

The Weekly British Colonist,

Wednesday, October 19, 1870.

## The Great Highway.

The Canadian Pacific Railway is no longer the Utopia of the past. Men now very generally think of it as something not only real, but near. On both sides of the continent it has come to be regarded as a necessity. It is the backbone of Confederation. Without the Dominion must be a limp, lifeless, enduring abortion. The railway may, therefore, be regarded as a certain and immediate result of the extension of Confederation to the Pacific. Entertaining this view, the Dominion Government did not hesitate to make the construction of the railway within a reasonable period of time fundamental condition of the admission of British Columbia into the Confederation. The early construction of the Canadian Pacific Railway may, therefore, safely be accepted as an abstract fact. There need be no doubt about it. It is at least as certain as Confederation itself.

Horatio Pulkin testified that on the night before he saw smoke coming out of the top of his house on the corner next to the ferry. He broke into the house with others and saw Braverman sitting on a bench with a bundle by his side, and when he told the prisoner his house was on fire, Braverman exclaimed, "Mine! God! mine! Got!"

The witness then broke open the partition under the stairway and saw everything in blaze.

He went through the dining-room into the kitchen but saw no fire in either. Saw no furniture except a few whitewashed benches and tables. There were then two places on fire, and no connection between them.

Arthur Irving corroborated the testimony of Pulkin and stated positively that the house was on fire in two places.

George Otto testified that he entered the house immediately after the alarm of fire was given; that he saw the fire under the stairs, in the front part of the building at the corner near Greely & Fitter's store, and that he went up stairs and saw smoke coming from a fire in the back corner next to the ferry.

He believed there were two distinct fires in the house. He saw no furniture in the rooms up stairs, nor anything in the house worth saving.

Timothy Roberts testified that on the 15th of June last he carried from Braverman's house 12 bedsteads to the store of Lumley Franklin. Braverman told him not to tell any person where the furniture came from.

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Solomon Stevens also testified to having carried furniture from Braverman's house a few days previous to the fire, to Franklin's rooms.

Geo. Eye, an officer of the Customs, testified to the entry of a quantity of furniture, valued at \$87, on the 4th of March last by Braverman.

Robert Plummer swore to the sale of Braverman's furniture by Mr. Franklin and the proceeds, amounting to \$120, was given to Braverman.

R. P. Bissett testified that the prisoner, on the 29th of March last, effected insurance on the house for \$1000, and on the 28th of May, on the furniture in the house for \$2000 in the Imperial Fire Insurance Company.

P. Farrell, night watchman, testified that when he first discovered the fire it seemed in two places, in the rear corner next to the ferry and also in the front corner next to Greely & Fitter's store. He was satisfied that the house was on fire in two distinct places. He saw a man about the house previous to the discovery of the fire.

The prosecution here closed.

A. R. Robertson opened the case for the prisoner in a very eloquent and able speech, arguing that the evidence was purely circumstantial and only amounted to suspicion.

The fact of the prisoner removing and selling furniture proved only that he was necessitated in consequence of strained circumstances; that he had made no demand on the company for his insurance, nor did he intend to do so. Suspicion might be readily fixed upon the man whom Farrell saw loitering around the house.

The learned counsel, with much force and clearness, showed how the provisions of the lease which required the return of the property in as good order as he received it, deprived the possession from the lessor contradicted the reason imputed for burning the building, for it would cost Braverman more to replace the building than the amount of both policies.

Mr. Robertson closed the defence by calling on Richard Hunter, Customs House Officer at Esquimalt, to testify to the previous good character of the prisoner, and Isidore Braverman, brother of the prisoner, who testified that about one week ago he found in a trunk belonging to the prisoner, which was about two feet high, two pieces of Indian money.

The wind blew freshly and a heavy sea was running. The boat with sail spread scudded along rapidly until abreast of Clover Point, when Antoine whose boat was some 500 feet ahead of Constantine's, turned around and discovered that the other boat had capsized and that Constantine and the Indians were sitting on the keel. Antoine put about at once and beat up towards the distressed boat; but in consequence of the heavy sea and wind, he could get no nearer than ten feet.

He threw a line to Constantine and called to him to jump; the latter missed the line and refused to leave the keel. Antoine subsequently made many efforts to reach the men, who rapidly drifted with the tide into the Straits; but being alone in the boat he was unable to come near, and at last darkness fell. Antoine cruised about all night and in the morning could discover neither boat nor men. He returned to port yesterday and reported the accident, when two boats started out to search for the missing men. The lost boat was owned by G. A. Alop, in whose employ Constantine and Antoine were.

The whole question, therefore, as to whether the Western terminus of the Canadian Pacific Railway is to be on the continent or on this Island, must necessarily hang upon the problem of the practicability of crossing the Gulf of Georgia, a problem which the best engineering skill of the nation will doubtless solve in due time. Hence it is that we conceive the present discussion of the question to be altogether premature and wholly without profit. It is quite true that there are those among us who have not hesitated to decide that there is no difficulty in the way of bringing the railway across the Gulf, and who even go the extreme length of asking the electors all over Vancouver Island to reject at the polls any candidate who will not pledge himself to make the location of the terminus at Esquimalt an absolute condition of Confederation! But, then, this only affords another illustration of the truth of the saying that—

## The New Constitution.

After many weary months of anxious waiting the new Constitution has been placed before a long suffering people.

The fundamental principles and chief provisions of this Constitution have already been so faithfully foreshadowed in these columns that we have little to say now. It may, however, be permitted us to express the hope that this may prove to be the last legacy of the Colonial Office. The colony wants no more of this insulting neglect. It wants no more six-by-nine Constitutions. And it is, perhaps, the most consoling feature of the case that the colonists now have the power to make their own constitutions. For the first time they now possess the power to do so. Thank Heaven for that! A Constitution which would not be tolerated for a single moment under other circumstances may do for the special work of conducting the colony through the intermediate or transition state which it is said necessarily intervenes between the Crown Colony and the self governing Colony. Its work is presumably only the work of a session; and that accomplished, it is to be hoped this last relic of Downing-street may be cast aside as the butterfly puts off its chrysalis shell. The Constitution would not appear to be illiberal or exclusive in regard either to the electoral franchise or the qualification imposed upon members to sit in the new Council. Indeed, it is open to remark whether the qualification for members might not have been made higher with advantage. The establishment of a property qualification for members, more or less difficult at all times, appears to be surrounded with peculiar difficulties in this colony; yet one would like to see the very limited number of seats placed at the disposal of the vox populi filled by men having some substantial stake in the country.

The issues to be dealt with are few, but they are such as may exert an influence for good or ill in this colony for many years to come. In truth, the approaching session may be regarded as the most important ever yet held in the colony. The Secretary of State says, in concluding his dispatch to Governor Musgrave: "I shall watch with great interest the working of the new Council, and the more so as it seems highly probable that one of the first questions submitted to them will be the important question of union with the Dominion of Canada." The colonists, too, will be interested in the working of the new Council. But that interest will be centered in the work itself, rather than in the machinery. But, the great duty of the hour is to bring good, reliable men to do the work. This is the duty to which every honest British subject is at this moment especially called.

SAD ACCIDENT.—Two Men DROWNED.—On Thursday morning two fishing boats left this harbor for the Strait of Juan de Fuca.

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## Court of Assize.

Before Chief Justice Begbie and Mr. Justice Cramm.

FRIDAY, Oct. 14, 1870.

Regina vs. Samuel Braverman—Arson.

The Attorney General on behalf of the Crown opened the case; briefly explaining the nature of the charge and its consequences if convicted.

Peter Walsh, keeper of a saloon on the corner of Wharf and Johnson streets, testified as follows: On the night of July 9th last at 9 o'clock saw a smoke coming out of the house occupied then by the prisoner. Went with other parties and knocked upon the door. Saw Braverman sitting upon a bench with one shoe off. Shook him and told him his house was on fire, when he exclaimed, "My God! my God! or something like it. I then went out and cried fire. I saw a prisoner come out with a bundle in his hand. Prisoner said he had lost \$5000 and had his hair burned, and that God had saved him.

At day or two before the fire he saw a dray load of furniture taken from the prisoner's house, and I remarked at the time that the place was going to be about

burned down.

Cross-examined by Mr. Robertson—Saw the bundle when I first went into the house alongside of the prisoner, who was sitting or reclining against the wall. The bundle was eight.

The prisoner was the poorest man I ever saw when his house was on fire.

Horatio Pulkin testified that on the night before he saw smoke coming out of the top of his house on the corner next to the ferry. He broke into the house with others and saw

Braverman sitting on a bench with a bundle by his side, and when he told the prisoner his house was on fire, Braverman exclaimed, "Mine! God! mine! Got!"

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