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. Holl said, I second the motion of his Honor Colonel Gray. It is time now we 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 viewto prevent the desertion of Her Majesty's troops in this Island, some hopes are held out that a Military Force may still be allowed us. I 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prevent, by the establishment of a Police Force, the recurrence of these desertions, the detachment will be altogether withdrawn, and we shall not only be left unprotected, but the Colony will lose the great pecuniary benefit which is derived from the Imperial Treasury in support of tho 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 indispensible, 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. Birnie.—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 President reminded the hon. gentleman that the two countries were not at all similarly situated, Halifax being an incorporated city and having a Police Force under its own control.

The Hon. Capt. Swabey.—I have, Sir, objections to this Bill and on different grounds. It creates a number of new offices and undefined crimes of which the magistrate to be appointed under it is to be the Judge. This your Honors, 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 Honors, 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 enacts 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 tavern and other licenses issued to parties in Charlottetown and Royalty—such, I say is the project, now if Your Honors will just take up the public accounts and examine them, you will find that if these privileges be conceded to them the good folks about Charlottetown will be the only benefiters 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 hand 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 at present unrepresented, and both as regards 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 President.—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. Swabey.—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 may, I think, without subjecting myself to the charge of egotism, lay claim to some experience in the duties of a Police Magistrate, and will say that I am quite conversant with the provisions of the Acts in force in the Rural 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 Honors do not appear to differ materially in their details from those of the Acts in the countries I have named. But your Honors, I view 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 *sine qua non*, that a Police Force must be established before the Imperial Government can recommend to Her Majesty, that the Troops may be permitted to remain in this Colony, and that otherwise, they will inevitably be withdrawn. His Honor Mr. Holl has estimated the amount of cash circulated 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 Honors, we must acknowledge this is no small amount to be distributed among the Farmers, Merchants and Mechanics of 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 petitioning 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 those Troops. I therefore, submit to your Honors, if the sum of six hundred per annum required to maintain this Police Force, is anything more than a fair per centage on the nine thousand pounds so disbursed among us yearly? But there is another consideration, and a grave and serious one, in connection with my desire for the continuance of the Troops among us. We are engaged in a War with a Colossal 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 Honors; and when I look to the past, the present, and the future, and when I see the mighty powers and elemeuts now in active operation, everything confirms my opinion, that this will be no common War, but one which may powerfully affect mankind, both here as elsewhere, and when I revolve all this in my mind, I assure your Honors it is with deep and serious feeling I am impelled to press the importance of this Bill on your Honors' attention. I can assure the poor Farmers 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 harrassed out of them with Militia duties. Where will their Farms and Crops be, when the Enemy's Privateers scour the Coasts 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 prudence and experience suggest in a crisis like the present? I answer your Honors, 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 Honors are, but I may be pardoned if I remind your Honors 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 end Country, which a few Policemen under an active Magistrate, will afford. But if your Honors 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 a Carter who was drunk, and I found one strongly bound case had been thrown violently off the cart 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. Swabey, "it is quite true a man cannot be punished unless he is disorderly.") But your Honors, 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 ruffianly conduct of the man, when I remonstrated with him on his conduct; 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 hardwood 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, after waiting an hour, 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 Burglary, and immediately afterwards, committed another similar crime—I say your Honors, while the Magistraie was speaking, the Constable with some nonchalence said "I wish Sir, you would be quick, for I have a batch of bread in the Oven." Now, I put it to your Honors, what I must have thought of this mode of administering the sacred stream which flows from the fountain of Justice. The Christmas Day following, upon walking down the high street, immediately after Divine Service, I saw a scene to which the Carnival at Naples was only a trifle, only, that instead of Sugar Plumbs, good hard Snow Balls were used upon every person walking the street, females and males were equally pelted; and upon my going into a house of an old resident, I was told that there had been attempts made to stop it but to no 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 Honors I now come to speak of a crying evil, and one I have felt sorely for the sake of those poor fellows who bringing their corn, their potatoes, 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 at large; and yet this law is powerless for the want of a few 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 Honors have you too not seen frequently the same.

I would ask your Honors also to 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 the fences totally carried off—why His Excellency himself remarked to me that 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 the 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 euphonius 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 g entleman 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 fairest belonging to the crown of 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 Honors the members of this Legislative Council disregard this Bill, now very properly sent up to your Honors by the representatives of the people; you must bear the responsibility, for I will support it if I stand alone; And I will remind your Honors that in addition to the continuance of the troops among us, the Police are available for any part of the country to which His Excellency may order them, and I will only say if any thing urged by me in my advocacy of the present Bill will impress upon your Honors a desire not to reject it so summarily as his Honor Colonel Sweaby's motion proposes, I shall consider myself amply repaid for any trouble I may have in furthering it merits.

The Hon. Mr. Holl.—My hon. friend Col. Gray, has brought the subject matter of the Bill so very lucidly and foreebly before your Honors, that little, if any thing, remains to be said by me in support of it. There may, possibly, be some amendments required, these, however, can very easily be made in Committee; but if your Honors are determined to throw out the Bill in the summary way proposed by his Honor Col. Swabey, the total withdrawal of the troops, a matter which has been hitherto deprecated by all, is inevitable. His Honor (Col. Swabey) says there must be a Force to supply the place of the Military. Does his Honor mean by that to suggest a Militia Force? Is he prepared to tax the Colony for the support of a Militia Force to the extent of £2000 or £3000? (Here Col. Gray read an extract from a Provincial paper, shewing that a sum of £70,000 was to be applied in Canada towards the establishment of a Militia Force in that Province.)—Can we hesitate, under such circumstances, to introduce a Bill which at the comparatively trifling cost to the Colony of £600 will secure to us the Military Force we now have, and the large annual amount expended by the Imperial Government in its support; a matter of vast importance to the inhabitants of this Colony? It is quite evident that the loss of this Polce Bill, in which His Honor Col. Swabey's motion if carried by the majority of this Council, will result, will doubtless lead to a withdrawal of the Military Force stationed here, which, independent of the loss in a pecuniary point of view, will remove the impression of security which prevails in the minds of the well disposed inhabitants of this Island, a circumstance not to be overlooked by any Government; and had their Honors been in our position, they must have supported this Bill so strongly recommended, as the subject of it is in the Despatch of His Grase the Duke of Newcastle. I have only to add that, if your Honors persist in your opposition to the introduction of this Bill, in spite of the urgent necessity for such a measure, and are determined to resist the demand now made upon you by the Representatives of the people, who have, by a large majority, passed it, both my Hon. friend (Col. Gray) and myself will have done our duty, and will stand acquitted of the fearful responsibility you will incur, and of the evil consequences that will follow. Conceiving it to be the duty of the Legislature to do all in its power to establish the security of the people upon the firmest basis, I shall oppose the motion of his Honor Col. Swabey.

The hon. Mr. Dingwell. I confess, your Honors, that I was by no means prepared to hear that so great an amount of crime and such fearful depravity prevailed in Charlottetown, as his Honor Col. Gray has represented. It affords me the highest satisfaction to be able to state that in the jail of the County I live in, there is not at this moment even a single prisoner, and I feel satisfied, moreover, that if the people of that county were aware that such outrages and crime were matters of such frequent occurrence in and about Charlottetown, they would liberally contribute towards the support of a Police, for I declare I was as ignorant until the present moment as I was shocked to hear that such was the awfully demoralized state and vicious practices of the lower orders in this town. I stand, your, Honors, in this house as an impartial man, sincerely anxious to do every thing in my power for the good of mankind, and I feel it to be my bounden duty to state my belief from my knowledge of the people of the district I am best acquainted with, that they would come forward and contribute something in order to remedy the evil. I might say more upon the subject, but I do not think it is at all necessary for me to do so, further than to state, that I wish to see the Bill treated in a fair way and that it should go into committee,although, at the same time, I must say there are some things in it which I cannot pledge myself to support.

The Hon. Col. Swabey. If hon. Members of this Board think that at a time like the present, when war has been declared, there is any chance of Her Majesty's Troops being allowed to remain in this Island under any considerations they think very differently indeed from what I do; or that our enacting a law to enable us to establish a force of fourteen Police Officers will be adequate to supply the place of the Troops here. With respect to the dangerous consequences to the country which it has been asserted the removal of the troops will cause. [The Hon. Col. Gray—"His Honour has totally misunderstood my argument as to the services of the fourteen policemen,—what I said was, that her Majesty's troops, and not the police Officers, would maintain the peace and protect the lives and property of the people.] Be it so. I contend that the troops will have to go, that the 14 policemen will be no protection, and that we ought to be prepared to protect ourselves by carrying into execution the laws already on our statute book relating to the Militia which I would much rather see called out than such a police force as this bill contemplates. But, your Honors, I must say that this is not at all the proper time to introduce a Bill of such importance as the present one is, at the very end of the Session, a bill which in so many ways effets the rights and liberties of the subject. But, independant of all this, I have another and a strong objection against it, because it vertually exonerates the people of Charlottetown from the charge of a police if it were established, the monies arising out of the fines under the act and the Licences issued by the Government being more then would be equivalent to their share of the expence; and therefore the whole charge would actually be paid out of the general revenue. These being my views I beg that my motion may be put.

The hon. Mr. Haythorne. I concide in some of his Honors remarks but I certainly think wl should go into the consideration of the Bil altho I do not pledge myself to the details and as the subjest is a most important one, I think it would be advisable to make the Bill the order of the day for to-morrow or the day after—it has only been on the table for a day or so and it requires some time for hon. gentleman to understand its nature and to make up their minds upon it.

The hon. Mr. Holl. I am quite agreeable to the proposition and have every desire to give your Honors time for the due consideration of the matter. There has been, as your Honors are aware a great press of business this Session, and the voluminous bill now before us affords a specimen of the many objects the Government have had under their Consideration. With regard to the length of our session I may observe that the Legislature of New Brunswick is still in Session, and it met as early as ours did, I believe on the same day. I contend, therefore, that we have not been a longer time engaged in our legislative duties than the necessity of the case and the exigencies of the country required, bearing in mind that an interval of nearly a month occurred, shortly after the Legislative met. As I have before stated, many of the points embraced in the Bill will come far better under our consideration in Committee than on the motion for the 2d reading. And I trust your Honor's will allow the Bill to go into Committee. I feel most anxious to do all that may be necessary in order to secure the retention of Her Majesty's Troops on the Island.

The Hon. Col. Gray.—As his Honor Mr. Haythorne lays great stress that it is not expedieht to go into Committee on the Bill just now because its contents are not sufficiently understood by hon. gentlemen, I may simply observe that his Honor quitted the table when the Bill was read. As to its general features, I may state that they are similar in their nature to other Police Bills, the only difference which I see is, that the officers are paid less that they are in other places: I must therefore press my motion.

The Hon. Mr. Dingwell.—Well, if your Honors is bent on doing so, the Bill will be assuredly lost.

The Hon. Col. Gray.—Then, if such would be the resnlt of my motion as I feel deeply for the peace and prosperity of the country, and am most anxious that the Bill should pass, I withdraw my motion.

It was then ordered that there should be a call of the House on Wednesday to take the Bill again into consideration.

The American clipper-ship Sovereign of the Seas, Warner, of New York, from Melbourne, has arrived in the Thames. Her logbook shows that a serious affray occurred during the passage from Melbourne, arising from the insubordination of some of the crew, who are at present confined on board in irons.

Further Extracts from papers by the English Mail.

H. M. S. SHIP FURIOUS FIRED UPON AT ODESSA.

Constantinople, April 13—The Banshee came in on Monday night from Beljik, near Kavarna, the latest station of the British fleet in the Black Sea. Her Majesty's ship Furious had been detached from the fleet at Beljik, and and sent to Odessa, to take off the British consul and 75 residents of Odessa who are British subjects. The Furious arrived off Odessa at 6 o'clock on the morning of the 8th inst., and stopped at the distance of a mile and a half from the port. A boat was manned and placed under the command of Mr. Alexander, the third lieutenant of the Furious, with whom was Mr. Parsons, naval cadet. The boat hoisted a flag of truce, and entering the port in despite of the signals made to warn her off, Mr. Alexander gallantly determined to execute his commission, ran her on shore, where he was received by a crowd of Russian soldiers and other functionaries, who effectually resisted his landing. A dispute ensued, and the boat lay on the beach a considerable time. During this delay several captains of British merchantmen, now prisoners at Odessa, made their way through the crowd, with the intention of speaking to the officer in command of the boat. They were rudely pulled back by the soldiery, who conducted them into the town. Finding at length that all his endeavours to obtain an interview with the officers in command of the place were unavailing, Mr. Alexander gave orders to pull back to the ship. But he had scarcely quitted the port, when, it appears, the commandant of Odessa, having been apprised of the arrival of a British boat's crew with a flag of truce, orders were sent down to the harbour, and the strand batteries opened upon the boat and the ship, without doing harm to either, though they threw shot and shells. A frigate, too, came out of the harbour and chased the boat, though without success, for Mr. Alexander and his crew got safely on board the Furious, which then tried to get near the Russian vessel. The Russian, who was unable to return to Odessa, ran away, and the Furious ran after her until the Russian took refuge in Cherson, when she went into shallow water, where the Furious could not follow her. The vessel returned to Beljik, and reported the affair to Admiral Dundas. She joined the fleet on Sunday morning, and in the afternoon came the Banshee, with the official mews of the declartion of war. The fleet received this intelligence with the greatest enthusiasm. The sailors manned the yards, and gave three hearty cheers for Old England and the Queen. The Banshee, which returned to the Bosphorus, left the fleet at Beljik on Monday. The fleet itself was under orders to sail for Odessa early in the morning of Tuesday, the 11th inst., and by this time the Russians at Odessa will have been called to account for their gross violation of the rules of war among civilised nations.

The last accounts from the banks of the Danube describe the Russian army in the Dobrudscha as suffering considerably from sickness. Entire companies were daily carried off by dysentery, and the mortality was so great in several newly arrived regiments that they were ordered to recross the Danube.

Accounts from Bucharest, which have reached Vienna, state that Prince Paskiewitsch has ordered the evacuation of Lesser Wallachia and the disbanding of all the free corps. The confirmation of the first of these announcements would be important, as the change would set at liberty a large proportion of the Turkish garrison at Kalafat. Accounts from Bucharest of the 16th April, prior to the late engagement, state that for the previous eight days all disposable troops of the 3d, 4th, and 6th Russian army corps had been directed towards Glurgevo and Krajova.

Malta, April 26—Accounts have reached this from the British and French fleets to the evening of the 14th inst, at which date they were lying distributed between Varna, Kavarna Bay, and Baljick, only waiting a lull in the weather to proceed to Odessa, the bombardment, of which may be looked for by the first arrival, if not perhaps some attack on Sebastopol, and the capture of some Russian Crusiers.

Death of Lord Cockburn.—It is with great regret that we learn the death of Henry, Lord Cockburn, one of the Judges of the Court of Session in Scotland, which took place in Edinburgh on the 26th instant, after a short illness. Attached, during the whole course of a long and active life, to the capital of his native country, Lord Cockburn adorned the bar of Scotland by his eloquence, the bench by his sagacity, and the society of Edinburgh by his playful and affectionate disposition.

CHANGE IN THE ADMIRALITY BOARD.

We (*Morning Herald*) stated some months since that it was in contemplation to give the senior naval Lord of the Admirality, Vice Admiral Hyde Parker, a less responsible office than the one he has from ill-health and bodily infirmity so feebly occupied for the last two years, and that he would succeed Vice Admiral the Hon. J. Percy as commander-in-chief at Sheerness.

The whole service will be glad to hear that the gallant invalid has accepted the Sheerness command, and the navy and the country will be still more gratified with the information, that the gallant and distinguished officer who returned on Monday from the command in chief of the North American and the West India station, Vice Admiral Sir G. F. Seymour, K. C. B., K. C. H., has been selected for the post vacated by Vice Admiral Parker, and in a few days will be installed as the senior naval lord of the Board of Admirality. Next to that of commander in chief of the Baltic fleet, Sir G. Seymour has now a position which, beyond most men on the flag list, he is the best qualified to fill. No man has had more experience either