

20. To understand the above letter it must be considered that the department are commencing to let the settlers down easy. The application of Hoggan's reads: "Bounded on the south by the Newcastle Townsite and Government Reserve." Not applying for land in Government Reserve as will be seen later. Hoggan's land not yet considered on townsite, but adjoining.

This is a fruitful letter and supports the evidence of Hoggan before the Courts later on in every particular, making due allowance for pressure. It proves the absolute falsity of the statement referred to by the trial judge, namely: "That leave was refused because the land was part of the Newcastle Townsite Reserve." H.A.B. Q. 717 Much and all as the learned judge might have wanted him to say so, and although Mr. Bray, according to his own letter, proved himself to be an extremely pliable witness, yet he did not make use of such a statement, even in evidence.

The strength of the argument in support of "reserve" will be seen on consideration of the fact that there appears to have been nothing in the Land Office at Nanaimo to indicate to the Government Agent that there was any other reserve than the townsite and ~~suburban~~ lots, known in the District as the Townsite and Government Reserve, containing in all 114.62 acres while, when the case was up in Victoria in 1890 the strong arguments were based on the land registry at Nanaimo. There was nothing in Victoria to show otherwise than that those alleged reserves remained "proposed reserves," as slipped from the learned judge during the trial. *suburban*

(2). Letter of instructions not to issue records of Island Railway Lands in question dated 20th May, 1884, and also verbal instructions to the same effect.

It will be noticed that the instructions were not given because of an existing reserve, but with the expectation of being permitted by the Dominion authorities to so make the reserve, as will be shown. The instructions were temporary and not such as would be given in case of a reserve.

Again, even the Chief Commissioner, according to instructions, acknowledges the alleged "Government Reserve" to be distinct from the townsite and to the north of same.

(4) According to Bray's own letter he encouraged Hoggan that he would get the land after having received his application three years previous.

(5). After having sworn to the contrary, 1890, Bray in his letter, 1885, admits that the application of Hoggan was filed in the Land Office in 1882, as testified by Hoggan in 1890.