

2nd Proposition.—The second proposition, that of basing the division upon the "Proportion of population," is not less liable to objection than the preceding one. In itself it is not sustained more than the other by any recognized law or usage, nor does it rest upon any fixed foundation.

The latter defect is obvious. The relative proportion of the population in the two Provinces is continually shifting. It was one thing in 1841, and is entirely another thing now. If the division had been made within a year from the former date nearly two-thirds of the debts and assets would have fallen to Lower Canada, although that Province owed nothing and the assets of Upper Canada were then of no available value; if a few years later, one-half: if in 1861, four-ninths; and if it were to be postponed for ten years longer, perhaps one-third. In short, it varies from year to year, and unless it be assumed that the rights of the parties are shifting with every death and birth, it is difficult to understand how they can be dealt with upon so unstable a basis.

This mode of division is not defensible upon the ground of equity, for it might happen that the local debt of the smaller population would be much greater than that of the more numerous, or that the debt of the larger population would far exceed in amount the proportionate difference of numbers between the two. In either of these cases the division, if by population, would work a manifest injustice. If, for example, the smaller population were in number 1,000,000, with a local debt of \$2,000,000, and the larger population were 3,000,000, with a local debt of \$2,000,000 also, the division by population would impose upon the latter three-fourths of the whole debt, that is to say, its own local debt and \$1,000,000 of the local debt of the former.

Nor can the equity of such a rule be vindicated upon an assumption that the ability of a country to pay depends necessarily upon the number of its population, for such an assumption cannot be sustained. It would not be difficult to cite numerous cases to shew that it is not justified by experience or history.

But the conclusive objection to the proposition, as affording a rule of division in the present case, is that it is inconsistent with, and indeed contradictory to, the principle upon which the Union of 1841 was based. It is obvious that the two Provinces were treated in the