard of Mitchell until January 1894, when the *Observer* reported that

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<sup>214</sup> Death Certificates of Charles Samuel Mitchell [no name recorded], 1881/2948; William Herbert Mitchell, 1884/791, BDM.

<sup>215</sup> Birth Certificate of Allen Wells Mitchell, 1882/9240; Death Certificate of Allen Wells Mitchell, 1882/434, BDM.

<sup>216</sup> Birth Certificate of Lillian Beatrice Mitchell, 1884/568; Death Certificate of Lillian Beatrice Mitchell, 1884/3729, BDM.

<sup>217</sup> Death Certificate of Mary Ann Mitchell, 27 May 1885, 1885/3113, BDM; Death Notice, *New Zealand Herald*, 28 May 1885, p. 4.

<sup>218</sup> Marriage Certificate of William La Grenade Mitchell, 23 May 1889, 1889/946, BDM; for John Dukes, see *New Zealand Gazette*, 27 January 1888, p. 117.

<sup>219</sup> *Cyclopedia of New Zealand*, vol. 2, pp. 110-111, 528.

<sup>220</sup> Cartoon, *Observer*, 28 June 1890, p. 16.

the cherry-coloured W. L. Mitchell, famous as a travelling land agent and Masonic trust funds financier, is back in the colonies again. Our Sydney correspondent writes that he saw W. L. outside the General Post Office there the other day, looking spruce and active as of yore.

He had previously been in Melbourne. A fellow Levanter, Evans, was also living in Sydney.<sup>221</sup> Eight months later they were still in Sydney.<sup>222</sup> Mitchell's wife was not listed on any of the 1893 New Zealand electoral rolls,<sup>223</sup> for she had not been deserted but had joined him in Sydney, taking her stepchildren and her own son, Meredith Grenade Mitchell, born in Auckland on 11 July 1890, less than two weeks after her husband's flight.<sup>224</sup> A daughter, Edith Harriet, was born two years later,<sup>225</sup> and another son, Frank Rewi, was born in 1894.<sup>226</sup>

Mitchell's father had died in 1889, his mother in 1893, and an unmarried sister would die in 1898. Subsequently, Mitchell 'somehow acquired 1/3 interest in the estate that he sold in 1902', when he was a merchant at "The Strand, City of Sydney"'.<sup>227</sup> He spent 19 years in Sydney, and then three in Goulburn, New South Wales, where, despite being an accountant, he 'held a contract under the Council'.<sup>228</sup> In a letter to the press in 1914 appealing for financial assistance for a worker's widow and children, he described himself as 'Municipal Contractor'.<sup>229</sup> Upon his death 'after a lengthy illness', in July 1915, aged 69, he was recorded as being a contractor. All the children by his second marriage and the three surviving

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<sup>221</sup> *Observer*, 27 January 1894, p. 5.

<sup>222</sup> *Observer*, 11 August 1894, p. 3.

<sup>223</sup> *1893 Electoral Rolls*, CD-Rom.

<sup>224</sup> Birth Certificate of Meredith Grenade Mitchell, 11 July 1890, 1890/9303, BDM.

<sup>225</sup> Birth Certificate of Edith Harriet Mitchell not traced; Death Certificate of William La Grenade Mitchell, 7 July 1915, 13002/1915, NSW BDM.

<sup>226</sup> Birth Certificate of Frank Rewi Mitchell, 31094/1894, NSW BDM; Frank Rewi Mitchell, The AIF Project, [UNSW@ADFA](mailto:UNSW@ADFA), 2008.

<sup>227</sup> Daphne Daifas to Philip Hart, 14 September 2009, email.

<sup>228</sup> *Goulburn Evening Penny Post*, 8 July 1915, p. 4.

<sup>229</sup> Letter from W.L. Mitchell, *Goulburn Evening Penny Post*, 31 March 1914, reference provided by Daphne Daifas, 4 November 1909, email.

from his first were still alive.<sup>230</sup> His obituary described him as ‘a man of marked intelligence’ who was ‘well educated. He most favourably impressed all with whom he came into contact’. By stating that he had ‘resided in Australia for 43 years’ it attempted to obliterate his New Zealand years; that his home was named ‘Rewi’ revealed a New Zealand connection to the knowledgeable.<sup>231</sup> When his widow died in Goulburn four years later, her obituary, although recording that she had spent five years in New Zealand, did not admit that she had married been there.<sup>232</sup>

## EDWARD RALPH MARTIN

### BACKGROUND

According to his death certificate, Martin settled in New Zealand in 1913.<sup>233</sup> In 1929 he implied that he had arrived in the country in 1902, and two years later stated that he ‘was in America about 1910 and then came to New Zealand with the Fisk Jubilee Singers’.<sup>234</sup> The 1910 date was correct, for he played the guitar during this tour. In the first Auckland concert, his solo, ‘Concert March’, was ‘deservedly encored’.<sup>235</sup> In a later concert, he was listed as one who ‘contributed in no small degree to the pleasure of the evening’.<sup>236</sup> At Te Aroha, ‘Mr Martin proved himself an expert player on the guitar, an instrument more difficult to play than may be popularly supposed’.<sup>237</sup> In Gisborne, he ‘was very popular’ as a bass soloist. ‘In addition to an encore to this song, he had another very popular solo number, a “Concert March” on the guitar, which was encored with enthusiasm’.<sup>238</sup>

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<sup>230</sup> Death Certificate of William La Grenade Mitchell, 7 July 1915, 13002/1915, NSW BDM; *Goulburn Evening Penny Post*, 8 July 1915, p. 4.

<sup>231</sup> *Goulburn Evening Penny Post*, 8 July 1915, p. 4.

<sup>232</sup> Death Certificate of Edith Harriet Mitchell, 15412/1919, NSW BDM; *Goulburn Evening Penny Post*, 15 July 1919, reference provided by Daphne Daifas to Philip Hart, 4 November 2009, email.

<sup>233</sup> Death Certificate of Edward Ralph Martin, 17 September 1961, 1961/31167, BDM.

<sup>234</sup> *Truth*, 17 October 1929, p. 1; *Manawatu Daily Times*, 20 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>235</sup> *New Zealand Herald*, 14 June 1910, p. 7.

<sup>236</sup> *New Zealand Herald*, 8 June 1910, p. 9.

<sup>237</sup> *Te Aroha News*, 30 June 1910, p. 2.

<sup>238</sup> *Poverty Bay Herald*, 2 August 1910, p. 7.

He was 'very successful' and 'enthusiastically encored' as a solo singer in Nelson, where his 'guitar selections were gems, and were most enjoyable'.<sup>239</sup>

Martin gave his date of birth as 1 May 1880, but his marriage certificate indicated that he had been born three years previously.<sup>240</sup> According to his marriage and death certificates, his parents were Charles Lawrence Martin, a musician, and Mary Maloney.<sup>241</sup> He gave several birthplaces: Bloomington, Illinois;<sup>242</sup> Cape Nome, Alaska;<sup>243</sup> and Manitoba, British Columbia, Canada.<sup>244</sup> The first two places would make him an American citizen, but in New Zealand he always claimed to be a British subject.<sup>245</sup> That he was not the latter was proved in 1918 when, as 'a negro American citizen', he was charged with having failed 'to notify his change of address under the Registration of Aliens Act'. Martin had been charged previously 'with failing to register, but this was withdrawn, as he had registered when his attention was drawn to the omission'. Martin 'explained that he was under the impression that registration was only required from enemy aliens', a common misconception for which he was fined 10s and costs.<sup>246</sup> In 1928, he first appeared on an Auckland electoral roll, implying

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<sup>239</sup> *Colonist*, 14 September 1910, p. 2.

<sup>240</sup> Affidavit of Edward Ralph Martin, 9 August 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W; *New Zealand Police Gazette*, 1920, p. 292; Marriage Certificate of Edward Ralph Martin, 10 September 1913, 1913/5165, BDM.

<sup>241</sup> Marriage Certificate of Edward Ralph Martin, 10 September 1913, 1913/5165; Death Certificate of Edward Ralph Martin, 17 September 1961, 1961/31167, BDM.

<sup>242</sup> Marriage Certificate of Edward Ralph Martin, 10 September 1913, 1913/5165; Death Certificate of Edward Ralph Martin, 17 September 1961, 1961/31167; Birth Certificate of Florence Martin, 9 October 1915, 1915/24695, BDM.

<sup>243</sup> *Manawatu Daily Times*, 19 March 1931, 20 March 1931, press cuttings in Mines Department, MD 1, 12/346, ANZ-W.

<sup>244</sup> Memorandum by Dr Alfred B. Sternberg, 10 July 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>245</sup> For example, E.R. Martin to Governor General, 11 August 1929, Mines Department, MD 1, 5/4/85; memorandum by Dr Alfred B. Sterberg, 10 July 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>246</sup> *Poverty Bay Herald*, 16 July 1918, p. 3.

that he had been naturalized, but he is not listed in the register of these people.<sup>247</sup>

Although described in the press as black, in 1951 he explained his parentage to his doctor: 'Mother 1/2 caste Red Indian & Father African Negro & Red Indian'.<sup>248</sup> When imprisoned in 1920, he was recorded as being 'a negro', with a copper complexion. His height was five feet five and a half inches, and he had black curly hair, dark brown eyes, and a large nose and mouth.<sup>249</sup>

According to his 1931 statement, the father recorded in his marriage and death certificates was not his biological father. 'Mr C.L. Martin, a mine owner' at Cape Nome, 'adopted me at the age of nine months, following the death of my father, and took me to Scotland. I was educated at Edinburgh University and went to America at the age of 18. I did not learn mining at the University'.<sup>250</sup> Nor could he have learnt much of anything, if he had indeed left university at such a young age. At that time some students did not formally matriculate or graduate, instead attending classes and obtaining 'a class certificate direct from individual Professors';<sup>251</sup> Martin never produced such a certificate. 'Practically from university days I have been studying mining on my own account'. In this statement he admitted not being a 'professional mining man, and did not do any mining in America'. Just before coming to New Zealand he 'spent a holiday in Australia looking over the country from a mining point of view. At various times I taught music in different parts of New Zealand. At times I have helped side shows more for a pastime than anything else'.<sup>252</sup>

Martin commonly referred to himself as Professor of Music, for example when he married in 1913 and on electoral rolls, and he was

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<sup>247</sup> *Auckland Suburbs Electoral Roll, 1928*, p. 111; 'Register of Persons Naturalized in New Zealand to 1948', REPRO 1646-1647, ANZ-W.

<sup>248</sup> Memorandum by Dr Alfred B. Sternberg, 10 July 1951, Department of Justice, Official Assignee Files, AABR W3848, box 13, 23/50, ANZ-W.

<sup>249</sup> *New Zealand Police Gazette*, 1920, pp. 292, 721.

<sup>250</sup> *Manawatu Daily Times*, 20 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>251</sup> Information sheet provided by Arnott T. Wilson, University Archivist, University of Edinburgh, appended to Irene Ferguson (Assistant to University Archivist) to Philip Hart, 20 August 2008, email.

<sup>252</sup> *Manawatu Daily Times*, 20 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

recorded as such when he died.<sup>253</sup> That his title of professor was false was revealed in an article in *Truth* published in 1929 accompanied by photographs of Martin and his music studio in Taumarunui where he taught 'singing, the ukulele, the guitar, and other coon instruments'. Martin informed *Truth* that, after he left the Fisk Jubilee Singers, he had been a manager of Fullers' Opera Company in Wellington. He claimed to have composed popular songs, without naming any, but admitted that he was not a professor. Using the title 'was just my way of saying I am a professional of the art of music, just my way of telling people straight out, without skiting, that I am a professional'. A photograph of him in a cloth cap, looking most unprofessorial, had the caption that he was '“professor” of many things'. He had told a farmer that music was 'a side line', for he was a geologist who had taken up music to pay for his prospecting. Pressed by the newspaper, he denied he was a geologist, but stated that he had studied it 'for several years'. Martin claimed to have prospected for gold in Alaska and New Zealand since 1902, as well as for oil in California and New Zealand. The newspaper commented that he was 'that self-confessed type which has so many shafts of accomplishment in his quiver that on first acquaintance it is difficult to determine what he cannot do'.<sup>254</sup>

In March 1918, he performed in cinemas on the West Coast. At Greymouth, a newspaper account of the films to be performed concluded with the following announcement:

During the evening the first event of Professor Martin's vocal competition will be heard, and some very fine vocal talent will be presented. Owing to the extensive number of competitors the competition will occupy two evenings – this evening, with the finals to be heard on Monday evening. The usual matinee will be given on Saturday, when Fatty Arbuckle will again be screened and Professor Martin will render a guitar solo and a vocal number.<sup>255</sup>

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<sup>253</sup> Marriage Certificate of Edward Ralph Martin, 10 September 1913, 1913/5165, BDM; *Auckland Suburbs Electoral Roll, 1928*, p. 111; Death Certificate of Edward Ralph Martin, 17 September 1961, 1961/31167, BDM.

<sup>254</sup> *Truth*, 17 October 1929, p. 1.

<sup>255</sup> *Grey River Argus*, 1 March 1918, p. 3.

On Sunday evening, 'Professor Martin' sang 'The Lost Chord'.<sup>256</sup> He performed elsewhere on the West Coast, and became involved in a patriotic brawl in May:

Outside the hotel at Granity between 6 and 7 o'clock on a recent evening, Professor Martin, the eminent vocalist, one time of the Fisk Jubilee Singers, left his mark. It appears that the Professor, who had been engaged to do some singing in the country, was having a quiet chat with a newly-made acquaintance, when a brawly German from Denniston was noticed to be "slinging off" at the Professor, who happens to be a highly sensitive as well as a highly educated American negro. The German was heard to be proclaiming the virtues of himself when once he was a nigger-driver in Batavia, or some other place. Professor Martin politely enquired of the German, "Are you referring to me?" There being no answer, the Professor then gave a fervent patriotic speech, in which he stated that the British nation had done more for him than any other flag. He concluded a most loyal peroration by inquiring of the German, "What nationality are you?" The German replied, "I am a German." "And a ----- black German at that," answered the Professor, adding "I have a black skin, but a white heart. Put up your fists!" In the next second the German received a blow which knocked him fully six feet. The Professor picked up the German, who exclaimed, "You caught me ven I vere not quite ready." "Put up your fists again," yelled the Professor. Two beautiful taps to the forehead, a swinging blow in the stomach, and the German was hors de combat. The Professor concluded the performance by rubbing the Hun's face in a heap of shingle to the plaudits and admiration of a large and influential audience.<sup>257</sup>

In August he performed in an Ashburton cinema:

A special attraction at His Majesty's Theatre on Monday night will be the appearance of Professor E.R. Martin, an American basso, who will contribute several vocal items. Concerning Professor Martin's performance in Christchurch, the "Press: states:- "The most striking items on the programme were the several song by Professor Martin.... His reception was a cordial one, and he sang each song with great expression. The audience was delighted with each item, and were loth to let him leave the platform. No one should miss hearing this vocalist who sings tenor, baritone, and bass songs with equal ease." His

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<sup>256</sup> *Grey River Argus*, 2 March 1918, p. 3.

<sup>257</sup> *Ohinemuri Gazette*, 22 May 1918, p. 2.

contributions, including “The British Capture of Jerusalem,” will be accompanied by beautifully-tinted limelight views.<sup>258</sup>

Two days later, ‘Professor Martin again made his appearance before and after the interval, and was the recipient of most enthusiastic encores to each of his items. The programme will be repeated again this evening, and Professor Martin will sing some new songs’.<sup>259</sup> He ‘was again enthusiastically received and warmly encored’ for this performance, when he sang a new song ‘in the tenor register’ and an encore ‘in bass and baritone. He also received a great ovation for his rendering of “The Rosary,” by Nevin’.<sup>260</sup> At another film screening later that week he was ‘very warmly applauded after each of his songs’.<sup>261</sup>

In January 1919, a circus performance in Gisborne included ‘rifle-shooting by the champion shot, Professor Martin’,<sup>262</sup> presumably the same Martin, as he later stated that ‘at times’ he had ‘helped side shows more for a pastime than anything else’.<sup>263</sup>

Martin’s occupations during the 1920s have not been traced, but appear to have been varied. In mid-1922, when a door-to-door salesman of ‘Handy Andy’ stain remover was charged with putting one arm around an Auckland housewife ‘and the other in the neck of her dress’, his counsel ‘said he would call accused’s employer, “Professor Martin,” but despite the cries of the court orderly the “Professor” failed to answer’.<sup>264</sup> In the late 1920s, Martin he was living at Henderson, a suburb of Auckland, and teaching music.<sup>265</sup>

## PROSPECTING AT TE AROHA

In 1928, when Martin applied for a prospecting license at Te Aroha, he was aged either 51 (according to his marriage certificate) or 49 (according to

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<sup>258</sup> *Ashburton Guardian*, 17 August 1918, p. 3, 19 August 1918, p. 3.

<sup>259</sup> *Ashburton Guardian*, 21 August 1918, p. 7.

<sup>260</sup> *Ashburton Guardian*, 22 August 1918, p. 3.

<sup>261</sup> *Ashburton Guardian*, 26 August 1918, p. 2.

<sup>262</sup> *Poverty Bay Herald*, 4 January 1919, p. 5.

<sup>263</sup> *Manawatu Daily Times*, 20 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>264</sup> *Truth*, 1 July 1922, p. 5.

<sup>265</sup> *Auckland Suburbs Electoral Roll, 1928*, p. 111.

his death certificate) or 48 (according to a statement given to the police in 1930).<sup>266</sup> In mid-December 1927, ‘Professor E. R. Martin’, then lodging at the Ivanhoe Boarding House at Te Aroha, sent an ore sample to the Thames School of Mines. The assay revealed one pennyweight of bullion, valued at 4s 6d.<sup>267</sup> A sample of sand assayed early the following January revealed one pennyweight of silver, valued at one penny, and four other samples produced one nil result and three traces of bullion, the last one producing five pennyweights of silver, valued at sixpence. The quartz he sent contained iron pyrites, or ‘fools’ gold’.<sup>268</sup> Undeterred, the following month he applied for a prospecting license covering 80 acres behind Bald Spur (‘Bauld’ in the application and its accompanying map).<sup>269</sup> His sleeping partner in this application was John Bernard Arnold, a photographer who had been born in Nelson in 1878.<sup>270</sup> In 1920, he had been granted an extended alluvial claim near Reefton.<sup>271</sup>

The government’s tourist agent was concerned about the effect of prospecting on the mountainside. He informed his general manager that Martin, who had been prospecting for gold ‘for some time past’, claimed that his miner’s right gave him ‘permission to prospect on any Crown Land’. Martin was wrong, for he needed the permission of the warden, and there is no record of his taking out a miner’s right for this district (neither had Arnold). Martin claimed to have found gold and hoped ‘to strike a payable reef’ close to where the foot track went to the top of the mountain.<sup>272</sup> The mining inspector informed the warden that the ground applied for adjoined the scenic reserve and its edge ran along the top of Bald Spur facing the

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<sup>266</sup> Marriage Certificate of Edward Ralph Martin, 10 September 1913, 1913/5165; Death Certificate of Edward Ralph Martin, 17 September 1961, 1961/31167, BDM; *Manawatu Daily Times*, 20 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>267</sup> Thames School of Mines, Assay Book 1927-1932, folio 27, entry for 13 December 1927, School of Mines Archives, Thames.

<sup>268</sup> Thames School of Mines, Assay Book 1927-1932, folios 27, 28, entries for 3 January 1928, 4 January 1928, School of Mines Archives, Thames.

<sup>269</sup> Te Aroha Warden’s Court, Register of Applications 1928, Hearing dated 13 February 1928, BBAV 11505/6b; Mining Applications 1928, 1/1928, BCDG 11289/2a, ANZ-A.

<sup>270</sup> John Bernard Arnold, Personnel Records, New Zealand Defence Force, AABK 18805 W5520 0009368, ANZ-W.

<sup>271</sup> Mines Department, MD 20, 17/18/1, ANZ-W.

<sup>272</sup> C.E. Christensen (Tourist Agent at Te Aroha) to General Manager, Tourist and Health Resorts, 6 February 1928, Mines Department, MD 1, 4/14, Part 3, ANZ-W.

town. Beyond that point was ‘valuable native bush and it would be a great loss to Te Aroha if this was destroyed by fire’, which was why the borough council opposed the application. He added that ‘in the early days of the Goldfield this area was well prospected without discovering anything of a payable character’, and doubted that either gold or silver existed in ‘payable quantities’ there.<sup>273</sup> The Conservator of Forests also worried that this prospecting would interfere with the water supply,<sup>274</sup> and the application was struck out in mid-March.<sup>275</sup>

### SEEKING GOLD NEAR LAKE TAUPO

Martin did no more prospecting at Te Aroha, having left there for Taupo before this decision. On 27 February 1928, his first samples from there arrived at the Thames School of Mines: the ‘Rubbly Quartz’ contained traces of silver, of nil value.<sup>276</sup> Until August he sent 17 samples of stone from Taupo for testing, but although they contained small amounts of gold and silver, much of the stone was iron pyrites. Seven samples had nil value; the highest assay was worth 10s 6d.<sup>277</sup> According to his later account, he discovered ‘a gold bearing reef at Taupo which assayed £1 7s 6d’, which was incorrect; he did admit that the reef had ‘not yet been worked’.<sup>278</sup>

### PROSPECTING FOR OIL IN THE KING COUNTRY

In April 1929, Martin informed the Minister of Mines, William Andrew Veitch, that he had found ‘mineral gasses’ in the King Country, and requested a ‘prospecting warrant’. To strengthen his case, he signed himself

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<sup>273</sup> Matthew Paul (Inspector of Mines) to Warden, 6 February 1928, Te Aroha Warden’s Court, Mining Applications 1928, 1/1928, BCDG 11289/2a, ANZ-A.

<sup>274</sup> Conservator of Forests to Warden, 6 March 1928, Te Aroha Warden’s Court, Mining Applications 1928, 1/1928, BCDG 11289/2a, ANZ-A.

<sup>275</sup> Te Aroha Warden’s Court, Register of Applications 1928, Hearing of 13 March 1928, BBAV 11505/6b, ANZ-A.

<sup>276</sup> Thames School of Mines, Assay Book 1927-1932, folio 37, entry for 27 February 1928, School of Mines Archives, Thames.

<sup>277</sup> Thames School of Mines, Assay Book 1927-1932, folios 39, 41, 42, 48, 53, 57, School of Mines Archives, Thames.

<sup>278</sup> *Manawatu Daily Times*, 20 March 1930, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

(and continued to do so in future letters) as Professor E.R. Martin.<sup>279</sup> His claim to have found oil prompted a Maori, George Barrett, otherwise Hori Barrett, to inform the Under-Secretary of Mines, A.H. Kimbell, that he was the one who had found the oil.<sup>280</sup> This statement was backed up by the Presbyterian Maori Missioner at Taumarunui, who mentioned that Martin was known there as ‘Nigger Martin’.<sup>281</sup> In October, Barrett told *Truth* that he had visited Martin’s music studio at the start of the year ‘and imparted information pertaining to Taumarunui’s oil potentialities’. He had taken a sample of quartz to ask Martin whether it contained any traces of gold, ‘and a few days later Martin went out with him to the farmstead to examine the country from which came the quartz’. On this visit Martin saw brine springs that he considered a sign of oil. Asked by *Truth* for his version, Martin said he had discovered oil in the district ‘about six years ago’ when ‘prospecting on my own account, and some months ago I took up the teaching of music in order to get a few pounds together so that I might be able to carry on with the prospecting of the oil’.<sup>282</sup>

In late August, Barrett wrote to the Taumarunui newspaper in response to Martin’s claim to have discovered oil. He explained that with four other Maori he had been looking for gold and oil after Christmas of 1928. The following April he met Martin in Taumarunui, who ‘showed me his book’ (its nature was not recorded).

He ... told me what a lot he knew about gold-mining and prospecting; also his miner’s right. We made verbal arrangements to go share and share alike. He came to my home. Pukau showed him where I was and went to Awakoromiko creek the same day. Pukawa and his wife knew where we were going. We had a cup of tea there before we started. The Professor said there was gold. I said “there is oil here.” I showed him the salt water. He took some samples in a tin and in a bottle. We went there three times, and after that, I found that Prof. Martin took people out to the oil place without my knowledge. I saw smoke, when I was on the hill and I went to see, and I found Prof. Martin there, also some other

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<sup>279</sup> E.R. Martin to W.A. Veitch (Minister of Mines), 13 April 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>280</sup> G.H. Barrett to A.H. Kimbell (Under-Secretary, Mines Department), 6 May 1929, MD 1, 5/4/95, ANZ-W.

<sup>281</sup> Egerton Ward (Presbyterian Maori Mission, Taumarunui) to A.H. Kimbell, 6 May 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>282</sup> *Truth*, 17 October 1929, p. 1.

men. Prof. Martin came to meet me before I reached the others, and told me that he was trying to send me word of their coming; but I did not believe him. I then sent a letter to the Government explaining that I had found oil, and the Government replied to my letter showing me how to go further. After this Prof. Martin then tried to get me to sign under him, and I told him “No.” He offered me 600 fully-paid up shares. Then he said, “If you don’t take it and sign, then you won’t get any.” I replied, “If you beat me I will go without, but I will not sign to you.” Subsequently he tried again, and I asked him why he did not put it in writing, when we agreed together before I took him to the prospect.<sup>283</sup>

Barrett’s letter prompted Felix Edwin Burney, a timber worker of Taumarunui,<sup>284</sup> to deny that Barrett had discovered oil. Burney had accompanied Martin ‘on all occasions when Hori Barrett was present, and never in my presence did he deny that Mr Martin was the discoverer until we endeavoured to float a company’. The verbal agreement had been that all three would share in developing Barrett’s gold discovery, but when this was found to be iron pyrites the agreement ended. It was Martin who had shown Barrett the brine springs that denoted oil. Because of the work that Barrett had done, he was offered 600 fully paid up shares in the company. ‘This offer receiving severe criticism from some in the company’, but Martin and Burney considered ‘we owed him some consideration, seeing that his gold faded out of the picture’. That he was offered ‘a fortune’ but did not want it was ‘his funeral and he can’t expect us now to supply the flowers and memorial cards’. Martin was the discoverer, ‘and good luck to him and the Taumarunui Oil Syndicate’.<sup>285</sup>

At the end of April, Martin sent Veitch samples ‘for which we are desirous, for your valuation, and assay, if possible, from the Crown Laboratories, at Wellington’. They were ‘adopting this method, so that, in the event, of the prospect, proving to be a good one, we intend asking the New Zealand Government, to subsidize same’.<sup>286</sup> At the beginning of May, a legal firm informed Kimbell that in March Martin had told the trustees of the estate of the deceased Ernest Short, on whose land he was prospecting, that

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<sup>283</sup> *Taumarunui Press*, 26 August 1929, press cutting in Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>284</sup> *Waimarino Electoral Roll, 1929*, p. 22.

<sup>285</sup> *Taumarunui Press*, 28 August 1929, press cutting in Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>286</sup> E.R. Martin to W.A. Veitch, 29 April 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

he had a miner's right and was prospecting a lead from Taupo. The trustees thought he was referring to gold, but it turned out to be oil. Martin's syndicate considered it had a license to bore for oil because it had sent £50 to the Mines Department.<sup>287</sup> Four days later, his agent, Basil Montague Rice, of Taumarunui,<sup>288</sup> saw Kimbell and was told the steps Martin must take to prospect for oil.<sup>289</sup> Martin immediately informed Kimbell that he had spent 'considerable time in prospecting, obtaining reports analyses & over properties in respect of which I hold authorities from the owners'.<sup>290</sup>

The first test of his gas samples produced 2.71% carbon dioxide, 18.06% oxygen, and 79.23% nitrogen.<sup>291</sup> Kimbell, in conveying these results to Martin, pointed out that the gas sample was 'not a petroleum gas'.<sup>292</sup> A week later, Martin was informed that none of his samples of soil, water, and clay contained petroleum.<sup>293</sup>

#### ELMORE WILLIAM BENDER

When requesting these results, Martin had asked whether the department knew of Elmore William Bender, a petroleum expert then living in Nelson, and of his qualifications.<sup>294</sup> Kimbell replied that Bender had received an oil well manager's service permit in 1927, having been, Bender stated, a driller and engineer in Russia, Rumania, America and South Africa since 1902. From 1915 to 1921 he was 'Master Mechanic in the National School of Engineering', and from 1921 to 1924 he did 'Technical laboratory work' on his own behalf before being involved with oil prospecting in New Guinea. As all Bender's papers had been lost at sea in 1915, he had not been able 'to furnish any proof in writing of his statements regarding his experience prior' to that date, and the department was 'not in

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<sup>287</sup> John Graham (of Graham and Reed) to A.H. Kimbell, 3 May 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>288</sup> *Waimarino Supplementary Electoral Roll, 1931*, p. 26.

<sup>289</sup> A.H. Kimbell to E.R. Martin, 14 May 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>290</sup> E.R. Martin to A.H. Kimbell, 9 May 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>291</sup> Memorandum by Acting Dominion Analyst, 12 June 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>292</sup> A.H. Kimbell to E.R. Martin, 3 July 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>293</sup> Acting Dominion Analyst to E.R. Martin, 8 July 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>294</sup> E.R. Martin to A.H. Kimbell, 24 June 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

a position to furnish any opinion as to his ability as a petroleum expert'.<sup>295</sup> Bender, with his partner Harry Milner, secretary of the Nelson Harbour Board, had an oil prospecting license over 1,000 acres at Kotuku, near Lake Brunner on the West Coast. In 1933 he transferred it to Kotuku Oil and Gold Fields Ltd, which went into liquidation one year later.<sup>296</sup> Milner had been interested in oil exploration for several years, as was illustrated by his in 1928 protest to Harry Atmore, his local Member of Parliament, against Germans attempting, he claimed, to obtain mining rights to oil and minerals.<sup>297</sup> Milner was not successful with his oil prospecting, for on his death in 1947 he left an estate of just over £1,214.<sup>298</sup>

Bender had first come to the attention of officials in May 1929, when Charles Davis Lightband, a retired leather merchant living at Tahunanui, near Nelson,<sup>299</sup> told Atmore, now Minister of Education, that Bender was a pioneer of 'some' oil fields throughout the world.

He has an all round knowledge and experience of the Oil business; a thorough knowledge of the Stratagraphical; Geological; and Oil Chemistry separating, refining, distilling the products. He holds an American diploma as Dr of Science, receiving his early training in the American Navy which he left to take up the profession of an Oil Engineer and Chemist. He makes his own Boring appliances and tools to suit existing circumstances as the boring work proceeds. He has built in Nelson a very complete drilling plant mounted on a Catipallar tractor,

which he was using to drill near Nelson, where he had a laboratory. Bender had come to New Zealand over two years ago, sent by an Australian company to recondition the Blenheim oil well at New Plymouth. Having done that, he had travelled through both islands 'making superficial surveys for Oil and other Minerals'. Searching for coal in the Nelson district, he found signs of oil, seeing similarities with an oilfield in California. 'The Doctor is now engaged in compiling a detailed report of his

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<sup>295</sup> A.H. Kimbell to E.R. Martin, 3 July 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>296</sup> Memorandum of 29 July 1930, Ministry of Commerce, AATJ 7439, box 19 part 1; Mines Department, MD 1, 5/4/91 part 3, ANZ-W.

<sup>297</sup> Harry Milner to Harry Atmore, 13 August 1928, Mines Department, MD 1, 5/4/15, Part 1, ANZ-W.

<sup>298</sup> Probate of Harry Milner, Probates, AAOO 17072, W5410, box 127 no. 4248, ANZ-W.

<sup>299</sup> *Nelson Supplementary Electoral Roll, 1928*, p. 17.

Surveys and observations in both Islands', a copy of which would be supplied to the Mines Department. Lightband had prospected with Bender and Milner and had investigated the Kotuku oil field. Bender claimed that the Blenheim oil well had been 'purposely blocked from Oil producing. It was owing to crooked suggestions made to him that lead to him severing his connection with that Well'. Bender, who insisted that Taranaki had a profitable oil field, was currently surveying the Murchison district, where he had found oil and gas.<sup>300</sup> Two months later, Lightband told Atmore that he had been associated with Bender for the past 18 months. Bender believed that 'successive explosions' created earthquakes, which revealed mineral wealth, and because of the recent earthquake in the Murchison district he wanted to accompany Bender there to search for it. Bender, Russian by birth and American by training, had 'exceedingly valuable and useful instruments for survey and research purposes'.<sup>301</sup>

Bender described himself as late of the National Schools of Engineering, Los Angeles, Johannesburg, and Sydney, and a 'Builder & Designer of Combination Rotary & Percussion Boring Plants'.<sup>302</sup> He wrote under the letterhead of the Falcon Mining and Exploration Company, 'Mining & Petroleum Engineers, Assayers, Metallurgists & Compounders, Oil & Water Drilling Contractors, Stratagraphical & Geological Surveyors & General Engineers'. He described himself as a mining engineer, a master mechanic, and a consulting engineer. During the past ten months he had completed a stratagraphical and geological survey for gas and oil for the Nelson Oil Syndicate, covering over 4,000 miles and producing a report. He had found many oil-bearing places, especially at Kotuku and Taranaki. He wanted to recondition the oil wells at Kotuku and make it a profitable field. 'I have my own complete portable combination Rotary and Percussion Plant mounted on a caterpillar tractor', plus an engineering shop capable of designing and building a complete 'distil and refining plant'. A few friends were willing to join his venture, 'provided I can get a satisfactory grant from

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<sup>300</sup> C.D. Lightband to Harry Atmore (Minister of Education), 16 May 1929, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>301</sup> C.D. Lightband to Harry Atmore, 10 July 1929, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>302</sup> E.W. Bender to A.H. Kimbell, 29 July 1929, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

the Mines Department, for the rights to operate'.<sup>303</sup> He was informed that another company had the rights to the land sought at Kotuku.<sup>304</sup>

In November 1930, Milner wrote to Alfred James Murdoch, Minister of Mines, stating that he and Bender had been in touch with Atmore about the Kotuku oilfield. As Bender had found that no work was being done there, he wished to get the land. 'Dr Bender has had years of experience on Oil Fields and is an expert oil engineer', and was confident of success; Milner wished to use his services.<sup>305</sup> (An official marked '?' in the margin beside the word 'Dr'.)<sup>306</sup> Milner wrote again three weeks later, regretting that he and Bender had not been able to meet Murdoch when the latter had visited Nelson. He reported that Bender had obtained 16 gallons of oil from Kotuku to show him, some of which he had refined. Milner claimed that Bender was 'the only oil engineer in New Zealand who thoroughly understands how to develop a field of this nature', and described him as 'the cleverest and most experienced oil engineer and oil geologist that has visited New Zealand of recent years'.<sup>307</sup>

A week later, Bender sent Murdoch a 'general report of localities in the North and South Islands' which he had inspected.<sup>308</sup> His report on oil in the Nelson area claimed that other discoveries had been made 'by means of hand dug pits, and shallow wells'.<sup>309</sup> By implication, his exploration would be by superior methods. However, John Henderson, director of the Geological Survey Office, after reading Bender's report on oil in Taranaki informed Kimball that it was a 'very sketchy and incomplete history of a few of the wells. He asserts without any discussion or evidence whatsoever,

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<sup>303</sup> E.W. Bender to A.H. Kimbell, 29 July 1929, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>304</sup> W.A. Veitch to E.W. Bender, 3 August 1929, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>305</sup> Harry Milner to A.J. Murdoch (Minister of Mines), 18 November 1930, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>306</sup> Notation on Harry Milner to A.J. Murdoch, 18 November 1930, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>307</sup> Harry Milner to A.J. Murdoch, 8 December 1930, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>308</sup> E.W. Bender to A.J. Murdoch, 13 December 1930, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>309</sup> E.W. Bender, Report on oil explorations in Nelson district, n.d., Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

that the failure of field commercially was due to the fact that proper logs were not kept'. His statements about tertiary rocks in the South Island were 'for the most part inaccurate'. In particular, 'he ascribes earthquakes to the explosions of oil gas mixed with water. This is entirely contrary to the current opinions of geologists and seismologists'. He gave incorrect geological information about the Nelson oil fields, including the claim that there were oil and gas seepages on the mudflats and to the south thereof that Henderson had never heard of. His report on the Kotuku oil fields

gives so few facts, and makes use of so many vague generalizations and doubtful comparisons that I personally accept none of his statements on geological matters. Some of his conclusions are so much at variance with the well considered and accepted views of well-known geologists ... that I think Dr Bender has failed to avail himself of the literature available.<sup>310</sup>

After receiving this advice, Kimbell commented to his minister that, if Milner followed Bender's advice, 'he will be wasting his money'.<sup>311</sup> When he visited Nelson in early March 1931, Kimbell read Henderson's report plus his own comment to Milner, and provided him with details of Bender's qualifications provided when applying for a well manager's service permit in 1927. 'At that time there was no suggestion on his part that he held a qualification entitling himself to be called a Doctor, or that he could be regarded as an expert oil geologist'. Others interested with Milner in the scheme appreciated receiving this confidential information, which could not be sent in a letter.<sup>312</sup>

Bender continued to beat his own drum, telling Atmore that he had put his first well down at Signal Hill, in California, in 1908. He had been in New Zealand for four years and his surveys proved that the country could 'be classed as one of the prospective oil fields of the world'. He claimed to 'have been associated with the leading oil fields' of America, Russia, Galicia (then in Austria), Tymore (in Connecticut, U.S.A.), and Venezuela, and spoke 'the language of most of these countries'. He was so convinced of the

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<sup>310</sup> John Henderson (Director, Geological Survey Office) to A.H. Kimbell, 9 January 1931, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>311</sup> A.H. Kimbell to A.J. Murdoch, 20 January 1931, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>312</sup> Memorandum by A.H. Kimbell, 9 March 1931, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

good prospects of Kotuku that he was prepared to develop it for 'the syndicate I am connected with' on 'actual results only'.<sup>313</sup> Three weeks later, in a letter to Milner marked 'Personal', Kimbell recommended that he obtain an independent report, recommending that he contact Charles Norman Taylor (later involved in mining at Waiorongomai),<sup>314</sup> managing director of Moturoa Oilfields, in Taranaki, who had worked at Kotuku and could make an arrangement with him. Taylor had been known to Kimball 'for some years, and can be relied upon to act fairly'.<sup>315</sup> Five days later, before he received this message, Milner told Kimball that he had investigated Bender's qualifications further, 'with the result that I am more than ever convinced that he is a most able & experienced Oil Engineer and Oil Geologist'.

Bender is so confident of success that he is giving his services and accepting shares as payment on the understanding "no oil no money or shares." Also his assistants are willing for work for half cash half shares. Dr Bender is also supplying all the machinery required. I have been closely associated with Dr Bender for the past three years & have proved him to be a thoroughly reliable and trustworthy and a man that is always willing to do a good turn and scorns a mean or underhand action. He will face any one who accuses him of doing wrong. He stands by his report and is willing to discuss it with any one, answer criticisms or explain anything required.

They sought the right to develop the site for 12 months.<sup>316</sup> A week later, Milner replied to Kimbell's recommendation that he contact Taylor:

No doubt it would be valuable and useful to have an expert report on Kotuku, but the fact is we have so much confidence in Dr Bender that we are willing to a limited extent, especially as the outlay is so small, to follow his advice. Also we would still do so even if others report adversely, otherwise I am afraid we would never feel satisfied.

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<sup>313</sup> E.W. Bender to Harry Atmore, 5 March 1931, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>314</sup> See paper on Hardy's Mines.

<sup>315</sup> A.H. Kimbell to Harry Milner, 26 March 1931, Mines Department, MD 12, 5/4/91, Part 1, ANZ-W.

<sup>316</sup> Harry Milner to A.H. Kimbell, 31 March 1931, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

He repeated that Kimbell's advice was sound, 'but I think if you were in my position and understood Bender as I do, you would probably act similarly'. Furthermore, they did not want to spend any money on obtaining an extra report.<sup>317</sup>

Despite these departmental warnings, Milner in August 1932 informed Kimbell that he had been granted a license to prospect 1,000 acres at Kotuku by the Greymouth County Council, and that he retained 'great confidence' in Bender.<sup>318</sup> Milner quickly transferred his license to Kotuku Oil and Gold Fields Ltd.<sup>319</sup> In November, Kimbell, in sending John Henderson the prospectus of this company, commented on its partly inaccurate summary of the geological report and its 'doubtful' history of the early field.<sup>320</sup> The prospectus listed the provisional directors as Nelsonians Edward Ernest Bayly Mabin, retired bank manager; William George Frost, farmer; George Barltrop, engineer; Herbert Joseph Flatt, electrical engineer and plumber; Albert Sven Johnson, harbour board foreman; and Harry Page, furniture manufacture, and a farmer at Riwaka, Denis Edmund Percy Bradley. Bender was recorded as being a 'Geological and Fields Expert' and a 'Master Mechanic and Consulting Engineer', with 30 years of experience in developing oil and gold fields and as a 'practical mineralogist in Galicia, Roumania, North and Central America, New Guinea, and South Africa'. It quoted Bender's reports at length.<sup>321</sup>

Henderson informed Kimbell that he had noted where the Geological Survey report had not been reported in full or accurately. 'I have marked in red ink on the prospectus one suppression, one addition, and one alteration in the text all tending to make the report more favourable'. Bender had omitted all reference to unsuccessful prospecting during the last 20 years. 'I do not say this history condemns Kotuku as an oilfield, but I think some

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<sup>317</sup> Harry Milner to A.H. Kimbell, 7 April 1931, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>318</sup> Harry Milner to A.H. Kimbell, 8 August 1932, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>319</sup> Transfer by Harry Milner to Kotuku Oil and Goldfields Ltd, 1932, Mines Department, AATJ 3391, CH 855, R6/6, Part 1, ANZ-C.

<sup>320</sup> A.H. Kimbell to John Henderson, 4 November 1932, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>321</sup> Prospectus of Kotuku Oil and Gold Fields Ltd, 25 October 1932, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

reference to these results is desirable in the prospectus'.<sup>322</sup> Accordingly, Kimbell asked Mabin, the company's interim secretary, to amend the prospectus to make it more accurate.<sup>323</sup> Mabin replied that the directors were 'naturally perturbed' that the geological report had not been quoted accurately. 'It is inexcusable that any alterations should have been made in such a document'. The 'technical side' of the prospectus had been left entirely to Bender, 'who claims to have had world-wide experience in Oil Fields'. However, the typist, not Bender made changes to the text, as Bender had not had access to the geological report. The prospectus would be revised.<sup>324</sup>

In May 1933, the mining inspector reported that Bender was managing the work, employing five men who were cleaning up the site and preparing to start boring within a few months.<sup>325</sup> Five months later, Bender interviewed the then Minister of Mines, Charles Edward de la Barca Macmillan, with the hope of obtaining a government loan of £3,000. Bender said he had 'been in business for 35 years and have had this profession for the last 21 years. I attended<sup>326</sup> one of the largest schools in Los Angeles in 1925; also one in Africa and Johannesburg, and one in Sydney'. After describing how oil could be found, he stated that he was being paid 'a few pounds a week and the rest in shares. I sold the Company machinery and plant, etc for £2000 - £1000 in cash and £1000 in shares'. Every man working on the site was a shareholder, and the company obtained from £100 to £150 each week in calls to pay them. 'I stake my life on the results'.<sup>327</sup>

The following January, Bender reported that he was about to drill and repeated that reports and plans all showed that oil would be found at

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<sup>322</sup> John Henderson to A.H. Kimbell, 9 November 1932, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>323</sup> A.H. Kimbell to E.E.B. Mabin, 16 November 1932, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>324</sup> E.E.B. Mabin to A.H. Kimball, 2 December 1932, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>325</sup> Report by E.J. Scoble (Inspector of Mines), 31 May 1933, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>326</sup> 'Had' in original, clearly a mistake.

<sup>327</sup> Notes of Interview between E.W. Bender and C.E. Macmillan (Minister of Mines), 19 October 1933, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

Kotuku.<sup>328</sup> He told Harry Atmore that he agreed with the department that earlier bores had been in the wrong place and was erecting his derrick elsewhere.<sup>329</sup> Henderson told the new under-secretary, A. Tyndall, that Bender's report was 'confused, vague and mostly devoid of evidence supporting his conclusions'. It included factual mistakes, and his map showed geological features not found by others. 'Either Dr Bender is an exceptionally keen geological observer or his map is an effort of his imagination'.<sup>330</sup> When Tyndall visited the site in March and questioned Bender about his scheme, he found his replies 'often either unconvincing or distinctly evasive'. The plant was poor and would not work properly, and there was little chance of finding oil. Accordingly he 'most strongly' recommended to Macmillan that the application for a loan of £3,000 should be declined.<sup>331</sup> At the same time, Bender provided Tyndall with further geological information justifying his expectation of finding oil. 'I have invested £1700 of my own capital, in this venture, so I am assured of my opinion'.<sup>332</sup> As an indication of departmental suspicion of Bender, when he was sued by a plumber for work done on his house costing £9 16s 4d, details of the case, which Bender won, was placed on file.<sup>333</sup>

In May 1934, when a director and a shareholder met Macmillan, the latter commented that, when he asked Bender whether a geophysical survey would be of value, 'he took up the attitude that he was an expert and could be taught nothing'. No such test was made because Bender did not have the equipment. Asked by Tyndall whether he had 'every faith in Dr Bender', the director said the directors did; 'he is a very experienced

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<sup>328</sup> E.W. Bender to C.E. Macmillan, 23 January 1934, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>329</sup> Harry Atmore to C.E. Macmillan, 12 February 1934, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>330</sup> John Henderson to A. Tyndall (Under-Secretary, Mines Department), 22 February 1934, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>331</sup> A. Tyndall to C.E. Macmillan, 20 March 1934, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>332</sup> E.W. Bender to A. Tyndall, 23 March 1934, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>333</sup> *Grey River Argus*, 28 March 1934, press cutting in Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

man'.<sup>334</sup> Yet one month later, the company dismissed Bender, its general manager and supervisor.<sup>335</sup> In August, when the secretary of the Department of Scientific and Industrial Research informed Tyndall that the company was in liquidation, he noted that the site for the bore, which he had visited, was 'most unsuitable' because it was 'extremely unlikely' to find oil there.<sup>336</sup> The following month, when the mining privilege was sold to another company, Bender claimed three months' wages, at £10 a week, because 'he had received no proper notice of dismissal'.<sup>337</sup> When the liquidator investigated the company's accounts, he considered that both Bender and Milner had been involved in questionable financial dealings and share trading.<sup>338</sup> Lawyers considered that Milner was 'evasive' in his replies to questions, including about the machinery provided either by Samuel Mercep of Taumarunui or the Falcon Engineering Company. Bender, a director of this company, was noted to have occupied premises 'under the name of the National Engineering School or some similar name'. Milner, also a director, was improperly paid £132 8s 4d 'under the guise of preliminary expenses'.<sup>339</sup> Bender, the sole proprietor of the Falcon Engineering Company,<sup>340</sup> should be prosecuted, in the opinion of the liquidator, for making false claims about the value of the machinery and other goods he provided.<sup>341</sup>

According to a farmer, writing in 1939, at an unstated time in the 1930s Bender drilled for oil on his father-in-law's farm at Omata, near New

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<sup>334</sup> Notes of Deputation to Minister of Mines from Kotuku Oil and Gold Fields Ltd, 9 May 1934, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>335</sup> *Grey River Argus*, 12 September 1934, press cutting in Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>336</sup> Secretary, Department of Scientific and Industrial Research, to A. Tyndall, 15 August 1934, Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>337</sup> *Grey River Argus*, 12 September 1934, press cutting in Mines Department, MD 1, 5/4/91, Part 1, ANZ-W.

<sup>338</sup> Affidavit by Percy Stratton Boyes, 8 July 1935, Company Files, AAOO 17999, box 280 no. 440, ANZ-W.

<sup>339</sup> Glasgow, Rout and Cheek to Rout and Milner, 19 June 1935, Company Files, AAOO 17999, box 280 no. 440, ANZ-W.

<sup>340</sup> Affidavit of Harry Milner, 22 July 1935, Company Files, AAOO 17999, box 280 no. 440, ANZ-W.

<sup>341</sup> Affidavit of P.S. Boyes, 12 March 1935, Company Files, AAOO 17999, box 280 no. 440, ANZ-W.

Plymouth. When the bore reached 2,000 feet it 'struck oil which my father in law saw and Mr Bender asked for a double shift, the next day a tool was dropped down the bore and the work was abandoned and all the shareholders lost their money'.<sup>342</sup>

#### MARTIN AND BENDER HUNT FOR OIL IN THE KING COUNTRY

In late June, Martin sent a remarkable letter to the Governor General. (The reference to the Governor Governor's earlier letter appears to refer to a reply to Martin's letter<sup>343</sup> written after the 1929 Murchison earthquake explaining that the huge explosions there had been caused by the igniting of gas from underground lakes of oil,<sup>344</sup> a theory clearly derived from Bender):

Your Most Esteemed Excellency,

I, Edward Ralph Martin, miner and prospector, of Taumarunui, sincerely hope, that your Excellency, will excuse me, in taking the liberty, of reply, to your kind and generous letter, of the 22nd June. Yet, I feel it a duty, to King, Country, and people, that I should inform your Excellency, that I am now endeavouring, to float a limited liability company, for the purpose, of exploiting some portion, of the petroleum deposits, that are concealed, in and around Taumarunui, and if I may take the liberty, to ask your Excellency's support, in our endeavour to get this district, thrown open as a mining area. The name under which our syndicate will register, will be the King Country Petroleum Mining Co. Ltd, and our company will be conducted, on the fairest and most honourable lines, known to the English speaking race. Therefor, if your Excellency, finds it impossible to assist us, in our attempt to raise the standard, of the livelihood of ourselves, and our fellow man, while proving the presence of petroleum crudes, in payable quantities, to be in existence, in New Zealand, I again take the liberty to say that I feel that we shall have your Excellency's permission, to ask your good wishes, for the success of our syndicate.

Hoping, that this letter, will be brought before your Excellency's notice, and that the data encouched in it, will meet with your Excellency's approval.

I remain,

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<sup>342</sup> John Carruthers to Paddy Webb (Minister of Mines), 21 September 1939, Mines Department, MD 1C, 5/4/111, ANZ-W.

<sup>343</sup> Not traced: not held in the Mines Department's files.

<sup>344</sup> Press cuttings from *Matiere Gazette* and *Taumarunui Press*, 23 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

Most Honourable Sir,  
Sincerely, yours in the interest of the safety, and advancement, of  
the people of New Zealand,  
E. R. Martin.<sup>345</sup>

A week later, the local Member of Parliament, Walter James Broadfoot, warned Veitch that Martin and Bender were 'enthusing a band of people & also getting their money' for this alleged petroleum field.<sup>346</sup> Another week later, and after Martin had received all the results of the tests of his samples, he asked the Governor General to send a government geologist so that he could prove there was a payable petroleum field at Taumarunui.<sup>347</sup> The Mines Department declined because his samples contained no traces of oil.<sup>348</sup> This response prompted another letter to the Governor General which first of all thanked him for his 'kind reply' to his earlier letter.<sup>349</sup>

I also wish to say, that if your Excellency, is desirous, of seeing a demonstration, of Taumarunui petroleum samples, conducted by Dr Bender, of Nelson, your Excellency, has only to command, Dr Bender, in your presence, and he will respond, immediately, as I have supplied him, with samples, for that purpose, and instructed him, to demonstrate, at your Excellency's, convenience, at any time, or place, appointed by your Excellency.

I also beg the privilege, of pointing out, to your Excellency, the urgent need, of something being done, as expediently as possible, in regard to this petroleum field, as I can prove for a positive fact, that foreign petroleum syndicates, are endeavouring, to prevent the progress, of this field, in fact, they have threatened, openly, through their agents, that they will prevent its progress, at any cost. One of these agents, who happens to know, that I have 15,000 acres, freehold, Leasehold, and Crown Leasehold, of petroleum bearing country, under option, on this field, and fully signed up, informed me, some time ago, that his company was prepared, to purchase 20,000 acres, on this field, but they were

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<sup>345</sup> E.R. Martin to Governor General, 25 June 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>346</sup> W.J. Broadfoot to W.A. Veitch, 3 July 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>347</sup> E.R. Martin to Governor General, 11 July 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>348</sup> A.H. Kimbell to E.R. Martin, 15 July 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>349</sup> The Governor General's reply has not been traced: not held in the Mines Department's files.

not prepared, to guarantee to bore. I naturally, did my duty as a patriot, and declined the offer. I desire, your Excellency, to believe me to speak the truth, when I say, that we have conclusive proof, that this is an oil field, of more than considerable dimensions, and I only ask, the Government's support, in my untiring efforts, to create this field, a commercial asset, to the King, the country, and its people. When I have done this, I will then, gladly consider, a fair offer, from the Government, to hand over the same, to the interests of my country, and my fellow man. I therefor, implore your Excellency, to leave no stone unturned, in the medium, of your inquiry, in to this matter, as I am battling against, a dangerous foe, and a wealthy one.

Hoping, that your Excellency, will not think the above statements, made my me, any part of an exzageration, and that my suggestions, will meet with your Excellency's approval.

Enclosed five photographs, of important points, on the field.<sup>350</sup>

I remain,

Most Honourable, Sir,

Sincerely, yours in loyalty,

E. R. Martin.<sup>351</sup>

Where Bender was called 'Dr', an official noted '? Dr' in the margin.<sup>352</sup> Veitch responded that if Martin sent samples of petroleum and indicated where they had been found, he would send the mining inspector to investigate.<sup>353</sup>

In response, Martin sent Veitch a letter written in someone else's much less fluent handwriting. He had 'great pleasure in brining before your notice a set of petroleum samples' he had taken which had been 'tested, labled, and signed by Dr Bender of Nelson has first class petroleum samples'. He complained that Kimbell had told the manager of the syndicate, Samuel Mercep, a Taumarunui fish merchant and restaurant owner,<sup>354</sup> that the department 'would not take any notice of samples forwarded by me not with standing the fact I am the discoverer of this field,

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<sup>350</sup> Not held in Mines Department file.

<sup>351</sup> E.R. Martin to Governor General, 25 July 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>352</sup> Note by official, n.d., on E.R. Martin to Governor General, 25 July 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>353</sup> W.A. Veitch to E.R. Martin, 6 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>354</sup> Letterhead on Samuel Mercep to Frank Langstone, 16 March 1936, Mines Department, MD 1, 5/4/85, ANZ-W.

he further inferred that my colour was at fault'.<sup>355</sup> Beside the accusation that Kimbell had said that the department would take no notice of his samples, Kimbell noted 'I never said any such thing'; beside the accusation of colour prejudice, he wrote 'I did no such thing'.<sup>356</sup> Martin continued that 'although my face is black I am none the less a british subject and a loyal one at that and this is the first time that I have known that one's colour had anything to do with the discovery of mineral values in the british dominions'. As the holder of 15,000 acres of petroleum options, 'I think that if anyone should send samples of this field to the mines Dept that someone should be myself'. He was addressing the letter to Veitch as private 'as I feel I will get a fair deal from a man in your position and your honourable standing'. He was sending a similar letter to the Governor General 'because I do not think your secetary has been altogether fair to me in his statement to Mr Mersep', and had got William Thomas, a Justice of the Peace at Taumarunui and a member of the syndicate, to witness the letter.<sup>357</sup>

The following day, Martin wrote another flamboyantly overstated missive to the Governor General, this time making up for the superfluity of commas in the previous one by omitting them altogether, and having few full stops in his breathless prose:

Your Most Esteemed Excellency,  
 I Edward Ralph Martin miner and prospector am again taking the priviledge of addressing a letter to your Excellency on the subject of Taumarunui petroleum fields in which I wish to inform your Excellency that I received a letter from the Mines Department on this 7th day of this month in which I was informed that the expert at the laboraty could not find any petroleum in the samples forwarded by me which statement I hold cannot be true considering the fact that I forwarded to the Department exactly half of a set of samples which had previously been tested by Dr. E.W. Bender of Nelson a professional gentleman who is the possessor of the highest petroleum credentials and references known in this country. He also holds a New Zealand oil field manager's ticket granted by the Mines Department and the two reports which I forwarded to your Excellency on a previous occasion embodied Dr. Bender's report

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<sup>355</sup> E.R. Martin to W.A. Veitch, 10 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>356</sup> Notes by A.H. Kimbell, n.d., on E.R. Martin to W.A. Veitch, 10 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>357</sup> E.R. Martin to W.A. Veitch, 10 August 1929, with signature of William Thomas, Mines Department, MD 1, 5/4/85, ANZ-W.

on the aforesaid samples. In the Mines Department's communication of the 7th May they requested me to forward them a sample of petroleum and I was given to understand that on receipt of that sample this field would be subject to a visit from the Inspector of Mines at a date to be arranged by the Minister of that department. I forwarded the sample per request and also offered the Inspector the free services of a car and his hotel free of cost. This offer was embodied in a letter forwarded by me to the Mines Department on the 7th day of this month by return mail and to which I have had no reply yet a friend of mine Mr S. Mercep of Taumarunui who is a prominent member of my syndicate informed me today the 10th August that he called at the Mines Department on the 9th of this month and was told in the course of conversation with the under secretary of mines that the department did not like the idea of me being a coloured man and your Excellency can quite understand my surprise at hearing such a statement alleged to have been made by the Mines Department when I tell your Excellency I have been 27 years a miner and prospector in the British Dominions and this is the first time that I know the fact of one's colour playing any important part in the discovery of nature's valuable minerals in the British Dominions or any other country and as I am a British subject and have endeavoured to maintain a loyal standard to my country and King I cannot see why my colour should prove a hindrance to my progress in the mining industry and if the Mines Department will go to the trouble to turn up their files and look back upon the days when New Zealand was a boom as a mining area they will find that a fair majority of the holders of miners rights on the New Zealand fields were Chinamen in fact there are a fair number working to this very day hence I ask the Mines Department why not me a loyal British subject when all I am asking from the Government just yet is the lend of the necessary drills for boring and a permit to use same within the act on my own concessions. The position appears to me Honourable Sir to be one in which the Mines Department are afraid that I might prove the presence of payable petroleum in New Zealand particularly in the King Country and around Taumarunui. I make this statement out of the fact that this portion of the King Country is marked on the geological map of New Zealand as volcanic broken country and I am in a position to prove that there is no broken country through volcanic action within 36 miles north of Taumarunui and 40 miles south and I have yet to meet one person in this district either old or young who can remember seeing or hearing of this district being visited by the Government geologists. They might have done so but it would be interesting to know when.

Trusting my letter will be brought immediately before your Excellency's notice and will meet with your Excellency's approval.

I remain,  
 Most Honourable Sir,  
 Sincerely, yours in loyalty,  
 E. R. Martin.  
 P.S.

I sincerely hope your Excellency will excuse my long letter and that your Excellency will understand my motive for writing same is that I have proof positive that I have discovered a petroleum field that will be of great value to this country and its people in years to come.

E.R.M.<sup>358</sup>

In response to the letter to Veitch, Kimbell wrote to Martin denying that he had said anything about his colour, and promised to assist genuine prospecting.<sup>359</sup> Martin thanked him for this letter, which showed he was ‘indeed a gentleman’, adding: ‘My slogan throughout life has always been friendship at all times (“As one never knows does one.”)’.<sup>360</sup> On Martin’s letter to the Governor General, Kimbell noted that there was ‘nothing to reply to on this letter – The allegation re colour has already been disposed of’.<sup>361</sup>

According to a report in the *Taumarunui Press*, which was not denied by the Mines Department,

Dr Bender gave very successful chemical demonstrations of Taumarunui oil-bearing material in the presence of the Hon. Mr Veitch (Minister for Mines) and the Hon. Mr Atmore, as well as the experts of the Department, all of whom were keenly interested in the apparent prospect of the discovery of a valuable oil-field in the Dominion. The Ministers looked upon the discovery as one that might eventually prove of great importance to the British Empire and they offered every assistance for further investigation by the discoverer.

#### GOVERNMENT EXPERT’S VISIT

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<sup>358</sup> E.R. Martin to Governor General, 11 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>359</sup> A.H. Kimbell to E.R. Martin, 13 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>360</sup> E.R. Martin to A.H. Kimbell, 14 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>361</sup> Note by A.H. Kimbell, 29 August 1929, on E.R. Martin to Governor General, 11 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

Without delay the Government on Friday sent the Inspector of Mines to Taumarunui to report on the discoveries alleged to have been made.<sup>362</sup>

The mining inspector, John Francis Downey, reported that he spent all of 16 August with Martin 'inspecting various places within a radius of about 5 miles of the township'. At the first site,

on a number of pools of water a very faint film of oil, which appeared to be of petroliferous nature, was noticeable. Gas bubbles could also be seen rising in the water, and in one place where a small pipe had been driven down for 8 or 9 feet into the surface the gas was lighted and burnt freely. There were no seepages of thick oil to be seen, such as one might see on the Murchison field, and Mr Martin said he had not found seepages anywhere in the district that showed more than the slight film.

The second site revealed 'oil-film' on several watercourses. The third site 'was an area of flat land, apparently old river bed. A number of drains had been cut through it, and in these there was a heavy deposit of oxide of iron on which a slight film of oil was also apparently showing'. Testing these films by dropping ether on them 'seemed to show reaction for petroliferous oil'. The last site contained quite a number of brine springs spread over 'a mile or so of country', each having 'the slight oil-film seen at the other places, and at some of them bubbles of gas could be seen rising to the surface'. Martin said he had seen this film and similar 'gas-blows' elsewhere in the district 'but that none of them was more definite than those I had already visited, and in the circumstances I could see no good purpose to be served by inspecting more of them'. Downey believed there could be petroliferous areas, but whether these indications were worth following up was for someone more experienced in oil geology to determine: he suggested an officer of the Geological Survey should investigate.

Amongst those accompanying them was Bender, 'who was for a time in charge of the Blenheim Oil Well at New Plymouth'. Downey did not know his qualifications, but he appeared 'to have had a wide experience on many of the prominent oil fields of the world as a driller, and probably in other capacities. He told me he was very much impressed with the probability of getting oil there', for geological reasons he outlined. At Taumarunui Bender

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<sup>362</sup> *Taumarunui Press*, 19 August 1929, press cutting in Mines Department, MD 1, 5/4/85, ANZ-W.

demonstrated 'by a chemical cracking process, and the use of the microscope, the presence of oil' in rocks taken from near the township. He provided samples of brine, clay, and rock for testing for oil.<sup>363</sup> Kimbell sent these, plus a parcel of rock given by Mercep to his local member of parliament, for testing.<sup>364</sup>

Three days after Downey's visit, the *Taumarunui Press* published a long article on Martin's claims. The first paragraph, in bold lettering, aroused expectations:

**Rumours have been flying about Taumarunui for some weeks to the effect that wonderful discoveries had been made in the direction of locating a payable oil-field in this district. It now transpires that there is more than mere rumour in the report. In fact the claim is made that there are excellent indications of oil in the Central King Country and it may turn out that Taumarunui town is actually over a veritable reservoir of oil. Before this is proved, however, boring tests will have to be made. Meanwhile the sanguine belief of the man who claims to have made the discovery is that Taumarunui has really and truly "struck oil."**

'Professor Martin', who was teaching music at Taumarunui, claimed to have made 'a life-study of geology and has done considerable prospecting for gold, minerals and oil in many parts of the world, particularly New Zealand'. His theory that the Murchison explosions were caused by 'the ignition of the gas from underground lakes of oil' was 'opposed by eminent New Zealand geologists but it has been backed up by several leading authorities', unspecified. Martin claimed to have spent 'a great deal of time in prospecting the central King Country for oil' and to have 'indubitable evidences of oil' on 30,000 acres. 'Dr. E.W. Bender, geologist, mechanical engineer, and stratagraphical surveyor, visited Taumarunui a few weeks ago and gave a favourable report on Prof. Martin's discoveries', which was quoted in full. It was a long explanation of how oil was formed, with brief statements that the district showed the right signs for oil.

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<sup>363</sup> J.F. Downey to A.H. Kimbell, 19 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>364</sup> A.H. Kimbell to Dominion Analyst, 20 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

A reporter had accompanied Downey's inspection, which was described in detail, and Bender's explanations of the signs of oil were given. Bender claimed that the quantity of shale rock would 'tickle the Germans to death' if they could obtain it, but the cost of labour would make extraction of oil unprofitable. He said that oil was found in New Guinea in 'swampy land', and 'pins his faith that there is payable oil in the district. Wherever brine springs and oil seepages are found together there is an oil lake not far away'. The reporter expected Downey to 'report favourably on the field and there is every hope that the Department will encourage further investigations'.<sup>365</sup>

When Lightband saw a newspaper report of Bender's chemical demonstrations for Veitch, he immediately contacted Atmore:

I think you will see it to be an exaggeration of the truth, as I have not the recollection of Dr Bender making a chemical test of Taumarunui material as stated, before the Hon Minister of Mines.

Mr Martin an enthusiast in mineral exploring, has allowed to local Press to make what I believe to be an incorrect statement. If so he requires a rap on the knuckles, as a premature Oil boom by Coy promoting and speculation would be detrimental to the development of that Industry. Dr Bender I know has good reason to believe in the value of the District as an Oil field. But before stating definitely exactly where to be located requires a proper Stratagraphical survey, which would take time and expenditure to accomplish. The Doctor and myself are not out for premature Oil booming, that would lead to Coy and Sharemongering at the expense of the Public and proper development of the Oil fields of the Dominion.

He hoped Bender would see Veitch and his colleague when passing through Wellington and that they would 'learn what he the Dr has to say on the matter'.<sup>366</sup> The newspaper report also prompted Hori Barrett to write to the *Taumarunui Press* explaining that he, not Martin, had discovered the oil.<sup>367</sup> Both the *Matiere Gazette* and *Taumarunui Press* published identical

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<sup>365</sup> *Taumarunui Press*, 19 August 1929, press cutting in Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>366</sup> C.H. Lightband to Harry Atmore, 21 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>367</sup> *Taumarunui Press*, 26 August 1929, press cutting in Mines Department, MD 1, 5/4/85, ANZ-W.

reports on 23 August repeating the details of Bender's tests and geological explanations and of Martin's experience.<sup>368</sup> One day later, Martin wrote to Veitch claiming that he was 'in touch with substantial financial gentlemen' who wanted to back his discovery 'for a considerable sum'. He wanted to receive copies of Downey's reports as well as aid for boring.<sup>369</sup>

On 27 August, the analysts reported that none of the samples contained oil.<sup>370</sup> 'The liquid in bottle No. 3 consisted of water with a small amount of oil floating on the top. It smelled strongly of creosote, and the bottle had evidently not been cleaned before the liquid was put into it. The sample was not examined further'.<sup>371</sup>

Four days later, when Martin and his solicitor interviewed Kimbell. Martin claimed, 'Of a certainty we have an oilfield there and we can get oil'. As soon as he received a mining license over his concessions 'we will take steps to show very quickly whether there is oil there or not'. When Kimbell commented, 'I hope so', Martin responded, 'We can do that without fear of contradiction'. Kimbell advised how to obtain a license, and Martin told him that his syndicate was voluntarily giving those owning or leasing the land being investigated '10% net profits as a royalty'. Martin showed Kimbell an option, which the latter pointed out was 'not properly attested'. When he advised that Martin's proposal to use a hand auger for stratigraphical testing was not appropriate except for outcrops, Martin responded that the conditions were different 'from any other oilfield in New Zealand'. At the conclusion of their discussion, Martin's solicitor stated there was 'a certain amount of opposition. Oil Company's trying to come in at present time'. The following day Kimbell provided further advice about how to apply for a license.<sup>372</sup>

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<sup>368</sup> *Matiere Gazette* and *Taumarunui Press*, 23 August 1929, press cuttings in Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>369</sup> E.R. Martin to W.A. Veitch, 24 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>370</sup> Acting Director, Geological Survey, to A.H. Kimbell, 27 August 1929; Acting Dominion Analyst to A.H. Kimbell, 27 August 1929 (two letters), Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>371</sup> W.A. Veitch to E.R. Martin, cited in *Truth*, 17 October 1929, p. 1.

<sup>372</sup> A.H. Kimbell, 'Report of Interview between Mr E.R. Martin, Mr Simpson (his Solicitor), and Mr A.H. Kimbell on 31st August, 1929', 2 September 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

On the same day as this interview, Veitch signed a letter to Martin informing him that the tests had not revealed any oil.<sup>373</sup> Martin responded by thanking him for the details, and then launched in another of his breathless diatribes:

To make a long story short dear Sir after having perused the contents of the report I then perused some authentic data which I now have in my possession which deals exclusively with the discovery indications boring storing marketing in fact the general technology of petroleum and I can now with confidence or without fear of contradiction say that Mr Downey may be a thorough geologist in every sense of the word but his report on petroleum indications petroliferous rock is entirely all wrong which I can prove with authentic data composed by the highest possible authority on the origin of oil which data is now in my possession and I thoroughly intend to place that data at your disposal within the very near future for your perusal and I now desire to say that the contents of Mr Downey's report only tends to make me all the more confident of the genuity of Taumarunui Oil Fields and it also gives me a thrill of satisfaction as to the genuity of Dr Bender as an oil expert as I find that Dr Bender's dictations are in direct accordance with the data dealing with petroleum now in my possession and Mr Downey's statements are a direct discord.

He enclosed a 'litograph map with the country for which I am desirous of having thrown open as a mining area definetly marked upon it'. His searching was taking place using 'a hand drill'. He warned Veitch 'to beware of bious minds' and wanted the district thrown open to mining so that he could acquire the necessary licenses 'to carry on petroleum boring'.<sup>374</sup> Six days later, he wrote again, claiming that Downey's report showed 'a percentage of petroleum', which Martin took as 'direct proof that petroleum crudes are in evidence in this district'. The geology and the brine springs proved that oil was present, and he would be glad to produce data proving there was a commercial oilfield. He wanted the right to bore, as this was the only way to test an oilfield.<sup>375</sup> Appended was an 'authentic list of

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<sup>373</sup> W.A. Veitch to E.R. Martin, 31 August 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>374</sup> E.R. Martin to W.A. Veitch, 3 September 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>375</sup> E.R. Martin to W.A. Veitch, 6 September 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

options' he held: this listed 31 freeholders and leaseholders, with details of their land.<sup>376</sup>

After another explanation by Kimbell of what was required in showing the areas he wanted to examine, Martin sent him the details, but the lithograph was unclear.<sup>377</sup> Kimbell told Downey that, while it was hard to obtain precise boundaries from Martin, the area had been worked out, and he asked for his recommendations.<sup>378</sup> Downey did not expect oil to be found, but did not oppose the area being proclaimed as an oil district.<sup>379</sup> In thanking Veitch for the lithograph, which was to be paid for by Martin, Martin assured him that 'no foreign institutions' would be allowed to hold a controlling interest in his company, and that 'all reasonable care' would be taken 'to avoid the introduction, of any illegal practices whatsoever'.<sup>380</sup>

On 20 September, the *Taumarunui Press* stated that Martin had 'induced the Mines Department to declare his concessions a mining area so that operations can proceed. All the necessary information has been supplied to the Department and the necessary proclamation will be gazetted at an early date'.<sup>381</sup> When they received the press cutting, officials in the department noted that this was 'not true & should be contradicted'.<sup>382</sup> Kimbell was contemplating declaring the area an Oil District', but a press release announced that before this could be done more information was needed.<sup>383</sup> The local newspaper also recorded that Bender had

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<sup>376</sup> 'Authentic List of Options Held by Edward Ralph Martin Miriama Street, Taumarunui K. C.', n.d., 'Certified Correct' by E.R. Martin and William Thomas, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>377</sup> A.H. Kimbell to E.R. Martin, 13 September 1929; E.R. Martin to A.H. Kimbell, 15 September 1929; A.H. Kimbell to E.R. Martin, 24 September 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>378</sup> A.H. Kimbell to J.F. Downey, 1 October 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>379</sup> J.F. Downey to A.H. Kimbell, 4 October 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>380</sup> E.R. Martin to W.A. Veitch, 25 September 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>381</sup> *Taumarunui Press*, 20 September 1929, press cutting in Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>382</sup> Memoranda by officials, 25 September 1929, on *Taumarunui Press*, 20 September 1929, press cutting in Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>383</sup> A.H. Kimbell to Under-Secretary, Lands and Survey Department, 24 September 1929; press release, 25 September 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

practically completed a stratagraphical survey of Taumarunui and adjacent lands and says he is more convinced than ever that the oil is here in payable quantities. The evidences are most conclusive and are equal to anything Dr Bender has seen on any of the large oilfields in the world, and he has had engineering and boring experiences on many of them.

He listed the signs of oil. With the chairman of the syndicate, Bender had gone to New Plymouth to purchase or hire an oil drilling plant for a site already selected at Struggletown, near Manunui. The newspaper also reported that a reporter from *Truth* had visited to report on the prospects, a sign that the discovery was 'already exciting interest outside the district'.<sup>384</sup>

A Press Association telegram, summarizing the developments and mentioning Bender's tests, was published in the *Nelson Evening Mail* and read by A. Simpson, then of Rockville, near Collingwood,<sup>385</sup> who since 1915 had been involved in mining and attempting to obtain overseas capital. He immediately warned Veitch 'not to take any notice of Bender because he was 'no good' and 'not Honest'. He did not know 'anything about the Oil'; even though he had been giving demonstrations at Nelson for the past year he had not found oil. Bender 'would give a good report on anything as long as he gets a few pounds out of it'. Simpson had 'been engineering with him at the time' that Bender told him this, and cited a report he made to a Nelson man for £3 and enclosing a copy of a letter he had received from a New Plymouth man for whom Bender had been drilling. Simpson was surprised that he had been granted a 'New Zealand ticket as a driller & superintendent on the oil wells' and considered these should be taken from him 'as soon as possible and not to give him any more chances to fool the public'. Bender would encourage people to invest their money for certain loss. The accompanying material showed that he was raising £600 'to bore and prospect for oil', Simpson pointing out that this would achieve little. Concerning Bender's claims to have had experience in Europe and America, these were 'all lies' because he had 'never been there'. The public must be

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<sup>384</sup> *Taumarunui Press*, 20 September 1929, press cutting in Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>385</sup> Possibly the Andrew Simpson living in that year at Upper Matakītaki, south of Murchison: *Motueka Electoral Roll, 1929*, p. 127.

protected from losing money on wild cats promoted by a dishonest man who would discourage investment in good mines.<sup>386</sup>

The accompanying evidence comprised a letter from New Plymouth and the prospectus of the Nelson Oil Syndicate. The letter, from William Percy Martin, a fibrous plaster manufacturer,<sup>387</sup> was in response to Simpson's query the previous August about Bender and the Blenheim oil well:

We shall be getting oil in a few weeks from now; but if we had Bender we wouldn't have got any. I myself lent him £50 to get his instruments over from Australia: he was down and out when he came here. He said he could do the job for us in three months: he was there twelve and wanted another twelve if we would keep putting in the money. He is a lovely talker; he would make a good cheap-jack for selling quack dope. If he was a quarter as good as he says, he would have a good job in America. He offered to do the job for nothing at the last, but we couldn't believe him after so many tales, so we turned him down. We paid him £12 – 10s a week, and offered him 10% of the oil; but he didn't know his job. The Chairman of the Iron Works down there can tell you about him.... All I can tell you, don't put any money up for him. I had a letter from another Nelson man some time ago, so after my letter he must have dropped him. I might own up to you I took him on his talk, but when I seen him work I knew he didn't know half he said he knew. If you ever come this way I will take you down to the well and show you a lot of the jobs he made. He left a lot more down the well when he had finished than when he started. You or I could do that for £12 – 10s a week. When he says we done him out of the well, after all we did for him, he isn't worth considering. If he wants a job I wouldn't like to try and do him down for one; but you have asked my advice, don't put any money on him; put it in Tatts. [Tattersalls, the gambling firm] – you will get a run for your money.

I could tell you a lot, but that ought to be enough.<sup>388</sup>

The prospectus, dated 20 June 1928, offered 50 £10 shares to the public, the promoters reserving 10. The £600 would be used 'to prospect the Suburbs of Nelson and adjacent country for Petroleum', using the services of Mr, not Dr, Bender, who was described as a 'Petroleum Engineer and

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<sup>386</sup> A. Simpson to W.A. Veitch, 23 September 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>387</sup> *New Plymouth Electoral Roll, 1928*, p. 129.

<sup>388</sup> W.P. Martin to A. Simpson, 21 August 1928, Mines Department, MD 1, 5/4/85, ANZ-W.

Stratagraphical Surveyor, with upwards of 25 years experience in Russia, Roumania, Galicia, Bulgaria, Pennsylvania, Texas and California'. For this amount of money he would undertake a 'thorough stratagraphical and geological survey'. The promising indications made Bender 'positive that Petroleum exists in large quantities within a stone's throw of the City, and he will be pleased to demonstrate this and prove his assertions'. Leases of about 10,000 acres had been obtained, and 'reliable and well-known local business men', none named, would be appointed provisional directors.<sup>389</sup>

The acting director of the Geological Survey told Kimbell that he opposed gazetting an oil district because to do so would be admitting that Martin's and Bender's claims were correct. There were no indications of oil, and gazetting 'would lead Taumarunui people to think there are living upon a potential oil field and in their interests this thought should not be encouraged'.<sup>390</sup> Kimbell agreed, and advised Veitch to delay until Martin could show a government geologist where oil was seeping from 'the lower beds cropping up to the surface'.<sup>391</sup> Veitch agreed that this was 'the wisest course'.<sup>392</sup>

The following day, Martin's claims were examined in a front-page article in *Truth*. The headlines made very clear the newspaper's opinion: 'Ample Talk, but No Spouting From His Oil Gushers: Martin's Oleaginous Optimism: Negro "Professor" of Many Parts Makes Claims To Discovery of Liquid Wealth in King Country: Official Cold water in Well of Hope'. Its special investigator reported that since January 'Taumarunui had been slightly astir with vague rumors of oil discoveries within a five-mile radius', and that in the last three months Martin had claimed to have found oil. After noting that Barrett stated that he had told Martin where to trace the oil, the article stated that the story of the find was 'tinged with the pathetic' because of the 'sorry picture of a trustworthy, hard-wording man linking himself with a crazy proposition whose glittering prospect encouraged him to sell his prosperous little business, and disburse his savings on behalf of a scheme which has since been declared nebulous by Government scientists'.

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<sup>389</sup> Prospectus of the Nelson Oil Syndicate, 20 June 1928, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>390</sup> H.T. Ferrar (Acting Director, Geological Survey) to A.H. Kimbell, 9 October 1929, 11 October 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>391</sup> A.H. Kimbell to W.A. Veitch, 15 October 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>392</sup> Note by W.A. Veitch, 16 October 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

This man was Hedley Louis Naylor, 'well liked and known to all Taumarunui as "Harry" Naylor', who for ten years was a carrier there while his wife ran a small fruit shop. He made a sworn statement to *Truth*:

Towards the end of April he quitted his business to join in the treasure hunt organised by Martin.

Whatever capital he possessed in April has long since disappeared down the financial shafts sunk by the "professor," who is not a professor at all, save that he professes ability he never possessed.

"Whatever capital I had then is now exhausted, and I have had nothing coming in since April," he says....

The first syndicate started in March of this year, when Martin went to Naylor with some samples of rock and soil, saying: "I have something good here, and I would like to get them tested, but I haven't the money. Can you see your way clear?"

After raising the money within a week, 'Naylor handed Martin sufficient money to carry him and the samples to Nelson. The result of the test was very satisfactory, Martin reported', and very quickly 'was responsible for' the formation of a syndicate.

A meeting was called, but as soon as some of the proposed members heard that Martin was the originator their interest waned.

When Martin learned of their attitude he sent them each a letter, saying that if they would have nothing to do with him they could send in their expense accounts and he would see they were satisfied.

But let Naylor tell his own story: "Another party named Rice was anxious to get into the affair and he advanced Martin £65 to send to Wellington for warrants over grounds, and that money was returned to him.

"We started another syndicate, comprising J. Bishara, Trayhearn, and Hardy (of the Atlantic Union Oil Company).

Trayhearn and Bishara each put in £25, and out of that the old syndicate was reimbursed. We wanted more capital, so Mercep, who has a fish restaurant business in Taumarunui, was introduced into the scheme and he came in with £100, which was eaten up in the way of bringing Bender here from Nelson.

(This man is the "Dr Bender" who styles himself an oil expert.)

"There was £36 paid to Martin and myself between us, and about £10 benzine [petrol] expenses, but I don't know where the rest of the money has gone,

"Hardy introduced [Walter James] Broadfoot, the member for Parliament [for Waitomo], and his partner Mackersey, on

condition that the two last-mentioned did all the legal work for their share.

“The field is approximately 20,000 acres in extent, but I can’t say what proportion is Crown land, as some options are in the hands of Mercep and some in Martin’s.

“We have permission from the Crown to exercise options over any land here affected by our processes. That is, according to what Martin told me.

“Bender picked out his sections as he was very impressed.”

It may be that Bender is easily impressed, since the Inspector of Mines held an opinion quite removed from that of the “expert.”

Martin attached a good deal of importance to the presence of brine springs in the district, and told “Truth” that both he and Bender considered the presence of brine springs and their attendant phenomena were de facto proof that petroleum abounded in the district.

The official reports on his samples were then cited. ‘In Martin’s opinion the Inspector of Mines doesn’t know his job’, and the Dominion Analyst’s report was ‘bunkum’.

“On the first day of April, on the ten past four train, Martin left secretly, and caught the express at Ohakune (declared Naylor in his statement).

“I bought his ticket at the Taumaranui office, so that no one would suspect his mission.

“A little over two months ago the syndicate was lying idle, so we got Bender up to push ahead with the work. We picked out the places where we were likely to bore, and we have got to make arrangements in Wellington to get the country thrown open as a mine area or oil field.

“I have put in £14 within the last four months, also work, and my car was used. It must have cost Mercep well over £200.

“We had a meeting last week to wind up the syndicate here, one way or the other, as we were going to form a company.

“The capital of the proposed company is to be £25,000, of which Martin is to receive a thousand fully-paid shares, a similar number to myself, eighteen hundred to Samuel Mercep.

“The reason for Mercep’s receiving eight hundred shares more than the others is because he bore the financial burdens since the second syndicate was formed.

“Mercep has loaned money to Martin, and he has been ‘standing good’ for him as he promised to do. Martin has never put a penny into it, he being the discoverer he was never asked or expected to....”

*Truth* lamented that Mercep and the *Taumarunui Press* continued to have faith in Martin, for 'one must confess his methods are unorthodox':

One farmer in the district told "Truth" he was approached by Martin some three months ago, with the observation that the "prof." was interested in a subsidence on his farm.

Martin told Matthews, the farmer in question, that in all probability this large, smooth hole might disclose the presence of petroleum; so the farmer, interested but somewhat incredulous, showed him the grass-covered hole in one of his paddocks.

The "professor" simulated intense excitement when he viewed the grassy cavity. Producing a pocket compass he gazed profoundly for a moment or so at the quivering needle, then, turning to his companion, said: "Why, this hole lies due north and south!"

But this conveyed practically nothing to the astonished farmer, and he said so.

"Why, when a hole lies due north and south, it's practically certain you'll find petroleum," is the astounding piece of information accredited or debited to the man with the compass.

Martin then said he would like to take an option over the land, but Matthews retorted that he would have nothing to do with the scheme, and when "Truth's" representative called upon him he expressed himself in a short burst of derisive comment.

When Martin was interviewed he said that Matthews had placed a totally wrong construction upon the whole conversation, but when "Truth" asked him whether or not the axis of the circular hole might be east-west or north-south and so on, this professor of many professions became most vague.

Walter Rogers, a farmer who lives at Te Wahakarae, pulled Martin's professorial leg to such an extent that it's a wonder the limb didn't snap at the joints.

Martin told him that although his (Rogers's) land was Crown property it didn't matter very much, as petroleum did not come within the provisions of the mining Acts, but was, as a matter of fact, covered by the water regulations, so that the question of whether or not he could give him an option was quite simple to answer.

In view of this assurance Rogers then signed a warrant, but just as Martin was about to leave, the farmer asked him what it would be worth if he could show him a paddock where oil simply bubbled from a hole.

Rogers told "Truth" he said that merely as a "try on," but was almost convulsed internally when Martin gravely told him: "Why, you'd be made a director!"

Late one morning "Truth's" representative viewed what Martin called his "prospect" at Pipitea West, about four miles from Taumarunui.

It was teeming with rain, and the party slithered and slid across paddocks, down a sodden, sandy track on the side of a hill, to where at the foot of the declivity ran a boggy, rush-matted stretch of land on the floor of a gully.

Martin pointed dramatically to a small expanse of water, fringed by tall grasses. "That's it," he said.

About twenty yards from the pool, and almost within a hand's stretch of the track, was a small vent in the ground, and from what Martin explained by many hand flourishings and abstruse explanations which conveyed but little to his companions, it seemed that this round hole was the exhaust valve of the petrol substances underground.

"Smell it, smell it," urged Martin, and "Truth" dutifully obeyed, but although the newspaper man smelt avidly at the vent-pipe for some trace of the sulphurous exhaust gases which Martin swore were escaping, the only whiff which came to the nostrils was the dank odor of marshland.

Another peculiar circumstance is that although American engineers sprayed Panama Canal zone with a petroleum liquid to rid workmen of the risk from poisonous mosquitoes, the Pipitea West oil location holds the painful reputation for "millions of mosquitoes," as one resident expressed it.

Another farmer, Hugh Robinson, said that, when Martin told him he was a geologist rather than a musician, he responded that 'he would have nothing to do with his oil proposition' but would be interested in his explanation of the difference between radium and pitch blend.

According to Robinson, the prospector immediately embarked upon a long dissertation concerning the relative merits of each and their inherent differences, which is almost the same as saying that flour is not the same thing as bread, and you sometimes find one without the other.

Martin 'absolutely denied' that this conversation had taken place, but as Robinson had been a county councillor 'Martin's denial imputes a good deal more than did his own unfinished explanation to "Truth" '. Martin told the reporter that he 'did not put any money into this syndicate, because, being the discoverer of the thing, the other members of the syndicate decided I was not to be asked. I have worked the whole thing up'. The Mines Department was 'quite wrong in its report, and whether it was a clerical error, or what, or perhaps a misprint, I don't know, but what appeared as a report from the Department and in the Press was quite wrong'. He confirmed that Rogers' having oil bubbling on his farm was worth a

directorship. The article concluded by doubting that any oil in the district would be discovered ‘with the aid of a pocket compass and a lot of plausible conversation. Floating a £25,000 company with the idea of developing an oil tract is akin to ploughing a fifty-acre paddock with a penknife, although Martin, no doubt, would make an Elysian field of it within six months’.<sup>393</sup>

Naylor immediately wrote to the local newspaper explaining that, whilst he had put £14 and ‘a bit of work’ into Martin’s explorations, he had not taken Martin’s advice to give up his carrying business. As nobody outside the syndicate had contributed any money, he argued that the public was not being exploited. Bender, whom he considered to be an expert, stated there was oil.<sup>394</sup> On the same day, Kimbell advised Martin that the district would not be gazetted until he could show a government geologist where oil was seeping from the ‘lower beds’.<sup>395</sup> Immediately Martin informed Veitch that his party had spent about £500, including buying boring equipment, but was now handicapped ‘by such ridiculous newspapers, as New Zealand “Truth,” who have made several bold attempts to surround me with a tissue of lies’. He was certain that ‘we could get a permanent flow of petroleum’ after boring for only one month; he was not seeking any money from the government, but would need permission from Veitch before boring could start.<sup>396</sup> Veitch, correctly, assured him that he had not read *Truth* before the decision was made.<sup>397</sup>

Martin continued to demand assistance. On 23 October he informed Veitch that the Geological Survey showed there was likely to be coal in the area, adding: ‘I presume, your survey parties, are well manned’.<sup>398</sup> On 1 November he asked Veitch to send a geologist ‘right away, as it is quite an easy matter, to show him outcroppings of petroleum, or seepages, in the Te

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<sup>393</sup> *Truth*, 17 October 1929, p. 1.

<sup>394</sup> *Taumarunui Press*, 21 October 1929, cutting in Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>395</sup> A.H. Kimbell to E.R. Martin, 21 October 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>396</sup> E.R. Martin to Minister of Mines, 22 October 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>397</sup> W.A. Veitch to E.R. Martin, 30 November 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>398</sup> E.R. Martin to W.A. Veitch, 23 October 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

Kuiti district';<sup>399</sup> he seems to have moved his explorations northwards. On 11 November he asked for a geologist and a temporary permit to drill a trial bore. 'We are just an aggregation of men, who are desirous of testing our geological theory' that Taumarunui was a likely area because it was 'in a direct line, between two approved oil fields, namely, Gisborne, and New Plymouth'.<sup>400</sup> A geographically correct comment, which ignored the distance between these two places. Shortly afterwards, the Mines Department tried but failed to get Martin to pay the £1 17s 6d owing for the lithograph it had produced for him.<sup>401</sup>

A departmental geologist was shown all Martin's discoveries, and Martin thanked Veitch for sending 'such a thorough geologist', who was 'indeed a splendid man for this work'.<sup>402</sup> According to Martin, during his seven-day investigation the geologist found a seam of 'bitumen coal' which was oil producing; Martin sent a sample to Wellington.<sup>403</sup> In fact, he was shown a 'weak gas vent' on a farm and several salt springs with 'iridescent films on the stagnant water'. Although these were formed by iron oxide and had 'no value', Martin considered them to be 'important'. The prospects of finding oil in the area were 'very poor'.<sup>404</sup> After Martin asked for an immediate decision so that he could start work, Veitch cited this assessment as the reason why he would not declare the area an oilfield.<sup>405</sup> Five days after this letter was sent to Martin, Mercep told Veitch that he had heard that a government geologist had visited. As he was the 'principal man who finance all this skeem', Mercep considered he was entitled to know about

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<sup>399</sup> E.R. Martin to W.A. Veitch, 1 November 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>400</sup> E.R. Martin to W.A. Veitch, 11 November 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>401</sup> Receiver General to E.R. Martin, 21 November 1929, 24 December 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>402</sup> E.R. Martin to W.A. Veitch, 16 December 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>403</sup> E.R. Martin to W.A. Veitch, 27 December 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>404</sup> L.I. Grange, 'Taumarunui as a Potential Oil-field' 19 December 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>405</sup> E.R. Martin to W.A. Veitch, 3 January 1930; W.A. Veitch to E.R. Martin, 9 January 1930, Mines Department, MD 1, 5/4/85, ANZ-W.

the visit, and asked for details ‘so that I may know what is going on’.<sup>406</sup> Veitch supplied Mercep with a copy of his letter to Martin,<sup>407</sup> who was clearly trying to keep his partner uninformed.

Martin told Veitch that this letter was ‘very disappointing and for the time being has financially bankrupt me owing to my having invested all the money I had and my whole time for the past twelve months in an endeavour to bring Taumarunui Oil Field to a successful issue’. He was prepared to devote the rest of his life to this field, and would ‘always claim the discovery of payable oil for New Zealand in the King Country. At present I am obliged to call upon my professional abilities to provide the necessary livelihood for my family’,<sup>408</sup> a reference to his musical career. It should be noted that in *Truth* he had confirmed that he had not paid anything towards the costs of the syndicate’s work,<sup>409</sup> and his letter did not specify how much of his own money he had invested. Two weeks later, to enable his prospecting to continue he asked Veitch to reconsider of refusal his decision: ‘The New Zealand Geological Department knows very little if anything of petroleum technology. With all your geologists rejection of my theory in connection with Taumarunui Oil Field I ask the Government ... to put an American expert over the field and see what he will tell you’. He considered the reply from the Geology Department after he sent them a sample of coal to be ‘amusing’ because he had ‘seen with my own eyes the spot from which I took that sample’, namely a high sandstone face with highly carbonised strata at the brick and tile works at Taumarunui. ‘We require no money from the Government or people we Britishers only require to be given the same opportunities that foreigners are now enjoying in New Zealand, and that is the right to prove the potentialities of our field’.<sup>410</sup> Veitch replied that

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<sup>406</sup> Samuel Mercep to W.A. Veitch, 14 January 1930, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>407</sup> W.A. Veitch to Samuel Mercep, 23 January 1930, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>408</sup> E.R. Martin to W.A. Veitch, 25 January 1930, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>409</sup> *Truth*, 17 October 1929, p. 1.

<sup>410</sup> E.R. Martin to W.A. Veitch, 11 February 1930, Mines Department, MD 1, 5/4/85, ANZ-W.

Martin had 'not advanced sufficiently weighty reasons' for establishing an oil district.<sup>411</sup>

In August, Martin asked to see the lithograph of this proposed oil district, which would be sent to the chief postmaster at Palmerston North for his solicitor to view, if formally requested.<sup>412</sup> It was not requested, for Martin had abandoned this search. As Martin had not paid the amount owing on the lithograph provided months previously, Kimbell decided to deduct this from the unclaimed deposit of £4 2s made in their joint names but paid by Arnold, officials thought; Martin claimed that he had paid. As he had not taken up his prospecting lease, he was entitled to a refund of his deposit which, though in both his and Arnold's name, he had paid. Kimbell suggested that this would be refunded less the cost of the lithograph, which was done.<sup>413</sup> Mercep, who was granted a mineral oil prospecting warrant in August,<sup>414</sup> continued prospecting until 1939, unsuccessfully.<sup>415</sup>

#### GOLD AT TOKOMARU

In early 1930, Martin lived first in Marton and then in Palmerston North.<sup>416</sup> Samples he took in May from what he described as the Kaimaniwaha Ranges, meaning Kaimanawa, contained neither gold nor

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<sup>411</sup> W.A. Veitch to E.R. Martin, 18 February 1930, Mines Department, MD1, 5/4/85, ANZ-W.

<sup>412</sup> Memorandum of T.H. Sherwood, 20 August 1930, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>413</sup> A.H. Kimbell to E.R. Martin, 5 June 1930; G.I. McGregor (Martin's solicitor) to A.H. Kimbell, 11 June 1930; A.H. Kimbell to Receiver of Gold Revenue, Paeroa, 27 June 1930; Receiver of Gold Revenue, Paeroa, to A.H. Kimbell, 4 July 1930, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>414</sup> Samuel Mercep to A.H. Kimbell, 8 July 1930; A.J. Murdoch to Samuel Mercep, 14 August 1930, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>415</sup> Samuel Mercep to Frank Langstone (Minister of Lands), 16 March 1936; P.C. Webb (Minister of Mines), to Frank Langstone, 6 April 1936; Samuel Mercep to Frank Langstone, 6 April 1936; Dominion Analyst to A.H. Kimball, 21 May 1936, 15 June 1936; Samuel Mercep to Frank Langstone, 13 December 1938; P.C. Webb to Frank Langstone, 22 December 1938; Memorandum of 21 March 1939 of interview between Mercep with Webb and Langstone, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>416</sup> Memorandum by Assistant Dominion Analyst, 28 May 1930; memorandum by Dominion Analyst, 19 July 1930, Mines Department, MD 1, 12/346, ANZ-W.

silver.<sup>417</sup> In early July it was reported that he had found payable gold in the gorge of the Tokomaru Stream in the Tararua Range; Tokomaru Stream and settlement are between Shannon and Palmerston North. Being ‘a man with some geological knowledge’, he had blasted some quartz at the entrance to the gorge, producing a better result than he had anticipated. The landowners had given his permission to prospect, and he had staked out a claim on farms owned by Roy Kelly and James Ross Moody.<sup>418</sup> Roy Kelly, ‘imbued with Mr Martin’s optimism’, stated that ‘tests in Wellington had revealed a return of gold well above the recognized payable minimum’.<sup>419</sup> They had not: analysis proved the rock contained neither gold nor silver, as the *Dominion* reported.<sup>420</sup> This report prompted Martin to complain to the Ministers of Mines and Internal Affairs about this information being ‘broadcasted, from the Government Laboratories’, before he had received it.<sup>421</sup> The laboratories had also been testing more ore, which he stated had come from the Kaimanawa Range.<sup>422</sup>

The news that Martin was once more claiming to have made a great discovery provoked *Truth* to renew its attack. On 17 July, its front page bore the headlines: ‘Professor of Optimistic Humbug: Ubiquitous Martin Bobs Up with Tale of Gold Bonanza: Mines Department States Tokomaru “Discovery” Good Road Metal: Taumarunui Oil That Didn’t Gush: Talk of Kissing Cows Good-Bye’. The article was trenchant:

Edward Ralph Martin has bobbed up again! Those who know this ubiquitous jack-of-all-trades, “professor” of music, “student” of geology and past-master of psychology; alleged sourdough of Alaska ... will not be at all surprised that he has drifted once more into the limelight of public scrutiny.

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<sup>417</sup> Memorandum by Assistant Dominion Analyst, 28 May 1930, Mines Department, MD 1, 12/346, ANZ-W.

<sup>418</sup> Their full names are recorded in *Manawatu Electoral Roll, 1931*, pp. 80, 103.

<sup>419</sup> *Evening Post* (Wellington), 8 July 1930, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>420</sup> *Dominion*, 15 July 1930, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>421</sup> E.R. Martin to Minister of Mines, 15 July 1930; E.R. Martin to Minister of Internal Affairs, 15 July 1930, Mines Department, MD 1, 12/346, ANZ-W.

<sup>422</sup> Memorandum by Dominion Analyst, 19 July 1930, Mines Department, MD 1, 12/246, ANZ-W.

After referring to his earlier claims to have found oil, it revealed that a government geologist had reported that his latest find was ‘a good class of blue metal for road building, but gold – not a sign!’. More than 20 men had been attracted to the district by his latest claim, ‘only to find that nobody had seen any gold from the great bonanza mine on the Tokomaru creek, and nobody save one or two individuals as incurably optimistic as Martin himself, expected to see any’. Any experienced miners quickly departed, realizing that there was no reef. The article then rehashed his reputed career, stating that ‘this versatile individual might also have included in his list of accomplishments the gift of a glib tongue, and ability to talk his way into and out of anything at all’. After detailing the Taumarunui fiasco, it returned to his latest announcement: ‘His story has a way of repeating itself, and in Martin’s latest discovery there is repetition with emphasis. The Professor is still an optimist – is still a student of geology, and perhaps the intervening months may have given him a more profound learning’. The newspaper doubted this, and accepted the analyst’s assessment of the ore, which Martin rejected.

If Martin were the only person deluded into believing that he had discovered gold, no one would cavil at his enthusiasm. In fact, it would be laudable, or, rather his attempts to discover the country’s hidden wealth would be a matter for congratulation. But the Professor has the happy or unhappy knack ... of prematurely interesting others in his “discoveries.”

A *Truth* reporter spend two days at the site of the discovery, failing to ‘locate the inimitable Professor’, but ‘heard, saw and felt quite a lot of things, chief among which was a vicious blow delivered by one of Martin’s followers, which opened up a nasty cut above the eye’. The locality was in low foothills behind Tokomaru, the stream being the boundary line between the Moody and Kelly farms. Martin had arrived there ‘some three or four weeks ago and cast his skilled optics over the countryside’, and ‘struck it “pretty” in a small cutting of the river’:

Like a true business man, he promptly got in touch with Messrs Moody and Kelly, and induced them to sign an option giving him the sole right to prospect for “petroleum gas or minerals” on their property.

Fearsome documents are these options, which had been printed in Taumarunui, and are possibly replicas of the options he induced people of that district to sign when he was there in search of oil.

With these in his possession, Martin got busy. Having discovered this reef – a simple matter for Martin – he went along to the local storekeeper and tried to buy some explosives to blast off a chunk or two of the landscape for analytical purposes.

The storekeeper asked for his permit. Martin produced his miner's license, but although living in a non-mining district the storekeeper was sufficiently wide awake to the fact that an applicant required more than a miner's right to secure explosives.

Martin wanted to form a syndicate, but, as Moody and Kelly refused to provide any money, he sought assistance elsewhere. It was rumoured that a near-by farmer, William Gordon Simpson, advanced him £20 'to start the ball rolling'. Simpson was so interested in the find that when *Truth* visited the site Simpson and Charlie James Bridle, a painter,<sup>423</sup> were 'standing guard over the "stake," to see that nobody ran away with the gold'. At the home of John Anderson, a Tokomaru builder,<sup>424</sup> Martin held a meeting of all these men, apart from Moody. Martin asked Kelly to provide £100, but he preferred to 'wait and see'. It was not known whether others had provided capital: Kelly was 'very reticent' when asked by the reporter, but did say that Martin had 'produced that ever-present compass of his at the meeting'. One of those present reported that Simpson was so optimistic that he said he would 'kiss the cows good-bye', and intended to sell them to raise the necessary finance to back Martin. The reporter described his visit to the site with Moody, an elderly farmer who was most unimpressed with the work done:

On a shelving face of rock, upon which the earth from above had fallen, the prospectors had been working. The earth had been cleared away preparatory to blasting operations, presumably. It certainly did seem remarkable that, if this outcropping rock contained all the gold Professor Martin said it did, these two men could stand on it without making some endeavor to wrest some of the fortune away.

A sign reading: 'Danger, Mining' was erected on a gate 'some mile or more' from the site. Kelly told the reporter that 'Martin's associates had told him, when he desired to look at the "mine," that he was subject to a fine of £100 for trespassing'. The reporter then went to view the site from Moody's property, to find 'a number of local farmers and farm hands good-naturedly

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<sup>423</sup> *Palmerston Electoral Roll, 1931*, p. 28.

<sup>424</sup> *Manawatu Electoral Roll, 1931*, p. 5.

chaffing the “gold diggers”’, who were ‘reclining on the sloping bank above the cutting’. After they were photographed by the reporter, Simpson demanded the destruction of the film, ‘mouthing vile epithets’ and threatening to kill him, striking him with ‘a thick green manuka pole’ above the eye and opening up ‘an ugly gash’. Martin had ‘left him in charge of the mine and he was going to “guard” it’.

The following day, after another unsuccessful attempt to contact Martin, the reporter, along with Jim Curran, an experienced miner, and another man visited the site once more:

Bridle apologised for and regretted the assault of the day before, but Simpson kept down in the river bed out of sight.

Martin’s instructions, said Bridle, were that no one was to go near the reef which was alleged to contain the gold.

Mr Curran wanted to know why Bridle and his companion did not try to “dolly” some of the rock, if they were so sure there was gold in it.

In conversation later with “Truth,” Mr Curran expressed supreme ridicule of the whole thing. It was absurd, he said, to expect to find gold at that particular point. It wasn’t gold-bearing country.

No one could state definitely that the Tararuas didn’t contain gold, but the whole country had been thoroughly prospected by experienced miners.

Curran himself is an old miner and was one of the first in the Kimberley (Australian) gold rush. If anyone was in a position to express an opinion on the possibility of gold in the Tararuas it is Curran.

“If Martin was so sure he had found gold,” said Curran, “and as he has an option on the whole property, he should be only too pleased to let people see his find.

“He told me there was enough gold there for thousands, but I can tell you now that there’s no color in that rock at all.”

Martin, Curran informed “Truth,” had tried his compass on the reef, and it ran, well, due east and west. This statement, though, hardly coincides with what Mr Kelly affirms Martin said – that the reef ran north and south.

The Professor, Curran says, told him that he had traced the reef right through from Pahiatua. “Why,” commented the old-timer, “he’d have to go through country that a wild dog couldn’t get through.”

The reporter then checked with the Mines Department, to be told that Martin’s samples contained ‘no gold or gold-bearing quartz’. Martin ‘had said he wasn’t satisfied with the report, as he had sent some over to the Sydney University and it was found to be payable. “He hasn’t had time,”

was the laconic remark by the under-secretary'. The samples 'were a good class of road metal which could be got anywhere round Wellington'. Although Martin's 'little Eldorado has died a premature birth', *Truth* regretted that the report had attracted prospectors, who quickly departed 'when they saw the nature of the country'. Prospectors should make 'absolutely certain' their finds were genuine before announcing them. Martin was still insisting 'there was plenty of gold in the reef', and must take responsibility for inducing others 'to start out on an expensive wild goose chase'.

Tokomaru's gold rush will be remembered for many a long day, and even now visitors to the district are asked in lighter vein if they are going to "stake a claim."

As a second "Gabriel's Gully" it is a wash-out, but who knows, perhaps the next time the Professor takes his compass from his pocket it might locate for him "another" real find.<sup>425</sup>

Downey told Kimbell that he considered it unlikely that he would 'be called on to take a trip to the locality, for my previous experience of Martin has satisfied me that he knows little of mineral occurrence and is living on his wits'. Downey understood that the police were working up a case about his having obtained money at Waihi on 'fraudulent pretences'.<sup>426</sup> For his part, Martin complained to the new minister, Alfred James Murdoch, about having to pay £2 12s 6d for the assays. Not only was this charge exorbitant, he had 'understood heretofore that the Government Laboratory is there to encourage prospectors not to discourage them'.<sup>427</sup> Murdoch responded that Martin had agreed to the terms when he put in his samples.<sup>428</sup>

Two weeks later, another farmer, Roy Kelly's brother Arthur Norman Kelly,<sup>429</sup> who preferred to be known as Norman, informed the Mines Department that Martin claimed to have found a nine-inch reef on Roy's land and a smaller one a short distance away. Norman Kelly disliked prospecting disrupting his farm.<sup>430</sup> More tests revealed that there was no

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<sup>425</sup> *Truth*, 17 July 1930, p. 1.

<sup>426</sup> J.F. Downey to A.H. Kimbell, 25 July 1930, Mines Department, MD 1, 12/346, ANZ-W.

<sup>427</sup> E.R. Martin to A.J. Murdoch (Minister of Mines), 25 July 1930, Mines Department, MD 1, 12/346, ANZ-W.

<sup>428</sup> A.J. Murdoch to E.R. Martin, 31 July 1930, Mines Department, MD 1, 12/346, ANZ-W.

<sup>429</sup> *Manawatu Electoral Roll, 1931*, p. 80.

<sup>430</sup> A.N. Kelly to A.H. Kimbell, 15 August 1930, Mines Department, MD 1, 12/346, ANZ-W.

gold, gold, or platinum in Martin's latest samples.<sup>431</sup> In October, Martin asked to see Murdoch to prove to him that his claim was 'well worth the Government considering a suggestion of assistance for me to investigate further.... I have several assays from the Thames and from private experts who have inspected the property, these I am sure will interest you and no doubt alter your present opinion of my property entirely'. It was an urgent matter, for 'we' had driven in 'some considerable distance' and required 'financial assistance of some kind'. He concluded the letter 'Sincerely yours in business'.<sup>432</sup> Kimbell wondered whether Martin had a license to prospect, and advised his minister that all the assays were bad. He had asked the director of the Thames School of Mines, Hugh Crawford, about samples submitted by someone who did not give his name but signed himself 'Sincerely yours in business', and was told that the results were 'practically negative'.<sup>433</sup> The samples, sent in the names of Simpson, Anderson, Bridle, and Charles Sender, all of Palmerston North apart from Sender, who was a Wellington jeweller,<sup>434</sup> but all in the same handwriting and all ending 'Yours in Business', were despatched between August and October. The assays gave values of 4s 6d, 5s 1d, nil, 1d, 1s 1d, and 2s 1d.<sup>435</sup> As Kimbell advised against providing assistance,<sup>436</sup> Murdoch told Martin that, as no ore had been found, it did 'not seem that any good purpose would be gained by pursuing the matter further'.<sup>437</sup>

Martin responded that he held a ten-year lease for freehold land. He could show him assays from the Thames School of Mines done 'for several of my companions and these assays show the existence of gold and silver in

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<sup>431</sup> Dominion Analyst to A.H. Kimbell, 28 August 1930, Mines Department, MD 1, 12/346, ANZ-W.

<sup>432</sup> E.R. Martin to A.J. Murdoch, 8 October 1930, Mines Department, MD 1, 12/346, ANZ-W.

<sup>433</sup> A.H. Kimbell to A.J. Murdoch, 10 October 1930, Mines Department, MD 1, 12/346, ANZ-W.

<sup>434</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>435</sup> Hugh Crawford (Director, Thames School of Mines) to A.H. Kimbell, 10 October 1930, with appended assay results, Mines Department, MD 1, 12/346, ANZ-W.

<sup>436</sup> A.H. Kimbell to A.J. Murdoch, 10 October 1930, Mines Department, MD 1, 12/346, ANZ-W.

<sup>437</sup> A.J. Murdoch to E.R. Martin, 14 October 1930, Mines Department, MD 1, 12/346, ANZ-W.

quite a fair quantity considering the short distance we have driven in'. He also had a report from a private Auckland syndicate which wanted to buy his claim: they had obtained one ounce to the ton. 'I do not see why the Dominion Laboratories can not find values in our rock when several other experts can including Mr Crawford at the Thames'.<sup>438</sup> Murdoch refrained from revealing what he knew about Crawford's tests, and two weeks later told Martin that, as he had neither produced his title to the land nor proved values, there would be no subsidy.<sup>439</sup> Martin responded that his solicitor would show him the titles along with evidence of the values.<sup>440</sup>

On 30 October, *Truth* published another attack on Martin, headlined 'Bob Down, You're Spotted! Ubiquitous "Professor" Martin Tries To Throw Gold Dust In Eyes of Labor Member for Manawatu: Joe Linklater Does Some Panning'. This 'Broadcaster of Bunkum' had 'experienced as solid a wallop as anything he had ever encountered even in a life that has been largely made up of thuds'. *Truth* had 'exposed the Professor's auriferous imaginings' about Tokomaru, 'but, in no way disheartened, the chief stakeholder and discoverer of Martin's Mirage, has been telling his dwindling band of the faithful that even if the Dominion Laboratory could find no gold in his samples, the Thames School of Mines reports were much more satisfactory'. In fact the four samples sent there would give 'the sensational return' of 9s 8d, compared to which relief work at 14s a day was 'affluence'. Martin considered himself 'a pretty shrewd man', but 'sold himself a prize bull-pup when he invited Joe Linklater, Member of Parliament for Manawatu, out to his famous Tokomaru claim to learn all about Martin's Mirage and justify the misjudged prophet in his own country'. Martin imagined Linklater was 'a mining Muggins', not knowing that he had been a West Coast miner.

Arriving at the claim, the Professor panned a sample and drew the member's attention to a thin line of color in the bottom of the pan. This Joe could not discern – not even by the aid of the Professor's magnifying glass and he suggested that he should have a try himself.

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<sup>438</sup> E.R. Martin to A.J. Murdoch, 17 October 1930, Mines Department, MD 1, 12/346, ANZ-W.

<sup>439</sup> A.J. Murdoch to E.R. Martin, 4 November 1930, Mines Department, MD 1, 12/346, ANZ-W.

<sup>440</sup> E.R. Martin to A.J. Murdoch, 12 November 1930 (telegram), Mines Department, MD 1, 12/346, ANZ-W.

The Professor handed over the implements and Joe picked out a sample and took it down to the stream where he panned it in such a capable manner that he caused the Professor to remark, "Say, this is not the first time you've handled a pan."

Mr Linklater intimated that he had been through the game on the Coast and also added that he had also attended the Thames School of Mines and knew a little about the business.

Martin then suggested that Mr Linklater take samples back to Wellington and have them tested, and this he agreed to do, but only on condition that he should select them himself and convey them personally to Wellington.

This was done, but the report of Linklater's samples was that they contained 'neither gold, silver nor platinum'. Martin was not daunted and was still at work:

He will admit to any doubting Thomas that three Government analyses have shown negative results, but states that weekly assays have been made and that he holds certificates from the Thames School of Mines indicating the value of the gold content in the ore.

He has now opened up drives into what he terms the "Queen" reef, while he has given some attention to a "buck" reef also. Work has now been under way thirteen weeks and the Professor claims to have penetrated eighteen inches into the face of the main lode through a layer of rotten rock. But what of the gold?

"Truth" understands quite a number of Tokomaru residents would be very pleased to see signs of color and some are beginning to wonder if cow spanking [dairy farming]<sup>441</sup> is really not a better paying proposition after all.<sup>442</sup>

Kimbell noted that it seemed Linklater 'must have given a lot [of] the information contained in this report'.<sup>443</sup> Nothing further was reported until early January 1931, when Martin wrote to the Prime Minister, George Forbes:

Honourable Sir,

As a miner and prospector I am taking the opportunity of bringing before your notice the mineral possibilities that are

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<sup>441</sup> Partridge, p. 261.

<sup>442</sup> *Truth*, 30 October 1930, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>443</sup> A.H. Kimbell to A.J. Murdoch, 5 November 1930, Mines Department, MD 1, 12/346, ANZ-W.

embodied in a mining property over which I hold a twenty years optional lease. The property is situated at the township of Tokomaru Wellington District Horowhenua County. I have tried on several occasions to get an interview with the Minister of Mines and I have always been informed by the Secretary that the Minister of Mines was too busy to see me, I therefor have come to the conclusion that it is on the account of my colour. My purpose for wanting to see the Minister of Mines was to request him to send a mining engineer to inspect the property on which we are mining. The quartz is of a very good quality and shows a reasonable amount of gold content considering the distance that we are in on the lode. It seems as though the Government Laboratories have no desire to put through my assays when I have paid as much as £2. 12. 6. for a special assay. It has been a month and six weeks at a time before I get a reply and then they will send me an assay reading that my rock contains no gold content when other Laboratories in New Zealand report gold content with every sample forwarded to them and a decided increase in the values contained therein. With a little assistance from the Government I feel quite positive that quite a handsome prospect could be developed here in fact it would become an asset to the country. All I ask is for a mining engineer to be sent here who will give us a fair and honest decision. I am also enclosing a small sample of the ore which we are getting at present in abundance but seeing that we are working entirely on our own resources it renders our progress very slow and we feel positive that were an engineer sent here the Government would give us some assistance immediately as the prospects in and around where we are mining are far superior to what they are painted all because I happen to be a coloured man who has the discovery.

Trusting that this letter will come immediately before your notice and that you will see your way clear to at least send us a mining engineer to examine our prospects.

I remain,

Honourable Sir,

Sincerely yours in anticipating some action,

E. R. Martin.<sup>444</sup>

On the same day, the *Manawatu Daily Times* quoted portion of another letter to Forbes asking why the Mines Department was listening to another prospector 'with his imaginary mining prospects' compared with

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<sup>444</sup> E.R. Martin to G.W. Forbes (Prime Minister), 7 January 1931, Mines Department, MD 1, 12/346, ANZ-W.

Martin's 'genuine possibilities'.<sup>445</sup> Martin sent a cutting of this newspaper's support for prospecting as a solution to unemployment, as recommended by another prospector, E.B. Smith, to Forbes, with a covering letter:

I desire to point out what a wonderful hearing the Department is giving this man Smith with his imaginary mining prospects against my genuine possibilities. I understand that the Department intends spending a lot of money on his suggestion, I should think that they would put to the extreme test the prospects that are now offering before they spend money on imaginary ones.

I remain

Honourable Sir,

Yours in the interests of the Country,

E.R. Martin.<sup>446</sup>

The Acting Prime Minister, Ethelbert Alfred Ransom, assured him that he was 'having enquiries made to ascertain whether your request can be complied with'.<sup>447</sup> Murdoch assured Ransom that Martin appeared 'to be under a misapprehension as no discourtesy whatever has been shown by myself or by any of my Staff towards him'. All his samples were treated in the normal way, Martin being asked to pay a fee only on the occasion he asked for them to be 'treated specially and urgently'. Had Martin 'been prepared to wait until the time arrived for treating samples from several mines such work would have been carried out gratis'. The department's copies of assays from other sources did 'not indicate any marked distinction when compared with the reports made by the Dominion Analyst'. However, he had instructed Downey to investigate the property when next visiting the area.<sup>448</sup>

On 22 January, Martin again wrote to Forbes stating that he had received 'a very favourable reply' from the Acting Prime Minister, and repeating his request for an inspection by a mining 'engineer':

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<sup>445</sup> *Manawatu Daily Times*, 7 January 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>446</sup> E.R. Martin to G.W. Forbes, n.d. [?8 January 1931], Mines Department, MD 1, 12/346, ANZ-W.

<sup>447</sup> E.A. Ransom (Acting Prime Minister) to E.R. Martin, 13 January 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>448</sup> A.J. Murdoch to E.A. Ransom, 19 January 1931, Mines Department, MD 1, 12/346, ANZ-W.

The prospect at its present state of working shows very good indication that it may become a fairly good asset to the Country and community at large with the expenditure of a very small amount of capital. As a British subject I therefor ask the favour of a visit from the Government Mining Engineer if possible in the very near future.

He concluded 'Sincerely yours in business'.<sup>449</sup> Forbes assured him that no discourtesy was intended, pointing out that the samples were no good, and assuring him that Downey would inspect.<sup>450</sup> Downey's view was that it was not worthwhile making a special trip to inspect the find, but was instructed to take samples.<sup>451</sup> On 4 February, Martin again contacted Forbes. 'Please let your Mines department see this stone, which cannot be doubted, by any authority on mining': he had a 12-foot face of this stone. This letter concluded 'Yours in business and in the interest of the People of this Country'.<sup>452</sup> Two weeks later he prompted Forbes to 'expediate' Downey's visit. It was 'no good of the Government scientists thinking they will have cause to turn this down; I can assure you Honourable Sir they are going to get a big surprise'. His find was 'an established fact', and would be inexpensive to develop. 'We could be taking values out of here now if we had some way of pounding the rock'. His party had spent 'every penny in our possession' in opening up the drives,<sup>453</sup> the 'our' implying that he had put money into the venture himself. Informed that Downey's visit would not be expedited, Martin immediately wrote that it should be, telling Forbes that no official had seen his mine, where every shot fired produced 'marked improvement'. He wanted a 'Government Power Drill' for driving through thick sandstone just struck plus some financial help so that they could

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<sup>449</sup> E.R. Martin to G.W. Forbes, 22 January 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>450</sup> G.W. Forbes to E.R. Martin, 26 January 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>451</sup> J.F. Downey to A.H. Kimbell, 27 January 1931; A.H. Kimbell to J.F. Downey, 3 February 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>452</sup> E.R. Martin to G.W. Forbes, 4 February 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>453</sup> E.R. Martin to G.W. Forbes, 19 February 1931, Mines Department, MD 1, 12/346, ANZ-W.

quickly get to the 'big values'.<sup>454</sup> Just over a week later he sent Forbes a sample of 'natural asphaltum', which was 'a wonderful petroleum producer as well as numerous other by products. I have found a wonderful store of it, the very rocks are sodden with it over a wide area'. He believed 'this discovery marks the dawn of brighter days in the near future for New Zealand', again asked for aid, and signed himself, 'Sincerely yours in the interest of New Zealand's progress'.<sup>455</sup> He was assured that Downey would inspect his latest discovery.<sup>456</sup>

On 19 March, newspapers published detailed reports of a civil action taken against Martin in the Palmerston North Magistrate's Court. The *Manawatu Daily Times* used the headlines 'Tokomaru "Eldorado": "Professor" as Gold Prospector: Faces False Pretences Charges':

The charges are:- (1) That on or about August 18, 1930, at Palmerston North and divers dates between that date and August with intent to defraud by means of a certain false pretence – by falsely representing that he was a qualified geologist and experienced miner – he obtained from Samuel James Rossiter £25 in money; and (2) That on or about July 7, 1930, at Palmerston North he was deemed to be a rogue and a vagabond within the Police Offences Act, 1927, in that he imposed on William Gordon Simpson by a certain false pretence – by falsely stating that he was a qualified geologist and miner and that he had located gold in considerable quantities at Tokomaru – thereby obtaining the sum of £20.

Martin, described as 'a miner born in Alaska', pleaded not guilty and 'elected to be dealt with by the Supreme Court'. Detective Russell informed that court that Martin had told Rossiter that he had found a gold mine and that

he was a qualified geologist, having been through Edinburgh University in addition to having other experience. Accordingly Rossiter had become interested and had visited the mine where the accused had introduced him under an assumed name to the

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<sup>454</sup> A.H. Kimbell to E.R. Martin, 26 February 1931; E.R. Martin to G.W. Forbes, 27 February 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>455</sup> E.R. Martin to G.W. Forbes, 9 March 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>456</sup> A.J. Murdoch to E.R. Martin, 18 March 1931, Mines Department, MD 1, 12/346, ANZ-W.

men working there. Complainant had eventually handed over the money for a share in the syndicate.

#### **A Fisk Jubilee Singer**

“Accused later admitted that he was not a qualified geologist but was in reality a musician and singer,” added Detective Russell. “He said he had come over with the Fisk Jubilee Singers as a member of the company and the title of professor had been adopted formally.” [did he mean ‘informally’?]

After legal argument about whether to hear the two cases together, evidence was taken:

Samuel James Rossiter, licensed second-hand dealer, of Palmerston North, stated in evidence that he had first met the accused in August, 1930, having come into the shop to sell an article. Several days later he had returned and introduced himself as a geologist and expert miner. He said he was expecting to receive some money – about £200 to £300. He stated he would be “a wealthy coloured gentleman” and added that he had already received £50 from an oil business and expected the other in a few days. He also said he had all the hill rights from Otaki to the Gorge; that he was a mining expert and that he was doing some prospecting at Tokomaru. Again he called at the shop inducing witness to become interested in a mine at Tokomaru where he said there was gold. Samples were produced “containing some of the finest rock he had ever seen.” An inspection of the mine was subsequently made by witness where two other men were working.<sup>457</sup>

Another account of the case reported that Rossiter had been invited to visit the claim, where he saw two men ‘scratching about. Accused had said he had extensive mining experience in Australia and America’.<sup>458</sup>

He had seen the rock and had been told it was gold. Accused had introduced him to the men on the claim as “Mr McGerkinshaw.” He had later asked Martin why he had done this and he had been told it was because accused did not want the Kellys to know who he was. Witness had discussed the question of joining a syndicate and he had said he would put in money provided accused was satisfied it was gold. This point he had been assured upon. Nothing more had been done that day but subsequently witness

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<sup>457</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>458</sup> *Manawatu Evening Standard*, 19 March 1931, p. 4.

had called at Martin's house. When three men, Anderson, Brydal<sup>459</sup> and Simpson, had also called witness had been requested to leave the room. On his return, some 10 minutes later, witness was told he "had been elected a member of the syndicate." He had handed witness<sup>460</sup> a cheque for £15 and later, in reply to a telegram from Wellington, had sent him £2. Witness had then been told by the accused that there was a trace of gold in the samples sent for assay but it was of no commercial value.

**Then He Woke Up!**

"That sort of woke me up a little and I asked Martin why there was only traces in it and he told me he took no notice of analysts because they had something up against him and that the rock contained gold. Because he was a coloured man they "would not give him a fair hearing." He had said Martin had later gone to Wellington with samples and the day he left witness gave him a further £5. A request had been made to him three days later by wire and he had sent the £2.<sup>461</sup>

The other account recorded that it was 'as the result of a visit' from Martin's wife that the £2 was paid. Martin 'was supposed to interview the Minister of Mines, mining engineers and all others connected with the gold business'.<sup>462</sup> A meeting had next been held at Tokomaru either on 23 or 28 August (the two newspapers gave different dates), at which 'another man was admitted to the syndicate'.<sup>463</sup>

It was there that he had handed over the balance of his share of £25. That was the day a man named Sender had also been admitted to the syndicate. The money was to be used for running expenses and for working the mine. All money was then to be paid to the secretary (Brydal) and an account opened. The same day there were going to see Simpson and, on the way over, Martin had told witness that he had to find £50 and whether he had it. Witness had replied that he had not the amount and objected to accused's suggestion of raising the money on his business. He then pointed out that as Mr Sender had come into the business he

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<sup>459</sup> As recorded in this newspaper.

<sup>460</sup> He meant 'the accused', as was clear in report in *Manawatu Evening Standard*, 19 March 1931, p. 4.

<sup>461</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>462</sup> *Manawatu Evening Standard*, 19 March 1931, p. 4.

<sup>463</sup> *Manawatu Evening Standard*, 19 March 1931, p. 4.

could get £50 of that money. It was about two months later that witness began to realise that he “had been bitten.”<sup>464</sup>

Martin was asked pertinent questions as to why there had been no assay of any value. He replied that the School of Mines ‘would not give him any’. Martin wanted Rossiter

to go to Tokomaru and work and witness had put in two nights watching the river bed there. He more than once asked accused what had been done with the money, and had been told that it had been used in connection with the mine. Martin had produced a letter addressed to him as “Professor,” either from the Governor-General or the Governor’s secretary in answer to a letter written by accused concerning the West Coast earthquake. Martin said he had attended a University in Scotland,<sup>465</sup> and was a fully qualified geologist.<sup>466</sup>

The other Manawatu newspaper heading part of its report

#### **Another Eldorado**

William Gordon Simpson, farmer, of Tokomaru, said he first met the accused in June 1930 at a blacksmith’s shop at Tokomaru. Accused had introduced himself as Professor Martin, a qualified geologist, working for the Ruahine Copper Deposits. Witness had accompanied accused when he said he was looking for gold and had spent a night in the hills. Martin had then told him that he was a professor of mining and had been mining all his life and all over the world – in America, the Yukon (where he saw men dying in thousands), Australia and the South Island of New Zealand. Accused added that he had been to the Edinburgh University and that he had letters after his name. Accused said he had made rich strikes at various times.<sup>467</sup>

He had ‘about six claims which he could not work owing to the snow. Accused led him to believe that he was wealthy. He had a pick and compass

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<sup>464</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>465</sup> Edinburgh University, according to his evidence as recorded by the *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>466</sup> *Manawatu Evening Standard*, 19 March 1931, p. 4.

<sup>467</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

in his bag and also said he had a theodolite. Next day Martin returned to Palmerston North and came back with a friend', and they all inspected the stream. 'Martin pointed out what he alleged was gold in small particles in the creek sands. He professed to trace gold to a certain point in the creek and then lose it. He commenced to dig, washed a pan and asked all to look at its contents. Martin assured him that the substance was gold', and Rossiter believed him 'on the understanding that he was a trained miner'.<sup>468</sup> Martin characterized the claim as 'an Eldorado', stating his compasses gave 'readings of gold there'.

Some days later witness had gone to the claim and had agreed to "go in" and he had started work with a pick and shovel. Accused had told him that he would be obliged to pay £5 in cash and that it would cost £20 on equal shares with Martin and Brydle. Witness had had dealings for some time and then took along his brother-in-law, Mr Anderson.<sup>469</sup>

Martin told Rossiter that there was gold in the mine, and took samples 'containing iron pyrites, which looked like gold'.<sup>470</sup>

A few nights later a meeting had been held, witness, Anderson, the two Kellys, Brydle, and the accused being present. Martin had invited the two Kellys to come in but they had refused. That same night Anderson had paid the accused £20 for his share in the mine. After they had been mining for some time and funds were getting low the accused had told them that a mining engineer was coming from Auckland with a lot of money behind him. Accused had then actually brought a man down to see him who was introduced to witness as Mr McGerkinshaw.

"We showed him the face of the mine and told him to look for himself," said witness. "Mr McGerkinshaw said, 'Is that gold, Martin?' The accused replied, 'Yes, all gold'. Mr McGerkinshaw then replied 'Well there is no dirt there at all, its all pure gold'. The accused replied that it was. Brydle was also present. Later that day Mr Rossiter said that he did not understand why the accused had introduced him as Mr McGerkinshaw as his real name was Rossiter and he resided at Palmerston North."

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<sup>468</sup> *Manawatu Evening Standard*, 19 March 1931, p. 4.

<sup>469</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>470</sup> *Manawatu Evening Standard*, 19 March 1931, p. 4.

Witness added that he knew Rossiter had taken a £25 share in the mine and also had discovered that he knew nothing about mining.

#### **An M.P. Looks Around**

“The accused convinced me that there was so much gold there, however, that I actually guarded the mine. One day, Mr J. Linklater, M.P., was brought down by the accused to have a look at the mine. He asked the accused where the gold was because he could not see any in the pan. The accused then assured him there was gold there. Mr Linklater took a sample of the rock away and told Martin that there was no gold there, and that he was only prospecting.”<sup>471</sup>

Linklater asked Martin ‘where he had been mining before, but Martin did not reply. He then admitted that he had never been mining before, but had only been prospecting’.<sup>472</sup> Linklater’s visit

aroused suspicion of those connected with the mine and they had found out there was no gold. Accused had been told and had then wanted to close the whole thing up. Rossiter and witness had sent an assay to the Thames School of Mines and received a reply that there was two penny weights of silver in it. It had said that the rock was neither worth working or spending any money on.<sup>473</sup>

They discovered that what Martin ‘had purported to be gold was nothing but iron pyrites’.<sup>474</sup>

John Albert Henry Schwass, a farmer of Tokomaru, deposed that Anderson had introduced him to ‘Professor Martin’ about two weeks previously. Martin informed him of ‘his mining ability and that he had discovered gold running through his property’, said he was ‘very fortunate, and had asked him for £100 to put into a company, which was to be purely for the benefit of the Tokomaru people’.<sup>475</sup> Martin, describing himself as ‘a gold miner and trained geologist’, stated that ‘a Government inspector’ was

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<sup>471</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>472</sup> *Manawatu Evening Standard*, 19 March 1931, p. 4.

<sup>473</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>474</sup> *Manawatu Evening Standard*, 19 March 1931, p. 4.

<sup>475</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

coming to examine the mine. Schwass ‘asked Martin why, if the mine was so rich, he did not go to the banks and townspeople’. He ‘thought Martin had a fair idea of what he was talking about’, but did not give him any money.<sup>476</sup>

Charles Jamieson, another farmer of Tokomaru, said Martin ‘had first seen him in connection with the mineral rights of his property but no dealings were undertaken’. In March Martin again contacted him, but Jamieson ‘refused an option’.<sup>477</sup> When asked to visit the mine, Jamieson asked ‘what quantity of gold was showing’, and was told 1oz 1dwt to the ton.<sup>478</sup>

Charles James Brydle,<sup>479</sup> a painter of Palmerston North, said he first met Martin in June, 1930. He mentioned he was a geologist and from his conversation witness had taken it that he knew all about mines and minerals. Witness told him that he had heard that there were traces of platinum at Tokomaru and the accused said he would investigate. Witness had given him his address and on June 30, 1930, had received a letter from the accused (produced) signed by “E. R. Martin, geologist” in which it was stated that if witness would call at Cuba Street, Palmerston North, “he would hear something satisfactory to himself.” Witness kept the appointment and accused had told him the rock he had in a bag there was good and indicated substances which were gold.

“Martin said that he had been in the Waihi Gold Company. He said that he had found a lead of gold-bearing rock on Ryder’s property at Tokomaru.”<sup>480</sup>

Later Martin ‘wired for £2 for payment for the hire of a horse’, which Bridle sent him. ‘Later Martin asked him if he would “like to have a finger in the pie” by joining in partnership with him’ for £20. He ‘understood’ that Martin contributed the same sum.<sup>481</sup>

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<sup>476</sup> *Manawatu Evening Standard*, 19 March 1931, p. 4.

<sup>477</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>478</sup> *Manawatu Evening Standard*, 19 March 1931, p. 4.

<sup>479</sup> This spelling of his surname was used in both newspaper accounts.

<sup>480</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>481</sup> *Manawatu Evening Standard*, 19 March 1931, p. 4.

Subsequently, at a meeting at the accused's residence on June 13 witness had joined the syndicate on the understanding that only Martin and he were in it. A sum of £6 had been paid over on a £20 share. Within three weeks he had paid Martin various sums totalling £20. This being for mining purposes. A few days after the agreement had been signed witness had gone with Martin to the Tokomaru claim. They had met Simpson who had subsequently agreed to come in on a £20 share. Simpson had paid the accused £5 and about three weeks later witness said he saw the new partner write out a cheque for £15 as the balance. On August 13, 1930, witness had been elected secretary of the syndicate known as the "Golden Double Syndicate." Martin had also once wired from Wellington for £5 which witness had sent and altogether, accused had received between £20 and £30.<sup>482</sup>

The three men had gone 'up the Tokomaru riverbank, accused examining rocks on the way. Later Martin arrived at the site of the present mine, panned some sand, and said it contained gold. He then marked a tree about ten feet away from the reef.<sup>483</sup> This ended the first day of evidence. The first witness on the second day was James Baxter Fleck, a manufacturing jeweller at Palmerston North, who had first met Martin in July 1930:

Mr [Weston James] Smith [a later witness] and he were interested in mining propositions and someone had mentioned the matter to the accused who had come out on a Sunday. Martin had then told them that he was a qualified geologist and an expert miner and prospector, having been to a Scotch University while he had told of a varied experience in mining. Accused said he had made several rich strikes both in gold and oil in other countries – Australia and the West Coast being specially mentioned.

#### **50 Years' Experience**

Witness said he had had 50 years' experience in gold and when the accused had given him an opinion of a certain rock it was then that witness realised he knew nothing about it – or, alternatively, witness knew nothing about it and accordingly accused tried to deceive him. Witness had seen some of the Tokomaru rock and knew it to be worthless and accused had tried to convince him by quoting from a small encyclopedia of general knowledge.

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<sup>482</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>483</sup> *Manawatu Evening Standard*, 19 March 1931, p. 7.

Joseph Boucher, cycle engineer, of Palmerston North, said that on Anniversary Day (January 22) last he had met the accused who had claimed to be one of the chief miners from Waihi.<sup>484</sup>

The other report of the hearing quoted Martin as introducing himself ‘as a gold and mining specialist, one of the chiefs from Waihi. Accused said he had a lease of the land, that he and another man were the sole holders, and they had £390 invested’.<sup>485</sup>

Martin had taken him to his residence in Lombard street and had shown him two lumps of “stone” which he said had come from Tokomaru. Accused has added that he had forwarded samples to Wellington and that it had been certified as “the real stuff.” Witness had been told that a Government man was coming from Waihi to inspect the mine and that he (accused) wanted £50 with £10 deposit and the balance in instalments to “get the second solution.” He had said that he had a lease over the land and that he and another man were the sole partners of the mine.

“I decided that I would not go on with it and later the accused came into my shop and want[ed] me to sign an agreement (produced) which I kept for two days and then went to a solicitor for legal advice. The accused said that if I would give him £10 I would get a third share in the whole amount issued, providing the Government bought the land. The price which was to be paid was roughly £1500.”<sup>486</sup>

Weston James Smith, another jeweller of Palmerston North,<sup>487</sup> had met Martin in July 1930. Martin understood Smith to be ‘interested in a gold reef’, and was ‘very annoyed’ about the newspaper report of his discovery.

“He said he would be only too pleased to come and give us expert advice and if there was no gold there he did not wish to be paid for his services. Before going out to inspect the reef he assured me that he was a qualified geologist and had obtained his degrees at the University of Edinburgh, also that he was a student of Lyell – I don’t know who ‘Lyell’ is; it must have meant Lyell’s geology or

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<sup>484</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>485</sup> *Manawatu Evening Standard*, 19 March 1931, p. 4.

<sup>486</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>487</sup> *Palmerston Electoral Roll, 1935*, p. 222.

something.<sup>488</sup> Detective Barling showed the accused a piece of rock and he said, ‘This is like meeting old friends’. Martin had quite a lot of quartz and told me that the pieces came from Tokomaru,” said witness, who added that accused had said that witness and his friend could have a share in the Tokomaru claim for £20. They had had an option of seven days to decide whether they would take it or not. Witness had shown what was said to be gold in the rock, but did not ask questions regarding an assay. Later the accused had stated his intention of taking some of the rock to the Government Analyst to assay it for himself the following day.

**“Wonderful Stuff!”**

“We actually got the opinion of the accused concerning some gold we had taken out of our own gold reef and he told us that it was wonderful stuff – which I took to mean that it contained plenty of gold and far richer than that of Tokomaru,” stated this witness. “We then had some assayed ourselves and the report read, ‘Traces of silver – no gold.’”

Martin had assured them that, should they take up an interest, ‘they would be rich men’.<sup>489</sup>

Andrew Watson Swan, a Palmerston North taxi driver who had driven Martin to Tokomaru in July 1930, deposed that Martin had ‘declared himself to be a geologist and during the day said that he “had something up his sleeve” for witness’. On the return journey Martin told Swan that once the syndicate had pegged the claim he would ‘stake a claim on the reef’ for him for £20, and Swan suggested allowing Smith ‘an equal opportunity as he was a friend and it was then that the option had been secured’. Smith and Swan were ‘interested in a gold reef elsewhere’, and Martin

volunteered to go to the reef and give us his opinion. If there was nothing there he did not want to be paid for his services, but if it contained gold he said that his fee would be £20. We took him there and he said that it was one of the best strikes he had ever seen, even better than Tokomaru. He told us also that the assay would warrant a Government subsidy of £50,000. He then wanted his fee of £20 and we told him that we had a Government assay of the rock and that it was worthless. When he demanded his money

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<sup>488</sup> Sir Charles Lyell published the first of his three volume *Principles of Geology* in 1830: Martin J.S. Rudwick, *The Great Devonian Controversy: The shaping of scientific knowledge among gentlemanly specialists* (Chicago, 1985), p. 75; Rudwick provides exhaustive details of Lyell’s career.

<sup>489</sup> *Manawatu Evening Standard*, 19 March 1931, p. 7.

we asked him to produce proof and he told us that the fact that he was a geologist and had pronounced it good was sufficient. The matter then dropped and we refused to have anything further to do with him. It was later that he told us that he had had a private assay made on our rock at either Otago or Wellington – unknown to us – and that he had received a good report.”<sup>490</sup>

Martin had introduced himself as a professor.<sup>491</sup>

### **He Could Smell Gold**

Detective Barling, of Palmerston North, next related how he had met the accused in the middle of July, 1930, at Weston Smith’s shop. Mr Smith had introduced accused as “Professor Martin,” the man who had discovered gold at Tokomaru. I told him that I was interested in gold mining and that I often came across pieces of rock when out hunting. I produced a piece of rock from my pocket when Mr Smith said to the accused: “Tell him about your qualifications as a miner.” Accused then indicated he had been to the Edinburgh University, where he had learned mining and geology from A to Z; passed all his exams and since then had been all over the world mining. Accused said that he had discovered deposits of gold, oil and coal in various parts of the world.

“He said that mining was in his blood and that he could smell gold. He also mentioned about being a student of Lyell and said that Lyell had been the greatest geologist the world had ever seen – I think Lyell lived about 500 years ago,” said the detective cryptically [he was 400 years out]. “I produced a piece of rock and he became wildly excited. He smelled it, said it contained pure gold and wanted to know where it came from. I asked him about the Tokomaru mine; if it was rich, and he replied that it was, but that the rock I had shown him was far richer. He produced a piece of rock containing iron pyrites and said that it was pure gold and that it came from Tokomaru while he told me that the people who were with him in the venture need not take their hands out of their pockets to work as they were rich for life.

### **Sold Herd of Cows**

One man, he said, had sold his herd of cows in order to devote all his time to the mine and that he was quite right in doing so. I think it was Mr Smith who asked him what the assays from

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<sup>490</sup> *Manawatu Daily Times*, 19 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>491</sup> *Manawatu Evening Standard*, 19 March 1931, p. 7.

Tokomaru were and he replied that it was worth more than his life to divulge the contents.”<sup>492</sup>

He said it was quite easy for him to secure an assay, as he had the full run of the Dominion Analyst’s office in Wellington, and offered to obtain an assay of a piece of Pohangina rock produced by Barling.<sup>493</sup> On 11 March, in the presence of another detective, Martin had admitted obtaining £100 from Sender as his share in the mine. On 18 July 1930 he had, after taking legal advice, given Barling a signed statement ‘regarding his profession as a gold miner’:<sup>494</sup>

I was educated at Edinburgh University and went to America at the age of 18. I did not learn mining at the University. I was in America about 1910 and then came to New Zealand with the Fisk Jubilee Singers. Practically from university days I have been studying mining on my own account. I am not a professional mining man, and did not do any mining in America. Just before I came to New Zealand I spent a holiday in Australia looking over the country from a mining point of view. I did not have any pie cart in Wairoa. At various times I taught music in different parts of New Zealand. At times I have helped side shows, more of a pastime than anything else. About 1928 I discovered a gold bearing reef at Taupo which assayed £1 7s 7d to the ton. It has not yet been worked. About June, 1929, I was in Taumarunui prospecting for oil and discovered traces. Dr Bender, of Nelson, made a personal investigation and a report which was favourable. From Taumarunui I received about £20 in fees. I still had some money of my own and taught music for a while. I offered to sell my Taumarunui options to Mr J.F.W. Dickson, lawyer, of Auckland, at a price to be determined by him, probably about £500. From Taumarunui I went to Taihape. I prospected round there and found traces of gold in the Kaimanawas, on Mr J[ohn] D[avies] Ormond’s property.<sup>495</sup> I have heard of the Ruahine copper deposits. I did not tell anyone I was receiving monthly cheques from them. Recently I received about £25 from Mr McGregor, of Palmerston North, to go into the hills, prospect and secure some options over oil and coal country. Mr Bridle told me

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<sup>492</sup> *Manawatu Daily Times*, 20 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>493</sup> *Manawatu Evening Standard*, 19 March 1931, p. 7.

<sup>494</sup> *Manawatu Daily Times*, 20 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>495</sup> See paper on Hardy’s Mines.

there were traces of platinum in Tokomaru and suggested that I should have a look round. The only definite trace I got of gold was in the creek, which I panned. I finally located a reef on the edge of the creek and took samples to Wellington for assay. They promised me a report, but so far I have not got it. From Messrs Bridle and Simpson and Anderson ... I received each £20 for expenses. I also put in £20. That money is now all used up. I have never represented to anyone that there was gold, oil, or any other minerals anywhere in large quantities to induce people to part with their money. For the past year I have depended on this prospecting for a living.<sup>496</sup>

Martin reserved his defence, and was committed for trial in the Supreme Court.<sup>497</sup> Passing on press cuttings of the trial for Murdoch's 'perusal', Kimbell commented: 'Chickens are now apparently coming home to roost'.<sup>498</sup>

At the same time as the court case, Downey took samples of both quartz and asphaltum, and Martin sent Murdoch another sample of the latter.<sup>499</sup> Four days later, Martin again wrote to Forbes:

I am penning this note to inform you that I have forwarded a further sample of petroleum asphaltum to the Minister of Mines at his request and as there is an enemy faction here who are endeavouring to do me serious harm in order to get the prospects that I hold I ask you as a favour to endeavour to let me have a copy of the report on my prospects for petroleum and gold as soon as possible and a little assistance for working sustenance if satisfactory and I would also like if possible the lend of the Government drill. They are trying to even put me in prison on false charges that are being fostered by three ex-members of my Syndicate who were voted out of the Syndicate for their ungentlemanly behaviour and now they are endeavouring to beat me for my claim by helping others who are desirous of the same purpose. They are spending no end of money and time in their endeavour to carry to a successful issue their purpose. The presence of the asphaltum is proof positive that there is

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<sup>496</sup> *Manawatu Evening Standard*, 19 March 1931, p. 7.

<sup>497</sup> *Manawatu Daily Times*, 20 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>498</sup> A.H. Kimbell to A.J. Murdoch, 23 March 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>499</sup> J.F. Downey to A.H. Kimbell, 19 March 1931; E.R. Martin to A.J. Murdoch, 19 March 1931, Mines Department, MD 1, 12/346, ANZ-W.

petroleum in payable quantities quite close to here and the gold prospect should improve exceedingly with driving. Trusting that this letter will come immediately before your notice and that you will be able to see your way clear to comply to my request.

I remain,

Honourable Sir,

Sincerely yours in business,

E. R. Martin.

P.S.

Would it be possible for you to arrange a personal interview for me with the Minister of Mines on some day soon before the 5th of May as this charge they have put against me is a frame up of the vilest kind and the perpetrators of that frame up are employing Detective Barling here to do there dirty work. They accuse me of posing as a qualified geologist thereby committing false pretence this I can prove to be an absolute falsehood. I have always been known as a miner and prospector and a student of geology for my own purpose. They are only accusing me in this way in order to turn the sentiment of the Mines Department against me.  
E.R.M.<sup>500</sup>

On the same day, Sender also wrote to Forbes from Tokomaru, presumably at Martin's prompting. He endorsed Martin's letter and hoped Forbes would be able to help Martin 'in this his hour of dire need of assistance', the letter concluding in a style similar to Martin's: 'I remain Honourable Sir, Sincerely yours in the interests of fair play regardless of colour or creed'.<sup>501</sup>

Four days later, the Dominion Analyst informed Downey that his samples contained no gold, no silver, no petroleum, and no bitumen.<sup>502</sup> The Thames School of Mines had at the time of the trial reported finding nothing in all seven samples it tested.<sup>503</sup> On 31 March, Downey reported on his visit on 13 March to 'the so-called discovery', accompanied by Martin and Anderson. He described the locality and the 'three shallow cuts' made in 'the creek bank, just above water-level'. The first had gone in about six feet, the second 'perhaps a little deeper, and from it a small shaft had been

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<sup>500</sup> E.R. Martin to G.W. Forbes, 23 March 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>501</sup> Charles Sender to G.W. Forbes, 23 March 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>502</sup> Dominion Analyst to J.F. Downey, 27 March 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>503</sup> Memorandum by Thames School of Mines, 19 March 1931, Mines Department, MD 1, 12/346, ANZ-W.

put down about 10 or 11 feet', and the third was 'shallower than the others. This represented all the prospecting work I could see. I saw no sign of quartz reef or what could be termed lode-matter'. He 'was satisfied at a glance the discovery, from a metal mining point of view, was absolutely valueless, and it seemed only a waste of time to take samples'. Nevertheless he took four, and described how these were taken, tested in both Wellington and Thames, and contained neither gold nor silver. He took another sample 'from a harder rock overlying the slatey brechia at cut No. 1, and was taken at the express request of Mr Martin, who claimed that this rock contained petroleum'. It did not, nor gold or silver. As the 'so-called natural asphaltum' when tested produced neither petroleum nor bitumen, the results spoke for themselves, and he needed to make 'no further comment on the matter'.<sup>504</sup> Downey later wrote that he had 'never seen anything more hopeless from a mining point of view'.<sup>505</sup>

Martin was informed that, because of the assays, no financial assistance 'whatever' would be given.<sup>506</sup> The day after this was written, Martin wrote to Forbes yet again:

Just a line to inform you that I have just received a copy of the Inspector of Mines report the result of which I am surprised especially at the report of the Thames School of Mines when one comes to consider that two members of my syndicate namely Mr C. Sender and Mr C. J. Bridle have received assays from the Thames School of Mines upon rock taken from this claim and from the exact spot from which the Inspector of Mines took his samples and although the assay values are small the samples show a fair amount of both gold and silver namely one shows 5/1<sup>507</sup> and number two shows 4/6 to the ton. At that time we had just started driving this would be approximately seven months ago. I therefor can only say that if I am wrong in saying there is gold and silver here it has been Mr Crawford the head of the Thames School of Mines who has mislead me and my colleagues by sending out assay reports showing gold and silver on rock taken from this claim when he now says there is no gold or silver in the same rock and that is my reason for asking for an interview

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<sup>504</sup> J.F. Downey to A.H. Kimbell, 31 March 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>505</sup> J.F. Downey to Commissioner of Crown Lands, New Plymouth, 17 August 1931, Inspector of Mines, BBDO A900, MM88, ANZ-A.

<sup>506</sup> A.J. Murdoch to E.R. Martin, 9 April 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>507</sup> 5s 1d.

with the Minister of Mines and yourself so that I might have the opportunity of tabling these assays by the way of proof positive that there is something wrong somewhere. The Inspector of Mines came here on the 12th of March last and he inspected our diggings on the 13th and long before he got near where the face of rock was showing he jumped and swore something disgracefully and asserted that there was no gold here or no oil either as proof of this statement I can bring my two mates Mr C. Sender and Mr J. Anderson who were present and as for the asphaltum sample I can only say that if you care to take one cupful of that substance and place it in a receptacle and pour about two desertspoonfuls of nitric acid upon it leave it stand for about three minutes then add a desertspoonful of ether and give that about three minutes standing then fill the remaining space in the receptacle with clear water you will then be able to see for yourself whether there is oil in the sample or not as oil is 25% lighter than water and will naturally swim to the top and show itself in streaky rainbow colours on the water or you can mix nitric acid and ether in the same proportion with the sample and add about one pint of water place it on the fire and let it boil for five minutes and pour the sample out into any receptacle you like and you will see that the sample contains petroleum and good petroleum at that. Be careful of the after use of any of the utensils used in this test as both chemicals mentioned in my letter are dangerous to humanity. In again asking you to arrange an interview for me with yourself and the Minister of Mines.

I remain,

Honourable Sir,

Sincerely yours in business, and asking for fair treatment as a miner,

E. R. Martin.

P.S.

Am sending under separate cover etiquette petroleum sample for you to test personally after which I sincerely hope you will lend me a drill so that I can put a hole down here and prove this without doubt.

E.R.M.<sup>508</sup>

Martin wrote again a day later with additional advice about testing his sample:

After you have tested this substance ask your Mines Department if this is not a petroleum product what is it? It certainly is not mud and it has a petroleum smell and will produce petroleum if tested as stated in my letter. Please make the chemical test

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<sup>508</sup> E.R. Martin to G.W. Forbes, 10 April 1931, Mines Department, MD 1, 12/346, ANZ-W.

personally for your own satisfaction before approaching your Department there is plenty more here if wanted. All I ask is the lend of a power drill and I will soon show the Department if there is payable oil here or not. They are maliciously condemning me on account of my colour. Sir Charles Ferguson made the Under Secretary apologise to me once before for referring to my colour disparagingly. Ask the Under Secretary if this is not so.

I remain,

Most Honourable Sir,

Sincerely yours in an endeavour to bring N.Z. mineral on the market in general,

E. R. Martin.<sup>509</sup>

If Martin seriously expected the Prime Minister personally to undertake a scientific experiment he was delusional, and his first letter has only one annotation: 'File'.<sup>510</sup> Kimbell underlined the statements about his colour prejudice and noted 'bosh' in the margin. 'Personally colour has not prejudiced me at all – It is the man that counts'.<sup>511</sup> In a more formal memorandum to Murdoch, he wrote 'In view of the magnitude of the work already done for Mr Martin – a wasted effort – I am not prepared to recommend you to waste any more time in dealing with his frequent requests.'<sup>512</sup> Anderson agreed, briefly instructing 'No answer'.<sup>513</sup>

The Supreme Court took all day on 5 May to consider the charges of false pretences. Martin represented himself. The prosecutor stated that 'Martin had falsely represented himself as a qualified miner, which carried the implication that he possessed a degree'. He traded on the ignorance of Tokomaru residents by claiming there was gold in the rock he crushed, as there was 'not a trace of gold in the samples' and Martin 'knew nothing about mining'. Evidence given at the first trial was repeated, with some variations and additional information. Rossiter said that Martin told him that he was 'a qualified miner of 36 years' experience' and that Martin,

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<sup>509</sup> E.R. Martin to G.W. Forbes, 11 April 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>510</sup> Annotation on E.R. Martin to G.W. Forbes, 10 April 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>511</sup> Memoranda by A.H. Kimball on E.R. Martin to G.W. Forbes, 11 April 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>512</sup> A.H. Kimbell to A.J. Murdoch, 16 April 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>513</sup> Memorandum by A.J. Murdoch, 17 April 1931, Mines Department, MD 1, 12/346, ANZ-W.

when he showed him the face of his mine, said that the stone was ‘practically all gold’.<sup>514</sup> When the School of Mines reported that the rock contained gold valued at 4s 6d to the ton, he

had told Martin that the result was not very encouraging after what he (Martin) had said – that the face of the mine was nearly all gold. Martin had replied that he would not be given a good report because he was a coloured man. Martin took stone to Wellington and came back in two or three days, stating that he had got on all right, but had no assay – this would be sent through later. However, witness never saw it.<sup>515</sup>

Martin told him that he had ‘interviewed the Minister of Mines’ whilst in Wellington.<sup>516</sup>

Some days later a meeting was held at Martin’s house to go into matters, and witness asked accused why a decent assay had not been forthcoming. “I was told that if I was not satisfied I could get my money back and get out,” added witness. “After thinking this over, I wrote for my money, but it never came along.”

Witness also confessed to doing a couple of days’ work at the mine in order to strike the main reef, but it had not been struck yet. A balance-sheet was asked for, but accused declared that he was managing director and there was no need for a balance-sheet.

Martin had come to his shop first of all to raise money on a compass, but there was nothing doing. Later, he came back on the “gold stunt,” and witness had been induced to part with his money on the understanding that accused was a qualified geologist.

#### **Accused Cross-examines**

To accused, Rossiter said he had not been first attracted to Martin by a “showing-up” he had had in the press.

After a little cross-argument about the circumstances of their first introduction, accused asked witness to stick to the truth.

Witness: I’m telling the truth.

Accused: There’s a school of you people up against me.

In answer to further questions, witness said he had never stated that he had been acquainted with alluvial mining and that he knew a reef when he saw it.

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<sup>514</sup> *Manawatu Evening Standard*, 5 May 1931, p. 8.

<sup>515</sup> *Manawatu Daily Times*, 6 May 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>516</sup> *Manawatu Evening Standard*, 5 May 1931, p. 8.

There followed a lengthy statement by accused relative to what he claimed had happened between himself and Rossiter. With this account the witness could not agree, stating that the events related had occurred at least a month afterwards.

Witness denied having asked accused to introduce him as “McGirkinshaw.” That had been Martin’s inspiration.

“Did you not tell me you had rock under acid for 24 hours and that it stood the test?” asked accused.

Witness said he had, but found he had the wrong acid. (Laughter.)

Accused: Well, that’s not my fault.

His Honour: Did you tell him there was gold in it?

Accused: I told him I thought there was some gold, but not all gold. I still believe there is gold there.

### **Recorded in Minutes**

Martin asked questions about the meeting at his home. Had witness not been given the privilege of moving a motion? Had he not moved that the £25 be divided equally between Simpson and Martin for services rendered?

Witness: No.

Martin (excitedly): Here is the minute book with that motion recorded.

His Honour perused the minutes, and witness acknowledged that if the minute said so, he had moved the resolution.

Martin: That shows that the money was mine.

His Honour: And the meeting terminated with a hearty vote of thanks to the chairman. (Smiles.)

“Who wrote the minutes?” asked his Honour.

Witness: Mr Bridle, secretary of the company.

Martin: Why do you say I had mining rights over the whole of the ranges from Otaki to the Gorge? This deed, which you signed, declares rights over two properties only.

Witness: You told me that you had options over the ranges.<sup>517</sup>

Another account recorded that when Martin denied having prospecting rights over ‘all properties from Otaki to the Gorge’, Rossitor replied, ‘I think you went beyond that and mentioned Auckland’. Martin countered, ‘Go on, why not New York’.<sup>518</sup> The judge then perused the deed, in which the mine was described as ‘Martin’s Golden Double Mine’.

Simpson, the next witness, said when he first met Martin (‘to his sorrow’), Martin ‘wanted to hire a horse to do a little survey work and

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<sup>517</sup> *Manawatu Daily Times*, 6 May 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>518</sup> *Manawatu Evening Standard*, 5 May 1931, p. 8.

witness obliged. He had said he would pay handsomely in return, as his legs were getting old for hill-climbing. Martin said he was going prospecting for gold as the representative of the Ruahine Copper Company'.<sup>519</sup> Simpson, believing Martin to be the geologist he claimed, accompanied him. "They stayed the night in the hills. Martin said it "looked very nice old country" from a gold mining point of view, and collected a number of samples'. Martin 'claimed to have found traces of gold and said that there was a reef not very far off. He said: "Look boys, here is a lovely tail of gold," assuring them that it was an Eldorado'. Simpson 'was handed an agreement to scan', signed it, and paid Martin 'altogether £20'.<sup>520</sup>

Work was started and they got into what was called a reef, and it looked very nice, declared witness. Simpson then said the time came when he wanted the loan of a "tenner," and he asked Martin, who said a mining engineer with £1500 behind him was due the next day. He said this was the man they wanted behind them, and that witness would get the "tenner" the next day, as he had worked very hard. Next day a man came down and was introduced to them as McGirkinshaw.

After being assured by Martin that the stone was gold, McGirkinshaw/Rossiter 'agreed to come in' and Simpson got his money. He 'worked for three months on the face, doing blasting', and admitted that he would not know if there was gold in the stone.<sup>521</sup> Martin had gone to Wellington to see the minister and to obtain assays, and returned with Linklater. 'All the boys had their collars on for the occasion. Mr Linklater panned the sand, said he could see no gold, and asked Martin where he had been mining'.<sup>522</sup> Martin replied that 'he had been at Thames, Coromandel and in the South Island', and claimed that 'as he was coloured he could not get an assay from the Government laboratory'.<sup>523</sup> Simpson 'asked Martin

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<sup>519</sup> *Manawatu Daily Times*, 6 May 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>520</sup> *Manawatu Evening Standard*, 5 May 1931, p. 8.

<sup>521</sup> *Manawatu Daily Times*, 6 May 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>522</sup> *Manawatu Evening Standard*, 5 May 1931, p. 8.

<sup>523</sup> *Manawatu Daily Times*, 6 May 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

what he had done with the money, and the latter replied that that was a question for a Supreme Court judge'.<sup>524</sup>

Cross-examined by Martin, Simpson 'said he had been enticed to join the syndicate on the strength of what had come out of the rock face. When he signed the syndicate agreement on June 17 a "face" had been obtained'.<sup>525</sup> When Martin produced this agreement, 'which described the operations as prospecting only', the judge noted that there was 'no question of payment' in it. Martin claimed 'he had been led to believe Rossiter was an engineer'.

His Honour (reading from the minute book): I see here a minute stating that the manager and "declarator" was to have full power and was not to be interfered with. Are you the "declarator"?

Accused: If that is what he had called me. (Laughter.)

Accused (to witness): Did I say I was a qualified geologist?

Witness: Yes; you did. You showed me letters. You had one from the King. (Laughter.)

Accused: I never said anything about letters.

Witness: I gave you £1 to send samples to Wellington and you never gave us any report.

Simpson added that he had sent rock to the School of Mines, Thames, and the report had come back that there was two pennyweight of silver in it, together with a note to the effect that the rock was not worth mining.<sup>526</sup>

Asked whether Rossiter 'was supposed to know about the purchase of sluice-boxes and copper plates', Simpson said Martin 'had done all the talking' and was to have built these boxes 'provided the others purchased the materials'. Simpson concluded by stating that Martin 'could not tell gold from clay'.<sup>527</sup>

Linklater then gave evidence that Martin, who had called himself a professor, had first contacted him by telephone last August:

Accused ... admitted that he was the gentleman supposed to have found gold at Tokomaru. Witness accepted an invitation to view the alleged mine. He looked at the lode and panned some of the

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<sup>524</sup> *Manawatu Evening Standard*, 5 May 1931, p. 8.

<sup>525</sup> *Manawatu Evening Standard*, 6 May 1931, p. 11.

<sup>526</sup> *Manawatu Daily Times*, 6 May 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>527</sup> *Manawatu Evening Standard*, 6 May 1931, p. 11.

dirt in the stream. Martin observed to him: "That is not the first dish of wash you have panned." Witness told Martin he knew all about mining. When he had finished, Martin said: "Can't you see the gold?" Witness replied: "No." It was iron pyrites and Martin evidently did not know the difference. Martin said: "Can't you see the tail of the gold?" Witness replied: "No, nor the head either." Pressed to examine the wash under a magnifying glass, witness said he still could not see gold. He wanted to see the yellow metal and advised the other members of the syndicate not to put in another shilling until the samples had been assayed in Wellington. Witness took samples from the lode himself to avoid the risk of obtaining "salted" rock. Martin appeared to know nothing about mining. He could only make general statements concerning his mining experience.<sup>528</sup>

'Martin had suggested witness was prejudiced against him because of his colour, but such a thought had not occurred to him'. Linklater 'tried to pin Martin down to particular mines in respect of his New Zealand experience, but could not. His statements were all general'.<sup>529</sup>

Charles Jamieson said that when Martin sought an option over his property, he had stated that assays had produced 1oz 1dwt to the ton, but 'Martin had never attempted to show him any such assay'.<sup>530</sup> When Bridle explained how he and Martin had panned in the stream, Martin 'declared he had found a "tail" of gold', provoking the judge to quip ' "Tale" or "tail" (Laughter.)'. When Bridle told how he had received an assay that the stone was 'not worth working', Martin interposed that another report stated 'there was 4s 6d worth'. Bridle replied, 'But the last samples were taken out of a lot you brought up from the mine'.<sup>531</sup> In response to this clear hint at salting, Martin 'denied that he had picked the rock out of the mine'. Bridle had 'paid £20 or £30 to become a partner'.<sup>532</sup>

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<sup>528</sup> *Manawatu Evening Standard*, 6 May 1931, p. 11.

<sup>529</sup> *Manawatu Daily Times*, 6 May 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>530</sup> *Manawatu Evening Standard*, 6 May 1931, p. 11.

<sup>531</sup> *Manawatu Daily Times*, 6 May 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>532</sup> *Manawatu Evening Standard*, 6 May 1931, p. 11.

Downey briefly stated that he ‘saw no possibilities’, for there was ‘nothing in the nature of quartz’.<sup>533</sup> ‘The claim seemed to be valueless and where the work was being done it appeared to be merely country rock’. Robert Leslie Andrew, Assistant Dominion Analyst, who had first come across Martin when the latter brought in some Kaimanawa samples for assay, said he found no traces of gold, silver, or platinum in the Tokomaru samples.<sup>534</sup> ‘The rock was of a kind in which gold was seldom found’. Martin then told the court that ‘he had assays from other institutions showing gold’.<sup>535</sup>

Martin unsuccessfully objected to Fleck giving evidence on the grounds that his evidence ‘was all about Pohangina and not about Tokomaru’. Fleck’s evidence was the same as given previously, but included the comment that the Tokomaru rock was ‘worthless, except as good road metal’.<sup>536</sup> Boucher told how Martin unsuccessfully asked him to take 50 shares:

Martin wanted the money for the “second solution.”

Accused: What is the “second solution?”

Witness: That’s what he said. (Laughter.)

His Honour: I see. He couldn’t get £50 and thought he might get £10. Perhaps that’s the second solution. (Laughter.)

In legal discussion over evidence from men who had not laid charges against Martin, the judge said it was ‘a pity this man was not defended’, meaning by a lawyer. After Detective Barling repeated his evidence, Martin ‘was informed of his privilege to call evidence or give evidence on his own behalf’. The judge warned him that ‘as far as he could see, he would be wise not to call evidence’. He had the right to address the jury, but if he went into the witness box to give evidence ‘he would be liable to cross-examination which might not assist his case’. Martin took this advice, and simply addressed the jury. To prove that he had done his best ‘to be fair and square’, he produced a letter dated 25 July and signed by Bridle. Simpson and others had been asked to sign it, but had refused.

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<sup>533</sup> *Manawatu Daily Times*, 6 May 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>534</sup> *Manawatu Evening Standard*, 6 May 1931, p. 11.

<sup>535</sup> *Manawatu Daily Times*, 6 May 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>536</sup> *Manawatu Evening Standard*, 6 May 1931, p. 11.

The text declared that all concerned agreed that Martin had acted fairly to them and that if the assays were not satisfactory, they agreed that they had not been defrauded.

The accused: If all the other witnesses had kept to facts they would have said the same – that I have treated them fairly.

After the Crown Prosecutor ‘intimated that he had no reply to the accused and that he did not wish to say anything further’, the judge addressed the jury:

His Honour: This letter should have been produced when Bridle was in the box so as to have given the prosecution a chance to cross-examine him on it. Other members of the syndicate would not sign it and the matter then dropped. The prisoner, however, probably kept the letter in the event of such proceedings and has produced it in dramatic fashion. It also has to be remembered that Bridle was not the main one concerned, but that Rossiter and Simpson are the ones interested. The former was not in the syndicate at that time.

His Honour also pointed out that the fact that the accused was a coloured man should not enter into the matter, adding that there was no doubt that the representations had been made but that the jury would have to decide whether the accused had obtained the money under false pretences. It was a question of whether the accused was a swindler or not.<sup>537</sup>

He noted that Martin ‘had cross-examined with some astuteness and was apparently a plausible man, also one of some intelligence’. The jury took only 20 minutes to return a verdict of not guilty.<sup>538</sup> The jury’s magnanimity was presumably based on the argument that, whilst Martin’s claims of wide experience and of having found gold and oil were clearly fraudulent, he sincerely believed in his own capabilities, which made him a fool but not a deliberate swindler.

## SEEKING OIL IN TARANAKI

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<sup>537</sup> *Manawatu Daily Times*, 6 May 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>538</sup> *Manawatu Evening Standard*, 6 May 1931, p. 11.

Martin by now had again turned his attentions from gold to oil, which he expected to find in Taranaki,<sup>539</sup> claimed to be ‘the second oldest oilfield in the world’.<sup>540</sup> One day after the trial, he asked Forbes for the loan of an oil well boring plant or a diamond drill.<sup>541</sup> When informed that no suitable plant was available for hire,<sup>542</sup> Martin immediately sent a three-page letter to the Minister of Justice claiming that he would produce ‘payable petroleum for New Zealand’. He made that claim ‘without fear of failure’ as the formation he was testing was ‘one of those sedimentary formations which never fail to produce payable petroleum’. He asked the minister to make ‘a personal visit at your earliest convenience’ so that he could be shown there was ‘every reason why that the Government should do something to assist me in my efforts here’.

It is true that the Inspector of Mines came here and he spent exactly one hour to inspect 2,640 acres of country which you will know is utterly impossible for any one to do. I tried to get him to inspect my petroleum discoveries and he absolutely refused to look at it saying that he had no instructions from the Department to make any such inspection when I at the time had a letter from the Minister of Mines saying that the Inspector had been instructed to inspect and take samples of my latest discovery. I at length persuaded him to take one sample of petroleum matter and he took a small tin match-box full which I leave it to your own reasoning whether or no that would be sufficient sample to prove or ascertain the petroleum potentialities of 2,640 acres of country. It would appear Honourable Sir that some members of the Mines Department are only too pleased to work against me for why I do not know especially at a time like this when the Country’s financial tide is practically at its lowest and payable petroleum would be more than an asset in the instance of solving this intricate problem as it has taken petroleum to make every prosperous country known in this world and it will take petroleum to make New Zealand yet it would appear that any foreigner can come to New Zealand and advertise himself as an

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<sup>539</sup> For a history of oil exploration in this district, see Ray McMillan, *A History of Oil Exploration and Production in Taranaki 1865-1983* (New Plymouth, 1988); for exploration in the 1920s and 1930s, see Ron Lambert, *In Crude State: A history of the Moturoa oilfield New Plymouth* (New Plymouth, 1995), pp. 39-46.

<sup>540</sup> Lambert, p. 52.

<sup>541</sup> E.R. Martin to G.W. Forbes, 6 May 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>542</sup> J.G. Cobbe (Minister of Justice), for G.W. Forbes, to E.R. Martin, 21 May 1931, Mines Department, MD 1, 12/346, ANZ-W.

elaborate oil expert and get all the money and assistance necessary to prosecute his efforts immediately but it would seem that because I am a Red Indian who has hailed from British Columbia with sufficient knowledge of petroleum technology with which to guarantee my discovery of payable petroleum for this country no one seems to desire to take any notice of me in fact my efforts are practically treated with contempt.

After this breathless self-justification, in which he changed his birthplace yet again and for the first time described himself publicly as a Red Indian, he produced 'the startling fact that it took the Oklahoma Red Indian to find petroleum for America and Canada'. His newly revealed ethnicity was then used to justify his appeal for assistance:

Dont you think it quite possible that the Red Indian's knowledge of natures way of distributing the mineral values encouched in the bowels of this earth by the Almighty God to be used as a medium of exchange in the instance of man's efforts to acquire the necessary nourishment for sustenance while waiting God's Judgement that Indian could probably be of some valuable use to New Zealand in this her hour of dire need of financial ratification.

He concluded by asking 'without fear of failure or regret' for the government to lend him a boring plant for two months plus £500 for working expenses. 'I will guarantee to produce payable petroleum for New Zealand one month after the plant has been erected, I might add that that amount was given for the Geophysical Survey people willingly by the Government and they have produced nothing as yet'. Attached to the letter was a photo taken from the *Manawatu Evening Standard* of 14 May of 'Fifty Red Indians from the plains of Oklahoma, all of whom are oil magnates with fortunes running into millions';<sup>543</sup> presumably this was the basis for his information about them as discoverers of oil and the reason for his clarifying his ethnicity.

Anderson responded that his 'personal allusion' to Downey was 'neither fair nor justified'. As Downey's sample contained neither asphaltum nor gold, no aid would be provided.<sup>544</sup> Writing to the Commissioner of Crown Lands at New Plymouth in August, Downey, in commenting on an

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<sup>543</sup> E.R. Martin to J.G. Cobbe, 23 May 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>544</sup> A.J. Murdoch to E.R. Martin, 30 May 1931, Mines Department, MD 1, 12/346, ANZ-W.

application by another person for a prospecting license in the Pahi district, stated that there was no likelihood of finding gold:

I think what led to an interest being taken in the area in the first place was the visit to the locality by the coloured man, E. R. Martin, who has recently made himself somewhat notorious, and given the Department a good deal of trouble, in connection with a reported discovery of gold at Tokomaru Stream.

Martin had declared that there was good gold to be found in the Pahi district.<sup>545</sup>

### TOKOMARU AGAIN

Nothing further was heard from Martin until November, when his solicitor applied for financial assistance for prospecting by the Golden Double Mining Syndicate of Tokomaru, whose director was Martin. Their request was based on a report made by Bender.<sup>546</sup> Accompanying the letter was information about the syndicate, which was working two and a half miles from Tokomaru on farms owned by W. Roy Kelly and James Ross Moody and Isabel Moody. There were four members. Martin, now c/o Tokomaru post office, had experience in 'deep level mining Illinois and Iowa, U.S.A. Considerable prospecting experience in New Zealand'. Charles Sender, now described as 'Watchmaker and Miner' of Wellington, a single man aged 44, had done deep level mining in the Chiligo Copper Mine Company, Queensland, Australia. John Anderson of Tokomaru, described as 'Miner and Building Contractor', a married man with two children, admitted he had 'No mining experience except in Tokomaru claim. Experience in use of explosives'. John Livingstone, 'Farmer and Miner', married with six children, had 'Battery and mining experience Australian mines'. The syndicate had made 'private agreements for petroleum and mineral rights', but were only testing for gold. Martin was working full-time on the claim, Sender was working as a watchmaker, Anderson had 'very little work offering' as a building contractor, and Livingstone was a share milker. None of them was 'in a position to provide any further finance. The

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<sup>545</sup> J.F. Downey to Commissioner of Crown Lands, New Plymouth, 17 August 1931, Inspector of Mines, BBDO A900, MM88, ANZ-A.

<sup>546</sup> Bertram Begley to A.H. Kimbell, 9 November 1931, Mines Department, MD 1, 12/346, ANZ-W.

members have expended about £500 to date'.<sup>547</sup> Their financial state was the reason why, despite the publicity given to Martin's incompetent prospecting, the other three men had joined him in attempting to discover gold.

To support the application, Martin sent copies of letters received at the beginning of September from Bender. Bender assured him that there was better rock ahead in his Tokomaru gold claim, for the indications were 'well promising' and 'the whole thing would be well worth a survey',<sup>548</sup> no doubt by Bender. The three samples he had tested for gold produced 11dwt 3gr, value £2 4s 6d, 3dwt 2gr, value 12s 4d, and one of nil value. Silver was 'of very little importance'. Bender stated that 'by quarrying this reef, I am positive that good results could be obtained, as the results now are very encouraging. It is a payable working and the overburden is light. The rock is easy to crush and the gold can be very cheaply extracted. Furthermore, there is a good indication of silver and other minerals, and lignite, and by proper survey it could be made a very profitable venture'. He again offered to make this survey.<sup>549</sup> As a sample sent to the Mines Department with this application for assistance contained neither gold nor silver, no financial assistance was given.<sup>550</sup> This information was sent after yet another letter was received from Martin, this time claiming that Bender's assay had proved that he had struck payable gold. He wanted a battery 'as the rock is that rich that we cannot afford to throw it away'. He was now working on different stone to that tested by Bender.<sup>551</sup> Once again, assistance was declined.<sup>552</sup>

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<sup>547</sup> E.R. Martin, 'Information Required by Mines Department re "The Golden Double Mining Syndicate's" Application for Prospecting Assistance', n.d. [9 November 1931], Mines Department, MD 1, 12/346, ANZ-W.

<sup>548</sup> E.W. Bender to E.R. Martin, 3 September 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>549</sup> E.W. Bender to Manager and Director, Double Gold-Mining Syndicate, 3 September 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>550</sup> Dominion Analyst to A.H. Kimbell, 23 November 1931; A.J. Murdoch to Bertram Begley, 8 December 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>551</sup> E.R. Martin to A.J. Murdoch, 4 December 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>552</sup> A.J. Murdoch to E.R. Martin, 18 December 1931, Mines Department, MD 1, 12/346, ANZ-W.

The next time that the department heard about Martin was in mid-July 1932, when Frank Gyde of Tokomaru sent a cutting from the *Manawatu Daily Times*:

### **Seeking Gold in Tokomaru Valley**

#### **RALPH MARTIN PERSISTS WITH PROSPECTING**

For two years now E. Ralph Martin, a coloured prospector, has been quarrying on the banks of the Tokomaru stream for gold. Public opinion was sceptical from the start, and when departmental heads let it be known that Martin was working in everyday country rock, with no hope of finding gold, smiles broadened into chuckles. Martin, however, continued to plod on, and to-day he has two shafts, one of which is about 12 feet down into the solid rock, and at the bottom has exposed a seam of quartz, which Martin assured a Times reporter who visited the location yesterday was gold-bearing. To prove his statement Martin drilled a hole, inserted a small charge of gelignite and blew out chunks of the quartz. The pieces, when examined closely, displayed specks of yellow metal. Martin's statement that it was gold the reporter saw went unchallenged, for the simple reason that the reporter had never seen gold in its native state before. Maybe the prospector detected an attitude of doubt, so, to give proof of his assertions, produced assay reports which he had received from Nelson and made by E. M. Bender, M.M., M.E. The assayer declared in a report dated April 28, 1932, that he had found gold in the more than payable quantity of 1oz 8dwt 14gr per ton, which would return £5 14/4 with gold valued at £4 per ounce. There was also present silver valued at 3/ per ton. Another small sample of bright rock that had been submitted contained copper, iron and silver and was of no value except on a big scale. No platinum was visible.

Sender's reports on the two best samples tested in the previous September were given, omitting (without indicating that it had been omitted) the one that gave a nil value.

Martin also submitted the samples to a nitric acid test, which left the yellow metal untouched. Gold, he added, was not dissolved by nitric acid.

Mr Bender, Martin stated, had spent several days on the job, getting his samples and making a general survey of the prospect. His favourable reports have naturally enheartened the gold seeker and his partner, Mr J. Anderson, who now would like Government assistance in order that they may open up the reef quickly. Claiming that money was being wasted on subsidising gold prospecting in the South Island, Martin said he saw no

reason why the department should not assist him to the extent of 10/ to 12/ per foot for quarrying. The partners have just completed the purchase of a crucible, with which they expect to get the first material returns for their labours. Should the Government decline to come to his assistance and so make the mine a national one, Martin stated that he and Anderson would carry on, there being a good prospect for each.

The two shafts are sunk in the bed of the Tokomaru stream, and within a foot or two of the water's edge. Both are now well below water level. There is considerable seepage from overhead, and bailing by hand has to be carried out each morning before operations can be resumed. Martin pointed out that before quarrying could be undertaken in earnest, a pump would have to be installed.<sup>553</sup>

Gyde's covering letter commented that the article looked like 'general ridicule' of the department, adding that Martin had 'tried to tell me, more than once, that your dept. will not admit, he was gold there, because you know he has the option, over nearly all the land, round here'. These options were a 'sore point' to Gyde, who had been prospecting a property in the ranges 'for the last two years (in my spare time). Martin tried very hard to procure an option over this property, but without success'. Recently two friends of Martin's got the owner to allow them to prospect it to enable them to obtain 'the unemployment wage', and now threatened to prosecute Gyde if he prospected there again.<sup>554</sup> Shortly afterwards, a letter from 'Unemployed' was published in the *Manawatu Daily Times* asking the government to 'make a substantial effort' to make Martin's discovery 'an asset to the community at large'.<sup>555</sup>

The department was untroubled by further news of Martin until the following March, when F. M. Baumfield,<sup>556</sup> living at Mautoa near Foxton, asked Murdoch several questions about Martin. Could he 'live on the property of another from whom he has received an option to prospect and mine; if no work has been done, by way of developement of the claim during the past six months?' Was he liable for not working it? What area could be

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<sup>553</sup> *Manawatu Daily Times*, 15 July 1932, press cutting appended to F.R. Gyde to A.H. Kimbell, 17 July 1932, Mines Department, MD 1, 12/346, ANZ-W.

<sup>554</sup> F.R. Gyde to A.H. Kimbell, 17 July 1932, Mines Department, MD 1, 12/346, ANZ-W.

<sup>555</sup> *Manawatu Daily Times*, 18 July 1932, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>556</sup> As he was not included in the electoral roll, his first names have not been traced.

obtained under a private option, and should it be pegged out and registered? ‘Could a person holding a “Miners Right,” and permission of the Owner of the property, take possession of the others claim, and order him off for not working same?’ The point of this question was that Baumfield had a miner’s right, and Martin was working on William Roy Kelly’s property.<sup>557</sup> Kimbell advised Baumfield that he did not know whether the claim was registered at the nearest warden’s court, which was at Te Aroha.<sup>558</sup> (It had not been registered there, or anywhere else.)

In September, four days after receiving a letter from Martin telling him not to let anyone come onto the land close to where he was prospecting, because of explosives,<sup>559</sup> Kelly sought Kimbell’s advice about Martin’s option:

You may recall that some three years ago, on the advice of Mr J. W. Rutherford, Solicitor of Palmerston North, I interviewed you in regard to a nigger named Martin. He has been on my property ever since with a white woman & two children & has been getting a living either by persuading different people that he has found gold & getting them to put money into it, or by making up a cleaning compound & hawking it from house to house.

He is making a nuisance of himself on the property by inviting numbers of people on to the property to see his so called mine, & defying me to stop them; also by sending registered letters after the style of the one enclosed & also, last week, drew a knife & threatened a relief worker employed by me on the property.

The ground had not been pegged out or registered as a claim.<sup>560</sup> Kelly enclosed the letter requiring him to keep people away from the mine along with a copy of the agreement made at the end of June 1930 with Martin. Under this, in return for one shilling, Martin was granted the right to prospect for petroleum, gas, and minerals for two years.<sup>561</sup> Kimbell

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<sup>557</sup> F.M. Baumfield to A.J. Murdoch, 5 March 1933, Mines Department, MD 1, 12/346, ANZ-W.

<sup>558</sup> A.H. Kimbell to F.M. Baumfield, 10 March 1933, Mines Department, MD 1, 12/346, ANZ-W.

<sup>559</sup> E.R. Martin to W.R. Kelly, 31 August 1933, Mines Department, MD 1, 12/346, ANZ-W.

<sup>560</sup> W.R. Kelly to A.H. Kimbell, 4 September 1933, Mines Department, MD 1, 12/346, ANZ-W.

<sup>561</sup> Agreement between E.R. Martin and W.R. Kelly, 30 June 1930, Mines Department, MD 1, 12/346, ANZ-W.

responded that, although it was not the department's role to give legal advice, he considered the agreement to be 'very loose' and did not give Kelly 'adequate protection to cancel the rights' should Martin not prospect. He advised consulting a solicitor about finding ways to cancel the lease. It was not lawful for Martin to prospect for petroleum, oil, or gas except under a license from the minister, which he did not have, and Kimbell doubted 'very much' if he could prove that he had worked 'efficiently and fairly and according to the most approved manner', as required.<sup>562</sup>

After Kelly took his advice, his solicitors informed Martin that the lease would be forfeited unless two breaches of the covenant were remedied. The first was a direct quote from Kimbell's letter about working 'efficiently' as required, the second was his residing on the land with his family despite the lease not permitting this. Kelly was 'most anxious to get this man off the property', for in addition to the mining being 'futile' he had been 'subjected to a number of inconveniences'. Martin wanted the matter arbitrated, which Kelly accepted as a way to end the matter. As Kelly was 'at the lowest ebb financially which it is possible for a small Dairy Farmer to reach', he asked whether a departmental officer could give evidence on the mine and whether the department could recommend an arbitrator with mining knowledge.<sup>563</sup> Kimbell suggested a suitable person who could either give evidence or be an arbitrator.<sup>564</sup>

The *Manawatu Evening Standard* reported an 'unusual case' in the Supreme Court in late July 1934, when Kelly sued Martin for trespass and sought £100 damages. As previously, Martin conducted his own case. Responding to Kelly's statement that he refused to vacate his land, Martin deposed that he held a legal mining option granted by Kelly 'in his own handwriting' in 1930. He held a miner's right and had 'special protection of his mining privileges over the section, issued by the Commissioner of Crown Lands under Section 81 of the Mining Act, 1926'. To exercise his right to work the deposits 'it was necessary to camp on the property, together with others necessary in the working of the mine. Defendant said that he had fully signed up articles with reputable gentlemen to exploit the mine at an

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<sup>562</sup> A.H. Kimbell to W.R. Kelly, 15 September 1933, Mines Department, MD 1, 12/346, ANZ-W.

<sup>563</sup> Cooper Rapley and Rutherford (per J.W. Rutherford) to A.H. Kimbell, 14 November 1933, Mines Department, MD 1, 12/346, ANZ-W.

<sup>564</sup> A.H. Kimbell to Cooper Rapley and Rutherford, 21 November 1933, Mines Department, MD 1, 12/346, ANZ-W.

early date'. He had hoped that the conflict would have been resolved by arbitration. Informed that platinum had been round at Tokormaru, he had not found this 'but gold instead'. Before taking up the option he had received 'one or two good reports (produced) from accredited geologists, for which he had paid £25'. Since then the property had been protected under 'mineral prospecting warrant, which had been renewed from time to time'. Although a syndicate had not been formed because Kelly 'counselled all who came to have nothing to do with it', machinery had been ordered. Asked by the judge how he was going to pay for this when no syndicate had been formed, Martin 'said the interest of certain parties had been secured'. There had 'never been any suggestion of rent' for all the time he had been on the land. 'He did not consider that the question of how much money he had obtained from people round Tokomaru and Shannon had anything to do with the case', but the judge 'ruled that it was relevant on the question of credibility'. Martin claimed that 'no money was put in but from people willing to invest it', and cited Bender's reports to prove that he had found gold.

Further cross-examined, witness said he and J. Anderson had each put in £250 or £300; Mr Rossiter £25; Mr Shaw £7 in grubstake; Mr Coley an amount in grubstake working together with his wife, son, and daughter; Mr Giffiths £15; Mr Bridewell £30, and an Auckland firm of solicitors had paid £3. Mr Wollerman had put in no actual cash, but had obtained an option still in force. Some £15 had been obtained from Mr Deverell. Defendant denied telling anyone he had obtained about £400 from people around Shannon. All the money paid had gone into the mining proposition. Defendant objected to examination bearing on a Supreme Court case which he said he had won four years ago after 25 witnesses had given evidence against him.<sup>565</sup>

(It was three years ago, and the number of witnesses he gave was a typical exaggeration designed to magnify the extent of his victory.) Coley was either David Augustus, Oswald, or Robert, all farmers at Shannon.<sup>566</sup> 'Giffiths' was probably John Griffiths, a flaxworker, also of Shannon.<sup>567</sup> Reginald Francis Anstin Bridewell was a baker at Palmerston North.<sup>568</sup>

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<sup>565</sup> *Manawatu Evening Standard*, 26 July 1934, p. 7.

<sup>566</sup> *Manawatu Electoral Roll, 1931*, p. 31.

<sup>567</sup> *Manawatu Electoral Roll, 1931*, p. 58.

<sup>568</sup> *Palmerston Electoral Roll, 1931*, p. 28.

Herman Frederick Wollerman was a service station proprietor at Palmerston North.<sup>569</sup> Deverell has not been traced. When asked what he had done with the gold he claimed to have found, Martin answered that 'it was in hard rock and only machinery would extract it'.

Examined on an assay certificate on a sample forwarded, which counsel said only contained pyrites, defendant said there were also 12 grains of gold mentioned. The question whether it was payable was one for him to determine and not counsel. He had struck a gold reef after sinking a drive [meaning shaft?]. Mr Sender had invested £75 to £80.

Counsel: And it has all gone into the pocket of Mr Martin? – No, it has gone into the mine. The money has gone in explosives used in making the drive.

Have you ever seriously done any work there? Mr Kelly says he has never seen you with your coat off in your life? – I have done plenty of work, and I am surprised at Mr Kelly making that statement.

His Honour said the action was for trespass, but defendant held a ten years' lease. It should instead have been a claim for breach of contract.

Arthur Asplin, a music dealer of New Plymouth, was called by Martin 'to prove the existence of No. 2 shaft'. He said he had met Martin seven or eight weeks ago and had agreed to examine the mine. Despite Kelly speaking disparagingly about it, 'he went about twenty feet down a vertical shaft and picked out a piece of quartz'. As he did not find gold, he did not invest any money.

Martin deposed that 'minerals found belonged to the Crown and his miner's right gave them to him'. If there was 'no interference', within four months 'machinery would be pounding quartz'. He claimed that Kelly had blocked access. Kelly denied this; he merely advised visitors 'that there was nothing in it. There were two holes there, one being five feet deep and the other six. Before river silt had entered they were not more than fifteen feet deep'. He 'had never seen anybody working there, or mining operations. Defendant appeared to be travelling round the country selling a cleaning preparation'. He added that Martin 'had given an assurance that he would get out if the mine was proved to be a failure'.<sup>570</sup> Kelly said he understood when signing the lease and option that Martin had no capital and had to

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<sup>569</sup> *Manawatu Evening Standard*, 27 July 1934, p. 6.

<sup>570</sup> *Manawatu Evening Standard*, 26 July 1934, p. 7.

obtain money from a syndicate. Martin 'had caused considerable inconvenience on the property but no damage, as the little amount of work he did would hardly constitute the latter'.

Eric Wallace Green, a Wellington mining engineer, gave evidence about the mine:

He had spent an hour one morning inspecting it. There was no mine at all. There were four holes in grey wacke formation. There was nothing even to justify the holes. There was water in the bottom, and it could not be called a mine by any stretch of imagination. Two workers could have done in a month the work down to the water level. Another month would have sufficed for any work below the water level. It was a waste of money to put it into any developments there.

Traces of gold in the streams 'were of no economic value. The mineral value of the Tararuas was considered to be so poor as not to warrant a geophysical survey'. Cross-examined by Martin, he 'agreed that no one ever knew what was under a working. No survey had been made in this case, and the department did not know'. Norman Kelly and Kelly's solicitor gave evidence of obtaining assays. Constable Blaikie of Shannon testified that he had been on the property 'on numerous occasions to see Martin. He had seen no evidence of mining carried out in a workmanlike manner, and he had never seen Martin working'. Blaikie had 'frequently been called there to settle differences by members of the syndicate with Martin. These men had been dissatisfied at their treatment by Martin'. He also had never seen Martin 'with his coat off'.

Stanley George Shaw, a butcher of Shannon, wanting to get something in return for the meat he had given to Martin, had 'made an agreement concerning the mine' after George Jude, a miner living at Shannon, extracted a sample giving 5dwt to the ton. Jude testified that he had inspected the workings:

Martin produced an assay from Professor Bender purporting to show 1 1/4 ounces to the ton. From that, and the formation he saw, witness advised Shaw to spend a few pounds, but not too much. An agreement was drawn up and the shaft was to be sunk fifty feet provided the inspection warranted it. For his services witness was to receive one-third of Shaw's interest. Witness made half a dozen washes of dirt blasted out on the previous day, but could not obtain a trace of gold. There were three inches of quartz against the hanging wall and the rest was slate. Later witness

ground up stone from the mine in a “dolly-pot” with a similar result. Martin, who was managing-director, produced a piece of stone containing what he claimed was gold, but, witness said, it was only mica. Witness formed the opinion that the place was not good.

Cross-examined, witness admitted that he advised Shaw to execute the agreement. He told him to sign on the strength of Dr Bender’s report, but from his own knowledge also told him to leave it alone.

Herman Frederick Wollerman said he had investigated the venture last February. ‘He knew nothing of mining and was not particularly interested in a speculation. He said he would not enthuse over it, and eventually, with Deverell, drew up an agreement with Martin to investigate the matter’. He took a sample off ‘a likely spot’, but the Waihi School of Mines gave the result of part of that as ‘definitely nil’. A relative with a claim in the South Island had assayed another part, proving it contained no gold, silver, or ‘anything else of value’. He had ‘then dropped the matter’. Cross-examined by Martin, he agreed ‘he had seen Martin doing real manual labour there, but no more than witness had helped him to do’.

Judgment was then given, the judge first noting that no written notice requiring Martin to leave had been produced. ‘The mine might be no good, but he had to determine whether it was proved that defendant was trespassing on the land’. He would not hear argument from Martin, ‘as plaintiff could not succeed in his claim. The agreement giving defendant the exclusive right to search for minerals was prima facie evidence against alleged trespass’. Kelly, ‘by telling people to have nothing to do with the project’ had ‘prevented the performance of the covenants, and could not possibly complain of breach of contract’. Judgment with costs was given to Martin.<sup>571</sup>

After reading the reports of this case, A. Tyndall, the new under-secretary, told the Commissioner of Crown Lands that his department believed Martin did not have the mining privileges he claimed.<sup>572</sup> The commissioner replied that Martin had told him, in a personal interview in the previous November, that he had found a new quartz lode on freehold land outside a mining district and therefore under the commissioner.

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<sup>571</sup> *Manawatu Evening Standard*, 27 July 1934, p. 6.

<sup>572</sup> A. Tyndall to Commissioner of Crown Lands, Wellington, 14 August 1934, Mines Department, MD 1, 12/346, ANZ-W.

Accordingly, protection for his mineral prospecting warrant was granted for three months, but with no right to mine; he had an agreement with the landowner to prospect for ten years.<sup>573</sup> Tyndall responded that the certificate of protection was ultra vires, for the commissioner had no power to grant it, certainly not for prospecting for gold.<sup>574</sup> Martin was so informed, and advised to contact Tyndall.<sup>575</sup> With unusual hesitancy, Martin did not reply for two month, in a letter to the Prime Minister in his handwriting and typical style, though with a greater profusion of commas, but signed by his wife and written as if it was her letter:

Honourable Sir,

I am taking the priviledge of writing this letter, in order to bring before your notice, the unfair treatment, that the Mines Department, has given my husband, who is a legal holder, of a Miner's Right.

My husband, is the discoverer of a payable gold reef, in the Tokomaru district, which reef, is easily accessable and could be worked with very little output, but strange to say, that every attempt, that my husband makes, to raise finance, in order to put in the required machinery, with which to work the mine, the Mines Department, do their utmost, to frustrate the progress of the mine, and tell business men, whom my husband has interested, to have nothing to do with the project. I was under the impression, Honourable Sir, that the Country was in need of gold, and that the Mines Department, were out to help the miner, in every possible way, and I am at a loss to understand, why they have set them selves out, to stop the progress of this mine, which would be, if working, a beneficial asset to the Country, and especially to this district, where there are so many unemployed.

My family and I, have camped on the site of the mine, for the past four years, and have suffered great hardships, and my husband has put in, all his time, money, and labour, in order to ge the mine working, to a successful issue, and as the reef is now exposed, and all the preliminary work finished, it only needs the machinery put in, in order to work the mine, in a satisfactory manner, to be a payable asset to the Country, so I am taking the priviledge, Honourable Sir, of asking you, to personally prevail

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<sup>573</sup> Commissioner of Crown Lands to A. Tyndall, 15 August 1934, Mines Department, MD 1, 12/346, ANZ-W.

<sup>574</sup> A. Tyndall to Commissioner of Crown Lands, 4 September 1934, Mines Department, MD 1, 12/346, ANZ-W.

<sup>575</sup> Commissioner of Crown Lands to E.R. Martin, 14 September 1934, Mines Department, MD 1, 12/346, ANZ-W.

upon the Mines Department, to send one of their Inspector's, to inspect the reef, also Honourable Sir, I ask you if possible, to accompany the Inspector, in order that you may see for yourself, the great possibilities which this mine offers. Hoping, Honourable Sir, that my letter will come immediately before your notice, and that you will be able to grant my request.

I remain,

Honourable Sir,

Sincerely yours, in the interest of fair play, and in the interest of the Country,

N. M. Martin.<sup>576</sup>

Forbes promised to investigate, but was told that, because of the lack of values, there was no point in a further inspection.<sup>577</sup> Shortly afterwards, Martin's solicitor asked an official in the Mines Department what was the 'trouble' between Martin and the department. He was told there was no trouble, but that Martin had no mine because no values had been found: however new samples would be tested, which the solicitor agreed was 'a fair offer'.<sup>578</sup> Not till the following July was another sample tested, yet again containing no gold or silver.<sup>579</sup> By that time an Auckland firm had provided him with 'a little plant'.<sup>580</sup>

Three months later, a Palmerston North solicitor, Thursten Frederick Relling,<sup>581</sup> contacted Tyndall. He was acting for a client who, after entering into a partnership with Martin to develop the mine. had spent between £300 and £400, and had now issued a writ claiming 'damages for misrepresentation and rescission of the partnership contract'. Among the misrepresentations were:

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<sup>576</sup> N.M. Martin to G.W. Forbes, 12 November 1934, Mines Department, MD 1, 12/346, ANZ-W.

<sup>577</sup> G.W. Forbes to N.M. Martin, 14 November 1934; C.E. Macmillan to G.W. Forbes, 24 November 1934, Mines Department, MD 1, 12/346, ANZ-W.

<sup>578</sup> Memorandum [author illegible], 4 December 1934, Mines Department, MD 1, 12/346, ANZ-W.

<sup>579</sup> Dominion Analyst to A. Tyndall, 15 July 1935, Mines Department, MD 1, 12/346, ANZ-W.

<sup>580</sup> Memorandum [author illegible] for A. Tyndall, 17 July 1935, Mines Department, MD 1, 12/346, ANZ-W.

<sup>581</sup> *Palmerston Electoral Roll, 1935*, p. 199.

- (a) That an honest assay cannot be obtained from the Government Mines Department.
  - (b) That the Officials of the Mines Department are prejudiced against him, Martin, on account of his colour and that has prevented him from floating a company to work the mine.
  - (c) That reliable assays of stone from his mine show from 15 pennyweights to 1 ounce 12 pennyweights of gold to the ton.
- He has made many other misrepresentations the result being that my client was induced to spend the money on what I have every reason to believe is not a gold mine at all.

He requested the department to provide information and permit one of its experts to give evidence. 'I ask this because I know of quite a number of men who have been induced by Martin to give both labour and money in connection with the mine and I think this state of affairs should be ended'.<sup>582</sup> So did Tyndall, who passed on the letter to his minister with a note: 'So many allegations have been made against Mr Martin that I feel the Dept. should assist in the public interest. I recommend that you approve of an Inspector of Mines giving evidence provided his travelling expenses are paid by the plaintiff'.<sup>583</sup> Macmillan concurred.<sup>584</sup> Tyndall thereupon explained that assays were not made by the department but by the Dominion Analyst, an officer in the Department of Scientific and Industrial Research, in whom it had 'every confidence'. He 'vigorously denied' that his officials were prejudiced against Martin 'on account of his colour', and gave a list of all the samples tested and their results. Downey would give evidence.<sup>585</sup> Relling was grateful, and explained that his client was Oswald Frank Foddy of Hastings, a salesman who had 'probably lost his money' but wanted to recover what he could 'and possibly get possession of the mining rights', even though they were 'probably quite valueless'. He wanted Downey to provide him with 'a general outline of the facts within his own knowledge' proving that the reef was worthless and that Martin 'either knows or should know that'. Martin would seek an adjournment to enable

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<sup>582</sup> T.F. Relling to A. Tyndall, 10 October 1935, Mines Department, MD 1, 12/346, ANZ-W.

<sup>583</sup> A. Tyndall to C.E. Macmillan, 12 October 1935, Mines Department, MD 1, 12/346, ANZ-W.

<sup>584</sup> Memorandum by C.E. Macmillan, 14 October 1935, Mines Department, MD 1, 12/346, ANZ-W.

<sup>585</sup> A. Tyndall to T.F. Relling, 15 October 1935, Mines Department, MD 1, 12/346, ANZ-W.

Bender, now in Christchurch, to give evidence.<sup>586</sup> This request was granted.<sup>587</sup>

At the end of November, Tyndall made a 'Note for File':

On the 26th November, 1935, Mr E. R. Martin interviewed me in the presence of Mr Duggan and Mr Downey.

He informed me that he did not now consider that the officers of the Mines Department were prejudiced against him on account of his colour.

He also stated that he felt that that was the case during the regime of the previous Under-Secretary.

Mr Martin stated that his Syndicate comprised four persons, Mr J. Anderson a carpenter of Tokomaru, who had found about £500 cash, Mr R. Atkinson, who had found nothing to date, Mr F. O. Foddy, who had found £108, but who claimed to have found to date £300, and Mr Martin himself, who had found about £1000 cash in addition to six years labour.

Mr Martin stated that two shafts had been constructed about 3 chains apart, both shafts being down to the reef. One shaft was 40ft in depth and the other shaft 30ft in depth. No driving along the reef had been carried out.<sup>588</sup>

Richard Thomas Atkinson was a labourer of Tokomaru.<sup>589</sup> Martin discussed some of the assays, stating that the one assayed by the Thames School of Mines and giving 12dwt to the ton 'was the deciding factor which impressed Mr Justice Ostler in the Supreme Court case which took place in 1934'. The file, then examined in Martin's presence, revealed that the value was 12gr not 12dwt. 'The amount of gold is so small that Mr Downey rather suspects that old pots might have been used in the assay work'. Tyndall then advised Martin 'that if any officer of the Mines Department were requested to make a statement, that statement would be that the Mines Department had found no evidence of payable gold in his mine'.<sup>590</sup>

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<sup>586</sup> T.F. Relling to A. Tyndall, 25 October 1935, Mines Department, MD 1, 12/346, ANZ-W.

<sup>587</sup> T.F. Relling to J.F. Downey, 4 November 1935 (telegram), Mines Department, MD 1, 12/346, ANZ-W.

<sup>588</sup> A. Tyndall, 'Note for File', 28 November 1935, Mines Department, MD 1, 12/346, ANZ-W.

<sup>589</sup> *Manawatu Electoral Roll, 1931*, p. 7.

<sup>590</sup> A. Tyndall, 'Note for File', 28 November 1935, Mines Department, MD 1, 12/346, ANZ-W.

The hearing in the Supreme Court took place in mid-February 1936, Martin again conducting his own defence. This time he was facing Mr Justice Blair, a 'no-nonsense' judge, and a plaintiff's lawyer, Relling, who had not made the wrong charge. Foddy charged Martin with 'fraudulent misrepresentation', and sought the dissolution of the partnership, the sale of its assets, and either the repayment of £337 he had put into the partnership or £400 in damages. He had entered the partnership because Martin had stated that 'reliable assays' from the reef produced from 15dwt to 1oz 12dwt; that he was 'an experienced prospector and geologist' who had spent 'over £2000 of his own money in opening up the reef'; that by spending £300 he could erect a plant that would prove the mine payable 'and a larger company could be floated to work it'; that 'an honest assay could not be obtained from the Government Mines Department and plaintiff should not attempt to get an assay there'; that he had 'taken a certain amount of gold by hand crushing from the reef, but had obliged to sell it to keep his wife and family'; that Mines Department officials 'were prejudiced against him on account of his colour, and that was the reason he had not already been able to float a company'; and that an assay would cost £20. On the basis of these statements, Foddy had paid £337, 'which was £37 more than he was bound to contribute, and had spent much time and incurred personal expenditure in connection with the partnership in addition to the £337'. As the reef was worthless, the partnership 'could only be carried on at a loss, and it was just and equitable that it should be dissolved'.

Martin's statement of defence denied inducing Foddy to enter the partnership, claiming this happened 'at the request and on the suggestion of plaintiff himself'.

He had informed plaintiff that he had rights over the reef at Tokomaru and that he had assays of 12dwt to the ton and of 1oz 10dwt to the ton. The statement that he was an experienced prospector was true. He denied saying he was an experienced geologist, but had said he had a working knowledge of geology. He denied telling plaintiff that he had spent over £2000 of his own money in opening up the reef, but said he and his mate had expended £2000 there. He denied telling plaintiff that for the expenditure of £300 he could get and erect a battery and plant to make the mine payable so that a large company could be floated. Defendant said he had suggested to plaintiff that the best way to commence operations would be to purchase a small battery to try out the mine. Plaintiff had himself suggested the flotation of, and undertaken to float, a company to take over the proposition. Defendant denied stating that an honest assay could not be

obtained from the Government Mines Department, but said he had told plaintiff he could not obtain a satisfactory assay. Defendant said he had taken gold from the mine, but denied stating that he had sold it. He had told plaintiff that a bulk assay from Australia would cost £20.<sup>591</sup>

At the time he said officials were prejudiced against him because of his colour, 'he believed it to be true'. When Relling opened his case by referring to the mine having been before the court twice already, Martin interjected: 'I object to that. It has nothing to do with this case. Mr Relling should not start slinging mud about cases which I won four years ago'.<sup>592</sup> Blair interjected, 'That comment is harmless enough. Wait till we get to the fireworks'. When Relling stated that Martin had convinced people that he had found gold, Martin again objected, 'but His Honour said he would forget all about it if he found it to be irrelevant'. Relling continued that Martin's syndicate had 'made a little hole in the ground and took out rock which contained mainly iron pyrites', Blair interposed, 'That's what they call "new chum's gold" '. Relling explained how the first syndicate 'fizzled out', resulting in a court case. Kelly then discovered that, having granted Martin a license, 'he could not remove him from the property. From time to time the mine had come before small investors'. Relling contended 'that there was no gold whatever in the mine, but that defendant was fluent and convincing, suggesting that there were "hungry people ready to grab what he had found" '. After obtaining money from Foddy, Martin 'bought pieces of a derelict battery which were of no earthly use and were merely scrap iron, some of the main parts being missing'. Foddy 'eventually went to Tokomaru, had samples of stone tested and found that they contained nothing. Government analyses had all shown the same result'.<sup>593</sup> Relling accused Martin of telling Foddy that 'for less than £300, they could get a battery and prove the mine a payable proposition and sell it to a syndicate at an enormous profit'. Martin had suppressed all assays apart from the two 'bogus' ones, and the sample of the 'best stone' given to Foddy contained no ore.<sup>594</sup> Martin had convinced Foddy that 'something had to be done rapidly'

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<sup>591</sup> *Manawatu Evening Standard*, 13 February 1936, p. 7.

<sup>592</sup> *Manawatu Daily Times*, 14 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>593</sup> *Manawatu Evening Standard*, 13 February 1936, p. 7.

<sup>594</sup> *Manawatu Daily Times*, 14 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

to prevent rivals obtaining the mine. When Relling said that Martin 'bought what purported to be a battery' on the West Coast, Martin interjected, 'For £15'. Relling then stated that Foddy had sent £108 10s to pay for it and later £8 10s to bring it to Tokomaru. 'What Martin bought were simply pieces of a derelict battery, incomplete and so much scrap-iron. Martin knows nothing about a battery, could not have erected it, and the material he bought has lain there ever since'. After five and a half years, 'with the assays he had received and the money that had been lost, Martin could not possibly have honestly thought the mine to be of any value. In one respect it had been a gold mine in that others had done the work and Martin had lived at the mine in comparative comfort'.<sup>595</sup>

Foddy explained that he had met Martin in Hastings in May 1935, and was told about the assays.

Martin told him, in the presence of others, that he was a thoroughly experienced miner and geologist and had spent all his life at it, having prospected in Alaska, Australia and New Zealand. Martin further asserted that he knew more about mining than anyone in the Mines Department and that, when Dr Bell had left New Zealand, he had given him (Martin) all his maps and data regarding coal, oil and mineral deposits in New Zealand.<sup>596</sup>

(James Abbott Mackintosh Bell, a Canadian, was head of the New Zealand Geological Survey between 1905 and 1911;<sup>597</sup> it is inconceivable that he gave Martin 'all' his records, or indeed any of them, and Martin never produced any of them to validate his claim. Martin was a musician in 1911, not a prospector.) Martin had told Foddy that obtaining £300 for a plant 'was urgent, as he would otherwise have to forfeit his mining rights on June 10'. To prove that it was impossible to get an honest assay from the department he 'produced a letter from a Dr Bender substantiating that

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<sup>595</sup> *Dominion*, 14 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>596</sup> *Manawatu Daily Times*, 14 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>597</sup> *Otago Witness*, 30 November 1904, p. 10, 5 September 1906, p. 89; Peggy Burton, *The New Zealand Geological Survey 1865-1965* (Wellington, 1965), pp. 41-44; Alan Mason, 'James Abbott Mackintosh Bell', *Dictionary of New Zealand Biography*, vol. 3, 1901-1920 (Wellington, 1996), p. 46.

statement'. On 1 June, Foddy went with friends to inspect the mine, 'having decided that he would go in with defendant if he could prove his statements'. In Wellington he was shown Bender's two assays, and agreed to be a partner, his £300 entitling him to a quarter of the proceeds of the mine.<sup>598</sup>

When the plant was purchased, Foddy 'became responsible for payments of £34 and several similar payments'. He paid Martin £337 in 'advances' and 'other expenses'. They 'obtained from Westport, the remains of a very ancient battery were now lying rusting in a paddock at Tokomaru. It was supposed to be a five-stamp plant, and no attempt had been made to erect it since it arrived in July last'. Martin made two trips to Westport, where he had 'obtained another mining option there when viewing plant', accompanied by Foddy on the second occasion.

Defendant had sought money for the purchase of gold, stating that it would be wise to have it by them, as if they had gold at the bank when crushing operations started, they would have no difficulty in selling the claim at a profit. Plaintiff refused to continue a partnership on those principles, asking why they needed to buy gold when they had a gold-mine. From then on plaintiff lost faith and practically decided to withdraw.<sup>599</sup>

Two men gave brief evidence corroborating Foddy's account of Martin's statements. Then Downey explained that assays made by both the School of Mines and the Dominion Laboratory showed no gold or silver.

The two shafts sunk by Martin filled with water every time there was a fresh in the Tokomaru river. Such sites would not have been chosen by an experienced miner. He considered that £40 would cover the cost of the work that had been done by Martin since 1931, when witness had first visited the place. The battery Martin had on the place was about 60 years old and essential parts were missing. It had no value, except as scrap iron.

After another witness corroborated what Martin had said at Tokomaru, Martin called his first witness, Richard Thomas Staffordson, who was working 'as an employee on the claim when plaintiff and his companions visited it'. As instructed by Martin, he had taken samples for

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<sup>598</sup> *Manawatu Daily Times*, 14 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>599</sup> *Manawatu Evening Standard*, 13 February 1936, p. 7.

Foddy 'wherever the latter indicated'; later, Foddy returned them to him. In response to Martin's question, Staffordson 'said he thought the mine was a good proposition and some day might be the making of Tokomaru. He was still in the employ of Martin. His work consisted of keeping the mine in order'.<sup>600</sup>

When the hearing resumed the following day, Martin 'intimated that he was unable to call his main witness, who was, he said, ill from a nervous breakdown', while Bender (not named) 'had refused to come from Christchurch unless he received a further £5 for expenses' on top of the £2 5s already received. To enable him to raise this amount, he requested an adjournment until the judge returned from Auckland. Blair responded that he had no intention of returning: 'I do not know where you get the idea that you can order a Judge to come to town whenever you want him'. Martin replied, 'Oh, no. I do not mean to infer that'.<sup>601</sup> Blair then berated Martin for 'foxing about':<sup>602</sup>

Defendant claimed that he had a mine "chock full of gold." That being so, why did he not take steps to secure samples agreed upon by both parties and have them assayed?

Defendant: I am quite agreeable.

His Honour: Then what is all this fancy business and this left-handed way of securing samples?

Defendant reiterated that he was quite agreeable to the adoption of the course indicated by His Honour.

His Honour: You ought to have done it before. The writ in this case was issued on October 10 last. You could have had 1000 individual assays taken since then.

Defendant said plaintiff had never suggested that he wanted such an analysis.

His Honour: If this mine is full of gold, as you say, get some samples and bring them here to be tested by the Government expert who is present. Six samples which he took showed no signs of gold.

Defendant: That was when the mine was first opened up.

His Honour: Well, get us some later samples. The Government would be charmed to see a new gold mine opened up.

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<sup>600</sup> *Manawatu Daily Times*, 14 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>601</sup> *Manawatu Evening Standard*, 14 February 1936, p. 9.

<sup>602</sup> *Manawatu Daily Times*, 15 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

Defendant said he would be prepared to pay the expenses of a Government geological expert to come and take samples. If the results were negative, he would walk off the property. He added that he wished to call the witness who was sick to testify that samples given to plaintiff had been returned to the mine, and he suggested that those which plaintiff had had tested had come from elsewhere.

His Honour: Where are those bits of stone which you say were returned? – They are down at the claim.

His Honour: Why did you not bring them here? Are they full of gold or iron pyrites? The Government expert who is here will be able to tell us.

Defendant: I have not the samples with me.<sup>603</sup>

The witness Martin claimed had had a nervous breakdown was John Anderson, who appeared in court that afternoon. Anderson said that he had taken samples for Foddy, who later told him that they ‘disclosed gold, the quantity of which witness could not remember’. Anderson said ‘he had put £500 and much hard work into the mine. He was convinced that it was one of the best propositions in New Zealand and was certain that, if they had been left alone, they would have made a success of it by now’. He had not taken samples for assay himself:

He did not think it necessary, as Dr Bender had spent five days on the claim, taken samples, and reported that gold was present. He admitted that the assay report received by plaintiff stated that the mineral appearing on the surface of the ore was iron pyrites, but he claimed that the report also stated that gold was present.<sup>604</sup>

He also ‘admitted that the original syndicate backing defendant had broken up, witness siding with defendant against the others’.

In his evidence, Martin claimed that he had ‘mining experience’ at Alaska ‘and also in Australia and New Zealand, having sunk a shaft, which was still in existence, at Lake Taupo, prospected in the Nelson district, and made some superficial examinations in the Westport area. He had also

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<sup>603</sup> *Manawatu Evening Standard*, 14 February 1936, p. 9.

<sup>604</sup> *Manawatu Daily Times*, 15 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

prospected in the Kaimanawa, Tararua and Ruahine Ranges'.<sup>605</sup> He denied inducing Foddy to enter the partnership.

He admitted that he had sent plaintiff a telegram from the West Coast suggesting that they should purchase some gold, but he denied that this was for the purpose of window-dressing the mine. The position was that a miner had offered to sell him between £80 and £90 worth of gold for £35.

His Honour: Was the miner drunk?

Martin said the miner might have been, but why he had wanted to sell the gold to him was that he wanted to avoid being "taken down" by a jeweller.

His Honour: Haven't they got any banks on the West Coast? The banks will usually buy gold.

Martin denied making fraudulent representations, having been connected with 'other bogus claims in New Zealand', or that 'people had lost money in backing him in other ventures'. He admitted showing people ore that 'to the best of his knowledge and belief' was gold. As well, he admitted that 'he had never sold any gold from the mine. Statements that he had sold gold to support his wife and family had been misunderstood; such statements had referred to previous mining ventures'.<sup>606</sup> He concluded his evidence by admitting that the samples taken by Linklater from places he had indicated had contained no gold.<sup>607</sup> He told Blair that 'his case had suffered through inability to get witnesses to appear'; clearly Bender had no wish to expose his claims to expertise to cross-examination.

His Honour: Do you still think there is gold in the mine?

Martin said he did, adding that he had himself obtained gold in crucible tests.

"Why don't you send samples to the Mines Department and find out, instead of deluding yourself?" asked his Honour.

**"Progress Held Up."**

Defendant said that every 12 or 18 months someone brought an action against him, which held up progress at the mine. Plaintiff's statement of claim alleged that the mine was worthless and at the same time asked that it should be sold. It was not right that efforts should be made to sell something that was valueless.

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<sup>605</sup> *Manawatu Evening Standard*, 15 February 1936, p. 2.

<sup>606</sup> *Manawatu Daily Times*, 15 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>607</sup> *Manawatu Evening Standard*, 15 February 1936, p. 2.

His Honour: It would be all right provided no false representations were made. Someone might like to buy the property for the grass that was on it.

Replying to a further assertion by Martin, the Judge said that, if the reef contained 1 1/2 ounces of gold to the ton, half the policemen in New Zealand would be needed to stop the stampede there.

Martin said he could call prominent business-men to prove that the Mines Department was prejudiced against him.

His Honour: I am not surprised at that!

In giving judgment, Blair said the mine 'was only a hole in the ground and not even a big one. Martin and Anderson seemed to have deluded themselves that there was gold there, but if Martin had any knowledge, he would have known it was not gold-mining country'. Martin had refrained from showing the official assays to Foddy, and Blair was 'not surprised that the Mines Department did not like him, because from their point of view he was a very dangerous person'.<sup>608</sup>

I can't avoid the conclusion that several of the allegations of fraud against defendant have been proved.... It is clearly established that, on those representations, Foddy put his money into the partnership. Under those circumstances it seems the proper thing is to make an order for the dissolution of the partnership and the sale of the assets.<sup>609</sup>

When Martin asked if he had a right of appeal, Blair replied, 'Oh, yes. I will assist you in every way I can. I always like people to appeal from my judgments'.<sup>610</sup> Martin did not appeal, and disappeared from Mines Department files for 18 years.

## HERBALIST

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<sup>608</sup> *Manawatu Daily Times*, 15 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>609</sup> *Manawatu Evening Standard*, 15 February 1936, p. 2.

<sup>610</sup> *Manawatu Daily Times*, 15 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

On 23 May 1950, Mrs Evelyn Anita James of Wellington obtained a judgment in the Supreme Court against Martin for £1,027 18s 6d.<sup>611</sup> The consequence was that, on 12 July, Martin was adjudged bankrupt.<sup>612</sup> During that month, Mrs James provided the official assignee, Maxwell Rowe Nelson, and her solicitor, Reginald Hardie Boys, an experienced lawyer who became president of the local law society in 1954 and a Queen's Counsel and judge four years later,<sup>613</sup> with details of Martin's partnership with Frank Fisk as herbalists, Martin's latest incarnation:

Previous to going into partnership with Martin, Mr Fisk was an insurance agent here in Wellington, and was canvassing for patients for Martin. I was one of the patients that contacted Martin through Fisk's recommendation of him to my sister, Mrs Harris. Fisk told Mrs Harris that Martin was dear; that his fee was £25 for a cure, but that his cures were guaranteed. (So on this recommendation I went and saw Martin. He guaranteed to cure me, and said the treatment would take from 4 to 6 months, and that the fee was £25 down). Shortly after starting treatment with Martin he informed me that Fisk, the man that had sent me to him for treatment, was there in the dining room, and that he was going to Christchurch and would canvass for patients, and that they were going into partnership together. He said that Fisk would continue as an insurance agent for awhile until they got started. Being interested in Fisk, having been recommended to Martin by him, I asked Martin how Fisk was getting on from time to time. Martin informed me that he was doing well, and was getting a lot of patients. (On one occasion Martin said, "I don't know where he gets them all from").

Shortly afterwards when I went to treatment Martin again informed me that Fisk was there, and that Fisk and his wife were going to start treating patients at their flat. Martin went to the phone while I was sitting under the Ray Lamp and rang a firm in town and told them he was sending Fisk down to collect a Ray lamp, and told them to give him all the instructions possible re the use of the lamp. Martin came into the treatment room and went to his desk. He remarked to me, "I just want to get my cheque book as I want to write out a cheque for Fisk to pay for the lamp," which he said Fisk was taking to Christchurch with him to treat patients with. I often asked Martin how Fisk was getting

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<sup>611</sup> Declaration of Evelyn Anita James, 25 July 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>612</sup> M.R. Nelson (Official Assignee) to Joseph, Robieson and Olphert, 3 August 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>613</sup> *Portrait of a Profession*, pp. 183, 393, 406, 422.

on. He always informed me he was doing well, on one occasion he said, "He is getting more patients than I can cope with." Martin was supplying the medicine. I was going to treatment one evening after my face broke out. A taxi driver told me he picked up a chap at Martin's that was going to Christchurch, and he had a big jar of medicine which he told the taxi driver was the arthritis cure. Shortly after, Martin went down to Christchurch to interview patients at Fisk's flat. He was down there two days. When I went to treatment Martin told me he just got back from Christchurch that day, and that he had been interviewing patients for two whole days.

To my knowledge Fisk was in partnership with Martin for round about 1 year. It was somewhere about July 1948 that Fisk went to Christchurch, and it was somewhere round about May, June or July of 1949 that Martin told me that Fisk had started in a big place in High St unknown to him. Martin went over to Christchurch and when he came back didn't seem very pleased, and informed me that they were dissolving partnership. Martin told me that Fisk had a notice up with "Martin Cures" on it. A lady that I was talking to in the Court (when my case was being heard) told me that Martin treated Fisk very dirty, and that Martin got £500 out of Fisk and had let him down. Since then I found out this lady was Fisk's mother. But it was for Fisk himself to confirm this. But from my own observation, and according to what Martin told me, Fisk and Martin did a lot of business. I was told by Martin shortly after Fisk got the Ray Lamp that Fisk had given up the insurance business. (So that speaks for itself). I have seen Fisk's mother several times since the case in May. But she seems very reluctant to disclose any of Fisk's business dealings with Martin. But she always says that Martin treated Fisk very dirty and that he got a lot of money out of him. She was also a patient of Martin's, and is very disappointed also. She and her husband seem very reluctant to be drawn into anything, as she says Martin is a dangerous man. They all seem afraid to cross him. She said, "You know those dark people can put a hoodoo on to you." She told me that Fisk sent Martin cheques from time to time. This business arrangement with Fisk is worth investigating thoroughly. Her husband (she is married again), gave me the tip re Martin's cheques from patients, going through Hoopers the Butcher at Newtown, also Hoopers the Grocer, Anderson the Butcher at Newtown, (since closed down), was also mentioned as another likely place. He didn't want his name mentioned in the matter, as he used to work at Hoopers the butcher. He said one cheque that he saw about 12 months ago was from an auctioneer in Christchurch for goods sold for £40. Martin no doubt changed cheques at other places in the city, and payments were not always made by cheque by patients. He said that even at the two places mentioned you should find enough evidence to convince you that

his business was a prosperous one. I myself saw a letter and a cheque for £25 from a lady at Blenheim. In the letter she said a friend of hers, another patient of Martin's, recommended her to take treatment from him, and that this friend told her the fee for treatment was £25.

Another incident: My brother and wife went down to Martin with me when I went to treatment. He persuaded them to take treatment and guaranteed to cure them for £40 for 6 months' treatment with medicine. When asked if they weren't cured in 6 months, he said he would treat them until they were cured, as he guaranteed to cure them for £40. My sister-in-law used to write to me and say that 2 and 3 weeks would go by and no medicine arrived. (Mr Boys has these letters). When my brother wrote and told Martin that a rash had come out on his arms, Martin wrote back and said he was pleased as it proved he was getting rid of his trouble. Martin asked him for more money if he wanted to continue the treatment. (Mr Boys also has this letter).

Another instance, I was told by a friend that Mrs Brown, 47, Vivian St (an old age pensioner), was also a patient of Martin's. Before Martin would treat her he demanded £25 down in advance. She said Mrs Brown still has the receipt for £25. Mrs Brown was also disappointed. So Martin's statement re treating patients cheap and for humanity isn't very convincing.

Another patient worth investigating is Miss McKenzie that was an in-bed patient at Martin's for 10 months during 1948-49. I was told she came from the Palmerston North hospital and that her brother made the payment for her to Martin. Mr James and self both saw a letter from him to Martin in connection with Miss McKenzie. He lives at Palmerston North. Mrs [Maud Elizabeth] Lee [who collected Martin's rent] told me that by the conversation that she heard through the wall, that Martin had an in-patient last week. She heard Martin say, "You need as much rest and quiet as you can get." They were talking, and then she heard the woman say, "It is too dear. I couldn't afford that." Martin said quite loudly, "Well, what are you going to do about it? It is up to you." The lady wasn't there the next day. Mrs Lee heard what she thought was Martin taking a bet over the phone (last week also). He said £30 and named what she thought was a horse. Another day last week she heard him say over phone, "No, don't come at 2 o'clock, come at half past 2. I have one coming at 2 o'clock."

Re Hoares: (supposed sub-tenants at Martin's). Mrs Lee rang me and told me after the case that they were there and only stayed 3 weeks and left. The day of the meeting of creditors they came again in the morning and only stayed one night and left. They were away until the 10th of August and came again with a suitcase. The insurance agent came round to Mrs Lee while they were away and asked her if she knew where they had gone. He said Martin told him he thought they were at Taita [the

Wellington suburb]. The last time the insurance agent came Mrs Lee asked him if he found the people at Taita. He said, "They are back here again, but won't be staying permanently."

Another instance:

This conversation, repeated to me by Mrs Lee, will give you an idea of what Martin is saying to his friends in connection with this case. Mrs Burns (two doors down from Martin's), inclined to be friendly disposed to Martin, (Mrs Hoare, the supposed sub-tenant at Martin's visits her) – Mrs Burns was talking to Mrs Lee, and she said "Martin went the right way about going Bankrupt. He has the money all right, but she won't get one penny out of him. He can take patients, and say he is treating them cheap, and in 12 months' time he will be clear." When she went in, her husband, a taxi driver, (I think it is Wellington Taxis) said to Mrs Lee, "I hope the old B gets caught." He said, "He still treats patients. I have the two-way radio on and I hear the calls for 19 Ferguson St."

Martin told Mrs Lee shortly after the case that I wouldn't get one penny out of him. These are only instances to give you an idea what Martin is saying, and what his attitude is. Martin never had any tenants in the house while I was a patient there. He had a nurse on the premises whom he told me he was paying £3.10.0 per week. She was still on the premises 25th October 1949, the last time I was there. After the nurse left, some time before Christmas, according to what a taxi driver told me, Martin was on his own until his daughter came to live with him. She left the house a few days before the case.

Re Taxis: Wellington Taxis did most of Martin's work, re taking Martin out to visit patients and taking patients away from Martin's house and taking medicine to Parcels Post, which was sent all over New Zealand, although Grey and Black & White have done a lot of his work also. I have been going in taxis now for a long time to doctors, and on business, and for the last two months every day to the hospital for treatment and nearly every taxi driver knows him and has either had Martin out or taken patients there or away from there....

A certain taxi, T1288, was seen at Martin's quite a lot. We often wondered if Martin had an interest in this taxi.<sup>614</sup>

Mrs James 'and friends' produced a list of 'known patients' treated by Martin. During 1947 and the first part of 1948, a New Plymouth woman was an in-patient for from three to four months, a Napier woman was treated 'for skin trouble', a clergyman's two daughters came from the South

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<sup>614</sup> Statement by Mrs E.A. James, n.d., Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

Island, and 13 people were from the Wellington area. All but two patients were women. A taxi driver named Snellgrove said that Martin made at least five taxi trips, probably more, to New Plymouth to see patients there and probably at Palmerston North and Wanganui on the way, at a cost of £25 or more for each trip. In 1948 and part of the following year, there were 37 patients, 29 from the Wellington area, two from Dannevirke, one each from Palmerston North, Christchurch, and an unknown place in the South Island, and three from unknown locations. The Palmerston North woman was a 'Bed patient from October, 1948 to July or August, 1949'. A footballer was treated for having fallen off a ladder, and a 'little boy' was an in-patient for about a month, his mother staying with him in the house. One elderly woman complained in Mrs James' presence that Martin had 'promised to cure her trouble, and she wasn't cured. Martin told her to come back next day for a bottle of medicine which he said would fix her up'. Martin treated arthritis, 'chest bone', haemorrhoids, knees (for which he gave baths), and sent medicine to at least one patient living in the South Island. Seven, including the 'little boy', were males. In 1949 there were 29 patients, six of them male. Most were from the Wellington region, but there were two from Hokitika and one each from Auckland, Blenheim, Dunedin, and Invercargill. A woman with tuberculosis was treated in her own home. Another woman was 'treated for stomach trouble. Later had to be operated on. Her husband was very annoyed and rang Martin about it. Martin told me he convinced the husband that the treatment he gave her prepared her for the operation'. Another woman was treated for 'eye trouble'. Four patients came to his house in 1950, one of them three times a week, and Mrs James had 'heard of several other patients from taxi drivers. Also heard from different taxi drivers that Martin went out to visit patients a lot by taxi. Have also seen pieces of letters from patients all over N.Z. Martin also had a book with names of different patients'. One woman was treated for being too thin, and another woman was told to 'put lily leaves on her knees'. Martin went to Otaki by taxi to treat a woman who paid a deposit of £15 for treatment that was to cost £30 in all.

Martin told me he used to go to New Plymouth by Taxi to visit patients. Also said he had an agent in New Plymouth. Taxi drivers here also told me that they used to take him through to New Plymouth to see patients and that he used to stop all along the way seeing patients. Mrs Lee told me about Snellgrove. If questioned by Official Assignee, she will tell him everything. But

she doesn't want Martin to know she is giving information, as she is afraid of him.<sup>615</sup>

Attached to these details were some notes by Hardie Boys:

About end of May he showed Mrs Lee papers which showed that he was trying to arrange a loan from some building society to purchase the property at present renting.

Riding around in taxis – specially Wellington Taxis. Still a lot of taxis call at his place. Still carrying on business?

Still posting medicine all over the country.

Partnership with Fisk in Christchurch about 2 years ago. Is it still in effect? £500? Paid by Fisk. What of New Plymouth?

Furniture etc has been going out of the house since May – wireless to Mr [Ambrose Patrick] Lavin.

Laundry business?

Operated a bank account – Drew cheques and received cheques – Probably Bank of New South Wales in Cuba Street.

Mrs Lee lives at rear of 19 Ferguson Street.

Was bookmaking at one time with Wellington Taxi Driver

Diamond – insured at Lloyds? to send it out of country – several people have talked about the diamond.

Imported herbs – did he have funds available out of N.Z. for this?

Has he any left? Does the diamond figure in this?

Once stated he was a good investor.

Insurance on patients?

Pensioner??????<sup>616</sup>

On another date, Mrs James recorded 'Information given to me by phone re Martin – according to this information Martin is deliberately defying the law and his obligations'. Mrs Lee had rung her 'and said Martin told her he was negotiating with a building society to buy the house he is living in. Mrs Lee said Martin showed her the papers. I think she said it was the 29th May. He told Mrs Lee she', meaning Mrs James,

won't get one penny out of me.

Mrs Lee told me that Lavin took the wireless away, also that the china tea set was taken away and other things. She said cars came there at night and a lot of shifting around was going on in

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<sup>615</sup> 'Mrs E.A. James and friends', 'List of Known Patients at Martin's', n.d., Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>616</sup> Memorandum headed 'Building Society Shares', n.d., Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

the house. Mrs Lee also knows about the diamond. She didn't tell me but a friend of hers rang and told me, she also said that Mrs Lee said she would put his (Martin's) pot on [detect his misdeed, 'settle his hash'],<sup>617</sup> only she is afraid of what he may do to her if she talks.

This friend of Mrs Lee (wouldn't give her name) rang again and said Martin told a friend of Mrs Lee (just recently) that they can do what they like they won't get one penny out of me. Martin went round to Mrs Lee last week and paid the rent. He pulled out a large roll of notes (fivers and tenners) she said nearly everything has gone out of house. Even the blinds were taken down. A man called, Martin wouldn't answer the door. Martin came out shortly after the man left. He is still riding round in taxis. She said Mr Lavin is there quite often. They are probably planning together.

She also said that the large couch belonging to antique suite in Treatment room was also removed

(A taxi driver told her Martin had a shop in Berhampore) [the Wellington suburb].

Another person rang (wouldn't give her name) said articles were being removed out of house. She also said that Mr Lavin took the large wireless away (short wave wireless) she said just before Martin was at appear at Court (re Bankruptcy) Lavin came down again (It was Lavin that wanted to get another Solicitor when the case was on). She said Martin is doing a lot of talking to people and seems very sure of himself. Martin said, Her or her Solicitor will get nothing out of me. I will freeze them out I have everything fixed that they will find nothing. There are secret hiding places, etc.

Was also told that he was burning all his books, re patients and betting. Was told he is bookmaking in league with that dark [meaning another black American?] taxi driver (Wellington Taxis). Was also told if he tells you he hasn't got the money, don't believe him. He has got it alright, he is worth searching. Was also told that Martin said he could put £1,500 into a house tomorrow if he wanted to. This person also mentioned a valuable jewel (either a diamond or a sapphire) said she heard it was safely out of the country. Shortly before I discontinued treatment Martin told me he was out when I called seeing a man about an uncut diamond. Shortly after this, he told me he had been down to wharf seeing friends off that were leaving the country and that he was doing business with them (He seemed very pleased). It was round about this period that Martin told me that a Fortune-Teller told him that there was someone that was coming to the house with skin trouble that would get him into serious trouble if he wasn't

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<sup>617</sup> Partridge, p. 941.

careful. And to get rid of them. He looked at me and said, “I can cure that.”

Mr Snowy Chisholm, Taxi driver ... told Mr James that he has taken car loads of medicine to parcel post. It went all over New Zealand. He rang me and said he thinks Martin is supplying a chemist in Christchurch. Martin told me he supplied a chemist in Christchurch with Lotions. Several Taxi Drivers told me they get a lot of calls to Martin’s. He still goes round a lot in taxis. (Pensioners can’t afford taxis). If you enquire at Wellington Taxis also Greys and Black & White you will find what business he has been doing.

Also parcel post re medicine

Re Mr Harris at Court and diamond An Insurance Agent told Harris that Martin came to them and wanted to insure it, to send it out of the country. They wouldn’t touch it, so he went to Lloyds with it.

Another person rang and said Martin was in partnership with Mr Fisk in Christchurch and that Martin got £500 out of Fisk for partnership. Also that he was in partnership with a man in New Plymouth and also got £500 out of him. Several Taxi Drivers told me Martin used to hire taxis to go to New Plymouth to see patients.

I know he had patients all over New Zealand, one of the bed patients that was at Martin’s residence for months was from Palmerston North. Another in-patient was from Auckland, one from Invercargill and another either from Hutt or Petone. Saw piles of letters from patients all over New Zealand.

If you question Mrs Lee she can verify this.<sup>618</sup>

On 26 July, Hardie Boys scribbled a note at the end of these notes:

Mrs James rang re Martin:

- (a) She was told last evening by a person who does not want name disclosed that Martin cashed a number of cheques with a butcher in Newtown (thinks it is Hooper) including one for £40 from auctioneer in Christchurch for goods sold.
- (b) She met Fisk’s mother last evening. Was told that Fisk while working as an insurance agent obtained a number of clients for Martin.<sup>619</sup>

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<sup>618</sup> Mrs E.A. James, ‘Information given to me by phone re Martin’, n.d. [July 1950], Department of Justice, Official Assignee Files, AABR W3634, box 13, 23/50, ANZ-W.

<sup>619</sup> R. Hardie Boys, memorandum headed ‘Mrs James rang re Martin’, 26 July 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

On 1 August, Godwin Perceval Genn, of Miramar, an organizer, declared that he was owed £41, which he had lent to Martin.<sup>620</sup> On the same day, Martin presented a meeting of creditors with an explanation of his financial situation and medical skills:

I am a pensioner and reside at 19, Ferguson Street, Newtown. I rent this property and pay the sum of £2.10.0. per week. Part of the house is let to a tenant and his wife for which he pays me £2.0.0.

I receive the old age pension but I have not applied for the universal superannuation.

Until approximately five (5) years ago I was a music teacher but I suffered a haemorrhage which put me in the hospital and I gave up music teaching. During my illness all my funds were exhausted and the hospital charitable aid arranged for my pension.

I have been helping sick people since I was about 20 years of age. I have never set myself out as a professional medical man nor did I help people to obtain money. Where medicine, ointment or herbs were required I charged the people who called on me the amount I estimated I would be out of pocket.

I have never sought people out to treat them. People have sought me after speaking to people I have helped. I have kept no books because I did not carry on a business. I estimate that not more than twenty five (25) people have asked me to treat them in the past five (5) years.

I have no money in any post office or savings bank or trading bank nor have I any money in cash.

I am seventy years of age and I suffer from a weak heart and I am being treated by Dr Sternberg of Island Bay, Wellington.<sup>621</sup>

He owed secured creditors £190 and unsecured creditors £1,171 11s; with the value of his securities being estimated as £135, his total indebtedness was calculated to be £1181 18s 6d.<sup>622</sup> Five creditors explained their claims on the estate to the assignee, Maxwell Rowe Nelson. One, Lavin, had purchased from Martin a 'pair of medical ray lamps' worth £100 to prevent their being sold to raise money for his defence, as the lamps were

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<sup>620</sup> Declaration of Godwin Perceval Genn, 1 August 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>621</sup> Declaration of Edward Ralph Martin, n.d. [before 1 August 1950], Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>622</sup> Statement of Accounts, n.d. [before 1 August 1950], Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

being used to treat him. He 'also wished Mr Martin to teach him how to become proficient in the use of the lamps'. When Hardie Boys, representing Mrs James, the petitioning creditor, asked Martin about his furniture, he stated that 'all the furniture in the front bedroom was sold to the present sub-tenants for £35 some months ago'. He denied that anything had been removed from the house. As the value of the furniture appeared to be more than £100, the assignee ordered an inventory and valuation. Martin, asked whether he had deposited 'a valuable stone' with a Wellington solicitor, replied, 'Yes, a sapphire, many years ago with Herd, Joseph & Co. This is the property of a syndicate. The value is 15/-d per carat, and it is estimated at 1000 carats'. A solicitor, Howard Neville Robieson, 'did the business. The syndicate consisted of six persons, whose names are on record with the solicitors. The value of 1/6th share is doubtful'. After discussions about the value of the ray lamps, sold to Lavin for £50, and whether he had paid the premium on his insurance policies, Hardie Boys asked about

his partnership with a man named Fisk. Bankrupt stated that it was not a partnership. Fisk wanted to learn the business of herbalist and he had an agreement drawn up by Messrs Isard Weston & Co on 13/7/48. Fisk sent two patients up from Christchurch and then the agreement was cancelled as Fisk started up on his own in Christchurch. He paid Bankrupt about £200 to learn 18 months ago.

Martin had treated eight patients, receiving £141 16s from six of them (two were Mrs James and Lavin), nothing from Genn, and £1 15s a week for an unstated number of weeks for the eighth. He 'employed a nurse and paid her and she lived in. Nurse cost £3 per week and keep'. He kept 'no books of account', and all banking was done by Fisk when he 'was with me'. When Hardie Boys 'endeavoured to establish that there was a substantial business and records should have been kept', Martin 'denied this, and claimed that the above patients were spread over 18 months or 2 years. He made nothing out of them'. Hardie Boys responded that he had been told that Martin had 'quite a large sum of money in cash stowed away for the purchase' of the house he was living in. Martin 'stated his only money was being saved for rent. He told Mrs Lee, who collects the rent, "I have not got £3000 or anything like it." I have been a pensioner for many years', receiving £9 15s a month. Three creditors, commencing with a man named Cross, spoke up in favour of Martin:

“I have received £25 in 5 instalments in 12 months, and I know Bankrupt as not been well off. He would not have borrowed from a friend if he already had the money.”

Mr Genn also supported this and said he did not think Mr Martin would borrow money if he had the money, and that if he obtained funds later he would have repaid his friends.

Mr Lavin also supported the Bankrupt’s character, and claimed he would not have had to buy the Ray lamps if Bankrupt had not had to sell them to obtain money.

Martin agreed that he received £2 per week ‘from time to time’ from people who rented two of the rooms of his house. ‘I have not taught music for 5 years. I have not made any profit out of the treatment of patients’. Genn explained that ‘the rooms were not let on an average of more than 6 months in each year – usually patients stay for a week or two’. At this point, the meeting was adjourned sine die.<sup>623</sup>

One week later, Robieson replied on behalf of his firm to the assignee’s letter about the ‘sapphire’, which, it turned out, had been acquired by Martin in the 1930s.

We are not at all clear with regard to Martin’s mention of a syndicate. Martin was originally introduced to the writer in 1934 by Mr Arthur Asplin of New Plymouth, Music Dealer.... At that time, an agreement was drawn up whereby Asplin and Martin were to have half shares in the alleged precious stone. The writer does not recollect any share in the stone being directly given to any other person but Martin did apparently borrow money on his expectation of proceeds, and some authorities were served on the writer for payment to creditors out of monies coming into the writer’s hands....

The writer was instructed to endeavour to realize on the stone. Several Jewellers in Wellington were approached but were loath to express any opinion as to the nature or value of the stone. It was then forwarded to a Lapidary, Mr Jules Joris of Sydney. He reported that the “crystal” (as it referred to it) was of no commercial value.

In October 1934 a chip was cut from the large stone and forwarded to a firm of diamond experts in Amsterdam. They reported favourably on the stone, and referred to it as an aquamarine. They recommended that we forward the large stone to have it cut and sold.

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<sup>623</sup> Minutes of Meeting of Creditors of E.R. Martin held ... on 1 August 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

The large stone was accordingly forwarded to Amsterdam, and the Diamond Company then wrote stating that the quality was not what they had expected from the sample on account of the number of small bubbles. They still recommended, however, that it be cut and assured us that it could be disposed of satisfactorily. The writer wrote in February 1935 instructing the Diamond Company to cut and dispose of the stone. Subsequently a further letter was received from the Diamond Company advising that after further examination and test, they had decided that although the stone looked like aquamarine it was simply a piece of crystal of no value.

We could not help being slightly suspicious with regard to this, and we arranged for the Agents of the Atlas Assurance Company in Amsterdam to take possession of the stone, and to obtain another opinion. The further opinion was also that the stone was valueless. The stone was subsequently returned to New Zealand, and is still in the writer's possession. The Diamond Company's original advice with regard to the stone was that it was approximately 1000 carats and was worth approximately 15/- per carat, the cost of cutting being 5/- per carat.

The writer did a very considerable amount of work in connection with the matter, and also other activities of the bankrupt, for which no payment was received.<sup>624</sup>

On 22 August, Archibald Currie Middleton, of Clarence Bridge, a retired solicitor who had become a farmer, stated that he was owed £50 12s 6d, 'money lent and interest on a promissary note for £50 at 5% p a'.<sup>625</sup> On 30 August, Mrs Maud Elizabeth Lee made a statement headed 'James and Martin'. She explained that Martin had moved into one of the two self-contained flats in April 1947, and paid £2 15s weekly for his five rooms 'and conveniences'; he gave the rent to Mrs Lee each month, who passed it on to the owner.

The walls between the two flats are fairly thin and I can hear what is said in the other flat quite easily.

I first went to Mr Martin at Luxford Street in March 1947 for Arthritis and it was through me that he got flat at Ferguson Street. When Martin first came to Ferguson Street I was still being treated by him and used to help him. He had a nurse with him then and also his wife. He had several in-patients in 1947 –

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<sup>624</sup> H.N. Robieson to M.R. Nelson, 8 August 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>625</sup> Declaration of Archibald Currie Middleton, 22 August 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

two at a time sometimes. Up to August 1948 I was having treatment from him and went into flat everyday and used to help him quite a bit. From my knowledge of people who came regularly during the time I was receiving treatment, Martin was busy all day and part of the evening 6 days a week. I was there in the mornings but could hear people coming into the house and going away all afternoon and in evening. When I first went to Martin he said fee was £20.0.0. The person who introduced me to Martin said Martin's fee was usually £15.0.0.

This man 'did not get a cure and is not friendly to Martin. During the whole of the 18 months I was there Martin's number of patients did not decrease as far as I am aware. The average time that patients went there was three months. In August 1948 he signed me off as cured, but I was not cured at all'. She never went inside his flat again. Martin had 'a number of in-patients sometimes two at a time and sometimes there were none for several months'. He appeared 'to have quite a lot of clients all over N.Z. and I have seen him and his clients taking out parcels for posting'. About the end of May 1950, she heard furniture being moved about, and since then she knew of only one in-patient 'who stayed for a couple of nights.... He is still having patients but not so many as he used to have'. The sub-tenants, Hoare and his wife, were living in Martin's flat since the case.

Martin has had a nurse and a woman to clean the premises. The cleaner who is Mrs Davis comes two half days a week since 1948. He had a nurse in 1947, 1948 and most of 1949. One of the nurses told me that Martin was paying £2.0.0 per week. I have seen the wages book he had for the nurses with entries signed by the nurses.<sup>626</sup>

An undated memorandum, written by Mrs James at the beginning of September and headed 'Re:- Fisk', asked Nelson whether it would be advisable to question Fisk about his partnership and business dealings with Martin, including the number of patients treated.

I was talking to a relative of Fisk's and I told her all I knew about partnership re Fisk and Martin. She said it is all correct and that a partnership agreement had been drawn up by solicitors. She said the lamp that was bought for Fisk to use in Christchurch was much smaller than the lamps Martin has, and that it cost

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<sup>626</sup> Statement by Maud Elizabeth Lee, 30 August 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

£35.... The lamps which Martin has, are large lamps.... Fisk told Mrs Harris that Martin had lamps that he paid £100 for. Martin also told Mrs Harris in my presence that they were £100 each. So the valuation of these lamps is very low, as they are in perfect condition.

Query:- If Martin had only 4 or 5 patients a year, why buy two large expensive lamps. One small one would do....

Re Lavin If Lavin can't do without lamp treatment as he convinced the Assignee, he can't do without. Why buy 2 big lamps from Martin, when Martin himself is still using these lamps to treat patients to make a living. Lavin could go and buy a smaller lamp much cheaper. One lamp is all that is necessary. Martin has 2 lamps so that he could treat 2 patients at the same time when necessary. One evening when Mrs Harris rang and asked Mr Martin to come and have a look at my face, he said he couldn't come just then as he had two patients under the lamps. This relative of Fisk's also told me that when Martin went over to Christchurch to interview patients at Fisk's flat, that Fisk also took Martin out in his car to visit patients. Fisk arranged that Martin should come over to Christchurch on certain days and interview patients. Martin didn't keep to this arrangement. Fisk wasn't very pleased. Latterly, Martin asked Fisk to hand over all the patients direct to him. Fisk refused and Martin wouldn't send any more medicine and Fisk was left in the lurch. This account of Fisk's partnership dealings with Martin was told to me since I saw Mr Nelson.

This relative said she thought the partnership agreement lasted approximately 6 or 8 months before it was dissolved.<sup>627</sup>

Nelson told Hardie Boys that Mr and Mrs James had handed this note to him on 5 September. 'I informed them that as Mr Hardie Boys was acting for Mrs James I would send him a copy & await his instruction. I pointed out it was not sufficient to show that Martin had a substantial business but must show that there are undisclosed assets'.<sup>628</sup> Around this time, Mrs James provided Hardie Boys with another memorandum, headed 'Mrs Lee by 'Phone':

This conversation that Mrs Lee had with Martin explains why Mr Nelson (Assignee) asked me what I knew about Martin's bad

<sup>627</sup> Memorandum by Mrs E.A. James, 'Re:- Fisk', n.d. [just before 5 September 1950, according to note by M.R. Nelson, 7 September 1950], Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>628</sup> M.R. Nelson to Hardie Boys Scott and Haldane, 7 September 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

heart. Mrs Lee said Mrs Hoare came out and started to pick a row with her. Martin came out and told Mrs Hoare to get inside. Mrs Lee said to Martin I am not going to have her talking to me like that, as she isn't a tenant here. Martin said I went to Dr Sternberg as I have a bad heart and he told me I have to have someone in the house to look after me, that is why she is here.

Mrs Lee, well she isn't much good to you, as she and her husband are both away at work all day. Then Mrs Lee said, what is that woman doing in the back room, is she a patient or a tenant.

Martin, she is an arthritis patient from up country, she is in bed.

Mrs Lee, who is the man that I hear in her room with her at night. Martin, it is her husband, he is staying here also, as I

thought it advisable, seeing I am on my own. But they will only be here for a few days longer. Mrs Lee, he goes away early in the

mornings. Martin, yes, he goes to work. Mrs Lee, you are on your

own here all day and looking after a patient. Martin, yes I look after her during the day. Martin while talking to Mrs Lee a few

days ago said, I will have to go as I have some cooking to do, as I have to give the patient something to eat. So instead of Martin

having someone looking after him as he has a bad heart, Martin is evidently doing the cooking, and looking after a patient on his

own all day while the people that are supposed to be looking after him are away working. So you can see how he had everything

well thought out and planned. But the truth always comes out.

Confidential When Mr James told Mr Nelson that Martin is still treating patients, Mr Nelson said the worker can go bankrupt,

but it doesn't stop him from working to earn his living. Querie, does this mean that Martin can still take as many patients as he

likes and earn as much as he likes without accounting for it and go on refusing to pay his debts. A lady told Mrs Lee that quite a

lot of taxis are going there at night again.<sup>629</sup>

In subsequent months, arguments continued about the value of his property.<sup>630</sup> A copy was obtained of the 30 April 1948 agreement between Martin and Francis John Fisk, herbalist, of Wellington, whereby they became partners as herbalists and Martin received £100.<sup>631</sup> Fisk informed Nelson in November that 'owing to his inconsistency and latterly absolute

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<sup>629</sup> Memorandum by Mrs Evelyn Anita James, 'Mrs Lee by 'Phone', n.d. [?August 1950], Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>630</sup> For instance, Hardie Boys, Scott and Haldane to M.R. Nelson, 15 September 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>631</sup> Agreement between Edward Ralph Martin and Francis John Fisk, 30 April 1948, Department of Justice, Official Assignee Files, AABR W3848, box 13, 23/50, ANZ-W.

refusal to honour his obligations' he had been 'forced to discontinue' his business with Martin. He had paid Martin £100

to teach me the Herbal business, which he failed to do, and the other £100 was paid into a working account and per agreement he received two-thirds of this, and in fact this was actually exhausted before we really started business.

I regret very much the day I met Mr Martin as he practically cost me £200 cold, and I don't think I'm alone in this. I was thinking very much of taking him to Court myself as he is nothing but a fraud and full of empty promises.<sup>632</sup>

In November, Nelson drafted a report on the bankruptcy. In outlining the debts, he noted that the assets, originally stated as being of nil value, had realized £10. There was 'a claim for £250 against an insurance company under an Indemnity policy. Liability is denied and legal proceedings are pending'. Mrs James alleged that he had 'undisclosed assets' and 'should submit to a public examination'. She claimed he had obtained 'large sums of money from clients in his practice as a herbalist' and 'conducted a large mail order business in patent medicines'. As well, he had 'not satisfactorily explained the disposal of money received shortly before his bankruptcy. He had sold a radio and two ray lamps to Lavin between 1 March and 21 April and received a loan of £50 from him on the latter date; the total amount received from Lavin was £200. Genn had loaned him £41 on the same date, Middleton had loaned him £50 on 16 May, and he had sold furniture to Mr and Mrs Hoare for £36 on 26 March. This totalled £327, which Martin stated was used 'to meet debts incurred in his name by a person he believed to be his daughter'. Genn confirmed his statement, being aware 'that the person known as Kitty Martin was living with the bankrupt as his daughter and was spending his money very extravagantly on clothes and presents for her friends'. Mrs James considered that Martin was concealing money to evade payment of the £1,029 18s 6d awarded to her. She claimed that the sales to Lavin and the Hoares 'were not genuine sales, but were arranged to prevent these assets

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<sup>632</sup> F.R. Fisk to M.R. Nelson, 20 November 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

being seized'. In the light of this evidence, Nelson recommended that Martin submit to a public examination.<sup>633</sup>

In January 1951, Lavin, a retired civil servant, declared that he was owed £200, 'money paid'.<sup>634</sup> Not till May did Nelson contact the 'Chief Detective' at the Wellington Police Station about investigating Martin's 'concealment of assets or fraudulent delivery of goods with intent to defraud his creditors'. He wanted a detective to interview several people:

Mr Reeves, Taxi Driver, Wellington Taxis.

I am advised that Martin arranged for this man to store a case or hamper of fine china, crockery and other goods – to prevent seizure by the Official Assignee. Reeves has since returned the goods, and I have instructed a Bailiff to seize them....

Mrs McCaul ... was a boarder or sub-tenant of the Bankrupt since his bankruptcy, and she purchased from Martin:

1 round Table for	£10
1 String of Pearls	5
1 Clock	15

These articles are not listed in the inventory of furniture and effects made ... on 14th August 1950, and were presumably concealed by the Bankrupt or temporarily removed from his premises.

Mrs McLaren ... Mrs McCaul was informed by this lady that she had purchased a set of Binoculars for £40 from Bankrupt recently....

Mrs Maida Smith ... This lady is understood to be a daughter of the Bankrupt, and it may not be advisable to interview her. However, it is alleged by Mrs McCaul that Martin has sent his daughter an expensive round table and a string of pearls.

Mrs Lee ... This lady has supplied the principal creditor, Mrs James ... with considerable information as to Bankrupt's business, and includes a statement "that furniture etc has been going out of Martin's house since May, including a wireless set to Mr Lavin."

Mr A.P. Lavin ... claimed at the meeting of creditors that he had purchased from Martin 2 Electric Ray Lamps and 1 Radio Set for £150. These articles were still on the Bankrupt's premises at date of bankruptcy and were claimed by me. Lavin is bringing a

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<sup>633</sup> Draft Report by M.R. Nelson, appended to M.R. Nelson to R. Hardie Boys, 21 November 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>634</sup> Declaration of Ambrose P. Lavin, 6 January 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

chattels summons against the Official Assignee on the 15th May to prove his claim to these goods....

Note: Martin has stated to Mr or Mrs McCaul and to Mr P. Genn ... that in his dealing with Lavin no money passed and it is alleged that the sale to Lavin was a fraudulent dealing.

Mr and Mrs Hoare ... At the meeting of creditors the Bankrupt stated that the furniture in the front room had been sold to Mr and Mrs Hoare, who were sub-tenants.... Mr and Mrs Hoare left 19 Ferguson St some time ago.... The furniture, however, was not removed, and it is alleged that the sale to the Hoares by Martin was not a genuine sale but was intended to defeat the demands of creditors.

Mrs Lee states that after Mrs James' case for compensation in the Supreme Court the Hoares came to 19 Ferguson St but only stayed three weeks and then left. On the date of the meeting of creditors ... the Hoares returned in the morning, but stayed one night only and again left.

Mr G.P. Genn ... Organizer for the Northern Building Society ... has supplied me with much of the above information, and may be able to assist you further....<sup>635</sup>

One week later, Nelson received a copy of a song written by Martin, 'By the Willow Tree'.<sup>636</sup> On the following day, Martin explained to Nelson that he had not sold the song to a Mr Hungerford, the gas company manager, 'but gave it to him as a gift. The £50 received from Mr Hungerford was to pay the expenses of the printing'.

Martin had no money to publish the song & Hungerford took it over as a gift. Martin understands that Hungerford ordered 2000 copies of the Song & it will cost him £250 to market it.

Martin denied that he had concealed any assets from the O.A. [Official Assignee] & alleges victimisation by certain people who evidently wish him harm. He said the only things he has given away were a table & string of pearls to his daughter Maida Smith, which was a long time ago but she had left them with him. They may not have been in the house at time valuation was made as they did not belong to him. He denied selling another string of

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<sup>635</sup> M.R. Nelson to Chief Detective, Police Station, Wellington, 3 May 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>636</sup> C.M. Begg to M.R. Nelson, 10 May 1951, Department of Justice, Official Assignee Files, AABR W3848, box 18, 23/50, ANZ-W.

pearls for £5. He said he gave some beads to Mrs Reeves wife of a taxi driver.<sup>637</sup>

At the end of June, Nelson noted that Hardie Boys had told him that he should get what he could from the insurance company because there was no chance of success in taking an action against it. Hardie Boys had been informed that a doctor would give evidence for the company 'that the negligent treatment complained of was the use of the Ray Lamps & the Brown Ointment & that this was discontinued' by Martin in May 1949, two months before the policy was taken out.<sup>638</sup>

On 26 June, Lavin's case to obtain £200 was heard in the magistrate's court, judgment being given on 2 July:

The Plaintiff and his wife both of whom suffer from certain rheumatic conditions were being treated by the Bankrupt who is a herbalist, and first met the Bankrupt about 2 years ago at Te Aroha. The Plaintiff states that he first lent the Bankrupt the sum of £50 for which the Bankrupt gave the Promissory Note of £50 ... and offered the wireless set as security.... It is noted that the date of the Promissory Note ... is 21st April 1950. Plaintiff says in evidence that Bankrupt wanted this money for the purpose of making provision for setting up a home for two daughters. Bankrupt wanted further money and Plaintiff eventually let him have the sum of £50 and produced the receipt ... dated 1st March 1950, purporting to be a receipt for the purchase of a wireless set....

Although dated before the promissory note, Lavin insisted that the latter was their first transaction. As Martin continued to need more money, two more sums of £50 were lent, in April, security being the two ray lamps. In return, Martin gave a written promise to provide 'treatment, as in the past free of all cost or charge'. The magistrate was unimpressed with Lavin's claim that the radio and lamps were his property,

for the following reasons:-

(a) That his evidence was contradictory and evasive.

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<sup>637</sup> Memorandum by M.R Nelson, 11 May 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>638</sup> Memorandum by M.R. Nelson, 29 June 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

- (b) That the written documents produced contradict each other and do not support the Plaintiff's evidence.
- (c) The Plaintiff had available and in Court the one person who could have corroborated the Plaintiff's evidence, viz, Bankrupt Martin, who the Plaintiff stated was a friend of his and whose case, the cause of the bankruptcy, was supported by the Plaintiff as a witness. The Plaintiff did not choose to call Martin.

As he considered the relationship between Lavin and Martin 'was that of debtor and creditor', Lavin was non-suited.<sup>639</sup>

Meanwhile, Nelson had been collecting more evidence. Martin's doctor confirmed that he had been treated for heart disease during 1950.<sup>640</sup> Stanley Hoare, a watersider, confirmed that Martin's daughters lived in Wellington, though not with their father, who rented a bedroom at 19 Ferguson Street, Newtown.<sup>641</sup> On 3 July, a detective reported on his investigations into whether Martin had concealed assets. As Genn and Mrs Lee provided the evidence against Martin, he felt it was

necessary to show their background to explain the reasons for their interests in the matter.

Mrs Maud Elizabeth LEE is a semi-cripple, who has been treated by MARTIN for a rheumatic complaint in the past. She now alleges that his treatment made her worse. In the first place she was agent for the then owner of the house, and was the party who let the main portion of it to MARTIN. They are now enemies and she has been promised by GENN, the new owner, that if she can get him out of the house she can have the front portion for her own use. GENN bought the house after Martin was declared a bankrupt and they were on friendly terms up to the stage that Genn raised the rent and then Martin had it reduced through the Fair Rents Department. Genn is now using every method he can to have Martin vacate the house. I have interviewed the following persons ...:

- (a) Vincent Eric REEVES, taxi-driver, c/o Wellington Taxis, says that he has been engaged by Martin on many occasions, but that he has never at any stage "stored" goods for him as

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<sup>639</sup> Judgment of J. Hessel, S.M., 2 July 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>640</sup> Memorandum by Dr Alfred B. Sternberg, 10 July 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>641</sup> Statement by Stanley Hoare, 12 June 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

alleged. This information originally came from Mrs LEE, but when she was interviewed she could not recall the source from which she got the information.

(b) Mary McCaul ... who is also an ex-patient of Martin's and a semi-cripple, says that in May 1950 she did buy a table from Martin for £10.0.0. She denies that she bought a string of pearls or a clock from him. While a sub-tenant of Martin she did buy a clock for £14 from another party, a fact which I have verified. I have no reason to doubt her statement.

(c) Stanley Hoare ... states that he and his wife were at one stage sub-tenants of Martin's and that he told them that he had a "case" pending against him and was short of cash and that on the 26th March 1950 he bought from Martin the furniture in the rooms they occupied. The furniture is still held by Martin pending the Hoares getting suitable unfurnished accommodation. Hoare holds a receipt for the sum paid for the furniture, and although it is alleged that no money passed between them and the "sale" was made by Martin to defraud his creditors, but there is no evidence to say that the sale was not genuine. This information came from Mrs LEE, but is merely a suspicion on her part, that such was the case....

I have also questioned Mrs LEE regarding the radio ... which Lavin is said to have obtained from Martin. All she could say regarding this was that one day, some children who had been [on] a message for her said that they had seen a man coming away from the house with a radio and she assumed that it was Lavin. There is no proof that Martin was even in possession of two radios. This woman lives at the rear portion of the house, has divorced her husband and lives alone and I am satisfied that a number of her statements about Martin and his transactions are based on pure guesswork, and compiled from what she can overhear from Martin's talk, or from gossip she has had with other interested parties.<sup>642</sup>

The following month, Martin, who gave his occupation as herbalist, declared that he was in bad health, had been treated for a 'weak heart', and received an old age pension of £12 9s 2d. He paid rent of £3 5s a week, but was able to let two rooms for £3 a week. He had no money to pay his creditors.<sup>643</sup>

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<sup>642</sup> Report of Detective Sergt W.S. Craigie, 3 July 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>643</sup> Affidavit of Edward Ralph Martin, 9 August 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

On 6 February 1952, application for Martin's discharge as a bankrupt was heard in the Supreme Court. Mr Justice Fair, in his judgment, noted that Nelson considered that there was no evidence that he had committed an offence against the Act. Fair himself considered 'there may be some ground for suspicion that he has concealed part of his assets and not disclosed these', but noted that there was insufficient proof to come to that conclusion. He was, however, 'far from satisfied' that Martin should be permitted to engage in business once more.

It does not appear that the applicant made the slightest attempt to meet Mrs James' judgment, or to do anything towards paying any sum at all to meet the obligation that the Court found rested upon him. He could have done that by paying after the bankruptcy a certain amount, because the main creditor, the only substantial creditor, was Mrs James. It appears also from the evidence that whenever he wanted to raise money, he has been able to do so for his own purposes, that his wits enable him to manage very well for himself, but he has not shown the slightest regard for his obligation to satisfy this judgment. The Court is of opinion that his evidence given at the previous hearing before the Court was lacking in frankness and that in certain respects it was probably untrue. It appears that he is not the sort of person whose re-entry into business should be facilitated. It seems to the Court rather that it is the duty of the Court, in the interests of the public, with whom he appears to play fast and loose as he has done with his obligations to various people, that the application should be dismissed.

I do not suggest by that he has committed criminal offences but he has shown a lack of moral responsibility in the recognition of his duties towards his creditor and towards the Official Assignee himself in disclosing his assets. In saying that I realize that so far as the disposal of the furniture is concerned after the bankruptcy he apparently disposed of what he was entitled to as his own furniture, and if he got considerably more for it than the £100 that was estimated as being its value then that is due probably to the use of his wits, and no objection can be taken to that under the Bankruptcy Act, but I do think he has not been frank.

There is no reason at this stage why the Court should grant him his discharge and owing to his character there is good reason why the Court should refuse his discharge in the interests of the public.

Fair noted that Martin's solicitor had admitted that this refusal would 'not prevent his carrying on earning'. As he had 'not lifted a finger to satisfy the judgment against him', it would be 'unjustified' to grant a discharge,

and one would not be considered within the next two years unless some payment was made to Mrs James.<sup>644</sup>

Two weeks after this hearing, Nelson recorded a telephone message from a Mrs Buchanan:

- (a) Money: held by Bankrupt seen by Mrs B. but Now removed by Taxi Driver – Marshall. Mrs B. is to see Mr Hardie Boys re Search Warrant. Probably not justified now.
- (b) Re Furniture: Mrs Hoare told Mrs B that she did not buy the furniture in the front room & the receipts were just a put up job. (If correct Mrs Hoare & Martin committed perjury – She will discuss with Mr Hardie Boys).
- (c) Martin claims he has another home at 24 Manchester Street Christchurch.<sup>645</sup>

So he did, and he would live there until his death. On or about the same date, Nelson noted a telephone call from a police constable:

Mrs Buchanan has complained to him of the conduct of the bankrupt who is now reputed to be married to Mrs Buchanan's sister.

When Mrs B. was on friendly terms with Martin he told her he had about £2000 always on the premises including American Dollars & German money.

She informed the constable that Martin has a leather travelling robe [case?] containing 6 drawers & the money is hidden in a tin behind one of the drawers –

Apparently one evening recently Martin went out & left his door unlocked. He came home in a terrific hurry in a taxi & rushed to his room where he appeared to be counting the money.

Apparently one of the men in the house went to Martin's room & found the door unlocked & looked in & saw the money. He phoned Martin. I informed the Constable of the many previous actions<sup>646</sup> made against Bankrupt & that I would have to obtain a Search Warrant before I could enter Martin's house & Search for money

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<sup>644</sup> Oral Judgment of Fair J, after Hearing of 6 February 1952, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>645</sup> Memorandum by M.R. Nelson, n.d. [c. 18 February 1952], Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>646</sup> This word appears to be 'allyotion', but actions was meant.

& I would consult Mr Hardie Boys as to his views of the matter.<sup>647</sup>

The following day, Nelson informed Hardie Boys of this information. 'He will get Mrs Buchanan in & if evidence sufficient will make appln for a Search Warrant'.<sup>648</sup> As nothing further was recorded in the assignee's files, the evidence must have been seen as insufficient to justify following up Mrs Buchanan's allegations.

Another report about Martin's financial dealings was provided by Mrs James to Nelson in May 1952 or thereabouts:

Mrs Humphrey said Martin rang Luston out of Chch in her house & asked the party at the other end if they could take the £1500 at 5 1/2 per cent. He told Mrs Humphrey that he would get £200 commission out of it.

He also offered it to Hosper the Butcher & he refused it. Mrs Humphrey said Lavin rang her house on several occasions and was talking to Martin. Martin told Mrs Humphrey that it was a catholic Trust fund money. And that Lavin was one of the trustees.

Querie would Lavin a Trustee be giving Martin the letting out of the money. And commission on it. Was it Martin's own money that was put out on mortgage, & had fell due. Mrs Humphrey said the receipt for the toll call is still on her file. Martin has put toll calls through to Luston from his own house. I am not sure, but I think it is a Mr Godsell a friend of his in Chch. Martin told Mrs Buchanan & Mr Reel that if the assignee, and the others knew, what He & Lavin knew they would get a shock. Was it on account of this that Martin was so anxious to get his clearance. And was that why Lavin was telling you he was bad friends with Martin, to cover up. Martin told Mrs Humphrey & Mrs Buchanan that Lavin has one of the lamps.<sup>649</sup>

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<sup>647</sup> Memorandum by M.R. Nelson, 18 February 1952, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>648</sup> Memorandum by M.R. Nelson, 19 February 1952, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>649</sup> Memorandum by Mrs E.A. James, n.d. [? May 1952], Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

Nelson took no further action to uncover the truth about Martin's finances. As Martin did not apply again for his discharge, he remained an undischarged bankrupt until his death.<sup>650</sup>

### OIL EXPLORATION IN THE SOUTH ISLAND

In late September 1954 Robert Alfred Barr, of Heretaunga, applied for a petroleum prospecting license over 194 square miles in Canterbury.<sup>651</sup> His partner was Martin, then living in Christchurch (and not teaching music, and, it seems, no longer a herbalist). Neither had any connection with any oil company, 'nor have we any geological qualifications though Mr Martin has been working for some years in oil fields both in America and the Dutch East Indies and I am a qualified Civil Engineer'. A registered geologist, Burton Wallace Collins,<sup>652</sup> would act on their behalf in making the surveys. Barr had £3,000 in government securities to cover the initial cost of prospecting.<sup>653</sup> The map enclosed showed that the area to be searched was on the north side of the Ashley River, on the other side from Rangiora, and heading inland.<sup>654</sup> As no other party had previously 'shown any interest in the area' and P.M. Outhwaite, the under-secretary, could see no reason why a license should not be granted, one was approved for five years at an annual rental of £48 10s.<sup>655</sup>

The extent of Martin's experience on these overseas oilfields was not stated; this was the first time he claimed to have worked in Indonesia. In early December, Collins, a member of the American Association of Petroleum Geologists, made a 'Preliminary Report on the Petroleum Deposits of the Glentui Area, Canterbury', giving details of the geology. 'Nowhere in the world have rocks of this type been found to contain more

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<sup>650</sup> J. List (Official Assignee) to District Public Trustee, Christchurch, 19 September 1962, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>651</sup> R.A. Barr to William Sullivan (Minister of Mines), 28 September 1954, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>652</sup> *Riccarton Electoral Roll, 1954*, p. 52.

<sup>653</sup> R.A. Barr to P.M. Outhwaite (Under-Secretary, Mines Department), 10 October 1954, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>654</sup> Map of prospecting area, appended to R.A. Barr to P.M. Outhwaite, 10 October 1954, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>655</sup> P.M. Outhwaite to William Sullivan, 27 October 1954; memorandum by William Sullivan, 3 November 1954, Mines Department, MD 1, 5/4/287, ANZ-W.

than traces of oil', and he gave details of Martin mistakenly detecting signs of oil. For instance, the 'conical hill selected by Mr Martin as the proposed site of a well owes its shape entirely to erosion'. He regretted not being shown 'the gas and oil seepages said to exist'; instead he was shown black stains on rocks which proved to be lichens. There was only the 'remotest possibility' of finding oil and 'an entire absence of almost all other necessary features of a successful oilfield'.<sup>656</sup> Barr, who did not pass on a copy of this report to the Mines Department until July 1957, complained that Collins spent 'no more than two hours' in the area, which made it 'a remarkable documents in that this survey is supposed to cover approximately 200 square miles'. They had been unable to get a second geologist to give a more detailed opinion. Barr was unable to visit often, and Martin had 'not enjoyed the best of health during the past year', although he was 'much improved and should be able to devote more time to this project in the future'. As a number of exploratory shafts had revealed seepage, more capital was being sought.<sup>657</sup>

In 1958, Barr, who had paid the deposit of £100 on the prospecting license, sought to transfer the license to Martin.<sup>658</sup> Barr's lawyers obtained Outhwaite's agreement to the transfer, should the issue about whether Barr should retain the deposit be resolved.<sup>659</sup> The following month, Outhwaite informed Barr and Martin that they had not paid the rental for that year.<sup>660</sup> Barr, now of Wellington, sent the money: he had sent the invoice to Martin, and had expected him to pay it.<sup>661</sup>

In the following January, Walter Nash, the Prime Minister, responded to a letter from Martin<sup>662</sup> seeking aid for his prospecting by stating that the

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<sup>656</sup> B.W. Collins, 'Preliminary Report on the Petroleum Prospects of the Glentui Area, Canterbury', 9 December 1954, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>657</sup> R.W. Barr to P.M. Outhwaite, 18 July 1957, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>658</sup> Deed of Assignment between Robert Alfred Barr and Edward Ralph Martin, n.d. [1958], Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>659</sup> Bell Gully and Company to P.M. Outhwaite, 8 August 1958; P.M. Outhwaite to Frederick Hackett (Minister of Mines), 15 August 1958, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>660</sup> P.M. Outhwaite to R.A. Barr and E.R. Martin, 8 September 1958, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>661</sup> R.A. Barr to P.M. Outhwaite, 9 October 1958, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>662</sup> Not found in the Mines Department files nor in the Nash Papers in ANZ-W

Frederick Hackett, the Minister of Mines, would reply.<sup>663</sup> Nash told Hackett that Martin had ‘written on several occasions last year mainly seeking an interview and a visit to his claim’.<sup>664</sup> Hackett informed Martin that he had read the correspondence with Nash seeking assistance in sinking a well, but, whilst ‘the generous manner in which you have approached the Government’ was ‘appreciated’, no aid to private operators had ever been given.<sup>665</sup> In response, Martin explained that he had forwarded the request because ‘I think my one time partner in mining is trying to be unreasonable and unfair in the instance of our disolusionment of partnership’. Barr had asked that the £100 deposit be paid back, but this was provided in support of his share in ‘our small syndicate’. Barr had not paid Martin anything, so why should he pay Barr anything? Barr had left the partnership of his own accord; ‘no one asked him to do so and now he writes me a letter statening that he intends to ask you to have my license cancelled if I do not do as he wants’.

However I know that his father holds considerable interest in a certain Oil company and they are trying to Hi Jack the ground I hold there by sidestepping me for my discovery and I assure you my discovery is a good one in fact the prospects on my ground is far superior to that on which they are drilling on Taranaki.

He asked Hackett to stop Barr from getting ‘away with this kind of shuffling me the discoverer out of my mining rights’.<sup>666</sup> As Barr had paid the deposit and Martin would become the sole licensee, Barr wanted Martin to assume liability for it, which Hackett considered was a private matter for

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<sup>663</sup> Walter Nash (Prime Minister) to E.R. Martin, 23 January 1959, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>664</sup> Walter Nash to Frederick Hackett, 23 January 1959, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>665</sup> Frederick Hackett to E.R. Martin, 30 January 1959, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>666</sup> E.R. Martin to Frederick Hackett, 11 February 1959, Mines Department, MD 1, 5/4/287, ANZ-W.

the two men.<sup>667</sup> Subsequently, Martin paid Barr the £100 and the license was assigned to him.<sup>668</sup>

With new associates, Martin spent £300 in the next six months making 'excavations and tests' while prospecting near the Glentui to Oxford highway, and arranged for an Oamaru drilling firm to make an exploratory bore.<sup>669</sup> In November, he again wrote to Nash because he was 'in dire need of a little prestige from someone of your substantial standing in the realms of Government'. He claimed to have mined for 60 years and could 'say without fear of contradiction that I have located a very favourable spot' which showed 'good promise of yielding favourable results when I put down a test bore', as arranged. He wanted to drill in three months time, but his solicitors told him he had to do 'something else' before the license could be renewed. As he had spent over £400 and had paid for this renewal, he considered that he was 'at least entitled to the right to be allowed to prove my claim a success or failure as it will cost no one anything other than myself'. He ended in typical style: 'Yours Truly and asking for a Miners fair chance to do his work honestly and fairly', and asked that the reply be sent to him and not via his solicitors.<sup>670</sup> In response, Hackett informed him that he needed information about whether the conditions had been complied with. Neither monthly nor annual reports had been received, and Martin must give details of the work done and explain why reports had not been submitted.<sup>671</sup>

Martin then admitted that little work had been done with the £400. 'It has been spent on a small geological survey by a Government geologist prospecting and testing the potential of my holding for which I required the services of two men besides myself, at a salary of at least two pounds a day for a period of four months or more'. There had been other expenses, including buying Barr out at a cost of £135. He had arranged with the

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<sup>667</sup> Frederick Hackett to E.R. Martin, 2 March 1959, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>668</sup> Bell Gully and Company to P.M. Outhwaite, 14 April 1959; memorandum by Frederick Hackett, 18 May 1959, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>669</sup> E.T. Layburn and Hodgins to P.M. Outhwaite, 21 October 1959, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>670</sup> E.R. Martin to Walter Nash, 29 November 1959, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>671</sup> Frederick Hackett to E.R. Martin, 14 December 1959, Mines Department, MD 1, 5/4/287, ANZ-W.

Oamaru firm to commence a test bore. His lawyer should have informed the department of this and 'also the information Mr Collins as surveyor on my behalf at a cost of five pounds per day' for four days. Martin had had a 'very extended illness', being in hospital 'as the amount of battling I have done over that country for a long period of years, my health broke under the strain'. Barr was blamed for not keeping the department informed during his illness.<sup>672</sup>

The license was extended for another five years because, although Martin had not substantially abided by the conditions, he had spent money in an area of interest to nobody else.<sup>673</sup> In thanking Hackett, Martin asked that all communications be sent to him personally and not to his solicitor or to anyone else, to avoid arousing public expectations prematurely.<sup>674</sup> Nine days later he informed Hackett that, as a result of an earthquake, when inspecting a portion of his ground he had discovered 'an unusual subterranean development' at the Iron Gate Stream near Kaikoura. 'The entire bed of the stream' had 'taken on a gaseous conditions' similar to pools at Rotorua, and he considered a geologist should inspect it. This was another reason for his wanting to receive his license as soon as possible 'as I intend commencing prospect operations on my holding and I would like to have my certificate of privilege from your department to carry with me at all times as it saves quite a lot of unnecessary explanation to enquiring people'.<sup>675</sup> Shortly afterwards, he applied for 'a little more ground which extends to Christchurch and as far as Lyttleton in order to survey and establish a definite anticline before commencing the business of drilling'.<sup>676</sup>

A week later, he sent Nash a sample of petroleum from Kaikoura and was 'prepared to claim the discovery of petroleum gas mineral deposits' near

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<sup>672</sup> E.R. Martin to Frederick Hackett, 21 December 1959, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>673</sup> P.M. Outhwaite to Frederick Hackett, 1 February 1960; memorandum by Frederick Hackett, 4 February 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>674</sup> E.R. Martin to Frederick Hackett, 16 February 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>675</sup> E.R. Martin to Frederick Hackett, 25 February 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>676</sup> E.R. Martin to Frederick Hackett, 7 March 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

the Iron Gate and ‘around the bed of the Blue Duck stream’.<sup>677</sup> While waiting for the test results, he asked for a document proving his right to enter the properties mentioned in his license. ‘As I cannot have the piece of country I previously asked for would it be possible for me to have about twenty miles by five miles deep commencing from Iron Gate running along the sea frontage at Kaikoura I could probably survey an anticline from that angle’.<sup>678</sup> He was asked to provide precise boundaries.<sup>679</sup>

The Dominion Laboratory reported that the sample revealed no petroleum, being ‘typical of anaerobic decomposition of vegetable matter, which will occur in the absence of oxygen in submerged mud containing decaying organic matter’.<sup>680</sup> This verdict only prompted Martin to send a ‘true sample of Petroleum Gas’ from the Iron Gate Scenic Reserve. He would provide details of the extra ground he wished to test there, being ‘desirous of testing thoroughly at Kaikoura as I have very high hopes of locating Petroleum in quantities that will satisfy your department’.<sup>681</sup> Immediately afterwards, a firm of solicitors informed Outhwaite that a well near Kaikoura showed signs of oil and that Martin, stating he was ‘acting on behalf of a syndicate’, had asked to be allowed to sink a test bore.<sup>682</sup> The second sample turned out to be ‘essentially methane’, the ‘absence of higher hydrocarbons’ indicating it was ‘not a “wet” gas found in association with petroleum oil’.<sup>683</sup> Undeterred, Martin approached a farmer at Rakautara, north of Kaikoura, ‘with a business proposition related to any Petroleum found on the property’. Solicitors acting on behalf of the farmer doubted that

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<sup>677</sup> E.R. Martin to Walter Nash, 14 March 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>678</sup> E.R. Martin to Frederick Hackett, 22 March 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>679</sup> Frederick Hackett to E.R. Martin, 6 April 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>680</sup> Report by Director, Dominion Laboratory, 10 May 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>681</sup> E.R. Martin to Frederick Hackett, 17 May 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>682</sup> Meares Williams Holmes and Booker to P.M. Outhwaite, 19 May 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>683</sup> Director, Dominion Laboratory, to P.M. Outhwaite, 5 July 1960; Under-Secretary, Mines Department, to E.R. Martin, 19 July 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

Martin's petroleum prospecting license applied to this district, which the department confirmed.<sup>684</sup> No more was heard of his exploring in that area.

Five months later, in March 1961, Martin sent samples 'which I have personally taken or in some instances caused to be taken' from near Geraldine, South Canterbury, where property owners had given him the right to prospect.<sup>685</sup> The following day, a law firm at Timaru informed Outhwaite that a landowner near there had been approached by Martin, on behalf of his Glen Martin Mining Syndicate (whose head office was at Martin's Christchurch home), about prospecting on their land. There were concerns about his right of access and compensation.<sup>686</sup> The department wrote that Martin did not have any rights over the land.<sup>687</sup>

On 23 March, Martin sent a telegram to the minister, now Thomas Philip Shand, asking that the result of the tests be sent to his Christchurch home 'as I think my mail could have gone stray this is important please reply and oblige'.<sup>688</sup> He was informed that his samples were being tested, and that because he was no license for the Geraldine area he was not acting in conformity with the Petroleum Act.<sup>689</sup> In response, he immediately asked Shand to add 20 acres in South Canterbury adjacent to his existing license 'for the purpose of tracing the subterranean structure that I have discovered which exists between North and South Canterbury'. He claimed to be 'instituting a very extensive search throughout the province' and, as usual, was confident of finding payable oilfields. The owner of the land he intended to prospect had become a member of his 'small syndicate'. His letter concluded that it would 'take payable petroleum to give our beloved New Zealand the prosperity it also deserves and it doesn't matter who finds it'.

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<sup>684</sup> John Anderson and Company to P.M. Outhwaite, 4 August 1960; P.M. Outhwaite to John Anderson and Company, 9 August 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>685</sup> E.R. Martin to T.P. Shand (Minister of Mines), 14 March 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>686</sup> Walton and Walton to P.M. Outhwaite, 15 March 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>687</sup> P.M. Outhwaite to Walton and Walton, 28 March 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>688</sup> E.R. Martin to T.F. Shand, 23 March 1961 (telegram), Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>689</sup> P.M. Outhwaite to E.R. Martin, 28 March 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

He signed himself 'Yours truly in business and in the interests of New Zealand'.<sup>690</sup> A week later another telegram to Shand asked to receive the report on his samples 'as soon as possible'.<sup>691</sup> He had to wait another month, to be told that all four samples contained a 'small percentage of hydrogen and methane' and that 'in no case was ethane, or higher members of the paraffin series, detected'. They were 'essentially nitrogen with some carbon dioxide and smaller amounts of hydrogen and methane. They are probably of bacterial origin and are certainly not the type of natural gas found in association with oil reservoirs'. Martin's sampling techniques were criticised.<sup>692</sup>

In April, Martin was informed that the tracing he had sent was not sufficient for his application for the additional 20 acres to proceed.<sup>693</sup> Two months later, he sent a telegram to Shand complaining that the department had not replied adequately to his request for the extra land. 'This delay is holding up our working operations can you help the situation'.<sup>694</sup> Five days later, H. Scandrett<sup>695</sup> informed Shand that his 20 acres at Kakahu, near Geraldine, had 'excellent showings of oil'. Martin was anxious to obtain oil rights to this and adjacent land, and Scandrett had given him 'full rights to drill, bore or obtain oil in any way on this property'.<sup>696</sup> This letter was sent with a covering one from Martin again requesting approval 'at your earliest convenience as I desire to beat the bad weather with working operations before it sets in'.<sup>697</sup> Scandrett was a gunsmith by trade, but had studied geology since 1920 and was confident that his property contained oil. As Martin was an old age pensioner, Scandrett was meeting all the expenses.<sup>698</sup> Scandrett was interested in geology in his own right: after

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<sup>690</sup> E.R. Martin to T.P. Shand, 29 March 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>691</sup> E.R. Martin to T.P. Shand, 5 April 1961 (telegram), Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>692</sup> I.K. Walker (Director, Dominion Laboratory) to P.M. Outhwaite, 3 May 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>693</sup> T.P. Shand to E.R. Martin, 13 April 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>694</sup> E.R. Martin to T.P. Shand, 3 June 1961 (telegram), Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>695</sup> Name not recorded in electoral rolls.

<sup>696</sup> H. Scandrett to T.P. Shand, 8 June 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>697</sup> E.R. Martin to T.P. Shand, 9 June 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>698</sup> H. Scandrett to T.P. Shand, n.d. [c. 5 September 1963], Mines Department, MD 1, 5/4/287, ANZ-W.

Martin died, he sought assistance with drilling on limestone on his Geraldine property to test its quality, anticipating having millions of tons suitable for export.<sup>699</sup> In 1969 he unsuccessfully asked for help to test his marble deposit at Kakahu.<sup>700</sup>

In response to Martin's pleas, he was provided with detailed advice about how to make an acceptable application for a license. 'All that you have done so far is supply a rough tracing of a twenty acre block – scale not shown but apparently copied from a Certificate of Title – and a letter from the owner granting you the right to operate thereon'.<sup>701</sup> Martin replied that the information was 'carefully perused and digested', and sent maps and documents. As he had paid his license until November 1964 he wanted it to include Scandrett's property. 'I can guarantee you now, Sir, that I will get results that will be very satisfactory to your purpose for the benefit of New Zealand'.<sup>702</sup> Six days later, more documents were sent, with the explanation that 'a bit more land than what I thought necessary' had been included to provide clearly defined boundaries.<sup>703</sup> Martin was told that he had included a much bigger area, part of which was already part of his license.<sup>704</sup> Two months later, P.M. Outhwaite, the under-secretary, advised Shand that, from the correspondence and samples sent, he considered Martin to be 'a trifle eccentric', his prospecting being 'based mainly on divining and he would not have either the technical or financial resources to comply completely' with official requirements. However, as nobody else was interested in the area, and if a license was not granted he was 'sure to make a fuss about it', one for 88 acres might as well be granted to him.<sup>705</sup> Accordingly, on 6 September it was granted: it adjoined land being prospected by B.P. Shell and Todd Petroleum Development.<sup>706</sup> Eleven days

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<sup>699</sup> H. Scandrett to Mines Department, 19 February 1969, Ministry of Commerce, AATJ 6090, 23/2/1236, ANZ-W.

<sup>700</sup> Under-Secretary, Mines Department, to H. Scandrett, 13 October 1969, Ministry of Commerce, AATJ 6090, 23/2/1236, ANZ-W.

<sup>701</sup> T.P. Shand to E.R. Martin, 16 June 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>702</sup> E.R. Martin to T.P. Shand, 20 June 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>703</sup> E.R. Martin to T.P. Shand, 26 June 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>704</sup> T.P. Shand to E.R. Martin, 7 July 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>705</sup> P.M. Outhwaite to T.P. Shand, 4 September 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>706</sup> Memorandum by T.P. Shand, 6 September 1961; maps of the two licenses, Mines Department, MD 1, 5/4/287, ANZ-W.

later, Martin died in Christchurch Hospital, aged 82, of bronchopneumonia resulting from chronic bronchitis and heart failure.<sup>707</sup>

After Martin's death, it was discovered that his estate was likely to be insolvent unless the prospecting licenses had any value.<sup>708</sup> An oil company made a 'satisfactory' offer for the northern license, and Scandrett claimed the Kakahu one because he had financed the expenses of work on it.<sup>709</sup>

### MARTIN AS A PROSPECTOR

In 1960, Martin told the Minister of Mines that

I have no desire to create any false impressions in the community as regard my operations or discovery until such time that I am satisfied and have proven to the satisfaction of your Department that I have made a discovery that will be useful and satisfactory to your department and this beautiful country of New Zealand.

He was aware of 'how ready and willing some people are in the instance of mining to circulate rumours that could cause quite a lot of unnecessary excitement among the mining people and I have no desire to be a party to that sort of thing'.<sup>710</sup> This statement was in complete contrast to his behaviour in the 1930s, when Martin claimed to have found good possibilities at Te Aroha and elsewhere in places where nobody else found any values. His inability to see the significance of unsatisfactory tests, his constant requests for departmental support, and his ignoring of the opinions of experts made him typical of other unskilled amateur prospectors, whose enthusiasm far exceeded their understanding or indeed their grip on reality. Others of this ilk involved in the Te Aroha region are noted in the chapters on prospectors and on miners' skills.

In 1930, when Martin tried to boom his Tokomaru 'find', the mining inspector commented that he knew 'little of mineral occurrence and is living

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<sup>707</sup> Death Certificate of Edward Ralph Martin, 17 September 1961, 1961/31167, BDM.

<sup>708</sup> Assistant District Public Trustee, Canterbury, to P.M. Outhwaite, 28 February 1962, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>709</sup> District Public Trustee to P.M. Outhwaite, 13 September 1962, 14 August 1963; H. Scandrett to T.P. Shand, 5 September 1963, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>710</sup> E.R. Martin to Frederick Hackett, 16 February 1960, Mines Department, MD 1, 5/4/287, ANZ-W.

on his wits'.<sup>711</sup> The following year, Martin admitted that 'for the past year I have depended on this prospecting for a living'.<sup>712</sup> When sued by former partners two months later, the judge described him as being 'apparently a plausible man, also one of some intelligence'.<sup>713</sup> After becoming bankrupt, another judge commented that his 'wits enable him to manage very well for himself'.<sup>714</sup> He was able to obtain financial assistance from others to maintain himself and his family by promising either a fortune from his alleged gold or oil discoveries or by claiming to cure a wide variety of ailments. He knew that his claims of having had vast experience in several countries were false, as were his claims of successful prospecting for both gold and oil in several places. He deliberately falsely reported the results of assays that did not give the high values he claimed.<sup>715</sup> None of his partners in the syndicates he formed had any knowledge of geology or mining, and so were easily misled. His 1936 claim that James Mackintosh Bell of the Geological Survey had left Martin 'all his maps and data regarding coal, oil and mineral deposits in New Zealand' when he left in 1911<sup>716</sup> was unbelievable, and was neither repeated nor proven. The comment by a herbalist that Martin was 'nothing but a fraud and full of empty promises'<sup>717</sup> applied to his knowledge of geology as well as his skill as a herbalist.

There must, as well, have been an element of self-delusion, for otherwise why would he have been chasing fantasies right up to his death at a great age? He had strongly held but absurd theories about how to find gold and oil. He used a compass to find the latter, and when he found a hole in a paddock near Taurarunui he claimed that, because it lay 'due north

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<sup>711</sup> J.F. Downey to A.H. Kimbell, 25 July 1930, Mines Department, MD 1, 12/346, ANZ-W.

<sup>712</sup> *Manawatu Evening Standard*, 19 March 1931, p. 7.

<sup>713</sup> *Manawatu Evening Standard*, 6 May 1931, p. 11.

<sup>714</sup> Oral Judgment of Fair J, after Hearing of 6 February 1952, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>715</sup> For example, E.R. Martin to A.J. Murdoch, 8 October 1930; Hugh Crawford to A.H. Kimbell, 10 October 1930, with appended assay results; A.H. Kimbell to A.J. Murdoch, 10 October 1930; *Truth*, 30 October 1930, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>716</sup> *Manawatu Daily Times*, 14 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>717</sup> Frank Fisk to M.R. Nelson, 20 November 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

and south' it was 'practically certain you'll find petroleum'.<sup>718</sup> Especially because Taumarunui was 'in a direct line' between Gisborne and New Plymouth, where oil had been found.<sup>719</sup> Claiming to be able to literally 'smell gold', when a skeptical detective gave him a sample to test, he smelled it and 'said it contained pure gold',<sup>720</sup> either a naive illusion or a deliberate falsehood. Once he claimed that his being a Red Indian meant that he understood 'natures way of distributing the mineral values encouched in the bowels of this earth by the Almighty God'.<sup>721</sup> In the last evaluation of his skills by an under-secretary, he was described as 'a trifle eccentric', for his prospecting was 'based mainly on divining'.<sup>722</sup>

His self-confidence in his abilities (and his assumption of the stupidity of anyone, including officials, who criticized him) may indicate that he was genuine in at least some of his prospecting and did believe he had the necessary skills. He was aided by Bender, whose claims to have manifold skills and wide skills were equally questionable, and who knew he had no right to call himself a doctor, let alone a professor, as he did on at least one occasion.<sup>723</sup> When Bender had his chance to prove his competence in court, he refused to appear on the feeble excuse that he required another £5 to cover his expenses.<sup>724</sup>

## PRIVATE LIFE

Martin left two daughters, born to two mothers. According to his death certificate, when aged 36 he had married Emily Iacono, there being two daughters from this marriage; at an unspecified date, he had been remarried in Wellington to Nellie Cole, who bore him another daughter. Whether he had a widow was recorded as 'not known',<sup>725</sup> an indication that

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<sup>718</sup> *Truth*, 17 October 1929, p. 1.

<sup>719</sup> E.R. Martin to W.A. Veitch, 11 November 1929, Mines Department, MD 1, 5/4/85, ANZ-W.

<sup>720</sup> *Manawatu Daily Times*, 20 March 1931, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>721</sup> E.R. Martin to J.G. Cobbe, 23 May 1931, Mines Department, MD 1, 12/346, ANZ-W.

<sup>722</sup> P.M. Outhwaite to T.P. Shand, 4 September 1961, Mines Department, MD 1, 5/4/287, ANZ-W.

<sup>723</sup> *Manawatu Evening Standard*, 27 July 1934, p. 6.

<sup>724</sup> *Manawatu Evening Standard*, 14 February 1936, p. 9.

<sup>725</sup> Death Certificate of Edward Ralph Martin, 17 September 1961, 1961/31167, BDM.

Martin had long lost contact with the mother of his last child, and the child herself; for she had only one step-sister, not two.

On 10 September 1913, at the Registry Office in Invercargill, Martin had married Emily Iacono, an Italian actress aged 21, who had been born in Rome but was now living in the same street, and by possible implication in the same house, as Martin. Her father was a fisherman.<sup>726</sup> According to his marriage and death certificates, he was aged 36 at the time of his marriage; according to his statement to the police in 1920 and 30 years later when bankrupt, he was 33.<sup>727</sup> Their daughter Florence was born in October 1915 in Greytown, in the Wairarapa.<sup>728</sup> It was not a happy marriage, at least not after a while. On 14 January 1920, the Christchurch magistrate ordered him to pay maintenance of 22s 6d per week for his wife and 12s 6d for Florence, as from 5 October 1919.<sup>729</sup> As he failed to comply, he was arrested on 18 February and sentenced to two months imprisonment, which was served in Wellington gaol;<sup>730</sup> he must have fled to that city. After his release, he still did not comply fully, forcing Emily to charge him, two months after his release, with ‘disobedience of a maintenance order’. The case was adjourned for two months, ‘the defendant meanwhile to keep up his payments and wipe off the arrears’.<sup>731</sup> As Emily took no further action, Martin must have complied.

In October 1920, Martin was convicted in the Wellington court of assaulting Ada Minnie Nippert ‘and damaging a door at the boardinghouse at which the trouble occurred, and was sent to gaol for a month. “I will not have assaults on the police, and I shall certainly not tolerate assaults upon women,” said the Magistrate’, who also ordered Martin ‘to enter into a bond of £50 to keep the peace in future’.<sup>732</sup> *Truth* was mightily amused, and reported the case in its own special way:

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<sup>726</sup> Marriage Certificate of Edward Ralph Martin, 10 September 1913, 1913/5165, BDM.

<sup>727</sup> Marriage Certificate of Edward Ralph Martin, 10 September 1913, 1913/5165; Death Certificate of Edward Ralph Martin, 17 September 1961, 1961/31167, BDM; affidavit of Edward Ralph Martin, 9 August 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>728</sup> Birth Certificate of Florence Martin, 9 October 1915, 1915/24695, BDM.

<sup>729</sup> *Press*, 15 January 1920, p. 3.

<sup>730</sup> *New Zealand Police Gazette*, 1920, p. 292.

<sup>731</sup> Magistrate’s Court, *Evening Post*, 12 June 1920, p. 6; *Press*, 17 June 1920, p. 4.

<sup>732</sup> Magistrate’s Court, *Evening Post*, 19 October 1920, p. 8; *New Zealand Police Gazette*, 1920, p. 721.

**WHAT HAPPENED TO ADA  
A Lady Who Left Home with a Nigger  
“Professor” Martin Gets a Month’s Hard**

Edward Martin, the cullud gink, well-known in Wellington, who styles himself a “Professor” of Music, and who ever and anon bursts into verse (which he publishes at his own expense) and reveals himself as a doggerel bardie of somewhat unique attainments, appeared in the Wellington Magistrate’s Court, on Tuesday last. The dusky professor, in short, was charged with biffing one Ada Minnie Nippert on September 29 last, and with damaging a bathroom door in a house in Musgrave-street on the same day and occasion. The professor pleaded not guilty....

According to Chief Demon Ward, Mrs Nippert had succumbed to the charms of the dusky gent. and had left her husband and put her shoes under the nigger’s bed.

Ada was called. She said that one bright and sunny afternoon the professor came round to the back door of her house at Kilbirnie hawking music. The professor evidently made a whole lot of hay while the sun was shining, for we next find him installed at Castle Nippert as the star boarder. “Well, what happened next?” asked Magistrate Hunt, briskly.

“The next thing was that the gentleman induced me to go away with him,” said Ada, who appeared to be a rather smart little bit o’ goods.

“There’s

NO ACCOUNTING FOR TASTE,

I suppose,” said his Worship. Both Ada and her professor smiled coyly.

Continuing, Ada said she and her nigger went to board at a house in Mulgrave-street, and there, alas! the professor started to cut up rough, and all the romance went out of him. Especially was this so when the professor would brandish open razors across Ada’s little throat, and chase her around the Mulberry bush generally. Things got so “unputupable” that Ada lisped in the landlady’s ear that her musical honeyboy was not her hubby, and the landlady told him to go. A day or two later Martin crept into the house again and the assault eventuated. Ada reckoned she fled into the “barf”-room out of the infuriated nig’s way, and locked herself in, but the coon burst open the door and gave her a couple of “beauts” to the jor. Ada saw ten thousand stars, collapsed with a sickening thud into the bath, and was later rescued and carted off to bed for repairs, which necessitated the calling in of a doctor.

Other boarders gave evidence along the same lines, and then the Professor had his say. According to Martin, when he “snooped” into the house, sneaked upstairs and opened the bedroom door he

found Ada and a paying guest yclept Montague Riddle in the room. There was

NOTHING WRONG HAPPENING,

but the witness and “Monty” started a little affair-de-stouch and as Ada would keep butting in, any damage she received was sustained in that way.

The professor, who had borne himself in a careless and debonairer-style, and with a cheeky smile, wilted rapidly when his Worship said, “I won’t have these assaults on women. One month’s imprisonment.” The professor was also bound over to keep the peace and ordered to pay £1 towards fitting a new snib to the bathroom. Meanwhile he will be conducting choir practice up on the Terrace.<sup>733</sup>

Immediately after this case, Daniel Henry Nippert, a carpenter, filed for divorce on the grounds of his wife’s adultery with Martin. His petition described the latter as ‘passing themselves off as man and wife’ between 4 August and 29 September. Nippert had been married in 1913, when 32, in a Catholic ceremony, to Ada Minnie Thorne, 21; twin girls were born in 1917. As there was no opposition, the divorce was granted immediately, Martin being ordered to pay the costs.<sup>734</sup>

Emily responded by seeking a divorce, in May 1921,<sup>735</sup> as *Truth* described:

A cullud pusson calling himself Professor Martin, singer and teacher of music, known in Wellington and the Holy City [Christchurch], has been altogether too free and easy in his relations with women. So much so that his wife asked for a rupture of the marriage tie. She put in by way of evidence of Martin’s naughty doings a decree absolute in another divorce case, in which the professor figured. The buck nigger’s wife got her freedom, and the professor will have to pay costs.<sup>736</sup>

Emily Martin died in the Timaru Hospital at the age of 32, in 1925, of eclampsia puerperal, or convulsions experienced in the last months of

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<sup>733</sup> *Truth*, 30 October 1920, p. 5.

<sup>734</sup> Supreme Court, Wellington, Divorce Register 1919-1921, AAOM W3265, 6042/6, no. 2003; Divorce Files, AAOM W3265/1191, no. 2003, ANZ-W.

<sup>735</sup> Divorce Files, Martin vs. Martin, CAHX 3007, CH 208, box 38, D907/1921, ANZ-C.

<sup>736</sup> *Truth*, 28 May 1921, p. 6.

pregnancy;<sup>737</sup> a pregnancy clearly not caused by Martin. ‘Particulars unobtainable’ was noted in the section of the death certificate dealing with marriage and children;<sup>738</sup> Florence, therefore, was living with their father.

Two months before Emily died, Nellie May Cole, aged 21, gave birth at Whakatane to an illegitimate child, Maida Valerie. On the birth certificate, the informant was recorded as Martin, who had been present at the birth but who did not register it until five months afterwards, when he was living at Ponsonby in Auckland.<sup>739</sup> Nellie was the daughter of a porter who worked in the East End of London.<sup>740</sup> Although Martin never married her, despite his death certificate stating that they had married in Wellington at an unknown date,<sup>741</sup> she called herself Martin,<sup>742</sup> and when their daughter married in 1945 at the age of 19 she used the surname Martin.<sup>743</sup> If Martin lived with Nellie Cole for a while in Auckland, they were not together in 1928, when he was living at Henderson.<sup>744</sup> In July 1930, he told a detective that he was living ‘with my wife and two children in Palmerston North’.<sup>745</sup> In November 1931 he described his marital status: ‘Married living apart from wife. Maintaining 3 children’.<sup>746</sup> (Did the third one exist? - another one has not been traced.) In 1933 he was living at Tokomaru ‘with a white

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<sup>737</sup> Death Certificate of Emily Martin, 22 December 1925, 1925/7213, BDM; William A.R. Thomson, *Black's Medical Dictionary*, 34 ed. (London, 1984), p. 299.

<sup>738</sup> Death Certificate of Emily Martin, 22 December 1925, 1925/7213, BDM.

<sup>739</sup> Birth Certificate of Maida Valerie Cole, 13 October 1925, 185/1926 [old microfische index], BDM.

<sup>740</sup> Marriage Certificate of Nellie May Cole, 6 December 1947, 16188/1947 [old microfische index], BDM.

<sup>741</sup> Death Certificate of Edward Ralph Martin, 17 September 1961, 1961/31167; old microfische index of marriages, 1926-1940, BDM.

<sup>742</sup> N.M. Martin to G.W. Forbes, 12 November 1934, Mines Department, MD 1, 12/346, ANZ-W.

<sup>743</sup> Marriage Certificate of Maida Valerie Martin, 18 April 1945, 5018/1945 [old microfische index], BDM.

<sup>744</sup> *Auckland Suburbs Electoral Roll, 1928*, p. 111.

<sup>745</sup> *Manawatu Evening Standard*, 19 March 1931, p. 7.

<sup>746</sup> E.R. Martin, ‘Information Required by Mines Department re “The Golden Double Mining Syndicate’s” Application for Prospecting Assistance’, n.d. [9 November 1931], Mines Department, MD 1, 12/346, ANZ-W.

woman & two children'.<sup>747</sup> His family camped on a farm there for at least five years after 1930.<sup>748</sup> In 1947, a nosy neighbour thought he was living with 'his wife' but later on he lived by himself.<sup>749</sup> The woman purporting to be his wife may have been Nellie, but probably was not, for in December that year, aged 42 and officially a spinster, she was married in Christchurch to a 48-year-old clerk.<sup>750</sup> In 1952 a Mrs Buchanan told the police that Martin was 'reputed to be married to' her sister,<sup>751</sup> a curious statement for which there is no evidence either way. His death certificate recorded: 'Not known whether widow',<sup>752</sup> either meaning that his youngest daughter had lost contact with her mother or did not want to explain her father's marital complications.

Martin remained in contact with his daughters, being a witness at the wedding of Maida to a labourer in 1945.<sup>753</sup> Five years later, a woman 'known as Kitty Martin' lived with him for a time 'as his daughter'.<sup>754</sup> This appears to have been the nickname of Florence, who came to live with him for about three months from the end of 1949 or the beginning of 1950 until just before he was sued by Mrs James in May 1950.<sup>755</sup> In the latter year, he

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<sup>747</sup> W.R. Kelly to A.H. Kimbell, 4 September 1933, Mines Department, MD 1, 12/346, ANZ-W.

<sup>748</sup> N.M. Martin to G.W. Forbes, 12 November 1934; *Manawatu Daily Times*, 14 February 1936, press cutting in Mines Department, MD 1, 12/346, ANZ-W.

<sup>749</sup> Statement by Maud Elizabeth Lee, 30 August 1950; Memorandum by Evelyn Anita James, 'Mrs Lee by 'Phone', n.d. [August 1950], Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>750</sup> Marriage Certificate of Nellie May Cole, 6 December 1947, 16188/1947 [old microfische index], BDM.

<sup>751</sup> Memorandum by Official Assignee, 18 February 1952, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>752</sup> Death Certificate of Edward Ralph Martin, 17 September 1961, 1961/31167, BDM.

<sup>753</sup> Marriage Certificate of Maida Valerie Martin, 18 April 1945, 5018/1945 [old microfische index], BDM.

<sup>754</sup> Draft Report by Official Assignee, appended to Official Assignee to R. Hardie Boys, 21 November 1950, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>755</sup> Statement by Mrs. E.A. James, n.d., Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

claimed to be raising money to set up 'a house for two daughters'.<sup>756</sup> Florence had not married;<sup>757</sup> so who was the other daughter?

Martin's probate file recorded him as being a 'retired miner', unlike his death certificate, which gave the usual occupation of 'Professor of Music'.<sup>758</sup> His estate amounted to only £191, comprising an Oil Prospecting License valued at £150, an accrued age benefit of £5, and a life insurance policy worth £36. His will, drawn up in 1960, left all of the estate to his unmarried daughter Florence; should she have died, half the estate was to go to his married daughter Maida Valerie Smith and the other half to the Crippled Children's Society.<sup>759</sup> As his application for another oil prospecting license was on behalf of a syndicate, it was not part of his estate. There were three small claims against his estate amounting to £86 6s 2d and Samuel Hoare claimed £250. As Hoare had lent this money in 1951, when he knew that Martin was bankrupt, his claim was 'statute barred'.<sup>760</sup>

## CONCLUSION

This sample of three black men was a random one, their only connection being their peripheral involvement with mining at Te Aroha and Waiorongomai. The sample is notable not because of their interest in mining, which was fleeting in the case of two of them and a fixation (and a source of ill-gotten sustenance) in the case of the third, but because all three of them married white women at a time when such marriages were most unusual and certainly not socially acceptable. All their marriages were unhappy ones, and in the case of Mitchell and Martin led to their taking other white women as mistresses; as Jackson has not been traced beyond the information given above, it is not known if he also found love once more in the arms of a white woman.

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<sup>756</sup> Judgment of J. Hessel, S.M., 2 July 1951, Department of Justice, Official Assignee Files, AABR W3834, box 13, 23/50, ANZ-W.

<sup>757</sup> BDM Index of Marriages, CD-Rom.

<sup>758</sup> Probate of Edward Ralph Martin, CH 171, 1504/1962, ANZ-C; Death Certificate of Edward Ralph Martin, 17 September 1961, 1961/31167, BDM.

<sup>759</sup> Probate of Edward Ralph Martin, CH 171, 1504/1962, ANZ-C.

<sup>760</sup> H.D. Kirton, for District Public Trustee, Public Trust Office, to Official Assignee, 25 September 1962, Department of Justice, Official Assignee's Files, AABR W3834, box 13, 23/50, ANZ-W.

*Appendix*

*Figure 1:* ‘Deputations seeking to solve a dark mystery’, *Observer*, 28 June 1890, p. 14.

*Figure 2:* ‘The detectives, searching the mail steamer for a fair-complexioned man, did not see this one’, *Observer*, 28 June 1890, p. 14.

*Figure 3:* ‘Of course, on arriving at Fiji, the Treasurer will hand the cash over to the Master of the Lodge’, *Observer*, 28 June 1890, p. 14.

*Figure 4:* Centrepiece of ‘Gone where the Woodbine Twineth, or Another Good Man Gone Wrong’, *Observer*, 12 July 1890, p. 16.

*Figure 5:* Group portrait of the Fisk Jubilee Singers, c. March 1910, with Edward Ralph Martin reclining on bottom left. Irene Cox, Portraits of Theatrical Personalities, PAI-q-242-477, Alexander Turnbull Library, Wellington, New Zealand, <http://natlib.govt.nz/records/22722256>; used with permission.

*Figure 6:* Sketch by Edward Ralph Martin accompanying his application for Prospecting License above ‘Bauld Spur’, Te Aroha, 5 January 1928, Te Aroha Warden’s Court, Mining Applications 1928, 1/1928, BCDG 11289/2a, ANZ-A [Archives New Zealand/Te Rua Mahara o te Kawanatanga, Auckland Regional Office]; used with permission.

*Figure 7:* ‘Ample Talk, but No Spouting From His Oil Gushers’, *Truth*, 17 October 1929, p. 1.

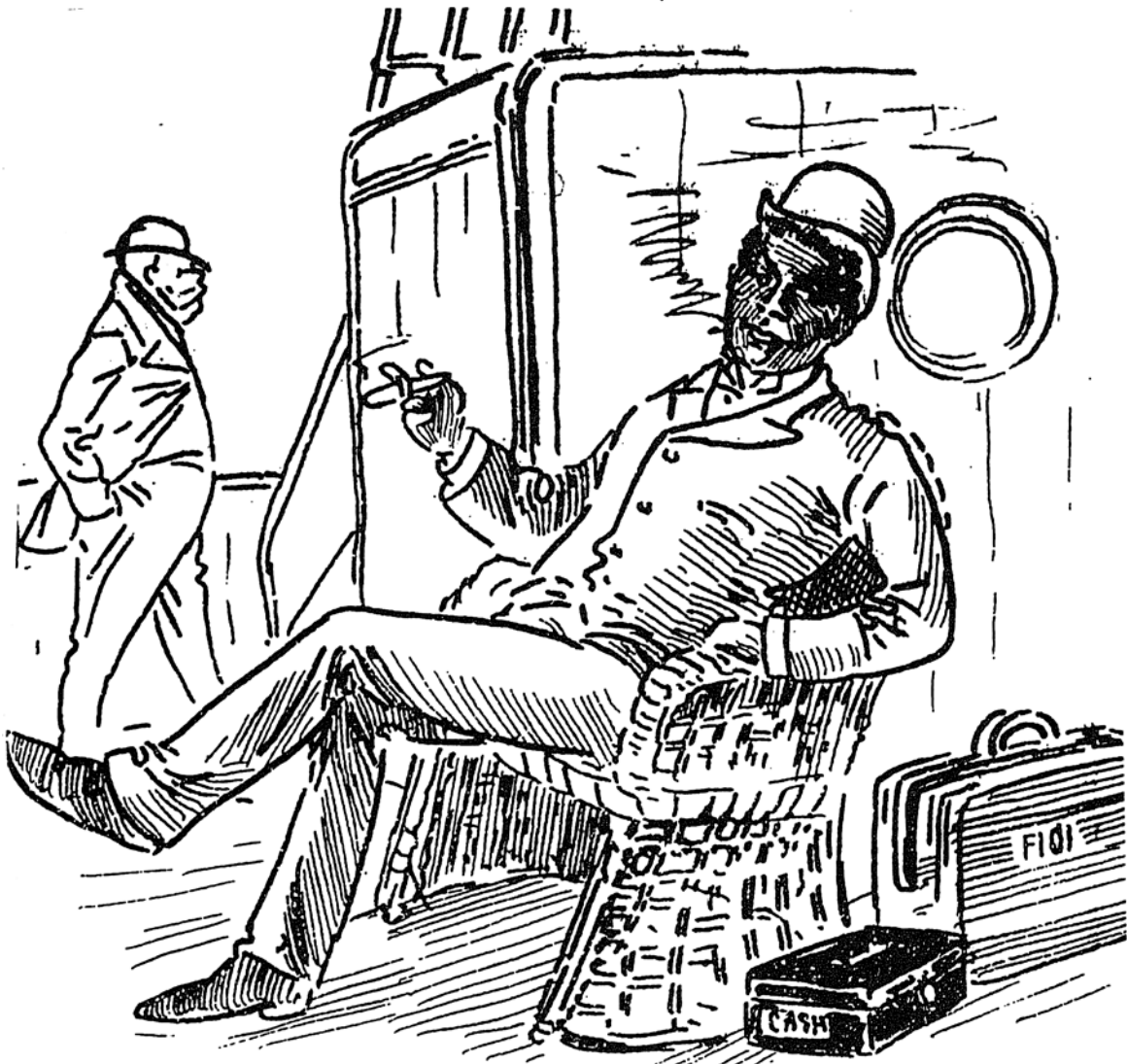
*Figure 8:* ‘Professor of Optimistic Humbug: Ubiquitous Martin Bobs Up With Tale of Gold Bonanza’, *Truth*, 17 July 1930, p. 1.

*Figure 9:* ‘Bob Down, You’re Spotted!’, *Truth*, 30 October 1930, press cutting in Mines Department file with annotation by Under-Secretary and Minister, Mines Department, MD 1, 12/346, ANZ-W [Archives New Zealand The Department of Internal Affairs Te Tari Taiwhenua]; used with permission.



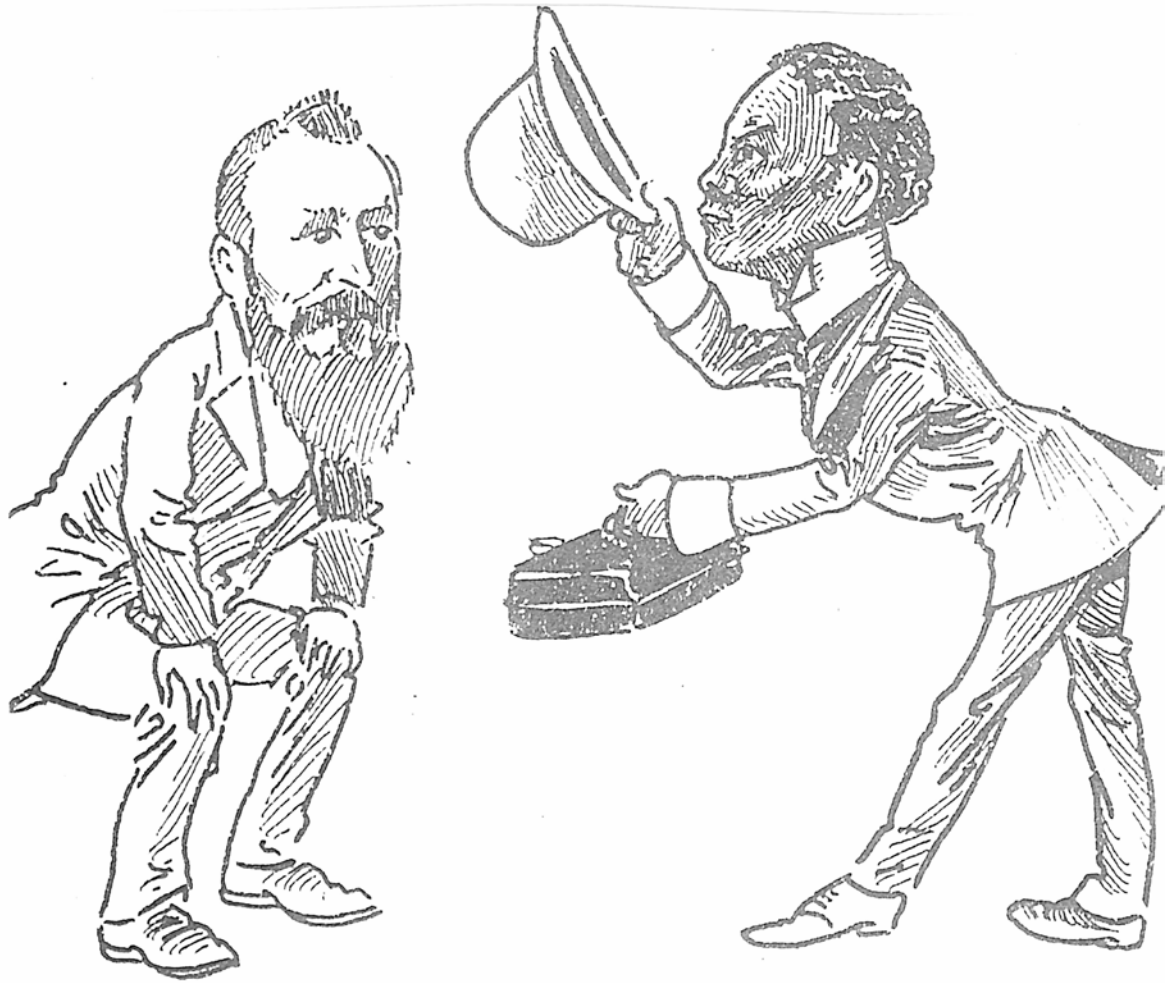
*Deputations seeking to solve a dark mystery.*

Figure 1: 'Deputations seeking to solve a dark mystery', *Observer*, 28 June 1890, p. 14.



*The detectives, searching the mail steamer for a fair-complexioned man, did not see this one.*

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*Of course, on arriving at Fiji, the Treasurer will hand the cash over to the Master of the Lodge.*

**Figure 3:** 'Of course, on arriving at Fiji, the Treasurer will hand the cash over to the Master of the Lodge', *Observer*, 28 June 1890, p. 14.



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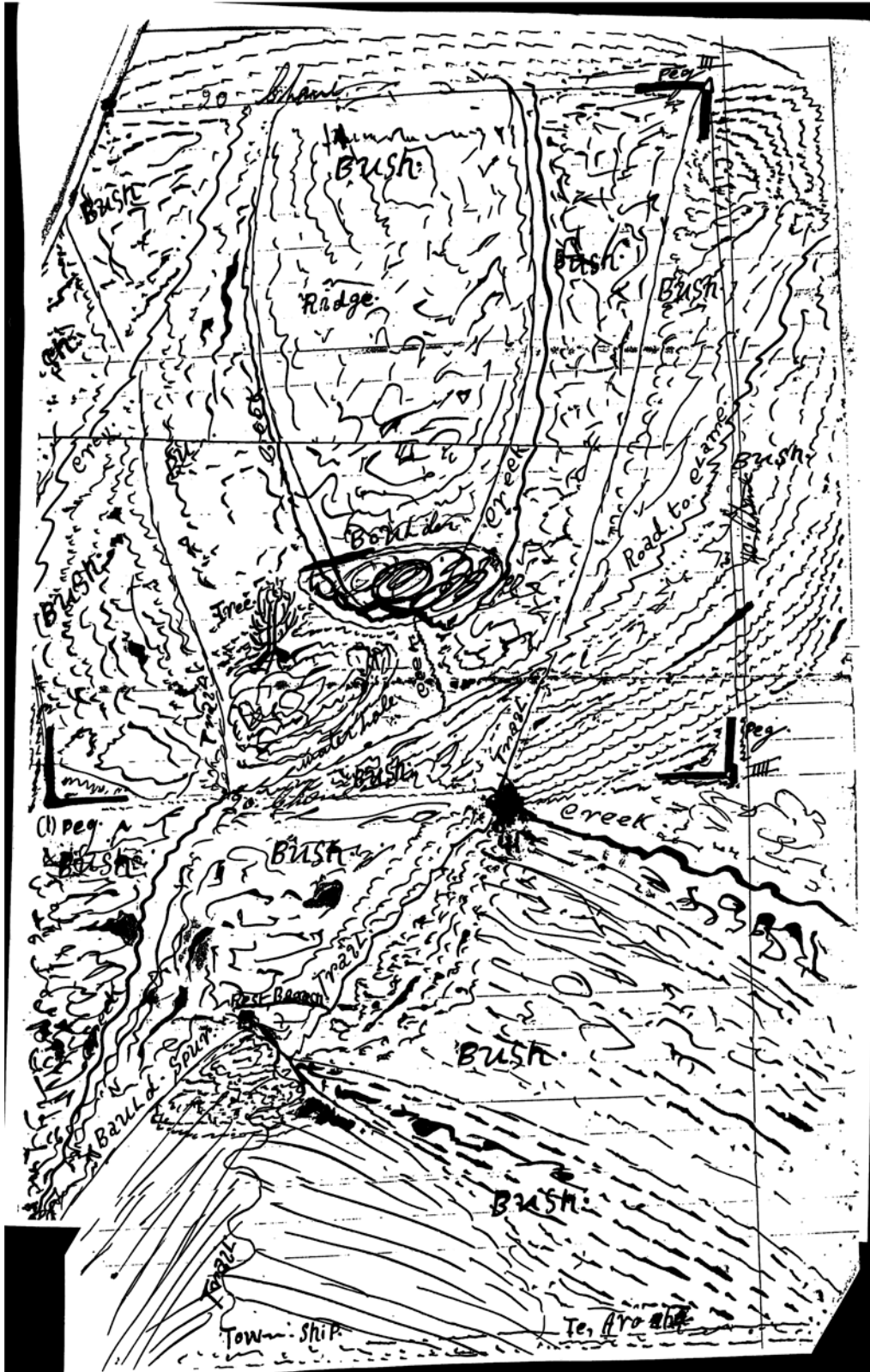


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# Ample Talk, but No Spouting From His Oil Gushers



Says he found the dinkum oil. He teaches music, too—Edward Ralph Martin, "professor" of many things.

## MARTIN'S OLEAGINOUS OPTIMISM

### Negro "Professor" of Many Parts Makes Claim To Discovery of Liquid Wealth In King Country

#### OFFICIAL COLD WATER IN WELL OF HOPE

(From "N.Z. Truth's" Special Investigator)

Behind the fabled Pied Piper of Hamelin gambled a hundred children, unsuspecting, happy in their anticipation. In the wake of the oil demon of this twentieth century gamble the guileless, of adult years, thrusting their moneys into the feverish hands of those who wield oil ladles—and so little of it is "dinkum" oil.

So that the history of the Blenheim bore at Moturoa, New Plymouth, should not be repeated on the Taumarunui sector, "N.Z. Truth's" investigator scrutinised the hopes and facts of a scheme in process there, finding but little more than evidence of a hope whose premises were grounded upon themselves.



The "studio" where the "professor" taught singing, the ukulele, the guitar, an' other coon instruments.

Figure 7: 'Ample Talk, but No Spouting From His Oil Gushers', *Truth*, 17 October 1929, p. 1.

# PROFESSOR OF OPTIMISTIC HUMBUG

## UBIQUITOUS MARTIN BOBS UP WITH TALE OF GOLD BONANZA

### Mines Department States Tokomaru "Discovery" Good Road Metal



Told the "Professor" he was on the wrong side—Jim Curran, son of Shannon, an old Kimberley (Aust.) prospector.



Gave "Professor" Martin an option to prospect on his land—Mr. J. R. Moodie, farmer, of Tokomaru.

#### TAUMARUNUI OIL THAT DIDN'T GUSH

Edward Ralph Martin has bobbed up again! Those who know this ubiquitous jack-of-all-trades, "professor" of music, "student" of geology and past-master of psychology; alleged sourdough of Alaska—the one place on the earth where men are—er—be-men, etc.—will not be at all surprised that he has drifted once, more into the limelight of public scrutiny.

Last time it was oil in the Taumarunui district, where Martin, with the aid of a compass, informed a sceptical farmer that a waterhole on his property, because it ran due north and south, was almost conclusive proof of petroleum in the locality.

This time this professor of optimistic humbug has told the world, with the kindly assistance of a not very discreet daily press association, that he has found gold in the Tokomaru district.

An analysis of the ore samples submitted to the Government geologist has resulted in that official reporting that the find is a good class of blue metal for road building, but gold—not a sign!

Attracted by the published report of a "strike," a score or more of men, some of whom tramped many miles to be in on the "find," arrived in the district only to find that nobody had seen any gold from the great bonanza mine on the Tokomaru creek, and nobody save one or two individuals as incurably optimistic as Martin himself, expected to see any.

Any experienced miners who arrived to peg out claims hurriedly departed after one glance at the creek and the surrounding country.

They didn't need a compass, nor did they need "Professor" Martin to tell them anything about the reef that doesn't exist!



Says the Mines Department experts don't know their job: "Professor" Edward Ralph Martin.

#### TALK OF KISSING COWS GOOD-BYE

Figure 8: 'Professor of Optimistic Humbug: Ubiquitous Martin Bobs Up With Tale of Gold Bonanza', Truth, 17 July 1930, p. 1.

N 12/346.

Extract from " Truth " Newspaper.  
Published at \_\_\_\_\_, on [date] 30 10 30  
SUBJECT: Gold at Tokomaru - Prof Martin  
Speaker (if necessary): \_\_\_\_\_

# BOB DOWN, YOU'RE SPOTTED!

## Ubiquitous "Professor" Martin Tries To Throw Gold Dust In Eyes of Labor Member For Manawatu JOE LINKLATER DOES SOME PANNING

"Professor" Ralph Edward Martin, self-claimed professor of music, song-writer, theatrical manager, Alaskan sour-dough, gold prospector, oil diviner, and Broadcaster of Bunkum, has experienced as solid a wallop as anything he has ever encountered even in a life that has been largely made up of thuds.

When the Professor endeavored to draw oil out of the untroubled waters of a Taumarunui watercourse, and "Truth" put the lid on his oleaginous enthusiasm, he went into retirement for a period until he bobbed up again with the story of his Tokomaru gold strike.

HERE again "Truth" was able to expose the Professor's auriferous imaginings, but in no way disheartened, the chief stake-holder and discoverer of Martin's Mirage, has been telling his dwindling band of the faithful that even if the Dominion Laboratory could find no gold in his samples, the Thames School of Mines reports were much more satisfactory.

Like a terrier pup, the Professor is always digging up something new, and when he told the world that he had found gold in the foothills of the Tararua at Tokomaru, he optimistically expected the world to believe it.

But even that last prop on which he was supporting his house of cards has been kicked from under, for the Thames School of Mines has backed up the Dominion Laboratory and told him that his samples, as a paying proposition, wouldn't keep him in matches.

Which is distinctly ungrateful of the Thames School of Mines, in view of the fact that the Professor told the Government Analyst that he did not know anything about his job, and went to Thames for better treatment.

The result should have convinced even Martin, but it didn't. He sent four samples to the Thames School of Mines, and the assay reports revealed that four tons of the different rock from which these samples were taken would give the sensational return of 2 1/2%. Even relief work at 1 1/2% a day is affluence compared with this.

The Professor—once again according to himself—is a pretty shrewd man, but he sold himself a prize bull-pup when he invited Joe Linklater, member for Manawatu, out to his famous Tokomaru claim to learn all about Martin's Mirage and justify the misjudged propheet in his own country.

A ripe scheme, if Mr. Linklater had been what the Professor fondly supposed him to be—a mining Muggins.

But what the Professor, with a singular lack of his usual omniscience, did not know, was that Joe had eked out a livelihood way down on the Coast years ago by swinging a pick and handling a pan.

When the Government Analyst couldn't find gold, the Professor said that he was not satisfied with the report on his samples and would give Sydney University a chance to see if it could do any better.

The Professor also claimed that where the Dominion Laboratory had failed, the Thames School of Mines had been successful, but in view of the Thames reports published above,

this balloon also seems due for a sudden descent.

Of course now that both the Dominion Laboratory and the School of Mines have knocked him back, the Professor can always dig up the magic compass which found him "oil" at Taumarunui, and go on his travels again.

When oil proved a wash-out, the Professor piped down for a while, until he did his comedy act all over again with his Tokomaru gold strike.

And although the Government Analyst could not find gold, nor could any-

and drew the member's attention to a thin line of color in the bottom of the pan. This Joe could not discern—not even by the aid of the Professor's magnifying glass and he suggested that he should have a try himself.

The Professor handed over the implements and Joe picked out a sample and took it down to the stream where he panned it in such a capable manner that he caused the Professor to remark, "Say, this is not the first time you've handled a pan."

Mr. Linklater intimated that he had been through the game on the Coast and also added that he had also attended the Thames School of Mines and knew a little about the business.

Martin then suggested that Mr. Linklater take samples back to Wellington and have them tested, and this he agreed to do, but only on condition that he should select them himself and convey them personally to Wellington.

With pick in hand Joe selected his samples, while the Professor watched in silence. These were parcelled up and remained in Mr. Linklater's possession until he reached Wellington, where he handed them over to the Government Analyst for testing. The following week he telephoned the Department to inquire the result of the assay.

The report was brief and to the point. "We have examined the samples sent in. They contain neither gold, silver nor platinum."

The professor is not to be daunted by a mere Departmental report, however, and is still on the job. He will admit to any doubting Thomas that three Government analyses have shown negative results, but states that weekly assays have been made and that he holds certificates from the Thames School of Mines indicating the value of the gold content in the ore.

He has now opened up drives into what he terms the "Queen" reef, while he has given some attention to a "buck" reef also. Work has now been under way thirteen weeks and the Professor claims to have penetrated eighteen inches into the face of the main lode through a layer of rotten rock. But what of the gold?

"Truth" understands quite a number of Tokomaru residents would be very pleased to see signs of color and some are beginning to wonder if cow spanking is really not a better paying proposition after all.



STILL LOOKING for gold at Tokomaru: "Professor" Martin.

one else find the elusive metal in the samples submitted, the Mining Munchausen, like Oliver Twist, "asked for more" and got it when he invited Joe Linklater to prospect his claim for him.

The Professor met Manawatu's member and suggested that he leave his car on the roadside and make the trip across country per "Lizzie."

This was agreed to, and after a rough run their approach to the scene of the Professor's activities was heralded by a notice in red paint declaring "Mining, Dangerous" in bold letters.

Shortly afterwards, arrived at the claim, the Professor panned a sample

*How Minister  
of Mines  
is going  
to handle  
this in  
Linklater's  
case. I  
think an  
investigation  
is warranted.  
5/11/30  
Sear  
apm.*

Figure 9: 'Bob Down, You're Spotted!', Truth, 30 October 1930, press cutting in Mines Department file with annotation by Under-Secretary and Minister, Mines Department, MD 1, 12/346, ANZ-W [Archives New Zealand The Department of Internal Affairs Te Tari Taiwhenua]; used with permission.