

As the Union was expected to be perpetual, no provision was made for its dissolution; but there can be no doubt that the equality contemplated in its formation carries with it necessarily upon severance a like equality, without reference to population or other advantages, in the division of all debts and assets created during its subsistence; and this rule of division resulting from the only source which can be regarded as authoritative and applicable to the precise question, is coincident with that which the law of both countries would afford in the absence of other guide.

In view of that law and of the Act of 1840, with the resolutions of the Legislatures of the respective Provinces which preceded it, the Union effected by the latter was certainly in the nature of a contract, and there is but one recognized denomination of contracts to which this relation of the Provinces towards each other can be assimilated; that is the contract of partnership—not a partnership in the more technical meaning which the convenience of commerce, acting upon the doctrine of the courts, has attached to the term, but in its older and broader signification—the *Societas* of the Roman Law, which is the source of the whole law of Partnership in Europe and America.

The adoption of the rules which govern the disposition of the property of such associations involves the acceptance, in a qualified degree, of the proposition submitted on the part of Quebec; but it is not to be inferred that the arbitrators necessarily accept the form and details which are presented in connection with that proposition. Indeed, it must be understood that in dealing with the questions now before them it is intended only to settle the principle of division and adjustment, and not to pronounce any opinion upon the correctness of the figures or other statements to which such principle may apply.

The Union then of Upper and Lower Canada in 1841 must be regarded substantially as an association in the nature of a partnership. It might be assimilated to a variety of associations and forms of community of property falling under this general name, such as the community between husband and wife, and certain relations of joint ownership, which are known in the older law, and are all included under the generic term *Societas*.

A definition of that contract which has been accepted by the