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A Weekly Journal of Politics, Literature, and News.

"This is true Liberty, when Freeborn Men, having to advise the Public, may speak free."—Euripides.

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Provincial Parliament.

LEGISLATIVE COUNCIL.

NEW MARKET HOUSE.

THURSDAY, April 5, 1860.

Hon. Col. SWABY, on rising to move the order of the day,—the second reading of the Bill to authorize the City of Charlottetown to appropriate a certain piece of land as a site for a public Market House,—he went into, said he did not know how it had fallen to his lot to make the said motion, except because he had presented to the House a petition of divers respectable inhabitants and owners of real estate in Charlottetown, requesting their Honors not to sanction, in any way or under any pretext, any measure calculated to have the effect of establishing a public Market for Charlottetown on any other site than Queen Square, and praying them to concur with the House of Assembly in passing an Act authorizing the Government to make a legal and valid transfer to the Civic authorities of a portion of Queen Square for a site for the proposed Market. Another petition had also been presented to the House, signed likewise by a great many respectable inhabitants and owners of real estate in Charlottetown, pointing out, as in every way suitable and most desirable for the purpose, the block of Water Lots in front of Town Lots Nos. 21 and 22, extending southwardly from the breast-work of Major Beete to the channel. It thus appeared that the citizens and others having a direct interest in the question were divided in opinion concerning it; and it had, therefore, become the duty of the petitioners, and of the House of Assembly, to deliberate and decide between the contending parties. On a deliberate consideration of the statements set forth in each of the petitions, and after having heard from several intelligent and respectable individuals, on each side of the question, whatever they had to advance in support of their peculiar views respecting the choice of a proper site for a new Market House, he had been induced by force of reason, to adopt the views of those who petitioned that the site might be upon Queen Square; and he would endeavor to show what considerations had caused him so to decide. When the opinions and interests of one body of the people, respecting any public question before the Legislature, were directly opposed by the opinions and interests of another body of the people, both of whom were equally entitled to the respect and consideration of the Legislature, it became the duty of the Legislature to decide between them, without any undue bias. In such a case, perhaps the opinions and interests of the larger body might be entitled to the most favorable consideration; yet he would not say that their Honors should then be influenced, concerning the measure before them, by a majority out of doors. The majority outside were, however, certainly in favor of having the Market-house upon Queen Square. That such was the case might, without regard to the petition which he had presented the day before, be inferred from the fact that His Worship the Mayor and the Common Council of the City had previously petitioned the Government to have assigned to them a portion of Queen Square for a site for the proposed new Market-house. The Mayor and the City Council were the choice of a majority of the citizens; and, therefore, it was fair to suppose that upon all questions affecting the rights of the citizens, this was certainly most probable, with respect to the question about to be discussed by their Honors; for it could scarcely be supposed that any of the Common Councilors had failed to ascertain the opinions of the citizens of his ward on that important question; and neither could it fairly be supposed that, having ascertained that which was most widely entertained, they would run counter to it. Their Honors, therefore, he thought, might justly conclude that it was decidedly the wish of the majority of the citizens that the site of the new Market-house should be upon Queen Square. A gentleman (George Boer, Esq.) who had lately been chosen to represent them in the House of Assembly, had also given his voice in favor of a site upon Queen Square. In those facts then there was a strong *prima facie* evidence that the majority of the electors of Charlottetown were in favor of having the new Market-house placed upon Queen Square. This, then, so far, it might be said, that the whole people,—not only the citizens of Charlottetown, but the inhabitants of the several electoral districts throughout the Island,—had, by large majorities, concurred in making choice of Queen Square as the most eligible ground on which to select a site whereon to erect the proposed new Market-house. He might be told, and justly told, that considerations of private interest had influenced many of those who had decided in favor of a site on Queen Square. Well, that that should be the case was natural enough; and, sometimes, right enough also; for, when a man, or even a class or body of men, saw that, by pursuing a certain course or scheme of action, they would, in all probability, be able to advance their own private interests, without doing any injury to those of their neighbors, or of their fellow men in general, it was right, fair, and justifiable in them to pursue it. He, therefore, felt bound to say, that they who, for a number of years, had owned real property contiguous to the Market on Queen Square, and experienced an enhancement in the value of that property in consequence of its proximity to the general market and provision market; and some of those owners of real estate and others who had long successfully prosecuted mercantile business, or profusely followed mechanical trades thereon, had certainly a much better right to demand and expect that the Legislature would take no step, with respect to the selection of a site for the proposed new Market-house, which would be prejudicial to their private and invested interests, or injuriously affect their business or trade than others had to pray or hope for a favourable consideration of their propositions or views, prompted as much by considerations of private interest as those of the former; but with this difference, that the latter sought for profit at the expense of the former, and proposed other sites for the proposed new Market-house, which, if selected for such purpose, would enhance the value of their property, and enable them to speculate thereon, by the erection of new buildings and otherwise. Now, to him it appeared that their Honors could adopt the views and decide according to the prayer of those who desired thus to speculate at the expense or depreciation of the established value of the property of others. It was the positive duty of their Honors, with respect to the opposing and contradictory claims of different sets of petitioners, concerning the selection of a site for the proposed new Market-house, scrupulously and minutely to weigh the statements and reasons severally adduced by them; and then to decide in favor of those whom they should consider to have the greatest amount of reason and justice on their side. The views of those who desired that the West end of Queen Square should be the site of the proposed new Market-house appeared to him to be sustained by more weighty and substantial reasons than were, or could be, advanced in support of those entertained by individuals petitioning or desiring to have it placed on the edge of the water, King Square, Hillsborough Square, or Reddin's Bog. As respected the individuals, many of whom were men of wealth and substance, who desired to have the Market-house at the East end of the City, he thought that they would find it a very profitable speculation, were they to expend and invest some of their floating capital in the erection of a separate Market-house. Their doing so could, he thought, be productive of nothing but good, for all admitted that competition was the life and soul of business; and, in such case, it would not only benefit the speculators, but be productive of great and very desirable advantages to the inhabitants of the city generally, and especially to those of the Eastern section of it. He saw no reason why that should not be carried into effect; and indeed he hoped it would be. He supposed it would be objected to the proposal for placing the new Market-house upon the West end of Queen Square, that, if so placed, it would not be in the centre of the city, as it ought to be; but he would answer that, if placed there, although it would not be in the

centre of the city, as respects the buildings and extent thereof it would be in the centre of the population, and such centre ought to be accounted the real centre of the city. He was not aware until he saw the petition of the municipality relative thereto, that the Government had no power to grant a portion of Queen Square as a site for a Market-house; and, in fact, he was not yet convinced that they did not possess that power. But, at any rate, as doubt was entertained as to whether they had, or had not, that power, it was quite right and proper to apply to the Legislature, that by their action they might put an end to all doubt respecting it. Against placing the proposed new Market-house upon Queen Square, he had not heard any good or valid reasons adduced. Those which were based upon sanitary considerations were, he thought, the most forcible; but certainly too much weight had been attached to them by those by whom they had been advanced. His Honor then proceeded, in support of his views, to state that the principal Markets in London, such as Leadenhall Market, Newgate Market, Fleet Market, Hammer Smith Market, and Covent Garden Market were all in the centre of dense populations; and yet were not found to affect, in any way, the salubrity of the city; and if, on the score of health, these large Markets, in an immense city like London, were innocuous, was it not too much to assert or suppose that, in a small, open, airy city like Charlottetown, the placing of a Market-house in a spacious and elevated square would tend injuriously to affect the health of the inhabitants? The assertion or supposition was untenable. The Market, under due regulations, and with properly enforced attention to cleanliness, could not prove injurious to the health of the citizens. It was said that the site of Queen Square, on Market days especially, and frequently on other days as well, was disagreeable to the city. This, to a certain extent, was certainly too often the case; but the city authorities should prevent it, if they were invested with the power to do so; and, if they had it not already, it ought to be conferred upon them. [Hon. Mr. HUTCHINGS: They have the power.] Well then, if they had it, they did not exercise it. It was also objected, by some who opposed the proposition for placing the intended new Market-house on Queen Square, that the majority of those out of doors who wished it to be placed there were influenced, with respect to it, by nothing but desire to promote their own private interests. That, to a certain extent, they were influenced by a due regard to their own interests, was no doubt true; but, to no less an extent, the same was true of those who desired to have it placed in some other situation. Of the contending parties, he, however, whose representations were, he thought, best entitled to the favorable consideration of the Legislature, were those who had invested capital in property surrounding Queen Square, or situated in its immediate neighborhood; for the removal of the Market from its present site, would generally very much depreciate the value of such property; and, in some instances, to an extent which would be almost ruinous to the owners thereof. Indeed, if he spoke truly, he would have to say, that that consideration—more than any other—had induced him to favor the proposition for having the Market on Queen Square.

Hon. Mr. PALMER rose to say a few words on the subject, although he was perfectly sensible that his doing so would be altogether unnecessary; to induce a change of opinion or determination, with respect to it, in the minds of the majority of their Honors, who, he believed, were already fully and decidedly resolved how they would vote upon it. He thought it the duty of Government to protect the rights of the capital and all the privileges thereon concentrated; although, unfortunately, even in his position as a member of the Executive, he had not been able to establish his views on that head, with respect to the rights of the citizens in the public squares of Charlottetown. Reference had been made to the great number of those who had subscribed petitions to the Legislature, praying that the site of the proposed new Market-house might be upon the west end of Queen Square; and his Honor who had just said down had acknowledged that the fact that a large number of the electors of Charlottetown had petitioned the Legislature to that effect, had influenced him in his acquiescence in the proposal to have the new Market-house placed upon Queen Square. He trusted that he was as much disposed to respect the general opinions of his fellow citizens, and as much inclined to pay reasonable deference to their wishes, as his Honor (Colonel Swaby); but it was decidedly his opinion that, on all subjects or matters concerning which members of the Legislature had as full and correct a knowledge as was or could be possessed by parties petitioning concerning them, members, instead of being influenced by the statements and wishes of petitioners relative thereto, should rather be governed by their own precise knowledge, when they possessed it, of all the facts and circumstances connected therewith. If a petition or petitions from the East Point, or some other remote quarter of the Island, praying for a grant to effect some local improvement in that quarter, were before the Legislature, it would be highly proper and just that members, unacquainted with the locality, should be influenced by the views and statements of the petitioners. Not so, however, when every member of the Legislature knew as much about the matter as any of the petitioners either did or could do; and the matter then before their Honors being such a one, it was, he thought, their duty to refuse to be influenced concerning it by the views and statements of petitioners, rather than by their own judgment, deliberately formed, on a fair review, in their own minds, of all the facts and circumstances connected therewith, as fully known to them. When it proved to have been the fate of any members of the Legislature to have improved many years in or at the place where any alteration or improvement was sought to be effected by a grant or enactment of the Legislature, those members were in a position to vote on the question independently of the views and statements concerning it laid before them by petitioners; and that was just his position with respect to the Bill or question then before the House. He, therefore, claimed, without in any way slighting the views of petitioners, to be as well qualified to judge as they were as to which would be the best site for a new Market-house, with due regard to the interests of the community at large. The first objection to the placing of the Market-house anywhere but on Queen Square, was that the country could not afford a vote of £2000 to purchase a site; and that, it was said, was the lowest sum at which it was estimated a suitable site could be purchased. Influenced by that consideration, it appeared that honorable members had lost sight of real economy; and he could give them no credit for economy on that score. To the rural inhabitants of Queen's County, considered apart from the inhabitants of Charlottetown, it was, he believed, a matter of indifference, as respected market convenience only, whether the new Market-house should be placed on Queen Square, King Square, Pownall Square, or Reddin's Bog; but he believed the inhabitants of a large section of Queen's County, on the south of the Hillsborough, would prefer its being placed at the water side; and he himself had presented a petition on the other day, respectfully and humbly signed, pointing out the block of water lots, in front of Town Lots Nos. 21 and 22, extending southwardly from the breast-work of Major Beete to the channel, as in every way suitable for the purpose, and as being especially recommended by the fact, that to prepare it for the purpose no expense or outlay would be necessary, except what might be incurred by levelling it with brushwood, &c.; the plot being then in the possession of the Government. It was also stated, in that petition, that that site would be still further advantageous from its proximity to the Ferry, as on that account it would afford every facility to persons from the south and east of the Hillsborough, whilst those from the north and west would, by the change from Queen Square to that site, be subjected to no inconvenience, which they did not then experience; and in addition to those advantages, that if the Market-house were placed there it would abut on the centre street of the city. And he doubted not that if those lots were to be selected as a site for the new Market-house, paramount advantages would be afforded by it. In winter it would be equally convenient to all parties. In summer, it would be more advantageous than the existing south-west end of the Hillsborough, as it would save them the expense of truckage, incurred by having their produce and other market wares carried from the ferry boat to the Market on Queen Square. In point of advantage, the country people would gain nothing by having the new Market-house placed on Queen Square. He said it emphatically, to place it there would not be a conferring of any advantage on the country people; and, although some might laugh at and deride the assertion, he would maintain that, as respected the convenience of the Market place, Reddin's Bog would be a more desirable site than Queen Square. [His Honor the PRESIDENT: Would the people of Lot 48 think so?] Yes he doubted not many on Lot 48, influenced merely by good taste, would rather that the new Market-house should be placed on Reddin's Bog than on

Queen Square. Were the Market-house to be placed on Reddin's Bog, the country people would derive many advantages from it being so placed which were, of necessity, withheld from them on Queen Square. They would there have ample room and convenience for the exposure for sale of all their more bulky articles of produce, such as hay, straw, turnips and potatoes; whereas, on Queen Square, they were limited, tied up, and fettered by restrictions which kept them within a comparatively small space; and as the population and business increased, they would, should the Market continue to be held there, be much more incommode by the stricter regulations which it would be necessary to establish in order to still greater extent, which the police would be called upon to exercise over them; and their accommodations would extend very little beyond the walls of the Market-house. For those reasons he felt convinced that, if the question as to choice between Queen Square and Reddin's Bog, for a site for the Market-house, were fairly put to the country people, they would greatly prefer the latter. Again he denied that just considerations of economy had induced the Legislature so far to determine that the Market should continue to be held on Queen Square; for a petition had been presented to the House of Assembly, praying that the new Market-house might be erected on Hillsborough Square, and accompanied by a subscription list amounting to £1500, ready to be put in aid of the proposed undertaking, and as good and safe as if it had been a cash payment, a capital sum, he had told him he would be willing to guarantee the payment of every farthing of it. When, with that offer, that subscription list, before them, parties had cavalierly set aside the representations of the petitioners and subscribers, and decided that the best site for the new Market-house was on Queen Square, there was very good reason to believe that they had been induced to do so to such determination on by deeper reasons than any based on considerations of economy. His Honor who had just said down had labored with much ingenuity to show that their Honors should not be guided by the representations of individuals evidently seeking nothing but the advancement of their own private interests, or rather, in reality, according to his construction, that their Honors were influenced, with respect to the question before them, by a protective regard for the private interests of a certain class of individuals, rather than by considerations of a more general nature. [His Honor the PRESIDENT: The rights which he sought to protect were vested rights.] His Honor (Col. Swaby) had said that, if the Market should be removed from Queen Square to any other part of the city, the private property of every British subject, and of those who carried on business around and in the neighborhood of the Square, would be materially injured thereby; and that the conservation of the injury or loss which, should such a change be made, would consequently fall upon such individuals, had influenced him in opposing the removal of the Market from Queen Square, and his acknowledgment of this (Col. Swaby) amounted to an admission that he had allowed himself to be induced, as a legislator, to pay more regard to the interests of the owners of private property than to those of the public at large. He (the Hon. Mr. Palmer) had never, since he became a member of the Legislature, said or done any thing, in his legislative character, to prejudice private rights. 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