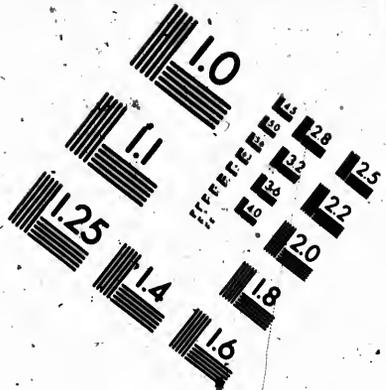
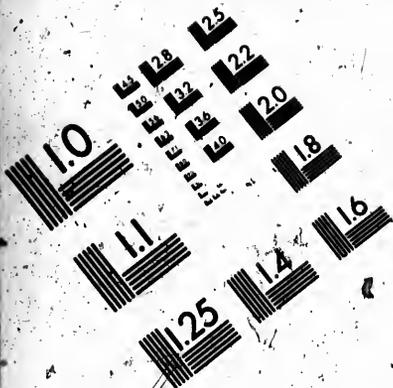




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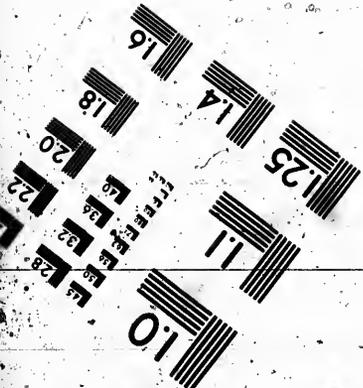
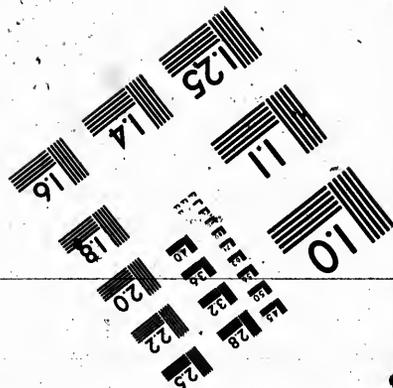
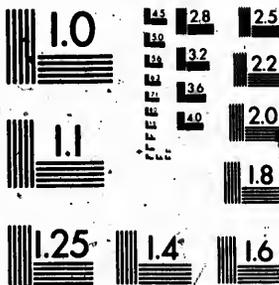
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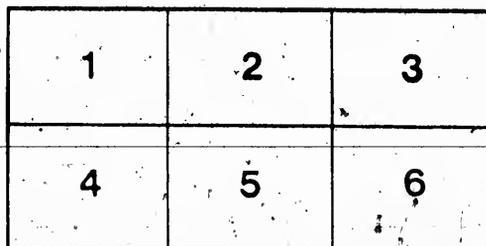
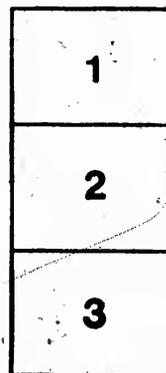
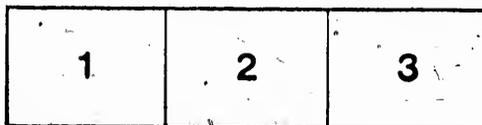
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CI

A SERIES
OF
REFLECTIONS,
ON THE
MANAGEMENT OF
CIVIL RULE,
IN THE
Town of Kingston,
UPPER CANADA.

WRITTEN BY AN INHABITANT.

KINGSTON:
PRINTED BY HUGH C. THOMSON.

1827.

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Reflections, &c.

MAN has by nature a susceptible power to improve, and by improvement the necessary comforts of life are produced. To hold secure, to every individual in a social compact, the right to property honestly gained, laws are enacted, and necessarily enforced. Society is systematically linked, and every link has a duty to perform, nor is it by the legal power of office, that any man in a free country, becomes an absolute tyrant. For, in beholding mankind linked as one extended chain, we perceive a dependent and pressing want. But why should one link of the social chain press a disproportionate weight upon other links? Are oppressive measures reconcilable to the rules of good government? Placed upon the scales of reciprocal right, will a dutiful government admit an overbearing weight to press one end below the standard point? Could the most widely extended powers of the human mind, by the most masterly strokes of the pen or pencil, display a just picture of the different effects, that good and bad government produce? One inclines to draw mankind to ease and happiness! The other inclines to sink mankind down to distress and misery! Every measure of power is made demon-

strably clear by the effect it produces. By the imposing craft of power, a community are oft deceived. Yea more; the purposes for which the laws of a country are enacted, may be overturned, and the rights of a people wrested, by men vested with the official power to rule. It is very commonly said, that officers cannot pass the bounds of official duty; was a person to say that no man is capable to commit the act of murder, such an expression would be considered of random wildness a boundless stretch, by all who heard it. Nor is there more wildness in saying, that a man cannot commit a murder, than in saying that an officer cannot 'break thro' the bounds of duty. Men vested with official power, are commonly found too firmly united in their measures to support each other, to bring those of them, who violate their duty, to that punishment they justly deserve. But to guard their civil rights, is a necessary part of duty, that a community never should neglect, for if neglected, the ruling power, holding authority to execute the law, will be apt to become an absolute tyrant; and by every observing person, the powerful advantage that official men hold, over the rest of society, is clearly seen; and to prevent, or stop, the measures of imposing power, every legal means, on the part of a people, must be enforced. And of all the necessary means, to restrain the overbearing practices of power, the press is the most cheap, and most effectual. When superior officers turn a deaf ear to the complaints of a poor man, made against inferior officers (a leaning very common, though not meet to public good, and public du-

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ty), for foul misdeeds committed against him, he finds the chance to gain redress, beyond his reach. He cannot purchase costly law, but through the press he can expose the wrongs, and the neglect of duty. And the rich man may, at the game of law, spend a tenfold sum to gain redress, for the misdeeds of officers, and be the worse to the amount of cost. When men of power, wrongfully the duty use, in one continued common breach of law, and right; the most clear statement that can be set forth, in the strongest form words can display, would come far short in the expression, of the distress, that sufferers experience. And many are held down by the oppressive grasp of power, who clearly see thereof the base imposing wrongs; but to escape, or to amend those common ills, know all they could, individually enforce, would not avail the evil. For while those persons who exercise the power they hold by iron rule, without a due regard to common good, common right, or written law; and individuals who suffer by the wrongs they deal to them, have to struggle individually for redress: oppressive power may continue to exercise an absolute imposition, as public right, and safely escape detection. But if strictly watched in their duty, and when found guilty of a breach, deservedly punished, few officers would dare to commit the unfeeling, and ruinous misdeeds, sorely pressed on many they distress, by an absolute overstretch of power. Or, as justice demands, was due enquiry made a rule of strict regard, to all complaints against official men, and all those proved guilty justly treated, officers would be

as much afraid to commit an open breach of law, as nightly robbers. If in a country where the government is constitutionally free, and the written laws are equitable, in point of right, the exercise of power becomes overbearing, a watchful observance will discover the cause to be, safe standing under those, whose higher offices demand, a strict regard to the rules of law, from all inferior officers, in the discharge of official duty. Neglect, or connivance, on the part of high power, is an indulgence that tends, to overturn the rights of a people, and renders every public officer, safely absolute, in the exercise of overstretched authority. Was every officer in a government, honestly to regard the welfare of a people, burthensome impositions, and oppressive abuse, would never be found to hold a place, in the links of civil society. Or, as duty demands, was the chief magistrate in a government, closely to enquire into the conduct of inferior magistrates, and treat them as he found them deserving, under magistrates would not presume, so often to infringe the bounds of right, in breaking through the bounds of duty, and roundly playing the tyrant's part. If in point of legal right, the genuine rules of a social bond are mutual, every individual from the King, to the poorest pauper, has a duty to perform, and those persons, of any rank or order, who, by illegal means impose on a community, or any individual thereof, are unjustifiable violaters of law; and if official characters, are also guilty of a breach of duty, in passing over the legal bounds.

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rect mankind in social duty, and those persons that violate, or stretch them over the stated bounds, whether princes or people, are alike guilty of a breach of the social bond, termed law. The laws of a free country are the highest authority, and all persons appointed to execute them, are bound by the rules of duty, to make them their guide. Laws may be equitable in the letter, and absolutely tyrannical in the practice, and a law purely made, to promote public good, may become practically oppressive; by those persons vested with power to execute it, hatching under its wings, a devouring brood. And at the time distressing measures are enforced, to enrich a few individuals, overbearing oppression will consequently be most sorely felt by a suffering people. And while a community are suffering, by such measures, a country or place, by the declaration of the oppressors, may be declared to be, in a rising state of prosperity. False report is too often spread, for the purpose of propping up, base imposition. When persistingly pursued, a violation of official power is a breach of duty, that destroys reciprocal right, and presses many of the poorest order of society, into unavoidable distress. For in those sections of a country, where power treads the path of unlawful exaction, a suffering hardship is experienced, by the poorest class of the community; and other classes do not escape, the pressure of the burthen. And when the legal rights of a people are infringed, by the measures of a violating power, that power is, by the equitable law of justice, as deserving of punishment, as the highwayman,

the house breaker, the shop lifter, or the pick-pocket. Yea and more—For if one person, illegally takes the property of another person, under the cloak of a legal claim, what is there in the measure, short of the most base robbery, that can be committed? Persons stripped of an equal amount of property, by different illegal means, do not experience a difference, in the amount of loss. It therefore follows, by the most clear proof of what is before stated, that all illegal exactions, levied under the cloak of legal claims, are robberies of the most base cast. Those persons that break the law by theft, generally depend on secrecy for safe escape; but those persons that break the law, by collecting illegally, under the cloak of legal authority, more than is imposed by law, go in the face of day, and demand it as legally due, and if not willingly paid, proceed to force payment, by law process. When the above unlawful modes of robbery, are fairly contrasted with the means of obtaining money illegally, under the cloak of a legal claim, and placed to the view, in a way that lines out pure remarks, those persons that rob, under the cover of a legal pretext, will certainly appear the worst characters. Highwaymen, housebreakers, shoplifters, and pickpockets, seldom try to take, where but a little is expected to be found, but grasping robbers, possessing the power to enforce legal claims, too often extend that power, to more than a legal right; and unfeelingly command the hovels, of the most miserable poor, to be entered, to demand more than there is, to spare. And what, in the whole course of human proceedings, is

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worse than such illegal arbitrary measures, when enforced by men vested with power, legally to enforce the law? To enforce more than law commands, is more than duty demands, and a stretch of law beyond its bounds, is a breach of bounden duty, that will, when unrestrainedly extended, in the exaction of imposed taxes, most certainly be found oppressive, by the poor, or labouring class of a community. And is it meetly right to tax the poor who little do possess, and labour hard for what they gain? Those persons do of common sense that share possess, which nature in her perfect order, distributes to the human species; by exercising it, with all the freedom of self right, most clearly will behold, many imposing arts. purposely worked up, to deceive the multitude. But of all the great variety of evils, seen in the bustle of a common round of dealing, one of the worst is that, meet made by absolute authority, to press the poor man down to labour, and by hard work, barely to obtain a living for his family. Closely to be held down to labour, and barely to obtain what nature craves, is little to desire. While in possession of his share of common sense, and free of all design, the honest labouring man, may clearly behold, the evils him surround; but while a conscious feeling remains his guide, he will remain "*the noblest work of God,*" and in that state, he sees but little chance to gain a better lot. The man is cast to such a state, is, by the ties of duty bound to work, with little more of time to spare, than while he eats, his hard earned pittance, and forced to pass his days at close industry, of social pleas-

ure little can enjoy. And when laid down to take his rest, his sleep most aply is disturbed, by the fear of sickness, the destroyer of the poor man's power^d to labour for a living; and pinching poverty, and deep distress of mind, are hard to bear. By the unfeeling power of oppression, to be forced to work, and by it little gain, and to want in sickness, makes the lot of the poor honest man, distressingly hard; and on beholding that he is held to abide it, often sinks him down to miserable despair. Will not the above reflections, suffice to draw every considerate person who reads them, to conclude that heavy taxes, imposed on those who nothing do possess to pay, are oppressive and distressing burthens?

The Canadas are commonly held out, as a good country, for poor strangers to settle in. That the soil of the Canadas, generally yields an abundant crop to the farmer. is a fact; and that the substantial necessaries of life, are cheap, is a fact; but good government, and easy burthens, are necessary standards, to raise to easy prosperity, the condition of poor strangers, in a newly settled country. And of all countries where civil order abounds, those into which improvement is newly introduced, are the most unfit to admit burthens. Exclusive of weighty burthens, the first encounterers of the wilderness, have enough to struggle with, nor do they stand in need of men, to live in idle affluence, or to spend their time in contriving, weighty measures of taxation. And the labouring class of inhabitants, in the towns of newly settled countries, are as unfit in their circumstances, to

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be burthened with heavy taxes, as those whose employ is in the wilderness, or on newly improved lands. A labouring man, in any town, or any country, who is a householder, and has a family of children, and no means but his labour to support them, has little ~~side~~ side to spare, and heavy taxes, are, to him distressing burthens. Emigrants from the United Kingdom, experience a very extraordinary change in the wilderness, and in this town, very heavy, and unexpected taxes. The enormous amount of a police tax, exacted from the poorest inhabitants of the town, and the weighty road duty imposed on them, are very sore and oppressive evils. In whatever manner we view these impositions, on a close investigation, we find much the greatest part thereof, to be personal burthens, imposed on householders who pay very high rents, for the houses they only occupy, by the month. Burthens! to which I have not found the like, in my experience as a householder, in different countries, and which I consider to bear much too hard, on all persons, who have no interest in the premises they occupy. The person that occupies a house as tenant, commonly pays for all the conveniences within, and around it, in the rent agreed upon. And according to common usage, and the modes of policy generally established, to improve, or repair, the streets of towns, or cities, the proprietors, and not the tenants, are taxed to pay the expenses. Nor is it right, that a householder should be forced to pay taxes, to make those improvements, for the use of which, he pays a full consideration in the rent. Nor is it right, that a person who on-

ly rents a house by the week, or month; and has no other right thereto, should be forced to pay taxes, as proprietor of the house he lives in. Every person possessing common sense, knows that the streets of a city or town, are, as a public passage, held as a common right, but beyond that, are made partially profitable, to the proprietors of the houses. Placed under the above view, it will be plainly seen, that the proprietors of the houses, and not the tenants, ought to pay the expenses for the improvements in the streets, of cities or towns. Nor was such a tax ever imposed on me, in any city or town, in which I have resided as a tenant, except Kingston in Upper Canada. But we find in Kingston every person, occupying a hut or house, and all persons occupying different parts of a house, are forced to pay police taxes. Not because they own the property, but because they happened to live in the house, when the assessor went his round. And if removed when the collector goes his round, if to be found, every person so assessed, has little chance to avoid paying the amount charged against him, on the assess list. For his being, or not being, a householder at the time, makes no difference in the proceeding, if he lived in the house, at the time he was assessed for it, he is deemed liable to pay, and if he objects, is given to understand, that his property will be seized to raise the amount, with costs. Is not the name of such a tax, stated to be laid on property a false one? Is not such a tax personal? Certainly it is, which the following fact, goes to prove. I have this year, one thousand eight hundred and twen-

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ty seven, paid six shillings and four pence as a police tax, to the town, which, with five days of road work on the streets, at two shillings and six pence a day, is eighteen shillings and ten pence, taxes and labour, charged on me for one year. I am not, nor ever was, possessed of a house in the town, beyond occupation as a monthly tenant; nor am I any further, the legal possessor of one inch of ground, or any building, on the surface of the earth, or water; more than the right I hold to the house I live in, and the small yard behind it given me, as a tenant, put in possession, by verbal agreement with the proprietor, to pay him fifteen shillings rent every month, while I remain in it. Beside the above stated eighteen shillings and ten pence, I have paid a tax this year, of seven shillings and seven pence, charged on me for a house and lot, and two cows, valued at ninety one pounds. The cows were mine, but house or lot, as I have before stated, I did not own. Enormous indeed! To be taxed one pound six shillings and five pence, for one year, and forced to buy a leather bucket, that cost thirteen shillings and nine pence, because I lived in a small house in Kingston. For those persons, acquainted with the rate at which houses are rented in this town, know that extensive conveniences, are not to be had for three dollars per month. Heavily taxed, as the people in England are, the working class are not so weightily burthened, with direct taxation, as are the working class in this town. Nor was the poll tax, imposed on the people of England in the days of Wat Tyler, more burthensome, or more

oppressive, than the taxes imposed on the people of this town. And the arbitrary measures of the magistrates, are neither easy nor agreeable. Whether the distressing measures, enforced by the magistrates of Kingston, are, or are not, consistent with the letter of the law, is not a necessary point, here to prove. Laws may be pure in the letter, and by an overbearing mode of acting, under their power, be rendered abusive, and basely corrupt. British emigrants, find themselves most egregiously deceived in the practice of the law, and conduct of magistrates, in many parts of Upper Canada. Expecting to be placed under the fair rules of English justice, they are disappointed in the hope, scarcely experiencing a shadow thereof, except in a mimic display of the formal modes. And the measures enforced, by the authority of the magistrates of Kingston, as directors and ruling managers, to the government, and improvement of the town, in every department, are clearly demonstrable, of their absolute power. I am inclined to think, such rules of management, in any department of a country, that is, by the established constitution of government, opposed to absolute measures, are a breach of public right. And it is as necessary in a country, that has a free government, to keep separate the distinct departments, appointed to improve, regulate, and govern a town, as it is to keep separate, the distinct departments of state. And the pure line of distinction, forbids magistrates in this Province, the power to pass over the bounds of magistracy duty, in ought that affects the public. Many, too many years, it is

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well known, a magistrate of this town has received taxes as treasurer; as a police director, or manager, has held the influencing power to have them expended, as self desire led him to wish; and, as chief *Magistrate*; overruled all enquiry, how they were expended. Inasmuch as the authorized power of magistrates, bears much of a sovereign cast, in so much the rights of a people, forbid the growth of that power. Place power under a proper division, as the only means to check absolute rule. So placed, and duly watched, public duty will consequently be more fully executed, as public right demands. I hold it as a necessary good, for magistrates to have the power, that public duty requires them to hold as peace officers; but in the possession of more, they are found overhearing, to the extent of absolute injury, to the public weal. A full measure, more than enough, of absolute authority, to the extent of public injury, is demonstrably manifested in the combined power, held by the magistrates of Kingston. How far they regard public duty, right, advantage, or interest, a general view of their conduct, and of public management placed under their direction, will point to show.

In the year one thousand eight hundred and twenty-five, a law was enacted by the Provincial government of this Province, to regulate the assize, and fix the price of bread, in the several police towns, throughout the Province. The power to enforce this law, was vested in the magistrates, residing within the limits of any town, by law, placed under police regulations. To enforce it is highly necessary, and public

rights stand in need of its powers in Kingston. But in that, as in many other parts of duty, the magistrates of this town, leave undone, that which they ought to do. Is it because they have not a certain prospect of interest in doing it? To this question, I am not prepared to give an answer. But to enforce measures, to draw money into the treasury, I have not found them wanting, in what has been imposed on me, by their authority. Nor did I ever find them, indifferent settlers of appeals, against illegal demands, or exactions of taxes. Neglect—equivocation—much that is contrary to a right duty—to get that back illegally forced from me I have found to cost more in loss of time, than all the amount received, nor have I always found it possible to get back my rights. If the magistrates are legally authorized to tax the inhabitants of this town, as they do; (particularly the poor) and expend those taxes in their own way, as they do; and withhold giving an account how those taxes are expended, as they do; and turn aside enquiries and appeals, as touching illegal taxation, and other burthens, by them imposed, as they do; I cannot speak favourably of the law, that authorizes so many, and many more, bad ways and means, in the conduct of legally established power.

When the collector goes to demand the taxes, and any person complains of being overrated, or illegally taxed; and desires him to forbear to force payment by law, till the decision of the magistrates is obtained by appeal; the collector tells the person, so complaining, and desiring, that it is not in his power, for if de-

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manded by the magistrates, he cannot withhold the giving in to them, the names of those persons, whose time is expired to pay the taxes in, after they have been demanded by him. And if a magistrate is applied to, no more satisfaction is obtained, and if illegally taxed, or over-rated, the person disputing the legality of the demand, is forced to pay or be distressed. The same with the man, who has the charge of watching the workmen on the streets, he is directed what to do, by the magistrates. The same with the fire company, they are directed by the magistrates. In short, the civil government, and police of the town, are wholly under their authority, and direction. And those persons that on police affairs appear before the magistrates to make complaints, find the same persons seated to hear them, that ordered the measures of police to be enforced against them, and seldom find it possible to press them, to notice, a statement of facts, evident of the illegality of the measures enforced, beyond evasive objection. So passed over, those that apply for redress of wrongs, mostly apply in vain, for so dilatory, and so unwilling are the magistrates, to notice such complaints, that nothing short of a fixed determination, on the part of complainants, will draw them to settle such appeals. And in many things, the magistrates of Kingston are prone to do that, which they ought not to do, and to leave undone, that which they ought to do. and little are their feelings of regard to right. And the power vested in them, is not meet to the rights of a people, who have, by a constitution of fixed laws, a free govern-

ment. And pestered, by the overbearing measures of the magistrates of this town, emigrants from Great Britain are sorely disappointed, in their hopes of enjoying the blessings of equitable justice, and of an easy taxation, of which the daily murmurings, are a demonstrable proof. And the growing dissatisfaction of the people, is not raised from a light cause, for it is worked up by heavy taxes, and the arbitrary conduct of the magistrates, as managers and directors of the town police, and determiners of all complaints and appeals, against imposed measures, by them directed to be enforced. For when any inhabitant of the town, applies for a redress of wrongs, in the measures enforced, under any police regulation: or appeals, against illegally imposed taxes, the same persons are, as before stated, found determiners of all such complaints, that ordered the measures to be enforced, and the taxes to be levied. To rouse the inhabitants of this town, to resolve on trying to obtain a legal redress, of those wrongs, imposed on them by the overruling authority, of that absolute power, vested in the magistrates by the law, that made them police directors, is a leading object of inducement, to place these reflections before the public. And to draw them more fully into the spirit of such measures, as are required to obtain a redress of existing wrongs, I am necessarily led, into unavoidable repetition, but "*precept upon precept, and line upon line,*" shall be my apology. And more fully to prove the truth of the foregoing remarks, on general existing evils, experienced by the inhabitants of this town, I will state a few facts,

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by me experienced, in the conduct of the magistrates.

When I had resided in Kingston some time, I took a house, of which the rent, was more than I could well pay, and to ease that constant charge, I let the upper part to two families. Both families were strangers to me, and I had no source to draw my conclusions from, to refuse or admit them, but appearances; and that directed me to the favourable side. To know mankind, we must pass over appearance, and behold them beyond it, or we shall be apt to find ourselves deceived, as I was in one of the families, for by them my habitation was made, a house of confusion. And in defiance of all that I could do, to clear my house of them, they stopped many months, and paid not any rent. On my return from the church one Sunday evening, I found the house in an uproar, raised by the disorderly man, his wife, and a companion he had brought in. I and the other man, that resided in the house, remonstrated, to make them more quiet, to no purpose, except making them worse. Finding our endeavours to settle the disorderly storm, useless, we saw it necessary to fetch a peace officer, and applied to several constables, that refused to go with us, one of whom, told us to go to a magistrate. We did as he told us, and when we informed the magistrate of our business, he said, "*if you have taken troublesome people into your house, I cannot help it, you should have been more careful.*" And to all I said, he made similar replies. As I had been informed; since leaving my dwelling, that the magistrates in this

town, held the exclusive power to direct, and manage, all police affairs, and as peace officers, and police managers, were the most proper persons for me to apply to. I further asked him, if he did not think it his duty, as a police and peace officer, to meddle with our complaint. To which he peremptory replied, "*it is not.*" I told him I did not expect him to go personally, but as I found there was not a regular police in the town, and all the constables we had been to, had objected against going with us, I should suppose it was in his power, officially, as a magistrate and police manager, to send a written command to a constable, to go with us. He warmly told me in return, that he would "*have nothing to do with our broils; so you may go (said he) and make the best you can of your quarrels, for I tell you again, I shall not meddle with them.*" After the refusals of constables, and so absolute a refusal from a magistrate and police manager, I did not know by what lawful means, to clear my dwelling of the disorderly family. Was not the magistrate guilty of a breach of duty, in refusing me lawful aid as he did? If he was not, for what purpose was he made a magistrate? The inhabitants of this town are burthened, with a heavy police tax. But where, and what, is our police protection? No where, and nothing at all—But the evil of a weighty police tax, without police protection, is not all, as the sequel of this case, will tend to prove. Our failure in trying to get legal aid to relieve us of the disorderly conduct, so common in the house, hardened the disturbers of our peace. And in defiance they often

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told me, they would stay as long as they wished, would not behave any better, nor pay for the conveniences they held, in my dwelling. And they did stay, several months, after I had applied as before stated, and did not pay the amount of one farthing. But to stay, and not pay, was to me the smallest part. The disturbance raised, to destroy us of our peace and rest, and the bad example that such conduct unavoidably set to my family, and the check it put to my endeavours to obtain a living, I found more hurtful than all they owed me, and never paid. I had never been accustomed to live in a house, where disorderly conduct was practiced, and to be so situated at my advanced time of life, was a very sore trouble to my mind. But how to clear myself of the evil, without quitting the house, I could not perceive it possible. The absolute refusal of the magistrate, to do what I am led to think was his duty, had destroyed me of every hope of effecting it, by any legal means. And wearied, and weakened in my circumstances, by continual disturbance, I became determined not to abide it any longer, and went to the owner of the house, and told him I would move, to get clear of the disorderly family, as I could not see any other possible means to effect it. When I told him I could not get the pay due, for the conveniences they had in the house, and that they stopped in defiance of all I could do, he advised me to distract for the rent due, as the best means to get them away. As he advised, I immediately got a warrant of distress ready, and applied to several constables to serve it, but all excused as

being too busy, till I offered and paid a dollar, to have the business done.

Immediately after the distraint was made, the disorderly man and his wife, went out, and continued away several hours. They returned very much intoxicated, and made a violent attack upon me, and threw me down on the floor. But by the assistance of my eldest daughter, I got away from them, and ran out of the house, and called on a man I saw at a small distance, to come, and he came. My wife was not in the house at the time, and when the man and I entered, they were contending with my children. On seeing a man come with me, the drunken couple immediately turned about, and went up stairs. The man advised me, to go immediately and get a warrant for them. I told him I despaired of getting one, for I had repeatedly complained of their bad conduct to magistrates, to no purpose, but that of disdainful disregard, and contempt, in return. He then said *it would be a breach of duty in a magistrate to refuse me a warrant.* By the pressing desire of the man, I became resolved to go, and if possible, to obtain a warrant, to get one for the husband; for I did not feel a desire to place a woman, with several small children, under the power of the law. And I went immediately, and applied to several magistrates to get a warrant, and was refused by various excuses. What I had before experienced, and what I then found, in the disregard and absolute refusals of the magistrates, to do their duty, led me into a train of contemplative reflection, that worked me into a sad feeling of mind. And by a hope-

As pressure, I felt as though I and my family were bound, to be abused and oppressed, and I wished, in the sincerity of regardful feeling, that I had not brought them to a place, where the protecting aid of law, was refused to a poor person.

Is a refusal of police or common law protection to a working man, in a town where the most poor inhabitants have, ever since it was placed under police regulations, paid a very heavy police tax, justly right? But taxed or not taxed, are not all the inhabitants within the bounds of a town that has a police law, entitled to the right of police protection? In point of protection is the police of Kingston more than a name? For in many things as touching the management thereof, they are known to do that which they ought not to do, and to leave undone that which they ought to do, of which the daily murmurings of the people, sound forth evident testimony. And where magistrates are possessed of all power, as in Kingston, hurtful neglect, absolute rule, and oppressive burthens, will most aptly be found to prevail.

Finding at all points to which I applied for lawful aid and protection, a refusal, I was at a loss what more to do, to clear my dwelling of the evil, that so continually prevailed in it. And while so musing I met a person, to whom I told what I had been about, and how I had failed, and that I knew not what to do. He asked me if I had been to a magistrate, whose name he mentioned, with several more that had not been long appointed, to one of whom I had been, but he was sick in bed. I immediately went to him,

to whom he desired me to go. When I had told him my business, he said, "*it is a bad time for me, for I have not yet had my dinner ;*" although it was near night. But he wrote me a warrant, and made not any charge, but told me if I chose, I might give a shilling to the Bible Society. As by him directed, I called twice at the treasurer's office to pay the shilling, but he was not in either time. So different was the conduct of that magistrate, to what I had before experienced, that with grateful pleasure, I now make a public acknowledgment of his willingness, to grant me a warrant, and also of his making no charge.

When in possession of the warrant, I went to the constable, who had that day served the warrant of dstraint, and gave him a dollar to serve that, which in one day made me more expence, than I ever drew from the man, on whom the warrants were served. If the magistrates, to whom I had before applied, had been willing to do their duty, the ruinous disturbance in my dwelling, and the expences to which I was subjected, might have been prevented. Or if there had been a protecting police, against riotous and disorderly conduct in the town, as I expected there was, before I found to the contrary, the ills that befel me, might have been prevented. For how could I think before I found by experience, that a town in which every householder is heavily burthened with a police tax, had no protecting police? Finding as I did, that there was not a protecting police in the town, and that peace officers were not disposed to do their duty, I inquired to know, how the police taxes

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were expended. And I found that the magistrates received, and expended them in their own way; and did not account to the inhabitants, how they were expended. It is an absolute injury to the community, of that part of a country, where allowed to take place, for magistrates to fathom any public employ, but what properly belongs to the office of a magistrate; of which the inhabitants of Kingston have felt, the overbearing power, since the management of the town police, was, exclusively vested in them. I was glad when I saw, that the evil had been in part noticed by the provincial legislature, in the passing of the law, that prohibits the chairman of the courts of quarter sessions, the holding the office of Treasurer. But more must be done by the provincial legislature, before Kingston, and other towns in the Province, placed under a similar police law can stand secure, against the introduction of absolute rule, in the management of police affairs. And may I not now ask—Has the King any more controul over the public revenue, as touching absolute expenditure, than any other individual? Does he possess the power to direct the levying of taxes, to receive and expend them, and not be accountable to any individual, except a few underlings in office? Is it not well known, that the chairman of quarter sessions in Kingston, has long received, as district and town treasurer, the public money of the district and town, and not accounted to the public thereof, how it was expended? Is a man who has long held possession of a public purse, and never placed before that public fair accounts how the money put in

that purse was expended, a fit person to be continued in office? Why should not all magistrates be exempt, as public good demands, from serving any office but that of magistrate? The more separate power is held, the less chance to exercise it by absolute sway. To keep every man in his own order, is the most sure way to keep every man right. Double power is often found an unsufferable evil. Remove all double causes and the evil effects will cease.

Was I to draw up in detail, a statement of all the evils that the inhabitants of the Midland District and town of Kingston have experienced, by a magistrate being the district and town treasurer; and all the evils experienced by the inhabitants of Kingston, through the overbearing conduct of the magistrates, in the double capacity of magistrates and politic managers, my proposed pamphlet would come out a large book. To give a detailed statement of the arbitrary conduct of the magistrates towards me, when I objected to pay, and demanded back, illegally imposed taxes, was intended in my first views on oppressive wrongs. But that I now perceive, is more than the limited bounds of my pamphlet will admit. To state a sketch account of what I may hereafter notice, is therefore, as much as I can give, within the limits to which I am confined by my proposals.

Standing on the hustings at the election for a member of the provincial assembly for Kingston, in the year one thousand eight hundred and twenty four; on the objection and refusal of a person's vote, who lived in a house in park number two, I discovered that the said park was not

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within the bounds of the said town. By the said discovery, I was given to understand, that taxes had been illegally demanded of, and exacted from me, as an inhabitant of the town, for a house I rented in the aforesaid park. I had not paid the taxes of that year, and objected to pay them, because I was convinced the demand was illegally founded. But mark the result that ensued: I was shortly served with a warrant of distress, to force payment. Placed under the power of the law, to pay, or have my household utensils sold, to raise the amount and cost; I immediately drew up an appeal, and went to the magistrate that had issued the warrant, and asked him if I must pay before the expiration of the time limited by the warrant, or be distressed by the sale of what could be found, as belonging to me, to satisfy the demand. He said in reply, that the only means of saving my household goods, was that of paying within the time limited. I then told him that I wished to have the rightful privilege to appeal, against the demand as illegal, before the forcible power of the warrant was executed. He then said they (the magistrates) would hold an adjourned sessions that day at twelve o'clock, at which time I might attend and present my appeal. I attended and waited till the last part of the day was far gone towards a close; but no magistrates appeared; and supposing none would appear, I went again to see the magistrate that told me to attend. He then told me he could not get another magistrate to sit with him in sessions. Wonderful indeed! That out of all the multitude of magistrates then in the town of Kingston, two had not time to

spare, to hold an adjourned sessions at the time appointed. Could a weighty business in private affairs keep them all so closely engaged, that no two had one hour of time to spare to attend to the public concerns of the town? Are not the magistrates of Kingston commonly found wanting in a regard to public business? Are not they too often found absolutely neglectful of the public concerns of the town. At the time to which this relation points, there was more magistrates in Kingston, than I ever knew to be at one time, in towns in England, containing more than twenty times the number of inhabitants that Kingston contains. But with fewer magistrates, and a much larger population, the magistracy duty is more punctually and justly attended to in England, than in the little town of Kingston, Upper Canada. But what care the magistrates of Kingston, about putting people to the trouble to wait on them, and go away without having their business done. And my business was not done that day, and I had no choice left, but to pay the tax, or have my household goods sold the next day but one. When I found that I could not possibly get the chance of an appeal, I asked the magistrate what was to be done, as touching the execution of the warrant. "*Pay your taxes,*" said he "*as the only means to save further expence and trouble.*"

Although I had repeatedly told the pursuing magistrate, that the proceeding was illegally arbitrary; or the law that authorised distress by warrant, without allowing the objecting person the chance to appeal, was an arbitrary law, he persisted in what appeared to be a resolute de-

termination on his part, that I should pay the taxes, or have my goods sold without delay. And I did pay, to stop the arbitrary force of law, then decidedly held out against me, by the absolute refusal, of an individual magistrate of Kingston, to stay proceedings against me, till I could obtain a hearing, by appeal, before a session of magistrates; and the neglect of other magistrates, in not attending, as before stated. And I could not perceive any possible way, by any legal means in my power, to enforce, by which I could avoid paying, what he insisted I should pay, or be distressed to satisfy the demand. But to be forced by so arbitrary a proceeding, to pay a tax that I considered to be illegally imposed, by an overbearing stretch of law, was a measure so much different to what I had ever before experienced, or known, that I did not feel willing to let it pass over; and was resolved to try to get my money back. And I spoke to another magistrate, to the end that I might get it returned; and after much conversation with him, on the subject of right or wrong, in exacting from, or forcing a person, not resident within the bounds of the town, to pay taxes as an inhabitant thereof; he admitted that an inhabitant of the country ought not to pay taxes to the town. But he would not say that I should get my money returned, by an appeal to that end. By my repeated importunity, the magistrates might be convinced of my determination to appeal for a return of the money exacted from me so improperly, and in a manner, so contrary to common modes, in such cases, as have a directing law, where laws are regarded as a directing guide.

But in Kingston, such a guide is little regarded. As chance is held out by opinion; to be occasionally in the way of mankind; so I, on this occasion, found it in my way; for I was accidentally informed one day, that an adjourned sessions would be held, at twelve o'clock; and I attended, and appealed, and obtained a grant, to receive back a part of the money, illegally exacted from me, as before stated. But I could not prevail on the magistrates to allow me all that I considered as my just right; and to say that I was fully satisfied with the return, is more than I feel disposed to do. And what I did obtain was very hard to gain, and men that rule, are not of error free, and must be watched, to keep them right. Yea, more, when found to enforce wrong measures, must be opposed, and necessarily exposed. In a genuine exposure of imposed wrongs, enforced by men holding officially, a partial power over a community, the value of the liberty of the press is found. Of this the statements of all proceedings and transactions that have a tendency to affect the public, published in newspapers and pamphlets in London, and other large cities and towns in the United Kingdom, are a demonstrable proof. By the free exercise of those rights, which the genuine liberty of the press establishes, measures imposed by an overstretch of power are exposed, and the legal way to remove such existing evils, pointed out. Situated as the magistrates of Kingston are, in possession of all power over the affairs of the town, no chance is left to the people to obtain a redress of wrongs by them enforced. Hundreds may suffer, in an

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individual point of view, by the imposing measures of one individual, holding the power over them, to force upon them individually, more taxes, and other overstretched burthens, than the law directs to be imposed. And so it is that the inhabitants of this town suffer by the imposing measures of the magistrates, as directors and managers of police affairs, and the power they possess in the magistracy capacity, to overrule all complaints against the wrong measures by themselves directed to be enforced. Will a judge who breaks the law condemn himself? Is it right to place all power in the hands of one order of men? Magistrates, officially as magistrates, possess much power in their respective districts, and by putting them in possession of any more power over town or township affairs, within the respective districts in which they are empowered to act as magistrates, as in Kingston, they are made absolute rulers. If the magistrates of Kingston had been exclusively exempt from holding any power except that they possess as magistrates, they would have been more apt to do their duty in that capacity. For in what I have had to do with them, I have found them neglectfully unmindful of duty, which the following statement of facts will go to prove.

From a man who possessed a house in the town by lease, and lived in it, I took room therein for my family; and we lived there when the assessor came round to assess for the taxes. To avoid similar trouble to that I had before experienced, I told him the man that possessed the house, as before stated, was the proper person to be assessed, and he did assess him in my pre-

sence. I and my family moved from the house, in a few weeks after the assessor came his round; but to my surprise, the collector in his turn, came and demanded of me the taxes, for the said house. And my surprise increased, when I found, that the possessor of the house and I were both charged with taxes on the assess list, for the said tenement, and I was not over well pleased; for I knew that another difficulty was placed before me, by so extraordinary a mode of taxation, or I must submit to the wrongs imposed by it. Wishing to secure myself against the liability, to have another distress warrant served on me, to force payment, I requested the collector to give me time to appeal, after the fourteen days the law gives, if I had not the chance before. He said he had not the power to do that, for when the magistrates demanded a list of those persons' names, that had not paid their taxes within the said time, he could not avoid giving it to them; and when in their hands, his power to stay law proceedings was at an end. Finding it was impossible for me to avoid the liability to be again placed under the power of the law, if I did not pay the taxes standing against me on the assess list, within the fourteen days: I thought it best to pay them, and then try, by appeal, to get them returned. Do the reciprocal rights and interests of a people demand, that all who do not pay the taxes charged against them, whether right or wrong in the charge, within fourteen days after the time of demanding them, shall become liable to forcible mea-usurus by law, to satisfy the demand? And do the reciprocal rights and

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interests of a people, demand that law measures shall be enforced against those persons that object to the paying taxes that they consider to be unlawfully charged, without giving them the chance to appeal? Is an absolute extreme in the discharge of magistracy duty, a good rule? When a law is stretched out to the extent of levying money, upon no other grounds than that of a person happening to reside in a house, at the time the assessor went his round: is the measure less than an overreached extreme? Do not such personal impositions hold property free of taxation? By the mode practiced in Kingston they do; for here, many of the inhabitants are charged with taxes for houses they neither own nor possess. And the owner of the property, the person that profits by its fixed value, is held free of all imposed burthens. Such a mode of taxation is a saving measure, to those who own and profit by the fixed property in the town. And many of the inhabitants of Kingston, that own neither house nor land in the town, pay more taxes than the owners of highly valuable property within its precincts, contained in their houses & lands. Sound policy will not admit such mode of taxation; and, fully and fairly considered, it will plainly appear more hard, for a man to be forced to pay taxes, as in Kingston, than to pay a debt for a person with whom he was bound. Liability to pay unjustifiable taxes, does not arise in a man's own choice; but it is by his own voluntary act, that he becomes liable to pay another person's debt. But to turn to the narrative in hand.

When I had paid the taxes, I felt secure a-

gainst the sweeping powers of the law. But I was struck by a measure, that made me determined to recoil by appeal. And, as before, I found much to do before I could get their worships to determine my case.

My first appeal was a written one, handed to the clerk of the peace, in the court of quarter sessions, on the first morning of its sitting, and was addressed to that court. If laid before the magistrates, they did not choose to decide upon it, for it was left undetermined.

My second appeal was before an adjourned sessions. When the magistrates had questioned me, I was told by one of them, that they could not settle my business, for want of the presence of the assessor. I told them that I would fetch him, and was then given to understand, that they would not determine my business that day. When I found they intended to turn me off in their old customary way of leaving undone that which they ought to do, I addressed them, and said; Worshipful Gentlemen; you are now benched to do your official duty, as magistrates. This is the second time I have appealed to you, to obtain a return of taxes illegally assessed against me, and you are not yet disposed to decide on my demand. I have enough to do, exclusive of attending courts to no purpose, and I do not think it right to keep me out of my money longer than the time allowed, after the collector has demanded it, which is no more than fourteen days. I look up to you for indifferent determiners of my appeal, and I wish you to fix upon a time when you will decide upon it. I waited to know the time fixed upon,

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and was told to attend the next day but one. I attended, and was immediately told I was to receive back my money. To prevent objectionable delay, I asked the treasurer if he would return the money to me without an order. His reply was, he would not. I then said I expected to get one, and he told the clerk of the peace to write it, and I received my money the next day.

On looking over the Midland District accounts, published in the Upper Canada Herald of May the 15th, in this present year, 1827, I saw a charge of nine shillings and ten pence, stated in said accounts, to be paid to me on the 26th of April, 1826, for an overrate of tax for 1825, and the same amount of nine shillings and ten pence, also charged as paid to me for overcharged rates, the 8th June, 1826.

I sent a short communication to the Upper Canada Herald, that was inserted the 22d of the same month, in which the account current of the Midland District with the Treasurer, was published. The purport of that communication, was, to point out to the committee that examined the accounts, that an error appeared in the aforesaid charges, of the twenty-sixth of April, and eight of June, which, with what I consider as necessary remarks, I will now further explain. A short time after my communication appeared in the Herald, the Treasurer spoke of it to me, and said, that my *remarks were correct*, and that *the error did not appear in his books*.—I observed that I knew nothing of it, beyond the published statement.—And he then further said, that *the persons that examined the ac-*

counts, must have committed it; and again said it did not appear in his books.—Who committed the error, I know not, but all the evils that it may appear to set forth, are done by the Magistrates, for Treasurer and committee, are all of that kidney; and of the Treasurers charge against the committee, I leave them to publicly clear themselves, or silently submit. To the collector of taxes, in the year one thousand eight hundred and twenty-six, I paid ten shillings and seven pence, assessed rates. When the magistrates decided on my appeal, I told them I had two cows, and that I considered myself liable to pay the taxes for them. One of the magistrates said, *that would be nine pence*, and when I observed that the tax on cows, was only three pence per head, he said, *it ought to be four pence half penny in the town*. On which I said, if your worships think, the tax on cows, ought to be four pence half penny per head in the town, I will not now contend against it, and they made it that, which for two cows is nine pence; and nine pence taken from ten shillings and seven pence leaves nine shillings and ten pence, and that was the amount I once received back. Not twice, as stated in the published account current of the Midland District, with the Treasurer; nor as over charged rates, as stated in the said account; but as taxes, that had been illegally assessed against, and exacted from me. But error upon error, in charge upon charge, against the District, in this one account, bear such a sweeping train, that my logical abilities are insufficient, to reach the mysterious darkness in which it is

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wrapped. Wonderful to tell? There is more of error, than a double charge of nine shillings and ten pence against the District, in the errors set forth, in this mysterious published account. For of the nine shillings and ten pence, that I had received back, what I had paid as a police tax to the town of Kingston, was a part, and that part left so much less of the nine shillings and ten pence, by me received, as the amount of the police tax to the town, to be charged to the District. The amount of the difference set forth in this error, from a correct statement, would probably be found on examining the assess list, and might then be exactly stated, by taking it from one nine shillings and ten pence, and placing it to the other nine shillings and ten pence. And so much, over a double charge against the District, is set forth in the extraordinary published account, or mysterious error, so plausibly stated to have been by me received, as twice the amount of the police tax, and once the amount of the District tax. For when justly stated, how could any more than the amount of the District tax, once paid to me, be rightly charged against the District. If a similar error, raised on the same account, to that set forth in the District accounts, was to come before the public, in the town accounts, what a prodigious swell, on one original joint sum, of nine shillings and ten pence, it would make.— And again, I say, that the statement of the amount returned to me, as a return of over charged rates, was also erroneous, as before noticed. And also, when I appealed the second time, and the magistrates and clerk of the peace, en-

quired of me about the house, how, and from whom I took the part I occupied; and I stated to them, on what conditions, I and my family held a privilege in the house, and from whom I obtained that privilege, the Treasurer could scarcely be thought so ignorant, as not to know, that I never held possession of the house. For it was leased from the Treasurer, by the possessor, and knowing the man I named as possessor of the house, was the man who took it from him, and lived in it, I was surprised to hear him propose, to set my appeal aside, on the pretext, that the assessor was not present, and when I offered to go for him, his evasively saying, they could *settle my business some other time*. Not one objection was started against the appeal; and all the leading objections against settling it that day, were started by the Treasurer. Was he afraid to part with the money? Had I been before their worships, as an appellant against paying an illegally demanded tax, would the Treasurer have been as ready to object against my paying it, as he was against my receiving back illegally exacted taxes?

By what I have stated, it will be seen, that wrong measures of taxation, are imposed in this town; and that much difficulty is found, in drawing the magistrates to act aright, in deciding upon appeals, against those wrong measures. And if not determined to know the end, appellants will get tired of watching, for a sessions, and decline attending. Beside the mode, of taxing two or more persons for one house, each to the full amount, there is another, that is

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most seeming odd. When more than one person, take different apartments in one house, from the owner, all their names are taken by the assessor, and each one is charged, with his proportionate share. So far the measure might be considered, to hold a right bearing, if in itself found to contain, an original right. But to impose taxes on tenants, to make improvements to the property of landlords, is, in my opinion, an unfair mode of taxation. I will state one case, that in some degree fell under, this most incomprehensible rule. When the assessor went his round, two men that lived in two separate dwellings, under one roof, and had each their own outer door, and no door or opening within, into each others apartments, but were compleatly divided, were separately assessed. When the collector went to demand the taxes, one of the men had moved away and his next door neighbour, to save his property from being sold, was forced to pay the moved mans taxes. Not satisfied with paying another persons taxes, he appealed to get his money back, but the magistrates decided against his having it returned; although he stated to them, that he and the person had moved away, lived in separate houses, and had no connection in taking the houses, paying the rent, or any thing belonging to the houses. If the man that moved away, before he paid his taxes, owed any rent at the time he moved, would it have been more inconsistent with right, if the owner of the house, had forced his neighbour to pay the rent, due to him from the person had left it, than it was, to force his neighbour to pay his taxes? And would it not

be as consistent with right, to charge a man with, and force him to pay the taxes, due from all absent persons, as it was to force him to pay the taxes for a next door absent person ?

When the man by the magistrates appointed this year, 1827, to enquire who kept dog or dogs, in the town, to ascertain who was liable to pay the tax on dogs, he requested people to write, in a book he had, whether they had, or had not, a dog, or dogs. And to those persons that objected against writing, he with a commanding menace, said, *you must write*; but he found several too stiff, to bend to his threats.— But the rough tool to power, had his means of revenge for their refusals, and he immediately went to work, to enforce it, by summoning several of them before the magistrates, on the charge of refusal. And behold the aid of the magistrates, to work up the revenge of the dog tax man, in what one of the summoned men told me; which was, that their worships *fined* him *five shillings with cost*. If there is a clause in the dog tax law, to authorize the dog tax man, to take a book, and insist that persons shall write in it, as he dictates, and on refusal be liable to be fined by the magistrates, that part of the law ought to be scratched out, so as never again to become faceable. And if not in the law, my desire is very strong to know, from what document the measure was drawn, and whether produced by the magistrates, or the dog tax man. Was a cutting writer to set forth the particulars, of the proceedings in this dog tax measure, in a keen hudibrastic stile, the cut would come out of the bag, a most ridi-

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culous monster. But to be more serious ; If the measure was not legally authorized, did the magistrates act a worthy and dutiful part, in fining persons for refusing to write ; for the man that was fined told me, that he told the dog tax man, that he had a dog, for which he paid the tax the last year, and would pay the tax for it this year.

The jailor was ordered by the magistrates, to put another man in confinement, that was summoned before them, for refusing to write in the dog tax book ; for what they considered insolent behaviour. Whether he did, or did not, behave insolently, is more than I know beyond report, for I was not present. But if he has no council, the English law invariably allows a man, in all cases of appeal, or defence, to speak for himself. And if a man is not unfairly dealt with by the court, when he speaks for himself, he can go the length, commonly allowed to council.

I was induced to notice the proceedings on the dog tax business, because they contain much of that absolute taint, so often found in the conduct of the magistrates ; for I do not consider the dog tax, as connected with the oppressive police measures of taxation. Nor do I think that the statute road work, is connected with the police of the town. If not, whence had the magistrates a right to appoint a man with a sallary, to superintend that work ? Does the law that authorizes them to direct and manage all the police affairs, authorize them also in all affairs of statute road work ? Have not the magistrates in this, as in many other things,

made an absolute seizure of power? However that may be, the inhabitants are by the measure, deprived of the right to chuse, and appoint pass masters; and also of having the work done to general advantage, and to give general satisfaction. For it is now more partially done, than it was, before the magistrates possessed the commanding power over it. But the inhabitants of those streets, in which the magistrates neglect to have a proportionate share of road work done, are not neglected in their taxes and road duty, for they now experience a boundless stretch, of imposing measures. For the hired road master of this year, has behaved in an insulting overbearing manner, towards people that did their own work. Much statute road labour has been done the last season, by the inhabitants of Kingston, to little purpose, and little to improve the roads, properly in the streets of the town. What an enormous amount of labour has been bestowed on the front road through Murney's estate, not properly in the town. Doing and undoing was a demonstrable proof of whim, or want of skill, or both. With much ado, a piece of ground that was tolerable level before it was touched, is now more level, but beyond that, all the work displays evident proof of ignorance in the art of road making.

And then the side walks for foot passengers, on which much of the police tax is very improperly expended, which is the cause of my noticing them. Have not they been made at the public expence, more to satisfy private desire, than to serve a public purpose? What advantage could the public be thought to derive (when

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taken under the view of important advantage) from the making of a flagged path through a long street, so far as opposite the Treasurer's son's house, and then making a paved causeway across the road, opposite a private door, in the Treasurer's son's garden fence. And was not this, and more of a similar cast done, and the churches, and other places of public resort, left destitute of flagged-paths for the people. And so we behold money expended, raised by a weighty oppressive tax, laid on the inhabitants of Kingston. A tax named police, but little of which is expended for police purposes. And what the magistrates of Kingston make of the word *police*, I am at a loss to know. And what is the advantage the inhabitants of Kingston derive from a heavy tax, nick named *police*? For we have not a police magistracy, nor watchmen, nor lamps, nor police office. But we have a person named a police officer in the town, who advertises notices by the name, and I think I have seen the words *Police Officer*, in notices to contract for sweeping the chimnies. And what are the regulations for sweeping chimnies? A forced expence without a purpose; for I condemn the mode, as of no use, for the purpose intended. Every measure that has a tendency to secure houses, and other property against destruction by fire, ough to be approved, by every member of a community. But measures of expence that have not such a tendency, ought to be relinquished. And is the mode of sweeping chimnies in this town, a security against fire? I again condemn the mode, by saying not. But an assertion without a reason, would be like a

police tax, without police, except the burthen
 the tax imposes. And now to support my opin-
 ion, I will state a few facts, with necessary re-
 marks. The chimney of my dwelling is often
 swept, when not so much as a quart would con-
 tain, of aught that would burn is got out; but
 plenty of that bituminous or tarry substance that
 collects in chimnies, is left unremoved by the
 sweeping. The tarry substance left in a chim-
 ney, may, and often does take fire, in a short
 time after a chimney is swept. And according
 to the present regulations for sweeping, either
 the person that occupies the house, or the per-
 son that superintends the sweeping is subjected
 to pay a fine of forty shillings, by a chimney ta-
 king fire. Thus, by unavoidable accidents,
 that will often happen under the present mode
 of sweeping chimnies, either the householder or
 master sweep, is, in every case, subjected to pay
 a fine. But by a chimney that is securely built
 taking fire, little danger of setting the house on
 fire arises. All that is necessary in such a case,
 is, while the chimney is burning clear, to watch
 the roof. Was not the old jail chimney often
 on fire, and the building not injured? Nor do
 I know an instance, since I came to live in the
 town, of a house taking fire by a chimney burn-
 ing out. In many of the towns of the United
 States, the inhabitants clear their chimnies by
 burning, on a rainy or snowy day, when there
 is not much wind. But they have a hatchway or
 scuttle, close to each chimney, with stairs or a
 ladder within the building, to ascend thereto,
 through which they pass to the top of the roof,
 to extinguish the sparks that fall thereon, while

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a chimney is burning clear. And I think it is a better and a safer mode, to have scuttles, and ascend to them within the houses, than to have ladders, to make a thoroughfare into houses for active robbers.

With little consideration or regard, to that general good, that a police should secure to the inhabitants of a town, heavy burthens are imposed on the inhabitants of this town, by the magistrates; as though they studied nothing but devising measures to raise money. Heavy taxes, heavy road work, fire buckets, chimney sweeping, and fines, are the order of the day with the magistrates of Kingston. Orders to secure a common good to society, are necessary in every community; but, to draw the inhabitants of this town under the liability to pay a fine on neglect of furnishing fire buckets, besides loading them with a heavy police tax, I am apt to think is rather more than a good order. Poor as I am, and poor as the rented house I live in is, the burthens that have been imposed on me this year, 1827, amount to two pounds, six shillings and two pence, enough to pay as rent for such a house; and I have rented a better house in England at three pounds (English) a year, and had not one fourth the amount in direct burthens imposed on me there that I have here. But why are the inhabitants to be compelled to purchase fire buckets? Is nothing to be done with police taxes but flaging? The flaging of the streets with money, raised under the name of a police tax, as done in this town, and burthening the people with procuring what should be purchased out of that tax, is very ar-

bitrary and hard to bear. Why was not the flagging of the streets imposed on persons that own the fast property in the town? And why were not fire buckets purchased, and improvements made, more properly police than flagging the streets. with the money expended on flagging them? But for what purpose are leather buckets to be provided? As appears by the fourteenth article of the general police regulations, "the owner or occupant of each dwelling house, shop, store, or office in the town, shall be at all times provided with leather buckets." And it further appears by the said article, that "any person neglecting to conform to" the said "regulation, shall, on conviction, forfeit and pay the sum of ten shillings, and a further sum of five shillings, for each week thereafter, until he shall have provided the requisite number of buckets." I cannot perceive, by what the said article conveys, that any purpose is intended by the procuring buckets, beyond forcing those to pay forfeits that do not provide them. Was the purpose fully stated in the aforesaid article, I should no less condemn, what I conceive to be worked up, to heap an overbearing measure of forfeits and bucket burthens, on the inhabitants of the town, in addition to a heavy police tax. Every possible measure to raise money is rigorously enforced by the magistrates of Kingston. But is the application of it to purposes for public good, as little neglected by them as the raising thereof?

Inflicting fines for the accidental burning out of chimnies, while the legalized mode to clear them of substances that would burn, is not a

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sure preventative to their catching fire, places the sweeping superintendant, and inhabitants of the town under a continual hazard. To fine a person because a blaze happens to appear at the top of a chimney, is in my opinion, very wrong. And where is the reasonable man, that will not be of the same opinion; after looking round, and perceiving that there is more danger within houses, of burning them down, in the course of every twenty-four hours, than that of a blaze coming out at the top of a chimney. All that we hear, and all that we behold, of the public concerns of the town, impresses on the mind, a view of wrong measures; defect, neglect, or total want. The want of hay scales, is to purchasers, a very sore evil; for hay purchased by the load, makes the price in weight, a dead letter. And a want of convenience is daily found in the market, by sellers and by purchasers, for it is very contracted, and very discommodious. Settlers, in all seasons of the year, and in all weathers, are obliged to stand with their articles exposed in the open air. Farmers, who bring their produce to the market in waggons, often find this inconvenience not only disagreeable, but also hurtful in the loss they sustain, by the exposure of what they bring, to the weather. And buyers often experience a disagreeable inconvenience, by being necessarily forced to go in mud and wet, to look into the waggons, to find what they want. And I understand that a part of the market ground is applied to other purposes than that for which it was intended. And whence arose the right to make use of ground set apart for a public

market in this town, for any other purpose? And why was it set apart for any other purpose? Is not such a measure a direct breach of public right? And was the land let for other purposes, to draw money into the treasury? And is not the money raised by letting that ground, public money? And what is done with the money so raised? Is it accounted for to the public? And does not public right demand, that it should be accounted for? What authority have the magistrates, officially as magistrates, to exercise absolute rule over the affairs of the the town? What power is given to the magistrates by the police law? Is not a combination of power found hurtful to the inhabitants of a country, district, county, parish, township, or town, when exclusively held by the magistrates? Will not good policy exclude magistrates from holding any office within the district over which they preside as magistrates, except that of magistrates?

When power looks to public right,
 It harmonizes, brings delight,
 But when it works up common ills,
 With burthens up a measure fills,
 It then pure harmony destroys,
 And robs mankind of social joys.
 For how can men be happy made,
 Are by oppression overlaid;
 Live by the labour of the day,
 And nothing have to spare, to pay?
 Are such fit persons, hard to tax,
 And heap the burthens on their backs,
 That should on those more strong be laid,
 That are to bear them fitter made?

Ye legislators of the land
 Reject what comes of underhand
 By prayer to obtain a law,
 That will a weighty burthen draw,
 On those for daily bread work hard,
 And for it have but small reward.

TO THE INHABITANTS OF KINGSTON, AND ALL, WHOM
 THIS MAY CONCERN.

Fellow Towns people, and others.

As promised in my proposals, I endeavoured, in the commencement of the foregoing reflections, to point out, in a concise manner, the relative connection of a social compact. Under this head, on the ground of general observation, I have pointed to the duty of every member of a community, and to the evil consequences that arise from an abuse of power, in drawing the common orders of society, under oppression. Of this evil, it is beyond the reach of words, to draw a full statement. But to give the impression as deep a form, as it is possible to bestow on a true picture, of those proceedings, done in violation of the genuine letter, of the good laws of a country. I have drawn a comparative view, of the forcible and distressing measures, that official men too often pursue, and the modes of robbing by theft. The unavoidable wants of a state, or government, require that every member of a community, possessing the means, shall contribute towards defraying the necessary public expences. But to stretch out a law, to the extent of overhearing measures of execution, and beyond what the express letter of

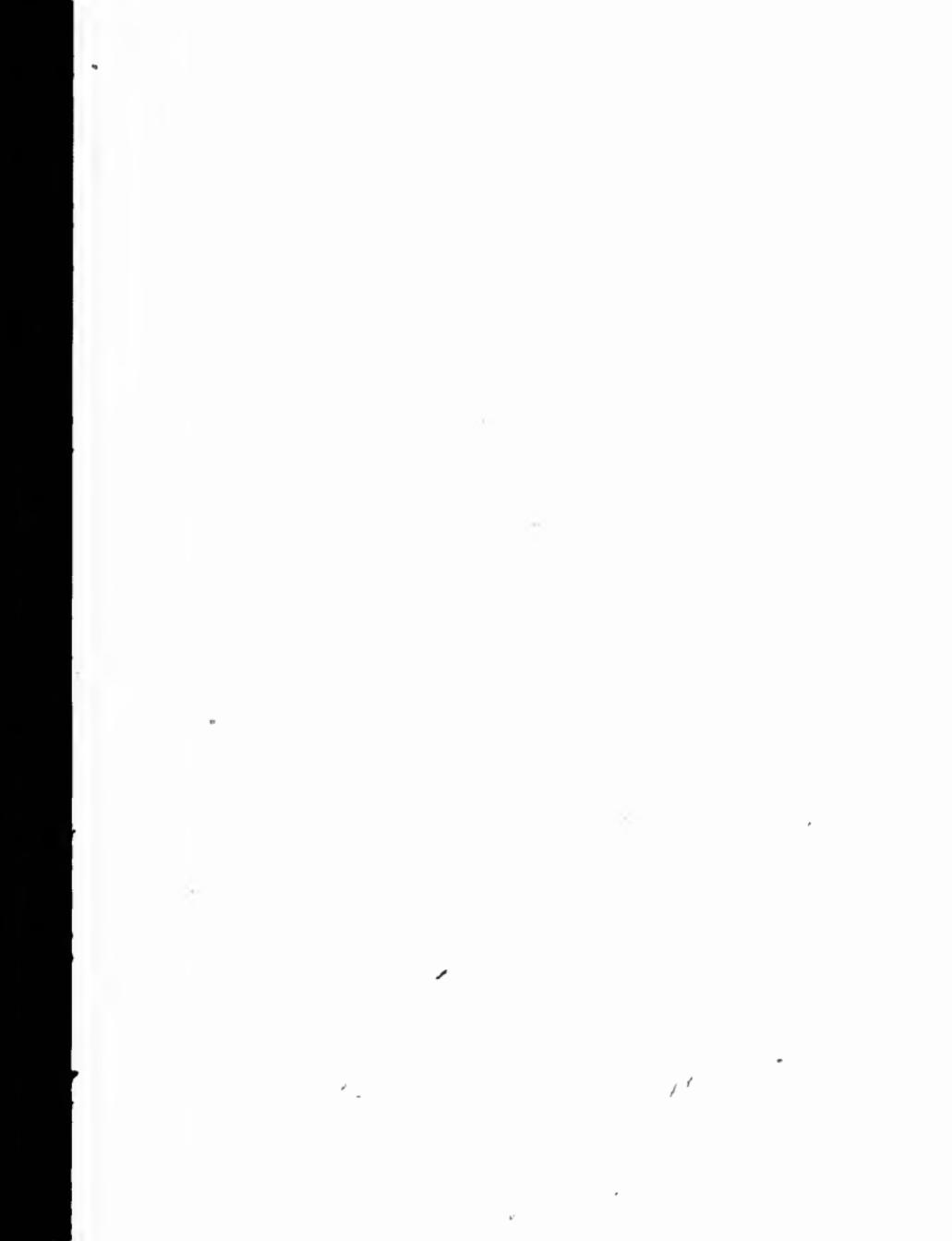
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the law states to be enforced, is to commit an absolute breach of that law, which ought to be the directing guide to every man, possessing the power to enforce it. A justifiable excuse cannot be made, in support of the actions of a thief, because the most ignorant of mankind, in a land where civil order abounds, know what does not lawfully belong to them, before they become very capable to steal. A justifiable excuse cannot be made in favour of men, holding official power, overstretching the bounds of duty, because to plead ignorance for them, would be to plead in favour of neglect. Both are alike determined, to do what is not lawful to be done, and both are guilty of a breach of law.

Of the absolute conduct of the magistrates, as directors of the town affairs, and of their neglect and partial decisions, as magistrates, I have stated several facts, set forth from self experience, and to these facts, I have added several more. Not as necessary to convince you of the truth, of what I have before stated, for I know that those of you, that have resided some time in the town, cannot be totally ignorant, of the absolute conduct of the magistrates. And I do not think that many of you, can be totally ignorant of the want of amendment, in the government of the town. And to procure the necessary amendments to our town laws, every individual well disposed towards our constitutional rights and interests, must feel desirous. Constitutional rights I say—for if the law of constitution, granted by the British Parliament to this Province, contains any semblance to the common rights, secured to the people, by the British

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constitution, I cannot perceive how magistrates, commissioned by royal authority (as in this our town of Kingston) can constitutionally hold the exclusive right, to govern a town. For the privileged rights, of the inhabitants of a city or town in England, incorporated by a particular law, extend to the power of chusing their own magistrates. And in those towns that are not governed, by a particular act of incorporation; magistrates appointed by the king, are never found meddling, in the management of common affairs. Nor should they; for wherever that happens, magistrates become absolute rulers.— Of this evil my fellow townsmen, you and I experience a growing increase, every year. Furthermore, the laws ought to be the directing guide to all officers, and every officer ought by law, to be held to his own order, and not be allowed, as the magistrates of this town are authorized by law, to be both magistrates and police officers. It is a necessary duty we owe to ourselves, to the town, and to posterity, to endeavour by lawful means, to obtain a removal, or a division of this combined power, which we have proved by experience, to be an overbearing evil. To this highly important duty I feel a sincere desire to draw your attention, for it is a duty we ought not to neglect. When considered, under a comparative view, the government of the town in which we live, will be found the next, in the order of importance, to that of our families. And so found, why should we neglect to try means, to remedy the growing evil. By neglecting to declare our disapproval, of the measures enforced by the magistrates, we may be suppo-



sed willing to admit, what they enforce upon us. And by neglecting to exercise lawful means, to have the evil removed, we should unheedfully submit to the establishment thereof. But such an unheedful submission, would, on our part, be a sore neglect of duty, for it is a necessary duty, to watch and support our rights; and to endeavour lawfully to remove, existing evils. And to remove existing evils, it will be necessary, to petition the representative branch of the Provincial Parliament, to repeal the existing police laws of this town, and pass such a law, for the future management of police affairs, as may be set forth in the prayer of the petition. And to make certain the preparing, and forwarding a petition, it will be necessary, publicly, to call a meeting of the inhabitants of the town, and to this necessary, and indisputable rightful measure, I hope my fellow townsmen, you will unanimously agree. It is a duty we owe to ourselves, and the future inhabitants of the town, and of such importance, as not to admit neglect on our part. The inhabitants of a country, feel an interest in the affairs of the general government; but to feel interested, in the affairs of the particular government of the town, in which we reside, is of more importance to us, as inhabitants, than the common concerns of the country. For what could more closely touch us, than the measures of the magistrates have done, since the town became by law, exclusively subjected to their authority. By the undivided possession of the crown, and people's rights, the magistrates are made absolute rulers; and we, the the people of the town, are by their conduct,

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made to know it. Like all other absolute rulers, they exercise the power, without regard, and are seldom directed by disinterested views.— But arbitrary views, are always directed to self interest, and self desire, and without a proper division of power, the people of a country or any particular part thereof, will invariably be found, by close investigation, subjected to absolute rule. Of this fact we have a demonstrable proof, in this our town of Kingston. For ever since the Provincial Legislature passed a law, by which the magistrates were authorized to tax us, we have been heavily taxed by them. And if they had always applied the taxes, to the purposes which the law directs them to be applied, I am led to think, they would have been differently applied. Nor do I suppose, that many persons would be led, to think otherwise, on knowing that the laws, by which the magistrates are authorized to tax us, all expressly state, that five Engines, buckets, and ladders, are to be purchased for the use of the town, out of the money raised by the taxes imposed upon us. And furthermore, we are, by the laws called town regulations, in addition to the said taxes, imposed upon us for the said purposes, of purchasing fire Engines, buckets and ladders, forced to purchase leather fire buckets, or become subjected to heavy fines. And to enforce this law, made by the magistrates, the police officer has noticed us by advertisement, to purchase buckets before the first day of November, in this present year, 1827, or he will enforce the law against us. And what will that be? On coming to our houses to see who has, or who has

pot, purchased buckets, those of us that he finds without, will become liable to be summoned by him, before the majistrates. And if summoned, what chance have we to get clear of the charge for neglecting to furnish buckets, within the limited time. The accused persons, summoned before the men that made the bucket law, and ordered it to be enforced, will have little chance to get clear of the charge; and will consequently be fined. Such measures my fellow townsmen, need little explanation, for such a combination of absolute rule, displays in itself, a numerous train of absolute evils. And will you continue to submit to the absolute authority of the magistrates, and not petition for a rightful division of that power, which they wrongfully possess? For if you do neglect to petition, the measure of absolute appression, will continue to grow more large.

Not content with the power given to them by the police laws; which is a power that one order of men, in a country declared free of absolute sovereignty should not possess, the magistrates have seized more. They have possessed themselves of the commanding authority over the statute road labour, done by us, the inhabitants of this town. For by the general statute laws of this Province, *the inhabitant house holders of a parish, town, or township*, are empowered to chuse the overseers of highways.— But the magistrates have stripped us, the inhabitants of this town, of that right, and appointed a man to that office, to whom they allow a salary. And on that man's conduct, while doing our statute work, I need not to remark; but am led

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by self experience to declare, that he is a rash, overbearing, inconsiderate, unfeeling man. So much, is more than enough, to be imposed on the inhabitants of a town, by a man illegally appointed, to a public duty. But we behold more, in what has been done under his direction, as overseer of highways, under the appointment, and authority, of the magistrates. That is, much work done in a place not properly in the town, and many parts of the town where it was wanted, left untouched. And owing to the want of skill, in doing the work, if the amount was taken, it would be found very great, for the improvement made. And after all the labour lost, in doing and undoing, when fairly compared with roads, that are well made, it will be declared to be no more than a botch. But all this my fellow townsmen, is no more than a secondary part, of the evils we feel, by the experience of measures, enforced by the seizure of our rights, and legalized absolute power. Remove evil causes, and evil effects will cease.— The power possessed by, and the conduct of the magistrates, in the management of the police affairs of the town, are the evil causes. And to remove the evil effects, that we experience by these evil causes, we must petition, to obtain a repeal of those laws, that authorize that power of the magistrates, over the affairs of the town, that produces the evil consequences. Much of the power, given to the magistrates of this town by the police laws, would be deemed unsufferable in England. The inhabitants of cities and towns, in England, have a right to chuse their own officers, to direct and manage all affairs,

that are immediately connected, with the common concerns of a city or town. Whether placed under a particular act of incorporation, or directed by virtue of a general law, the inhabitants of a city or town, invariably hold the right as above. And why are we, the common inhabitants of Kingston, deprived of this inestimable right? Because, we did not oppose those laws in the passage, that have been obtained by petitions, from the magistrates, and of which we now experience the evil effects. The more I view the subject, the more I see it necessary for us, to petition, to have the magistrates laws repealed; and obtain a grant of laws, to direct us in the management of the common affairs of the town, more meetly applicable, to the spirit of our constitution. On granting to the magistrates, an exclusive power, to direct and manage the common affairs of the town, I do not suppose that the representative branch, of our Provincial Legislature, were aware, that such consequences as we have experienced would arise, out of the laws granted. And once more I entreat you, as one that bears an interest in your common rights, not to delay the calling a meeting of the inhabitants of the town, to resolve on petitioning, as before stated. That which is the business of every body, I well know too often becomes the business of nobody; but if we all heedlessly neglect this important duty, we wrong ourselves, and the future inhabitants of the town.

It is well known by many of you, that the magistrates of this town, have sold and leased out, a part of the market ground; but upon

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what well founded authority, it is not in my power to tell, and I am led to think, they were not empowered, by any lawful right, to do it.— And who knows, beside themselves, to what purpose, they have appropriated the money raised by selling and leasing a part of the land, belonging to the public market. For in this, as in many other points of duty, we find in them a neglectful omission on one side, and an overstretch on the other. For by a Provincial statute, passed the seventeenth of January, 1822, the magistrates of every town, placed under police laws, are required annually to *direct the clerk of the peace, in every District whereip a police is established, to make up an account of monies raised and levied, under, and by virtue of any act now, or hereafter, to be made, regulating the police in any town, or towns; together with an account of the expenditure thereof; which account, they are required immediately to publish.* But as in many other things, which for our good ought to have been done, what the magistrates are required by this statute to do, they have hitherto left undone.

• And from the time the magistrates obtained a police law, in the year 1816, to this present year, 1827, we, the inhabitants of the town, have not been favoured with any account of the amount of money raised and expended; and as appears by their arbitrary conduct, they little regard any law that is not meet to their arbitrary views.

And, while they possess the power over the affairs of the town given to them by the police Laws, we cannot by any means in our power, force them to do any duty they wish not to be

done. For whether by assumed or granted right absolute rulers presume to act; they alike disregard all laws that are not meetly made to cover their conduct in all arbitrary measures, arbitrary neglect or breach of duty.

By the police laws authorizing the magistrates to make such rules and regulations for the government of the town as they may think necessary and the power they possess as magistrates, I again tell you they hold absolute authority over all the affairs of the town. Of the evil consequences of this overbearing power we have experienced too much for our common good.— Let the magistrates be magistrates but nothing more and to confine them to their proper duty it will be necessary to petition our Provincial Assembly.

The following amount in taxes and other burthens, as set forth, has been imposed on me, this present year, 1827.

District tax, - - - - -	£ 0 7 7
Police tax, - - - - -	0 6 4
Road work five days, at two shillings and six pence per day, }	0 12 6
Leather fire bucket, - - - - -	0 13 9
Sweeping chimney, - - - - -	0 6 0
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	£2 6 2

Sweeping indeed! If the sweeping conduct of the magistrates is continued, and an increase of sweeping measures absolutely enforced by them, in the seized and given power they possess over the affairs of the town, they will very soon sweep all from more of the inhabitants; for more than we have to spare, they now sweep

from many of us, that are of the poorest order.

But you (my fellow townsmen) do not stand in need of being told, that many of you are, under the pressing overbearing measures of the magistrates, distressingly burthened. For you know it by sad experience.— But to clear away the evil effects, you must have the evil causes removed. And to get the evil causes removed, I tell you again, you must petition.

In all ages of the world, it has been demonstrably proved by experience, that the rules of civil society, are the best regulated for common good, when placed under a divided power.— And the genuine spirit of the British constitution loudly speaks, to command such a division of power, as will keep down absolute authority.

However viewed, we find absolute effects, produced by absolute causes, whether under the head of general or particular remarks, or by the demonstrable proofs given, by general maxims.

By experience mankind have found, that all that has a tendency to promote genuine improvement, produces common good; and all that has a tendency to produce public burthens, becomes a common evil. For as the lever acts, so will its force preponderate, and when the ascendant end is elevated too high, the low or falling end, becomes depressed, till sunk below its bearing.

Civil rule, established by a well regulated order, will draw every member of a community, either by choice or necessity, to a moderate degree of industry.— And while the scales of reciprocal advantage, are held to the just balance, by a right poize, every member of a society

holds secure, the fruits of self industry, the rightful reward of labour. And the scales may be turned, to raise a few to a moderate elevation, and not press on the multitude an overbearing burthen, for society cannot exist, without distinct ranks and orders. But when one end of the scales is depressed, to its lowest point of bearing, and more weight is added, oppressive misery, will certainly be found to prevail, over the multitude. placed thereon.

While common advantage is held as a directing guide to power, a prosperous result will be found to arise, to a community, but overbearing oppression, I say again, and again, produces misery.

ERRATA.

Page 26, eighteenth line, for politic read *Police*.
“ 40, last line, for cut read *cat*.

