

Rothwell's
Report. 21,

"After public notice, sales by auction of those lots, or a part thereof, were held at the Land Office, Victoria, and at the Court House, Nanaimo, at which sales a plan of the town named thereon, 'Newcastle Town,' was exhibited, on the faith of which, and on the understanding of the statements of the auctioneer, that the whole remainder of this reservation would in due course be also laid out into lots and offered for sale 'from time to time—these lots sold were purchased.' "

The following evidence given so soon after the report—of which the aforementioned is an extract—will furnish interesting food for reflection. Sir Joseph Trutch called and sworn:

H.A.B. Q. 674. Pooley to witness: Q. Do you remember in the year 1860, or thereabouts, attending any sale held by the Government of lots at Newcastle. A I do. I attended a sale and bought four lots.

H.A.B. Q. 680. Q When you saw that plan exhibited at that sale did you consider that all the land on the plan was included in Newcastle Townsite?

Objected to by Mills.

H.A.B. Q. 681. Q. Did you recollect whether any remarks were made by the auctioneer at that sale?

Mills: I object to that

Pooley: He was the Government Agent

Mills: His instructions are in writing.

Witness: Remarks were made by the auctioneer.

Richards: The auctioneer was simply employed to sell the lands, not to bind the Government

Court: Your objection may appear quite clear when the next question is put. Merely the fact of the auctioneer having made remarks is harmless.

Pooley: That is the point I should like to argue with Your Lordship, because he is an agent of the Government. I have asked Sir Joseph Trutch whether the auctioneer at that time made any remarks with regard to this plan.

Court: And I asked Mr. Richards to wait until you asked the next question, that is all.

Pooley (to witness): Q. Do you recollect what they were? A. No. I could not tell positively what they were. *If you refer me to any particular remark I might remember it.*