

recurrence of the... stated that he had... by the Rev. Mr. L... the governor con... M. S. Drake to G... of endeavoring t... on with the Indi... using summer; a... ble failure of th... it to the consid... then present, wh... during winter... to effect that obj... of the Indian w... ary, at a period... ction she wou... be pretty well q... rily, our intentio... en.

thereof, after deducting the legal charges of the distress and sale. XI. And be it further enacted by the authority aforesaid, That the collector may deduct at the rate of five pounds for every hundred pounds, and no more, as a full compensation for his service in collecting, any law to the contrary notwithstanding, and that the treasurer shall give a receipt for all money paid to him by any collector, which receipt shall be to such collector a sufficient acquittance. XII. And be it further enacted by the authority aforesaid, That his majesty's surveyor or general of this province for the time being, shall on or before the first day of July, which will be in the year of our Lord one thousand eight hundred and twenty, furnish the treasurer of each and every district thereof, with a list or schedule of the lots in every town, township or reputed township of his respective district, as the same are designated by numbers and concessions, or otherwise, upon the original plan thereof, in which list it shall be specified in columns opposite to each lot respectively, to whom the said lot, or any and what part thereof, has been described as granted by his majesty, and whether the same, or any and what part thereof, be yet ungranted, and also what lots are reserved as crown or clergy reserves for other public purposes, and to whom such reserves or any and what part thereof have been leased by his majesty, and shall on or before the first day of July in every year transmit to the treasurer of such district, respectively, a schedule of all such lots or parcels of land, specifying the number of acres or other less quantity of land in each, as have been granted or set to lease by his majesty, since the last schedule by him furnished, as before directed. XIII. And be it further enacted by the authority aforesaid, That all lands described in the said schedule having been granted or set to lease by his majesty, shall from the time they are returned in the said schedule, be assessed and charged to the payment of the rates or taxes imposed by this act, in the respective districts in which they are situated, and not elsewhere, whether the same be occupied at the time of assessment or not, and the treasurer of each and every district of this province, is hereby authorized and empowered to receive from any person or persons paying the same, the rate of taxes for and in respect of all such lands as are not returned on the assessment roll of any township or place, and that in case any lands charged to the said rates or taxes shall be unoccupied and no distress can be found on the same at the time such rates or taxes shall be payable, it shall and may be lawful for the collector for the time being for the township or place in which such lands are situated at any time thereafter, to enter upon the said lands when there shall be any distress thereupon to be found, and having obtained a warrant for that purpose from any of his majesty's justices of the peace, to levy from the occupier of such tract or parcel of land, the amount of all rates and taxes in arrear by distress and sale, as they might have done upon the same lands if in the occupation of such persons at the time the rates and taxes became due, and after deducting the legal charges of distress and sale, as well as the amount of such taxes in arrear, such collector shall pay the overplus if any there be, to the person or persons occupying the premises on which such distress was made. XIV. And be it further enacted by the authority aforesaid, That the treasurer of each and every district of this province shall keep an account for every parish, town, township, reputed township or place within this district, according to the list or schedule furnished by the surveyor general as before mentioned, in which account he shall particularly enumerate every lot or parcel of land in the said parish, township or place, describing the same as in the said schedule, and shall charge the same with, or credit it for the amount of the taxes and rates payable or paid in respect thereof for each and every year, and that the said books or accounts shall be produced by the said treasurer, for the inspection of the justices at the court of general quarter session held in his district respectively in each and every year, and shall be kept open for the inspection of all persons desiring to see the same, between the hours of ten and three on every first and third Monday in each month, and the treasurer is hereby authorized to demand for every such search and inspection, one shilling and three pence, and no more. (To be Continued)

Communications.

FOR THE UPPER CANADA HERALD. THE PROMPTER.—No. XX. A medium between opposite extremes is so valuable a criterion of propriety, that it has been generally recommended by moralists, and is styled, by way of eminence, the golden mean. No subject of human conduct is more clearly within the reason of this golden rule, than the duty of avoiding unnecessary innovations, on the one hand, and, on the other, an obstinate adherence to errors. To each of these extremes individuals and communities are exposed. A man prone to sudden changes, loses the benefit of almost every undertaking, by relinquishing it in an unfinished state, before a fair experiment has been made of its practical result; and incurs much loss of time, and many positive inconveniences, by a hasty resort to visionary schemes, without counting the cost of accomplishing them, or considering their tendency and consequences. A person of an opposite disposition plods on, in any old beaten road, however uneven or circuitous, for no other reason than because he has travelled it before; and will not enter one that is smoother and more direct, because it is new and he has not been accustomed to it. Of course, he loses all the advantage of the progressive improvements in the arts of life, resulting from reason and experience. There is a story of two peasants, who used to carry their corn to the same mill, to be ground. One of them was a projector, credulous and fickle, varying his projects, as any new whim happened to cross his brain; the other was of a plodding turn of mind, unwilling to lay aside any practice, which he had once appropriated by adoption.

The former set out for the mill, with a grist of corn, in a bag, upon his horse, and himself seated on the corn. As he proceeded, it occurred to him, that his horse was too heavily burthened with such a double load; and, to ease him, he at once dismounted, and took the bag of corn upon his own shoulder, leading the horse quietly behind him. Soon, however, he became tired of walking and at the same time carrying the grain. For his own relief, therefore, he mounted his horse again; but, to favour the poor animal, and share the burthen with him, he still carried the bag upon his own shoulder, as he rode along. The other peasant happened to have been sent to mill by his grand mother, when she was in her dotage, and he was a boy, with the grain in one end of the bag, and a stone, of equal weight, in the other end, to keep it balanced upon the horse. Having, thus early in life, and under such venerable auspices, practised this mode of going to mill, he supposed it was a family practice, introduced for some good reason, which, however, he did not precisely comprehend, and sanctioned by long-continued use. Accordingly he held it in veneration, as an ancient and established usage, and persevered through life, in projecting the plausible innovation of leaving out the stone, and dividing the grain into two equal portions, one at each end of the bag. He would say to those who endeavoured to convince him that he was carrying an unnecessary weight, and might save much labour by changing his practice; "Your reasoning appears very specious in theory, to be sure; but it was the maxim of my good old grand mother, that innovations are dangerous; and I will not run the risk of a change; as I cannot be certain, what it might lead to, or where it would end." Reader, do you laugh, in your sleeve, at the peasant, for riding with a bag of corn on his shoulder, to favour his horse; or for carrying the weight of a stone to mill, as a balance for his grain? Stop, if you please, and consider, whether you are not laughing at yourself. Examine your own conduct, and see if you also do not in practice bear some dead weight, for no better reason than that the habit of it was derived from your ancestors, or has been continued without examination, until it has become second nature. Even legislators would, perhaps, do well to enquire, whether the laws of the country are not, in some particulars, still carrying a stone to mill, merely because the practice of doing so has the sanction of ancestral usage, originating, indeed, in a different state of society or was introduced in the childhood of the province, and has survived the occasion of its introduction. The golden medium between a spirit of innovation and the perpetuation of existing evils, is a maxim as applicable to legislation, as to the affairs of common life. While rash and inconsiderate changes should be opposed with firmness, improvements, suggested by experience of the want of them, and recommended by sound reason, as adapted to our actual circumstances, ought from time to time, to be seasonably adopted, as well for their own sake, as to obviate complaint and discontent. Their adoption may be effected with more ease, and less danger, in a young country, whose laws are comparatively few and simple, than in an old one, in which a long train of dependent or connected laws are combined into a system, that may be effected throughout by the change of a single part. FOR THE UPPER CANADA HERALD. Fair Play is a jewel, but it often requires a nice eye to distinguish a diamond from paste, and though there are some clumsy imitations that are easily detected, yet if 'Fair Play' can convince the public that he is not an unfair advocate of Lord Selkirk and others of the Hudson's Bay Company, (as the parties indicted by the North West Company are styled in his first communication) his tinselled glass may pass for a real gem. Lord Selkirk will probably, however, not thank him for ranking him as one of the Hudson's Bay Company, as his lordship has on all occasions denied the existence of any connexion between his plans and their trade; with how much truth and consistency, every one knows. What 'Fair Play' urges against the two arguments which he represents his opponent as placing reliance upon, need only be reiterated to demonstrate the utter absence of any logic in his replies. The first is a mere *petitio principii*. Until he proves that the attempt made in the spring of 1818 to get the law in question passed was made by the 'sagacious friends of the North West Company,' he can take nothing by his hypothesis. The answer to the second will read just as well, and be equally as conclusive if it be reversed, and stated thus—Nor from the circumstance that the words of the act are large (comprehensive) enough to comprehend (include) the case of the North West Company, can it be inferred that it was the object of the measure to aid that company in their efforts to overpower their competitors. With regard to the conduct of the grand jury at Sandwith in declining to admit a private prosecutor, and admitting the attorney general 'notwithstanding lord Selkirk's objections,' in the first place, though the private prosecutor has no positive right to be admitted, he is usually so in England, & the attorney general has an absolute right *ex officio* to be present at the examination of witnesses by the grand jury; but above all let it be remembered that when lord Selkirk brought his famous conspiracy bill at Montreal against his adversaries, his lordship was admitted by the grand jury

there, and employed several days in explaining and translating in person to them the documentary evidence he produced, whilst at that occasion the attorney general of Lower Canada had refused to sanction the bill in any respect by his official signature. If it be a hardship for lord Selkirk and his friends to be prosecuted in another district upon the same charges for which they were under recognisance (or as 'Fair Play' most classically terms it *recognised*) in the western district, what will be said of the case of Alexander Mackenzie of the North West Company, who, having been fully acquitted at York of the malicious and vexatious charge brought against him and others, was afterwards actually arrested at Montreal upon the very same charge? Moreover the hardship to lord Selkirk and his friends will disappear when it is considered that the crown being the prosecutor, had even the indictment laid before the grand jury at Sandwith been rejected, and no new law been made, the cause might at any time have been brought before the court by information. 'Fair Play's' position that an *ex post facto* law is simply 'one that is passed after the fact affected by it,' is denied to be a correct or clear definition. An *ex post facto* law must be one that creates a new crime, or inflicts a new punishment, and extends to cases having occurred previously to its promulgation. Acts that regulate the mode of criminal proceedings, must necessarily some times have a retrospective operation, but cannot on that account alone be called *ex post facto* laws. The supposed cases which 'Fair Play' puts, are about as relevant and probable, as if he were to suppose the annihilation of the constitution. It is no more than 'Fair play on all sides' to acknowledge the inadvertence which has been detected in the paragraph relative to the power of the king in council to disallow an act of the provincial parliament. As 'Fair Play's' opponent pleads guilty to the mistake, he will of course acquit him of misrepresentation. It is not however a question that bears in any shape upon the merits of the subject, and the clause in the act of the 31st of the king quoted by 'Fair Play,' has not, it is believed, ever been acted on, and appears to have been more intended to guard against treason or malversation in a governor than any thing else. Besides, the disallowance of the king in council will not impede the operation of any act until the date of the signification by the governor, of such disallowance, and consequently all proceedings previously in operation under the law disallowed must remain valid; thus, the mischief, if any, being done, a petition to the king would be of little avail. The objection in point of grammar to the sentence in question has not been discovered, unless 'Fair Play' thinks it ought to have run thus—the king in council has no power to disallow any enactment made in this province by the three branches of the legislature no more than he has the power to annul an act of the imperial parliament. If elisions of this kind are ungrammatical, let 'Fair Play' look to the first line of his present communication.—In reply to Fair Play published in the Herald of June 29th, which means 'In reply to the communication signed Fair Play,' &c. Those who play at bowls must expect rubbers; *ex gr.* it may be considered as dubious whether 'Fair Play's' is the *nom de guerre* of individual zeal, or the designation of a galaxy of wisdom, for the plural and singular numbers are not a little confounded by the writer or writers of the article; and, independent of the improper use of the words *large* and *recognisance* already noticed, to speak of *assembling* documentary evidence, instead of *collecting* it, or of a bill of indictment for the same cause instead of for the same crime, are instances of carelessness of diction, which, if no challenge had been given as to grammatical objections, would have been considered as venial trespasses in a hasty newspaper production. Fair Play on all sides. 12th August, 1819. The Herald. TUESDAY, AUGUST 24, 1819. Our American papers contain London dates to the 20th June, the most interesting of which will be found in the preceding columns. On Wednesday last his grace the Governor in chief and suite, accompanied by ladies Maria and Louisa Lenox, arrived at this place in the steam boat Frontenac. On Friday morning the ladies embarked on board the steam Charlotte for Prescott, and his grace proceeded to the Perth settlement by land, from whence he will return to Montreal by the Ottawa river. Bank of Kingston.—We beg leave to remind our readers that books of subscription are this day opened at the directors' room, in the Bank of Upper Canada, where the names of those desirous of becoming stockholders in the Bank of Kingston, may be inserted.—As the act of incorporation, which was so eagerly sought after, has been obtained, it would be but a poor compliment to the donors, should a sufficient amount of stock not be taken up, to put the Bank into operation. If we can depend upon report, little aid is to be expected from our friends in the upper parts of the province; it will be, therefore, necessary, that the inhabitants of Kingston redouble their efforts, and thereby manifest that zeal, for the prosperity of a rising institution, which ought to characterise every individual who wishes well to his country. Sir Charles Saxton and major McLcod,

A. D. C. to his grace the duke of Richmond, have gone to take Winnipeg, clothed with special powers to investigate the causes of the unhappy dissensions which are said to have been lately renewed in that quarter, between the North West and Hudson Bay Companies.—Kingston Chronicle. DIED. At Thurlow, in the vicinity of Belleville, on Wednesday the 11th instant, in the 84th year of his age, after a short illness, Mr William Johnston, a native of Scotland—He was one of the first settlers in that quarter. He was industrious, honest and charitable in all his dealings, and died regretted by all who knew him. Communicated. At the Naval Yard, Kingston, on Monday the 16th instant, Mrs. C. Spratt, wife of Michael Spratt, Esquire, Master Attendant at this place, aged 44 years. GOVERNMENT CONTRACT. FRESH BEEF. WILL be required for the use of his majesty's troops, &c. stationed at Kingston, Point Henry and Point Frederick, for six months, commencing on the 25th September next, and ending the 24th March following, the quantity about One Thousand Pounds per Day, but subject to increase or diminish. Sealed tenders will be received at this office until twelve o'clock on Friday, the 10th September; the price must be inserted in words at length, and the names of two sureties given for the due performance of such contract as may be entered into. Commissariat Office, Kingston, 20th August, 1819. 25 GOVERNMENT BUILDING. STORE HOUSE, to be built of hewn or cut Stone, in His Majesty's Naval Yard at Kingston, U. C. according to plans (observing that the roof is altered to a projecting eave) which may be seen at the office of the Commanding Engineer at Quebec, Naval Storekeeper's office at Montreal, and at the Commissioners office at this place. Persons desirous of contracting separately for the Mason's, (by the toise) Carpenter's or Cast Iron work, or to wholly finish the building, digging the foundation and covering the roof with tin, will send in sealed tenders to the latter office, on the 1st of October next, naming two sufficient securities for the due performance and proper execution of the works by the 30th Sept. 1820. Other tenders will also be received for erecting the building with wood instead of the Cast Iron work for the inside, as described in the drawings. Whether the building is put up with or without the Cast Iron work, the Stone will be allowed to be quarried on the King's ground, and all the timber materials furnished from this yard. EDWARD LAWS, Naval Storekeeper. Naval Yard, Kingston, 25d Aug. 1819. 25 Bank Notice. BANK OF UPPER CANADA. DIRECTOR for the week, C. A. Hagerman, Esq. DISCOUNT Days—WEDNESDAY in each week. All Notes offered for DISCOUNT must be handed to the Cashier on the day preceding the DISCOUNT Day. S. BARTLÉ, Cashier. Drafts on Quebec at a short sight will be given for specie. NOTICE. BOOKS OF SUBSCRIPTION for the Bank of Kingston, will be opened at the Director's Room in the Bank of Upper Canada, on the 24th August next, and kept open each day from the hour of ten till three o'clock, until further notice. Kingston, 27th July, 1819. 22t Valuable Farm For Sale. BEING Lot No. 20 in the first concession of Ernest Town, containing two hundred acres of excellent land, one hundred of which are under good improvement. There is, also, on the premises, a dwelling house, barn, Stables, &c. together with an orchard of fine bearing fruit trees. For particulars apply to Benjamin Booth, Mill Creek, or at this Office. Kingston, August 13, 1819. 24t NOTICE. THE subscriber has just received an assortment of Patent Bobbin Lace, Black and White Lace Shawls, Scarfs and Veils—which he offers for sale, cheap for cash. ROBERT RICHARDSON. Kingston, 11th August, 1819. 24t REMOVAL. THE subscriber begs leave to inform his friends and the public generally, that he has removed from his former stand to the large stone store lately occupied by Messrs. W. Mc Cuffie & Co. a few doors from the Market Place in King-street, where he has just received a well selected and extensive assortment of Hardware & Cutlery, consisting of several tons of English and Swedes Iron, Steel, Nails, Window Glass, Putty, Paints, Oil, Spikes, Tin Plate, Sheet Iron, Trace and Log Chains, Hollow Ware of every description, Frying Pans, Spades and Shovels, Anvils, Vices, Grindstones, &c. &c. With a large assortment of shelf goods—consisting of most articles asked for in his line, which he will sell low for cash, produce, or short approved credit. J. WATKINS. Kingston, August 16, 1819. 6w

NOTICE. THE copartnership heretofore existing under the firm of LAMB & McDONELL, was dissolved on the 11th instant, by mutual consent. The business will hereafter be conducted wholly by the subscriber. W. M. B. LAMB. Kingston, Aug. 24, 1819. 25 A dissolution of the Copartnership between LAMB & McDONELL has never been dissolved with my consent. ARCO-Mc DONELL. WILKESHAIR appears that Lots No 19 & 20, in the 4th concession of the township of Sidney, Upper Canada, which did, in his life time, belong to Capt. Wm. Atkinson, of Kingston—have been unlawfully sold, and that public notice was given before the said sales, to forbid the same, and also forewarn all persons from purchasing the same. I therefore give notice, that I forbid any and every person from taking possession of the said lands, by virtue of the said sale; as I am the sole and only heir at law to the said lots of land. And, I do also hereby give notice, that I forbid any and every person from purchasing Lot Number twenty-one in the said concession of the said township of Sidney, which did also, in his life time, belong to the said Capt. Wm. Atkinson, and to which I am also the sole and only heir at law—and all deeds and conveyances that are or may be given, by any other person, are and will be insecure for the holding of the said lots. THOS. ATKINSON. Kingston, August 9, 1819. Mr. Thomson—Having observed in your paper of yesterdays date, a notice, signed 'Thomas Atkinson,' forewarning all persons from purchasing Lots No. 19 and 20, in the 4th concession of the township of Sidney, in the Midland District, and also forbidding all persons from taking possession of the same, you will oblige me by inserting the following NOTICE. THE lands abovementioned, were purchased by me at Sheriff's sale, as belonging to the estate of the late William Atkinson, for a valuable consideration, on the 25th day of October, 1816, as will appear by the deed of conveyance to me, in my possession, and as said deed is good and valid, and lawfully conveys the lands therein mentioned, I give notice that I will prosecute any person who shall be found trespassing on, or in any wise interfering with these premises. P. CORBETT. Kingston, 11th August, 1819. NOTICE. ALL persons indebted to the late copartnership of Richard Robinson and David Secord, are requested to make immediate payment to the surviving partner, David Secord. And those to whom the said copartnership may be indebted, are requested to deliver their accounts for adjustment and payment. Kingston, 24th June, 1819. 6m Surgeon Dentist. ALL operations carefully performed upon the teeth by J. R. SPOONER, Apply at Mrs. Patrick's tavern. Kingston, August 2, 1819. Midland District Agricultural Society. THE Committee of the Midland District Agricultural Society announce to the public their wish to have a District Show at Adolphustown, on Monday, the 18th October, and offer the following premiums to Farmers. 20 dollars for the best Bull, raised in the Province, and owned in the District. 10 do second ditto 10 do best Cow 5 do second ditto 8 do best Ram 4 do second ditto 6 do best Ewe 3 do second ditto 6 do best yearling Steer or Heifer 8 do best Boar 4 do second ditto 8 do best breeding Sow 8 do best Heifer of three years old 10 do best ploughing of one quarter of an acre, with oxen or horses. 7 do second ditto 5 do third ditto 5 do best sample of Wheat, accompanied by Certificates that the same is a specimen a whole field consisting of not less than five acres. 3 do for the best sample of Barley ditto 3 do for the best sample of prime white Peas 10 do for the best improved Plough, suited to the agriculture of the country. 22 J. CAREY, TOBACCONIST, begs leave to inform the public that he has opened a STORE, in Store street, nearly opposite the house of Mr. Dowling, where he offers for sale on moderate terms, the undermentioned articles of a superior quality, viz: Plug Tobacco, sweet scented 6 and 8 hands to pound; Ladies' Twist, Rappie, Scotch and Macaba Snuff, Spanish and American Cigars, Chewing and Smoking Tobacco, Pound and half pound papers, with the usual papers of a less size. Public Entertainment. THE subscriber respectfully informs his friends and the public that as his house has been shut up for a short space of time, on account of the loss of his wife—That his house is now opened for public entertainment, where travellers and others will meet with the strictest attention on the most liberal terms. He at the same time returns his sincere thanks to those who have honored him with their past favors, and flatters himself that the strict attention that will be paid to those who call, will entitle him to a share of public patronage. Benjamin Young. Carrying Place, Murray. July 29, 1819.