

equality in the contributions which would override the positive declared fact of their inequality.

Now what are the facts before us? Documents of the gravest authority—the public accounts—shew what the debts and what the assets of the Provinces of Upper Canada and Lower Canada respectively were at the time of the Union in 1841. These accounts were made up officially by the two Governments, and are, therefore, to be received as formal declarations by the parties of the precise condition of the affairs of each at that time. They shewed a great inequality, and notwithstanding that inequality it was settled by agreement direct or implied, and part of which took the form of statute law, that the benefits and liabilities of the partnership, arising from their political Union and the consolidation of their revenues were to be equal during its continuance, which was then expected to be perpetual. But this agreement did not change the patent and declared fact of the inequality of contributions, and much less did it constitute an undertaking on the part of Lower Canada to pay out of its separate revenue, after the dissolution of the partnership, the half or any other portion of this debt of Upper Canada. It may be added, that, even if the amount of this debt had been really paid during the Union, which it was not, it would make no just difference in the present position of the parties toward each other, for the result of such payment would be that so much was taken out of the common fund for the payment of the particular debt of Upper Canada, which would otherwise have been applied to the discharge of the common debts, and thus the present amount to be divided has been increased to the sum, in round numbers, of \$10,500,000, instead of the \$5,000,000, which it would have been, supposing the debt of Upper Canada to have been \$5,500,000.

But to pursue this branch of the question a little further. By the terms of the Union Act, 1840, sec. 56, the debts of Upper Canada and Lower Canada are spoken of, and certain provision is made for them, under the description of the "public debt of the Provinces of Upper and Lower Canada, or either of them," out of the Consolidated Revenue of Canada. They are kept apart, two debts, one of each Province—the precise amount of each was known, and there is no declaration in the Act by which they are