

This novel provision was adopted deliberately, for the express purpose of giving the Provincial Legislature the fullest control with respect to operations to be carried on within the Province; it recognizes that well founded jealousy and dislike with which the Colony has regarded Imperial Acts, bestowing upon Companies in *London* extensive powers in the *Colony*, without the consent or even the knowledge of the Colonists. This provision may be said to have introduced a new and valuable principle into Imperial Legislation with respect to Colonies. In consequence of this provision the Company, though it possesses by means of its Imperial Act, all the powers necessary for borrowing, stands in need of Provincial Legislation in order to lend, for of course all the lending must take place here. The object of this Petition therefore is to obtain for the Company powers of lending in *Canada*.

3. Is that the only power which the Company requires?—Yes; that is the only direct power, but inasmuch as it is impossible to lend money with safety on real property without enjoying the power to hold such property in case the mortgager should fail in his engagement, the necessity arises of enabling the Company to hold lands to some limited extent beyond its present acquisitions; at present it cannot buy an acre of land beyond what it possesses. There is no desire on the part of the Company to extend its operations as a Landowner, on the contrary its aim is to sell off by degrees the large property which it already holds. But as an incident of the Trust Company powers of lending, there must be a power to hold land to some limited extent. Supposing that the Trust Fund of the Company may be £500,000 as is intended, I think there ought to be a power of holding land to the extent of one fifth of that sum, or £100,000.

4. Is it desired that the powers to be conferred on the Company should be perpetual?—There is no necessity for it. A limited time might be fixed, but the whole measure would be defeated unless such term were amply sufficient to satisfy capitalists that they would not be subjected to loss, by having to wind up their affairs prematurely or suddenly.

5. What property has the Company acquired in *Canada* under its present Act?—The Seignory of *Beauharnois* with certain Township Lands which it purchased from Mr. *Ellice* for £150,000 sterling.

6. Do you know that the Petitioner, Mr. *Eden Colville*, is the duly authorized Agent for the Company?—I do.

(In the matter of the Petition of *Thomas A. Corbett* and others, for incorporation of a Loan and Trust Company.)

*Robert S. Atcheson*, Esquire, called in and examined:—

State to the Committee any information you possess respecting the operation and advantages of Companies of the nature of that for which the Petitioners desire an Act of incorporation?—Mr. *Wakefield*, the Member for *Beauharnois*, in his evidence on the petition of *Eden Colville*, Esquire, the Agent of the *North American Association of Ireland* has, I believe, stated fully to the Committee the operation and advantages of Companies, similar to that which the Petitioners now before the Committee are desirous of being empowered to form. Mr. *Wakefield* has also stated, the success which has attended the Companies of this nature, connected with the *Australian Colonies*, and the great extent to which these Companies have contributed to the extraordinary prosperity which those Colonies now enjoy. A Company of a similar nature was some time since formed in *Ohio*, one of the most flourishing of the adjoining States, and its success has not

only given a high value to the Shares of the Stockholders; but its operation has, I have been given to understand, very materially promoted the singular success which has attended Colonization in the State of *Ohio*. I understand, also, that an Association has long existed in *Aberdeen*, which employs its Capital, in advances to persons resident in the *United States*, on real or personal security, on the Representation of a confidential Agent, whom it maintains in that Country. That Association is not incorporated, and its operations are therefore necessarily limited. From my personal knowledge I am able to speak with some confidence of the great benefit which would result to this part of *Canada* from the Establishment of a Company of this nature in it. The improvement of Farms, and the extension of every branch of business connected with the agricultural classes, are most materially impeded by the great want of Capital which exists. The Banks are precluded by their Charters, from advancing money, on mortgage, and there are but few private individuals resident in this part of *Canada*, who have the means of making such advances. Since my settlement, I have made repeated visits to *England*, and upon almost every occasion I have been solicited by persons possessing property here, either to negotiate loans on their property, or in some instances, even to offer it for sale, at prices involving great sacrifices. Sometimes the political condition of the Province was urged as a ground for a refusal to invest Capital, in the manner proposed, in *Canada*; but the ground most generally urged was, the extreme difficulty of obtaining sufficiently satisfactory evidence as to the title and money value of the property, and the great trouble, risk and expense, of collecting the interest, or re-mitting it on the avails of purchased property, to *England*. All these objections would be met and overcome, in my opinion, by the establishment of the Company proposed to be formed by the Petitioners.—The extent of their operations would enable them to employ and amply remunerate an agent whose duty it would be to receive applications for loans, and to report the same to the Directors with his opinion on the legal sufficiency of the title, and the money value of the property, and under their sanction to direct the advances agreed upon by the Directors, and to see to the collection of the interest, and the enforcement of its payment, together with the principal whenever necessary. Such an agent it is not worth while of a single individual to employ, but an incorporated Company, from the extent of its operations, could employ and amply remunerate him. In this way would be ensured to non-resident Capitalists the means of making advances in this section of *Canada* with safety. The Capitalists engaged in the undertaking would secure a profitable investment, and to the Colony would be given the relief essential to the development of its resources, and the attainment of the prosperity, which from the natural fertility of its soil, and the advantages of its climate, and position it has a just right to look forward to.

The Honorable Mr. *Dunn*, one of Her Majesty's Executive Council, laid before the House, by Command of his Excellency the Governor General, Schedule of Government Debentures, redeemed and outstanding, issued under the authority of Acts of the Legislature of the late Province of *Upper Canada*.—A. D. 1842.

(For the said Schedule see Appendix E. E.)

Mr. *Holmes* from the Special Committee, to which was referred the Petition of the Mayor, Aldermen, and Citizens of the City of *Montreal*, respecting the Water Works in the said City of *Montreal*, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:—