

Ré-Union Act of 1840, as separate Governments, with fixed rights between them as units, and without regard to the difference of population. Not only was the population of Lower Canada, then nearly one half more than that of Upper Canada (the former being in round numbers 663,000, and the latter 465,000), but its revenue and its assets were also very much greater; yet the representation was equal for both Provinces, and an absolute equality of debts and assets created during the Union was established between them. This rule of Union settles by necessary implication the rule of division. The law which in case of dissolution was to govern the distribution of the debts and assets created during the subsistence of the Union, was then fixed upon an unequivocal basis of equality, and cannot now be set aside for any other—much less for that other (namely comparative population) which was then pointedly rejected.

The chief argument in support of this second proposition (proportion of population) rests upon the fact that in several instances population or something nearly approaching it has been made a basis for the Legislative distribution of public monies.

Thus, the appropriation for common schools is made dependant upon the number of inhabitants.

The distribution of the Municipal fund in Upper Canada was according to the number of ratepayers.

And by the B. N. A. Act, 1867, the subsidy to the several Provinces was based in part, but not wholly, upon capitation.

Of all these, as well as of the sum granted to the Eastern Townships of Lower Canada, by way of indemnity under the Law for abolishing the feudal tenure, it may justly be said that they were particular rules created by the Legislature for special cases, each having some peculiarity not belonging to the other.

The first, population absolutely, as the more people there are of course the more children are to be educated; the second, ratepayers, a limited class of persons very different from general population; the third a combination of capitation with other circumstances.

The rule in each case was adapted to the special circumstances of that case, and to extend these rules or either of them, from the particular case to a general application for the regulation of rights