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The land  
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no value up to the time the Esquimalt and Nanaimo Railway Company began to sell lots in Newcastle Townsite, about 1888.

26. Marshal Bray, Government Agent: Since 1884 the lots <sup>H.A.B. Q. 744.</sup> increased in value. Before that property was not of much value. <sup>745.</sup>

It will be noticed that Bray is speaking of the so-called "Town" known as "Townsite," which even up to the time of the trial was inhabited only by Indians.

27. Sir Joseph Trutch: Q. Do you know that this is still <sup>H.A.B. Q. 701.</sup> open land here—unoccupied? A. I don't know anything about it. <sup>706.</sup>

Q. Are there any houses on what is called the townsite? <sup>H.A.B. Q. 702.</sup> (town). A. Yes.

Q. How many? A. Very few. <sup>H.A.B. Q. 703.</sup>

Q. Have you any idea how many? A. Well, I could not <sup>H.A.B. Q. 704.</sup> tell you how many.

Q. Are there any white people living there? A. I don't <sup>H.A.B. Q. 705.</sup> know.

Q. Do you know that what few people are living there are <sup>H.A.B. Q. 706.</sup> Indians? A. I don't know anything about it. I really don't know who is living there. I know there is an Indian rancherie on part of it. I have seen that from the water frequently.

Now the land occupied by Hoggan is altogether outside this uninhabited so-called "town," which should be sufficient evidence (as it was to the Government Agent) that such lands were to be considered as being agricultural lands only.

28. An extract from Commissioner Rothwell's Report, wherein he lays great weight on the information supplied the Department of the Interior by the Hon. (now Sir) Joseph Trutch, then resident agent of the Dominion Government at Victoria. The following is given as evidence that the entire land in question was to be laid off in town lots. It is to be considered:

(1). That the statements were made by an every-day auctioneer.

(2). That said statements were only verbal and made in 1860

(3). That said statements depend entirely on the memory of Mr. Trutch.

(4). The nature of Mr. Trutch's memory as exhibited before Courts in 1890.

(5). That said alleged statements as others made by the same gentleman were never carried into effect.