

LEGISLATIVE COUNCIL CHAMBER.
MONDAY, MAY 1.

POLICE BILL.

The hon. Col. Gray having moved the 2nd reading of the Bill, which is intituled An Act for establishing a Police Force and preventing desertion from Her Majesty's troops stationed at Charlottetown.

The hon. Mr. Hall said, I second the motion of His Honor Col. Gray. It is a measure which should proceed to the consideration of this highly important measure. I wish, at this stage of the proceedings, simply to remark that the Bill has been brought forward in accordance with the terms of a Despatch received from the Duke of Newcastle, the present Head of the Colonial Department in Britain, and from which it may be gathered, that if we carry out a Bill with a view to prevent the desertion of Her Majesty's troops in this island, some still be allowed us, very much regret to hear that several soldiers belonging to the detachment stationed here have recently deserted, and it is perfectly obvious that unless we endeavour, in accordance with the plainly expressed wishes of the Imperial Government, to prevent, by the establishment of a Police Force, the recurrence of these desertions, the detachment will be altogether unprotected, and we shall not only be left unprotected, but the Colony will lose the great pecuniary benefit which is derived from the Imperial Treasury in support of the troops, involving a sum of upwards of £8000 a year, a loss which would be severely felt by the farming interests as well as by many tradesmen and mechanics in this Town. In all other countries under British rule, a Police Force is considered indispensable, and the welfare of the whole Island is involved in the passing of this Bill, as it embraces many objects beyond the prevention of desertion, and will contribute largely to the prosperity and protection of the country. I trust it will meet with that consideration and support which a measure of such importance demands, and that it will be suffered to pass into Committee where its details can be fully discussed. With these few observations and preliminary remarks, I beg leave to second the motion.

The Hon. Mr. DENNIS.—The Bill professes to be for the prevention of desertion but it embraces fifty things besides, and is a most voluminous document. In Nova Scotia the Police Bill is contained in one page.

His Honor the PAYMASTER reminded the hon. gentleman that the two factories were not at all similarly situated, Halifax being an incorporated city and having a Police Force under its own control.

The Hon. Capt. SWABY.—I have, Sir, objections to this Bill on different grounds. It creates a number of new offices and undefined crimes of which the magistrate is to be appointed under it to be the Judge. This your Honor, is a power which is never delegated to such authorities in other countries; and which I should be very sorry to see given here. I am not your Honor, prepared at the present moment to go into a detail of the various matters which it professes to meet and to provide for, but it is not many years since I drew out a Police Bill myself, which passed through all the different stages and was only arrested in consequence of the different views hon. gentlemen in the Assembly entertained as to the expense that it would entail, and the country members having manifested a determined opposition to taxing their constituents with any portion of the expense, the measure necessarily fell to the ground. The Bill under our consideration asserts that one half of the expense is to be paid out of the general revenue, the other half, the landholders and others about Charlottetown are to pay out of the fines which may be imposed by virtue of the Bill and the amount of money derivable from taverns and other licenses issued to parties in Charlottetown and Royalty—such, I say is the project, now if your Honor will just take up the public accounts and examine them, you will find that the privilege conceded to them the good folks about Charlottetown will be the only beneficiaries by the Bill, if any will be benefited by a Bill of such a nature and which in my opinion is very questionable, for they will actually have nothing whatever to pay for it. I confess I never did view the Despatch in the light and sense as interpreted by his Honor and some others, and I consider that the recommendation of the Colonial Minister cannot bear the construction which they put upon it, and I do not think I dare let my head enter the public purse in the way the Bill proposes, and to take from the general Revenue the people's money for such an object when I feel fully persuaded in my own mind, that they will receive no corresponding benefit. The Bill, too, contains a great many things not only not desirable but quite contrary to the rights of the people which are thereby improperly infringed upon. Such then being the view I take of it, I would beg leave to submit to your Honor's consideration, if it would not be far the better way, only to order the Bill to be printed in the meantime, for in my opinion we ought to have the opinion of the people before we decide finally upon it, more particularly as I consider the People actually have nothing whatever to pay for it, the expense involved and the rights of the subject which are affected by it, its importance fully justifies a postponement of its consideration, and, therefore, I feel it to be my duty to move that the Bill be read a 2d time this day 6 months, and in the meantime be printed.

His Honor the PAYMASTER.—Your Honor's motion should be that the Bill be ordered to be printed, and that its further consideration be deferred until the next sitting of the Legislature.

The Hon. Capt. SWABY.—I am opposed to the principles of the Bill, and so that this is understood, I do not much regard the mere formality of the notice.

The Hon. Col. Gray.—As an individual member of your Honor's House, I feel it a duty to give my opinion whatever may be its importance, I say, I think, without submitting myself to the

charge of egotism, by which to some expression in the duties of a Police Magistrate, and will say that I am quite conversant with the provisions of the Act in force in the Royal districts of England, of some of the Towns in Ireland, in Canada, the Cape of Good Hope, and the Cities of Madras and Bombay; and the provisions of the Bill now before your Honor do not appear to differ essentially in their details from those of the Acts in that respect which I have stated. But your Honor, I consider this Bill in connection with two very important points. In the despatch lately received from the Duke of Newcastle, his Grace has made it a distinct point, that a Police Force must be established before the Imperial Government can be permitted to remain in this Colony, and that otherwise, they will inevitably be withdrawn. His Honor Mr. Hall has estimated the amount of cash required by these Troops, to be somewhere about nine thousand pounds yearly; although I might myself have ascertained the precise amount, yet I will take what his Honor has stated as the sum. Well then, your Honor, we must acknowledge this is no small amount to be distributed among the Farmers, Merchants and Blacksmiths, a young Colony; one thing which my many years experience in the four quarters of the Globe has taught me, and particularly in the United Kingdom, is the fact that the people are constantly "in the habit of getting into the Government to allow a small part of Her Majesty's Troops to be stationed among them, and I know moreover, that the parties interested, never hesitate to avow that such was done principally with the view to benefiting, by the large sum of money thereby expended by these Troops. I therefore submit to your Honor, if the sum of six hundred per annum required to maintain this Police Force, is anything more than a fair percentage on the nine thousand pounds so disbursed among us yearly? But there is another consideration, and a grave one, which I would ask, what do we propose to do, in connection with my desire for the continuance of the Troops among us. We are engaged in a War with a Colonial Power, and at the commencement of a series of operations, the termination of which no man can foresee, and which may not be accomplished in the life time of some of your Honor; and when I look to the past, the present, and the future, and when I see the mighty powers and elements now in active operation, everything confirms my opinion, that this will be no common War, but one which may powerfully affect mankind, both here and elsewhere, and when I revolve all in this my mind, I assure your Honor it is with deep and serious feeling I am impelled to press the importance of this Bill upon your Honor's attention. I can assure your Honor in this long peaceful Colony, that they can form no adequate conception of what a War involves—Withdraw the Troops and the lives of those honest farmers will be harassed out of them with Militia duties. Where will their Farms and Cattle be, when the Enemy's Privateers scour the Coast and country parts? This is no fanciful picture, I know what the sufferings of the Militia have been in other Colonies, and I speak the sober convictions drawn from the reality. Then I would ask, what do we propose to do, in connection with a crisis like the present? I answer your Honor, passing this Bill in the first place, and then you will place the country in a position so favorable, as in all probability to induce His Grace the Secretary of State, not only to give us the present but four times the number of Troops, and thereby allow the people to sleep contentedly in their beds. I am not more subject to groundless fears than any of your Honor are, but I may be pardoned if I remind your Honor that, having served Her Majesty in two Regiments actively engaged in the civil wars of two Colonies, as well as against the common enemy, I can speak to the reality of some of the sad scenes I have taken a share in, and often in conjunction with the Militia. So much for the continuance of the Troops. And now for the other advantages to the Town and Country, which a few Policemen under an active Magistrate, will afford. But if your Honor will allow me, I will give some of my own impressions and experience of the want of such a body. Upon my return to my my native country, after an absence of a quarter of a century—I quitted this island a boy, I returned a man with some grey hairs, my baggage having arrived subsequently at this Port, was delivered by Carter, who was then Governor, when the Enemy's Privateers had been thrown violently off the coast and stove in, property to the value of Forty pounds destroyed, some articles of which could never be replaced; I immediately applied to the owner of the ship, but although this gentleman expressed much concern for my loss, he told me he was afraid I could not punish the man, as the Law would not reach a man who was drunk and not disorderly. (The Hon. Col. Swaby, "It is quite true a man cannot be punished unless he is disorderly.") But your Honor, I take it a man who gets drunk and smashes your property is very disorderly; and I say, that had a Policeman been on the wharf or on the streets of the Town, my property would not have been destroyed, nor my feelings outraged by the raffish conduct of the man, when I remonstrated with him on his conduct; for from that hour to the present, I have not received any compensation for my loss. I may also mention, that shortly after I took my Father's Grounds, and had time to look around me, I went to some trouble to plant young hard-wood trees close to my door, all of which were soon cut down and carried off, and other damage done to the amount of some pounds. At length, with the help of my servants, I apprehended one Trespasser, and upon asking for the Police Office, was told there was none, nor any Police either. What, I exclaimed, no Police in the capital of a Colony? After walking first one mile, then another, I reached the Office of one of the senior Magistrates in the Town, his worship having heard my story, sent for a Constable who was waiting at home, this functionary arrived, my complaint was found proven, and upon the worthy Magistrate beginning a very proper lecture for the future benefit of the delinquent,—who by the bye had just left the Jail, after imprisonment for a Day, and immediately afterwards committed another similar crime—I say your Honor, while the Magistrate was speaking, the Constable with some nonchalance said "I wish Sir, you would be quick, for I have a batch of bread in the Oven." Now, I put it to your Honor, what I must have

thought of this mode of administering the sacred stream which flows from the fountain of Justice. The Christian Day following, upon walking down the high street, immediately after Divine Service, I saw a coffin, which the Carrier at Naples was only a trifle, only that instead of Sagar Plums, good hard Snow Balls were used upon your Honor's good walking shoes, families' names were equally paid; and upon my going into a house of an old resident, it was told that there had been an attempt made to stop it to do so purpose; and I could not help exclaiming Parents are mad who permit this. I saw not only boys but grown men indulging in these peculiar privileges. But your Honor I now come to speak of crying evil, and one I have felt sore for the sake of those poor fellows who bringing their cows, their pastures, or small articles to market, dragging through our wretched roads for perhaps twenty miles and more, arrived at the market square they turn their backs, and instantly find their bags torn to pieces, their property scattered and destroyed, by cows which the Law states shall not be permitted to stray; and now they have no police to carry it out. Often have I been pained and distressed at the treatment our poor Farmers meet on coming to this town; and I ask your Honor have you not seen frequently the Police Officers take a look at the wholesale plunder on the Government demesne—see the manner in which His Excellency the Lieut. Governor's grounds have been invaded and his fences totally carried off—why His Excellency himself remarks, he would willingly have paid the wages of a policeman rather than see such destruction to the Public property; and a good sum the Public will have to pay to restore the railings. Look also at the plunder around the walls of St. James's Church, the windows of which have often been broken by the idle and disorderly; and to go no further than a certain locality not possessing a very euphonious name, I mean the Bog; why it is but lately an esteemed friend of mine the Collector of Her Majesty's Customs was driven from his house to another part of the Town, it being impossible for this gentleman to subject his Family to the scenes enacted close under his windows; the obscene language, the Sabbath breaking, I have been a painful hearer of, and witness to, since my arrival here, has exceeded what I have ever known in other places, and at times I feel ashamed of my birthplace. And now I will only add that if the capital of this colony, which is one of the finest belonging to England, is to be deprived of the advantages and protection to be derived from a few Police, it stands a solitary exception; and if your Honor the members of this Legislative Council disregard the Sabbath breaking, I have been a painful hearer of, and witness to, since my arrival here, has exceeded what I have ever known in other places, and at times I feel ashamed of my birthplace. And now I will only add that if the capital of this colony, which is one of the finest belonging to England, is to be deprived of the advantages and protection to be derived from a few Police, it stands a solitary exception; and if your Honor the members of this Legislative Council disregard the Sabbath breaking, I have been a painful hearer of, and witness to, since my arrival here, has exceeded what I have ever known in other places, and at times I feel ashamed of my birthplace. 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