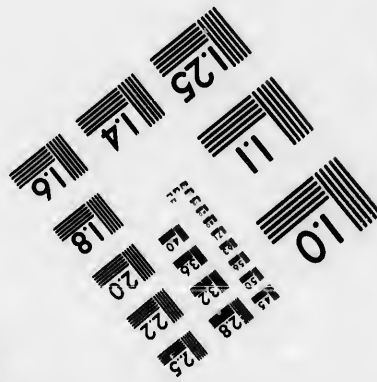
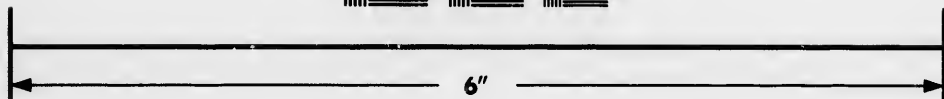
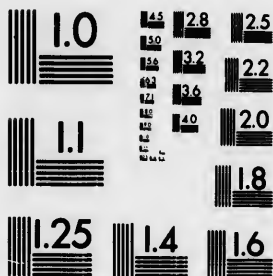


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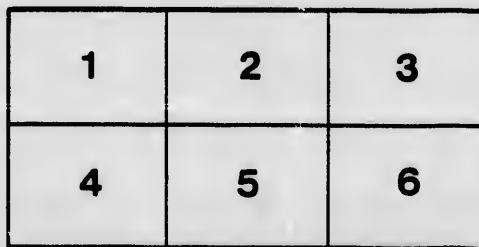
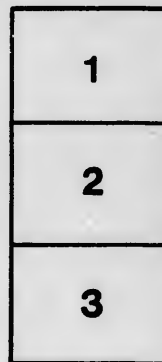
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MEMORANDUM

For the information of the Legislative Council of Canada, in reference to the Canada Company's position with the Municipal District Council of the Huron District; to which is appended the Defence of the Canada Company, by Dr. Dunlop, M. P. P. (See Note.)

Dr. DUNLOP, in his statements, supports his measures by allegations not warranted by the real circumstances of the case. The statement submitted to counsel for opinion shows the details of the facts exhibited in substance in my printed exposition of 30th November last, and proves that the Canada Company were far from wishing to embarrass the District Council as to pecuniary matters; but, on the contrary, took every means for their relief consistent with the assertion of their own legal rights.

For example, the Company last year tendered the taxes for the years 1842 and 1843, under the Provincial Statute 59 Geo. 3, chap. vii and viii, after the rate of 1-5th and 1-8th of a penny per acre, which, upon 660,000 acres, amounted to ... £1,625 0 0  
The Canada Company also tendered to the Treasurer of the District, the tax of 1d. per acre imposed by the bye-law of 1844, amounting .....

2,188 10 5

Thus offering to the disposal of the Council, and refused by them .....

£3,813 10 5

And this offer was made notwithstanding that the District Council was indebted to the Canada Company in the sum of £3,100, with interest, which was secured by bond, in which instrument provision was made for the retention by the Company of the accruing taxes, in payment of the debt and interest.

And the offer of payment was also made without prejudice to any claims, real or pretended, which the Council might set up to the taxes imposed by the bye-laws which have been found illegal.

The amount thus tendered without compromising any real or asserted right of the Council, would have been more than sufficient to relieve that body from its pecuniary difficulties, but its receipt would not have suited the objects of the District Council, which appears to have been the creation of ill feeling in the District against the Company, and to induce the settlers to believe that the embarrassments were created by the default of the Company, not by their own illegal and unjust proceedings. And further, they had it in view to subject the company to the surcharge or penalty of default in payment of taxes. For these purposes they permitted the seizure of the desks, &c., of the Council, suffered the officers and others dependent upon them to go unpaid, gave orders in anticipation of the taxes which fell into depreciation, and which have been bought and sold at prices varying with the hopes and fears of the dealers as to their ultimate or timely payment.

Dr. Dunlop made an attack upon the Company, in his speech in the Assembly last month, well calculated to create a strong prejudice against the Company; and the more mischievous and unfair, because he was the only person present who knew that his charges were unfounded.

He inveighed against the bad bargain the government had made with the Company, and he spoke of the large sum of money leaving the District, the produce of sales of the Company's lands. I happen to have in my possession his Defence of the Company in 1850, in manuscript, and signed by him; to this I invite the attention of those who take an interest in the subject. It is true so far as relates to the circumstances of the Company at that time; and I am able to add, from the accounts of the Company, that the amounts expended by them on account of their lands in the Huron Tract, up to the 31st December, 1844, were £407,928 c'y, whilst the produce of sales of land received by the Company up to that period did not suffice to cover expenses of management.

Had the bill introduced by Dr. Dunlop become law, the effect would have been to inflict upon the Company penalty and forfeiture, not for violation of law, but for acting according to law. The tax for 1842, which the bill was to make legal, imposed 1d. per acre for that year. The tax imposed by the bye-law of 1843, disallowed by the government, was only for 3d. But the bill, instead of making the smaller tax legal for 1843, extended the tax for 1842 to the year 1843, which would thus have added 53 1/2 per cent. to the taxation of the Company, which the District Council never had imposed or pretended to claim. The bill also assumes to render illegal bye-laws retrospectively legal; which would have the effect not only of obliging the Company to pay the taxes illegally imposed, but also to pay the penalties for disobedience to their bye-laws, at a time when they were confessedly illegal—a course of legislation unprecedented as it is unconstitutional and unjust. What would be said of a customs law which made an article contraband, and which subjected to forfeiture all of the same article that had been imported for three years before the law was passed.

It has been alleged that the Company intefored with the government to procure the disallowance of the bye-law for 1843. This is untrue. For the purpose of enlisting popular feeling against the Company, it has been said that the poor settler having been intimidated into paying his taxes, the Company should not have refused. But the only way the Company had to protect the

NOTE.—This Memorandum and Dr. Dunlop's Defence of the Canada Company had not, unfortunately, reached Montreal when the debates upon Dr. Dunlop's bill took place in the Legislative Council; otherwise it is believed that the sentiments expressed by some honourable members would have been very different from what they are reported to have been.

settler against exorbitant taxation of land, was to resist the illegal taxation for themselves, and to set the example to those who were too poor and too ignorant of their legal rights to complain for themselves. None are so much interested for the prosperity of the poor settler as the Canada Company, and none can be so much injured by the taxation in excess of the settlers only possession, land. And had the Company paid these taxes, illegally imposed by the Council, without question or complaint, they would have encouraged a recurrence of the illegal and unjust proceedings of the Council.

Had the Company quietly paid the heavy taxes attempted to be imposed upon wild land under the semblance of the bye-laws in question, as they had been declared not merely informal but substantially illegal—the payment would have exposed the Company, and the settlers, to further demands for taxes, which they might not have been able to resist, namely, those chargeable under previous acts of the Legislature;—how far the Company could feel any confidence of being guaranteed against this double claim, the bill of the District Council now before Parliament, introduced by their Warden, sufficiently testifies. The settler would have been as much injured in proportion as the Company. As the matter stands, should Dr. Dunlop's bill not become law, those who have paid taxes illegally are entitled to reimbursement, and this they can easily procure by demanding credit for these payments in the future collections of illegal taxes.

It is to be hoped that the Legislature will put some limit to the power of the District Councils to tax arbitrarily unproductive property. Under the provincial laws of Upper Canada, cultivated and *productive* land was taxed at five times higher than wild land, for it was assessed at five times the value; but when the tax is imposed upon each *acre*, land which is *not productive*, land which cannot immediately be disposed of, and land which from its inferior quality may not be sold for half a century, are placed upon the same footing with cultivated and productive farms. This is not justice,—but it is the kind of justice to be expected from those who, by throwing public burdens from themselves upon others who cannot resist, have the readiest means of escaping these burdens themselves.

CANADA COMPANY'S OFFICE, TORONTO,  
4th February, 1845.

FREDERICK WIDDER, *Commissioner.*

DEF

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# DEFENCE OF THE CANADA COMPANY,

BY

## DR. DUNLOP, M. P. P.

MORALISTS AND CAUSISTS, in all ages, have held that man is an uncharitable and vindictive animal. This is true to a certain extent, but not, by any means, to the extent that these gentlemen would have us suppose. When neither respect—nor fear—nor envy have a sway in his mind, man is a forgiving animal, as could well be desired. The knave is forgiven his crimes when they have safely conducted him to the gallows; forgiven by *him*—from the tender-hearted girl, who weeps the untimely fate of “a proper young man,” to the stern judge, who seasons the unpalatable condemnation of his perishable and worthless body with an emphatic prayer for the future welfare of his precious and immortal soul,—from the kind-hearted prosecutor, whom a sense of duty compelled to bring him to justice, to the pawkish, mandlin-parson, who records his exemplary penitence and the pleasant frame of mind he exhibited between his sentence and execution, for the edification—as ‘the indictment hath it’—“of all persons in like case offending;” and who proves to the satisfaction of all, whose hearts are not hardened by common sense, that the prophet Balaam was a much greater ass than that on which he rode, when he prayed that he “might die the death of the righteous, and his latter end be like unto his;”—seeing that had he lived in these enlightened times, he must have known that he might have rioted in sin and self-indulgence till within twenty-four hours of his death, and then, by the help of an evangelical parson, have died a death of confidence and assurance in salvation more firm and sure than the majority of the righteous ever are favoured withal.

But human forgiveness, like all sublunary things, hath a limit, and whatever remission may be bestowed on crimes and follies, the world knows none for that greatest of all sins in its decalogue—success. If prosperity comes by good fortune, it produces simply envy; and the arrow that wounded, carries its saive along with it.

We merely remark that there is a special Providence which watches over and protects the interests of fools, and we humbly thank God that *we* are not one of the Corporation who enjoy such an enviable privilege; but where prosperity arises from conduct and judgment, gall is added to bitterness, for the very fact infers a superiority in the offending party, which, as it lowers us in our own estimation, inflicts the deadliest wound on our self-love, which is, of all parts of our moral organization, the most sensitive and easily irritated.

The Canada Company is a fair example of these moral truths. When it first commenced its operations in this colony, it was an universal favourite with all, save those happy few who surrounded the proconsular throne, and basked in the reflected rays of majesty that emanated from it. These saw in a monied Company, who hought what they and their friends were in the habit of getting for nothing, a set of interlopers who, whether they did good to themselves or the colony or not, did undoubtedly harm to them; like the silversmiths of Ephesus, they felt that “the craft was in danger”—and there being no Town Clerk to moderate their wrath (Toronto not having then got its charter), it raged against the Company and all that aided, abetted, comforted, and assisted it, with unmitigated fury, and the effects of that fiery indignation was not confined to the province alone, but reached London, and had the most unpleasant effects on the well being of some of the Company’s highest officers in this country. For the rest of the province, they looked on the undertaking with the most benign aspect; first, because it annoyed their betters, and secondly, because they considered it as the project of a parcel of Cockneys, to whom God had granted infinitely more money than wit; and they saw that their operations, however long or short might be their continuance, would be the means of imparting to each of the parties what they, individually, were so eminently in want of,—as money, they rightly agreed, has a natural tendency to gravitate from the pockets of those who do not know its value into those of such as Providence has blessed with so much sense as to be fully aware of its importance and utility; and wisdom, they knew, when hought at some cost was always more valuable than when more easily acquired. Accordingly, the Company and its officers were in high favour; their healths followed those of the King and the Governor (and sometimes with more applause than either) at every public dinner in the province, and nothing could exceed the cordiality with which they were received, so long as it was the general opinion that the colony had everything to gain and nothing to lose by them.

But these halcyon days, like those of the golden age, have gone by; it is supposed that the Company has been eminently prosperous, and those who would have pitied the fools and pocketed their money, now feel that they have been grievously injured by the result of the Company’s proceedings helping their predictions, and therefore it is naturally and necessarily abused and vilified on all hands. Of course, in this proceeding there is much that is false represented as true, and much that is true exaggerated and distorted; it must therefore be our duty to enquire into what this Corporation has done and how far the accusations that have been brought against it were just or unjust.



These accusations have come in forms so various, and from such different and even opposite quarters, that it is difficult to classify and arrange them; but they have never come, in Parliament or out of Parliament, in newspapers, in slangwanging speeches, or in private communications in such a shape as to be tangible, and this gives the opponents of the Company all the advantage that a party of skirmishing partisans would possess over a regular body of troops in a rough country—they can neither see from whence the attack proceeds, nor effectually return it—their only shift, therefore, is to attack them wherever they are grouped so as to draw them out, and compel them either to defend the ground they pretend to occupy, or at once and forever to abandon it.

We shall, therefore, endeavour to sum up the various charges that have been made against the Company and its agents, and reply to them so far as they occur. They consist, as far as we can gather, of the following assumptions:—

- 1st.—That the Company purchased their lands at too cheap a rate.
- 2nd.—That the colony has received no advantage adequate to the advantages accruing to the Company.
- 3rd.—That individuals have received no adequate advantage.
- 4th.—That the Company is a monopoly.

We shall now consider the first of these allegations, viz., that the Company has not paid to the Government a sufficient value for the land.

When the plan of the Company was announced in London, the capitalists who intended to embark in it, being perfectly ignorant of Canadian affairs themselves, naturally consulted every person and every document that might throw light upon the subject. From people connected with Land Companies in the State of New York and other parts of the United States, many of whom had purchased their lands upon the most advantageous terms, when the Government were straitened for money to pay the debts and obligations contracted during the revolutionary war, they learned that no Land Company in the States, however judiciously or economically conducted, had ever realized as high a profit as if the money employed in it had been lent on landed security, at what is the legal interest on mortgage in the State of New York.

Another class, who in London are held oracular on all matters connected with Upper Canada, the merchants of the Lower Province, were of course consulted. They spoke feelingly on the subject, having settled many had and doubtful debts, by taking land that they could not sell. Indeed, in the palmy days of Governor Hunter and Gore, it was a favourite mode of paying a grocer's bill, in Montreal, for a person about the Government to get a grant of land and make it over to the Montreal merchant, who gave them credit at the rate of a York shilling per acre. Most of these offered to give up all the lands they had to the Company, at the price fixed by the Commissioners; and one of the most eminent merchants Lower Canada ever produced, declared that he would not give a web of Russia sheeting for the best 1000 acres in Upper Canada, for he could double the one five times over, while the other lay consuming the interest of money. And though this is certainly hyperbolic, yet time has shown that it savoured much of the natural shrewdness and sagacity of the man; for though he has been dead for upwards of twenty years, yet four-fifths of his lands remain unsold to this hour. Now, though the web of Russia sheeting only cost one pound, if he could double it once a year, the curious in geometrical progression must be aware that in 25 years it would amount to a sum that would purchase the fee simple of all the land in Upper Canada.

The mode in which the price to be charged for the lands purchased by the Canada Company was determined, was as fair as could under any circumstances be devised. Two Commissioners were chosen by the Crown, two by the Company, and a fifth to act as umpire between them, was appointed by Government. These met at Toronto, during the sitting of the Legislature,—examined witnesses of every description, among whom were the members of both houses, and every other person whom either the Executive of the Province or the favourers of the Company chose to present; besides all who chose to come voluntarily forward to give their evidence. This evidence was taken at the time and duly engrossed, and upon this was the report of the Commissioners predicated. The evidence and the report having necessarily been delivered into the Colonial Office, have become State papers, and are liable to be called for in the proper quarter, and their reasonings and findings discussed and animadverted on before a competent tribunal. But one point was still difficult to be determined. It was impossible, from that evidence, to strike an average, and at last it was determined to strike a mean. This was obviously to the disadvantage of the Company, for all the best lands and the most saleable were left out of the mean, in so far as the Company could profit by them; for they had been given away, leased, or promised, long before. But as nothing better could be done, a mean price was struck at 3s. 6d. per acre. The Government party were exceedingly wroth at this decision, and they determined to mend it; wherefore a Circular was sent to the Magistrates in Quarter Session assembled. These, going over the same ground for their own particular Districts as the Commissioners had done at Toronto for the whole Province, found that the value of lands in their several Districts had been overrated, and made returns which showed the mean value of the Province then to have been 3s. 4½d. per acre, or 1½d. less than the Commissioners at York had made it. Now, when we find that eight or ten different bodies of men, acting without concert and at a great distance from each other, come to a conclusion so nearly alike, it must show that either they are very nearly correct, or that, if they have erred, that there is an unaccountable coincidence in the sources of their error. Very soon after the establishment of the Company, the whole policy of Government in granting so large a portion of their lands to a Corporation came under the consideration of the House of Commons. In the debate, Mr. Hume stated his opinion, that to do justice both to the Government and the purchasers, it ought not to have been sold without competition to a great monied Company, but exposed to sale by auction, and in such parcels as might suit the public. This has since been done. The absentee tax has caused much of the land held by persons who had procured it from Government to come into the market, in lots generally not exceeding 200 acres, and these were sold at various times, after being advertised for at least twelve months. The average or mean (for in this case they were nearly the same) was about 6d. per acre or 1-7th what the Commissioners valued them at several years before; and we can point out one instance among many, where 3,000 acres of the most valuable land in the Western District were sold at Sheriff's sale for £57, or about 4½d. per acre. We are now told that not only had the Canada Company made a most exorbitantly advantageous bargain, but that every body in Canada saw that they had done so. How came it, then, that out of 10,000 shares of the stock of the Company, only 25 were taken up by a resident of Upper Canada? Why was it that two years afterwards, when £13 10s. was paid on each share—though they were actually sold for £1 and £1 10s., and shares were in some instances given away by the holders rather than pay the instalment of 10s. a share—why was it that the people of Canada, knowing the advantageous bargain the Company had made, did not rush forward



ward to participate in the spoil; and why, during the long period that the stock of the Company was below par, did those who were so well aware of the enormous profits to be realized decline to participate in them? They had an infinitely more promising affair of their own; the Welland Canal was their then El Dorado; and when an investment of capital was proposed to one of the most enterprising men of business that has ever appeared in the Province in the depreciated stock of the Company, his answer was—"I enter into speculations only where there is at least a probable chance of gain, not where there is a certainty of loss."

We have said, that from the very beginning of the undertaking, out of 10,000 shares only 25 have ever been held by an inhabitant of Upper Canada, and that small portion was abandoned totally and without any consideration, rather than pay the third instalment. Nay, so little did the good people of the Province know of the matter, that the Company's officers were taunted at Toronto with their being taken in when they abandoned their portion of the Clergy Reserves for the Huron Tract, and they were assured from unquestionable authority, that what portion of it was not an impracticable swamp was rock and sand; and one of the largest landholders in the Province, and one who lives and holds land within the breadth of a township of the confines of the Huron Tract, said, that from what he had heard from men who had traversed it, he would not give 100 acres of his township (and God knows there is better land in the Colony) for the best thousand acres in the Huron Tract. When, then, the Company purchased their lands so entirely at haphazard, what right has any one to complain of the goodness of the bargain? Suppose the land had turned out as they said it would, would they have been willing to have released the Company from its part of the bargain, and refunded the money paid for the land or expended in its improvement? But in every case where the Company's purchase is estimated, it must not be by what is the value of the land in 1830, but what it was in 1824; more particularly when it is remembered that the increase of value has been caused by the enormous increase of immigration, which the exertions of the Company in bringing the Colony into notice in the Mother Country has produced.

But, take the hargain as it stands, we defy any man who has any thing like a competent knowledge of the business of the Province to assert that the Company has any probability of realizing an exorbitant profit. From March, 1824, till the present day, in various instalments the proprietors have paid £25 Sterling per share upon 9,000 shares, amounting to £225,000 Sterling, to which add 20 per cent. for difference of currency and exchange, and the total amount subscribed will give £271,000 Halifax Currency; of all which enormous sum (exclusive of the home expenses of the Company), and all which the Company have received for the sale of their lands for the last ten years, not one farthing has been remitted to England. All has been expended in the Colony, an expenditure greater than that of the Legislature of the Colony itself during the greater part of that period.

During the two first years of the Company's operations, they paid £81,000 to Government, and £12,000 more on roads, bridges, mills, and other improvements, salaries, office expenses, surveys, and exploring parties. The profits of the sales (even had they been realized, which of course they were not, being made on five years credit), amounted to £7,000 per annum, a sum which would not have more than paid the current expenses of the Company at home and abroad; and had emigration continued at the same ratio it then was, the Company ere this must have sunk nearly half a million, to be recovered as best it might. The increase of emigration which was caused by exertions of the Company has lessened this expenditure, but by no means supplied it entirely, seeing that the last call of £2 per share was paid in the January of the present year. The payments to Government must continue until the year 1842, when a final adjustment must take place. Allowing that £90,000 more will, with the money received for the sale of lands, cover this outlay, it will make a total expenditure between the years 1824 and 1842 of £361,000. Now, suppose this to be repaid at the average rate of £25,000 per annum with interest, it will take fourteen and a half years to repay the whole; that is, under all these circumstances, the profits of the Company would commence in the end of the year 1856, or after thirty-two years from the commencement of the undertaking, and the profits would need to be something considerable to pay for the delay.

Take, in contrast with this, the only other monied institution then or for a long time after in the Province, the Bank of Upper Canada, the whole capital of which did not amount to so much by £20,000 as the two first instalments of the Canada Company paid in the months of March and April, 1824, the profits of this concern have averaged 12 per cent. per annum, which, without calculating compound interest, would nearly quadruple the capital originally invested, before the Canada Company has repaid itself that which it had expended. Taking these and the circumstances of the Province into consideration at the time the Canada Company commenced operations, we think it will hardly be asserted that they have made an enormously advantageous arrangement.

The second subject of vituperation against the Company is, that the province has received no adequate advantage by their means. We can only judge of this by comparing what they have done in settling their lands with what the province did of itself. Yonge Street is one of the oldest settlements in the province, and notwithstanding all the statute labour, which, if faithfully expended, might have paved it ere this, all that private subscription and provincial aid has done for it, it is not at this hour so good a road as a line three times its length which the Canada Company has constructed in the Huron Tract, between the years 1830 and 1834. As to the main road through the province which was commenced by General Simcoe, it would be folly to talk of it, seeing that you have only to quit Toronto a mile on either side to find yourself in a wilderness, where not only the road is not turpiked, but where the very trees of the forest are not cut down to the statute width.

The city of Toronto was commenced in 1792, and though the Seat of Government, of the Courts of Law, and having in addition to nearly the whole revenue of the province, the expenditure of a large garrison, at the end of 24 years (in 1816) contained 78 inhabited houses, that is to say—there were 78 human habitations—from the then only brick house to the log shanties occupied as temporary shelters by the Officers of the Army, who built them—between the Don Bridge and the Garrison.

The Canada Company, in eight years, have established two villages; the one of which, though commenced 70 miles from the nearest available human habitation, now contains double the number of houses and inhabitants that Toronto did in 1816; and the other, though 30 miles from water carriage, is equal, if not superior, in houses, churches, schools, stores, and every thing that can conduce to the comforts and conveniences of life to what Toronto was in 1827, when the other was founded.

When the Canada Company was established, there was not a harbour in the province which owed anything to art, the one wharf of Toronto alone excepted. In three months, during last autumn, a pier was constructed by the Canada Company, at Goderich, at a greater expense than would be required for all the wharfs of Toronto combined.

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We have already alluded to the increase of emigration in consequence of the exertions of the Canada Company at home. Formerly, it rarely exceeded 5000 per annum; now, it rarely falls short of three times that number, besides that which comes by New York. Generally speaking, Canada was only known as an eligible settlement to the labouring classes of Scotland, and in some parts of Ireland. The very existence of the country was not known to the labouring classes in the interior of England. The Canada Company, between the years 1829 and 1832, had published, in every city, market town, village, and hamlet of the three kingdoms, intelligence in the shape of advertisements, prospectus, maps, and pamphlets, respecting the capabilities of the colony, and the result is, that whereas former emigration consisted almost exclusively of Scotch, these, though their numbers have by no means diminished, form but a small fractional part of the emigrants to this country. But it is not the working classes alone that the Company have been instrumental in bringing to this country; men of capital—and what was even of greater consequence to the colony, of education and intelligence—have been induced to emigrate; and, though their intellectual qualifications are as yet but partially felt, the beneficial result of capital thus introduced is every where acknowledged. Land, cattle, and all kinds of agricultural produce, not easily brought from a distance, have risen from 50 to 80 per cent. in value, and improvement has gone on in a ratio so accelerated, that in one year more is now done for the advancement of the Province than ten in former times would have accomplished.

3d. The benefit the operations of the Company have conferred on their individual settlers can be very shortly discussed, when we state that, generally speaking, there is not a settler in the Huron Tract who has purchased a year back who would part with his farm (his improvements being paid for) under 50 per cent. advance, and that one, two, three, and even four hundred per cent., have been given for farms not in the occupation of their owners a greater number of years; we could mention an instance where 1500 per cent. was given on a lot not more than four years in the occupation of the proprietor, but as this was counted extraordinary even in the Huron Tract, it must be held as the exception and not as the rule.

4th. The last charge we shall notice against the Company is, that it is a monopoly. This accusation can only have arisen from the miserable ignorance of the English language which exists in all classes of the Colony, more particularly in its legislature. Monopoly, as its name implies, (being compounded of *μῆδος* & *πολις*), signifies one person or corporation possessing the exclusive sale of any article in a nation or community. Such was the privilege of the East India Company with regard to the importation and sale of teas, such of the Bank of England in the circulation of their notes within 60 miles of London, and such of the Government in the sale of lottery tickets; but where two or more exist who have the power of selling a commodity, it ceases to be a monopoly; and were we given to the literary felony of coining or counterfeiting the King's English, we should designate such a state of things as a duopoly or a polyopoly. Now, precisely in this situation does the Canada Company stand with regard to land. The Crown, the Clergy, the College, the Schools, have all of them large tracts of land, and among them perhaps ten times as much as the Canada Company. But, besides these, every merchant of both Provinces, every shop-keeper, every lawyer, and a great many who are none of these, have lands for sale; so that we might as well talk of a monopoly of groceries as of lands in Canada, seeing that there are more persons and companies who dispose of the latter than the former.

To conclude: we think that we have made out our case, by proving that the Canada Company has, to say the best of it, only made a fair bargain for their lands; that their operations have been highly beneficial to the Province, as well as to almost every individual in it; and lastly, that, under no construction of the English language, can it be with propriety designated a monopoly.

WILLIAM DUNLOP.

GAIRBRID, 31st March, 1836.

