

tions, and what were these? They were to arrange a *scheme of union*, of the British North A. Colonies. Have they done this? They have *united* none of the colonies, but they pretend to have *confederated* three of the five colonies. They had no authority whatever to do this.

To unite means to make one, how did they unite three? Why by making them four. They take, without the least shadow of authority, Canada, New Brunswick and Nova Scotia, and after their novel mode of uniting them, they become four, ONTARIO, QUEBEC, NEW BRUNSWICK and NOVA SCOTIA.

If, putting "confederation" in the preamble, and "union," in the body of the resolution together, they can be considered to mean what the English Statute calls "a federal union;" then they were authorized to arrange a federal union of all the British North American Colonies, but they had no authority to unite in that manner, three out of the five.

The resolution moreover gave them authority to act in conjunction with an equal number of delegates from each of the six colonies. Without the co-operation of such delegates they had no authority to act at all. When therefore they found that no delegates appeared on behalf of Newfoundland and Prince Edward, they had no authority to proceed with the business of constitution making, but should have returned without doing anything.

If I give power to three or more persons to execute a contract for me, one cannot act alone, but all must join in executing the authority. Here they were only empowered to act with delegates from all the Colonies. On this point the resolution is very explicit: "Each Province to have an equal voice in such delegation." Without this equal voice, as it is called, there could be no delegation at all. There could be no legal delegation, in the absence of the delegates of any one of the five or six Colonies. It does not appear that they ever summoned the delegates of the other two Colonies to attend.

But whatever confederation or union there was any authority for arranging, applied to all the Colonies, and they could not pick out three of them and confederate them alone. Of this they seem to have been sensible, and they tried to get over the difficulty by making provision, in the Act, for the admission of the two other Colonies into the confederation. But this cannot help them. It, on the contrary, condemns them, for it proves that they were conscious of acting without authority, in venturing to confederate three out of the five Colonies.

This disobedience of their instructions is of itself fatal to the Act, as it was clearly the intention of Nova Scotia, as expressed by her representatives, to have a union, not with one or two, but all the Colonies. Nova Scotia and New Brunswick could not, under any circumstances, enter with safety into a confederation with Canada, without the aid of the two other Maritime Colonies,