



Written by [Joe Wolverton, II, J.D.](#) on October 25, 2018

Brothers Fined \$450,000 for Cutting Down Trees on Their Own Property

Two brothers in Michigan are being fined \$450,000 for cutting down trees on their own property without getting the permission of the local government first.

Gary and Matt Percy own 16 acres of land in Canton Township. The brothers' plan for their plot was to use it to create a Christmas tree farm. That was before the would-be municipal monarchs stepped in to assert their "authority" over the Percys' property.

According to the brothers' attorney, Michael J. Pattwell, the land was filled with "invasive plants like phragmites, buckthorn and autumn olive."

That sort of environment would not be welcome in a field where people planned to provide for themselves by growing trees there.

The government of the town mandates that property owners obtain permission in advance for such planting and pruning. In fact, no "existing forestry" can be cut down without a government green light.

Here's the other side of the story, as reported by Michigan Live:

The township had an arborist compare the parcel to an adjacent property with the similar forestry to estimate how many trees were removed.

Township attorney Kristin Kolb said "it was all part of a forest."

"They identified certain plots," Kolb said. "They identified the number or type of trees and did some math to figure out approximately how many trees."

The arborist estimated 1,385 trees with trunk diameter of six inches or more were removed.

That could mean \$225 to \$300 per tree in penalties. Another 100 landmark trees were also removed, the township estimated, meaning another \$450 each.

The Percys' attorney has another take on the issue, of course. Patwell explains:

Canton Tree Police showed up. Township's tree removal ordinance prohibits landowners from removing trees from private property without government permission, which may be obtained by either payment into the township's so-called tree fund or on-site replacement with trees of certain designated trunk diameters.

Canton Township defines 'trees' as 'any woody plant with at least one well-defined stem and having a minimum diameter at breast height of three inches.' The Percy parcel was used historically by a



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local farmer for dairy pasture, so much of the vegetation on the parcel was invasive buckthorn, scrub brush and dead ash trees.

You read that right — tree police. The town of Canton has people paid to police the planting and pruning of trees.

Now, it is obvious to any sane person that government should have no say on how a citizen uses — or plans to use — property the citizen owns. This is a fundamental principle of centuries old Anglo-American jurisprudence.

It seems, though, that in the 21st Century, the battle will never end as the statist and social reformers insist on codifying collectivism and eradicating individual liberty.

In his book *Liberty Defined*, Ron Paul warned of the bleak future awaiting any society that allows government to annihilate privacy and property rights:

Privacy is the essence of liberty. Without it, individual rights cannot exist. Privacy and property are interlocked. If both were protected, little would need to be said about other civil liberties. If one's home, church or business is one's castle, and the privacy of one's person, papers and effects [is] rigidly protected, all rights desired in a free society will be guaranteed. Diligently protecting the right to privacy and property guarantees religious, journalistic and political experience, as well as a free market economy and sound money. Once a careless attitude emerges with respect to privacy, all other rights are jeopardized.

As for the Percy brothers and the local government's attempt to charge them nearly half a million dollars for using their own property in the way they see fit, it is hard to see this as anything more than a shakedown, a shakedown that would make even the Mafia blush.

In order for the Canton Township government to assert any degree of authority over property owned by a citizen of the town, it would have to prove how it obtained such authority.

Such dominion has been exercised for centuries in England and other monarchies where the crown claims — and the people accept — ultimate ownership of all property within the realm of the ruling family.

The United States has no such history. In fact, the concept of royal prerogative over property has been rejected by a people who for more than 100 years claimed and cultivated property without any interference from the monarch, until King George II began burdening Americans with paying off the debts Great Britain incurred to finance the Seven Years War.

While there are many men whose political philosophy influenced the American founding, when it comes to property rights, none was more frequently referenced than John Locke.

In his *Second Treatise of Civil Government* written in 1690, Locke wrote concerning property, its relationship to liberty, and the right of a people to protect what is theirs from government. In Section 222 of that seminal work, Locke explains:

Whenever the Legislators endeavor to take away, and destroy the Property of the People, or to reduce them to Slavery under Arbitrary Power, they put themselves into a state of War with the People, who are thereupon absolved from any farther Obedience, and are left to the common Refuge, which God hath provided for all Men, against Force and Violence. Whensoever therefore the Legislative shall transgress this fundamental Rule of Society; and either by Ambition, Fear, Folly or Corruption, endeavor to grasp themselves, or put into the hands of any other an Absolute



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Power over the Lives, Liberties, and Estates of the People; By this breach of Trust they forfeit the Power the People had put into their hands, for quite contrary ends, and it devolves to the People, who have a Right to resume their original Liberty.

Unless they likewise would be deprived of the right to own and make use of their property, every resident of Canton Township should demand that local leaders repeal those provisions of the township's code that grant such despotic authority to the government.

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