FABRICATION OF A NATION

BY

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FIRST EDITION

"*Individuals and societies are always in a transitory state from one age to another, but there are times when these transitions both for individuals and for societies are especially apparent and vividly realized …This transition consists in the necessity of freeing themselves from human authority which has become unbearable ... The Eastern nations are placed for this purpose in especially happy conditions… not having yet lost faith in the necessity of the supreme law of Heaven or God…the law of Tao ….You should free yourselves from unreasonable demands of your Government which exacts from you actions contrary to your moral teaching and consciousness. Only adhere to that liberty which consists in following the national way of life, i. e. Tao and of themselves will be abolished all the calamities which your officials cause you … You will free yourselves from you officials by not fulfilling their demands and above all, by not obeying, you will cease to contribute to the oppression and plunder of each other. ... If the Chinese were only to continue to live, as they have formerly lived, a peaceful, industrious agricultural life, following in their conduct the principles of their three religions: Confucianism, Taoism, Buddhism, all here in their basis coinciding: Confucianism in the liberation from all human authority, Taoism in not doing to others what one does not wish to be done to himself, and Buddhism in love towards all men and all living beings, then of themselves would disappear all those calamities from which they now suffer, and no Powers could overcome them. … In order to free oneself from the evil one should not fight with its consequences: the abuses of Governments, the seizures and plunders of neighboring nations, - but with the root of the evil; with the relations in which the people have placed themselves toward human authority. If the people recognize human power as higher than the power of God, higher than the Law (Tao), then the people will always be slaves and the more so, the more complex their organization of Power ... which they institute and to which they submit. Only those people can be free for whom the law of God (Tao) is the sole supreme law to which all others should be subordinated.*"

Leo Tolstoy, 1901

INTRODUCTION

Pierre Trudeau often posed the question “what does it mean to be Canadian?” He also called “Canadians” “obtuse voters”. What does it mean to be “Canadian”? Are “Canadians” really “obtuse voters”? And does the act of being “Canadian” make one an “obtuse voter” or is it upon becoming an “obtuse voter” that makes one a “Canadian”?

What is “Canada”? Is “Canada” a country and if so, when did it become a country? If “Canada” is not a country then what is it?

I have undertaken the writing of this book in order that I may be able to help those of you who have an interest in politics, what is going on around you and to better understand some of the legal variables that may have come into play in your life that causes you to take such interest. Before one considers the politics of society one must explore the history of the land wherein he or she lives and works. One of the best ways to understand the history of the land is to research the laws of the land. As well, it is necessary to understand how the system of governance works in a “free and democratic” society.

In order to illustrate how government works, or how it ought to work, I have undertaken to illustrate how law comes to pass and have dissected the *Income War Tax Act 1917, the Income Tax Act 1948* as “amended”, and a fair portion the *Canadian Charter of Rights and Freedoms, (chapter 11 U. K.)*. I will explain how the parliament of “Canada” came about and how laws are enacted. I will also explain, by way of compact disc, how I undertook the research that forms the basis of this book. I will show you what law and research libraries are all about and the treasures they hold. Those libraries are opened to the people and very few, at this point, are restricted to members of a *Law Society*, some of whom are members of the *Inner Temple*, only.

We have been told that “Canada” is a country…it is the greatest country in the world to live, etc. The fact of the matter is that “Canada” is not a country and I will show you in detail why this is. Because “Canada” is not a country it causes some problems insofar as jurisdictional and law-and-order issues are concerned as well, if “Canada” is not a country then we must find out exactly what it is. The power to enact legislation, to pass laws, is found with “ownership” or title to the land. As you will find, “Canada” owns no land therefore, in order for the legislators to obtain jurisdiction over you they must contract with you and this, allegedly, is obtained through documents offered by the various governing structures. Some of those documents include; social insurance number,

the legal definition of "insurance" is "contract", hence, in reality it is a "social contract number" and a contract that cannot pass a *Statutes of Frauds* test, birth certificate, marriage license, driver's licenses, library cards and any other legal documents generated by the state that you ask for.

By asking for such documentation the state assumes jurisdiction over you. This is called "*assumsit*" contract or assumed contract. The very fact that the so-called government issues pseudo contracts you must ask yourself when did Canada or any of the several Provinces obtain title to the land in order to legislate? Who has title to the land? How did the governing structures gain jurisdiction over the flesh and blood? Have you ever thought about what the Indians are all about and what role they play in the "schemes" of the elected officials? "Indians" and "INDIANS" differ because "Indian" is referred to in the ordinary sense and "INDIANS" mean those Indians incorporated under the laws of "Canada" and who "enjoy" the franchise. Indian, used in the ordinary sense and not in the legal sense refers to the many Nations and Tribes of Turtle Island and, speaking out of usage, means the "Anishinabe" or the "People" of Turtle Island.

Through out the book you will note references to statutes, or laws. For example, S. C. 1937, ch. 22 means; Statutes of Canada for 1937 and can be found in chapter 22 of the Statutes of Canada for the year 1937. Similarly, R. S. C., 1927, ch. 22 would mean Revised Statutes of Canada, 1927 chapter 22.

By reading this book you may come to your own conclusions that could stand as reasons why Pierre Trudeau would call "Canadians" "obtuse voters". "Canada" is a colony. "Canada" is alleged to be a constitutional monarchy. What "constitution" are they referring to? When did the people in "Canada", or England for that matter, ever implement a constitution? It is a constitutional monarchy, by expression as there can be only one QUEEN and Elizabeth Windsor is the QUEEN of England. The "Canadian" laws have its roots in the statute laws of Great Britain because of certain arrangements between the QUEEN, the Indians, the Hudson's Bay Company and other National heads of State. The constitution of Great Britain is not a constitution *per se* rather, it is the compilation of the Roman Civil Law, the written statute laws, commencing in 1215 with the *Magna Charta*.

However, On Turtle Island, as in England, you ultimately have a monarch and that monarch can be found in the customs and traditions of the original inhabitants of Turtle Island, the "Indians". This would mean that there is a King Chief of Turtle Island not unlike the QUEEN "Chief" of the British Isles and the common wealth of nations there under except that one is a monarch by incorporation, the QUEEN, and the other commissioned by the Creator. The example of the differences can be found in the fact that Elizabeth Windsor is incorporated and holds several aliases such as REGINA, THE QUEEN, QUEEN ELIZABETH THE SECOND, HER MAJESTY IN THE RIGHT OF perhaps more. The King Chief of Turtle Island is sovereign and unincorporated. Turtle

Island could be loosely described as long as you do not step on salt water you are on Turtle Island. There is also a two-hundred off-shore territory to be included.

In a colony you have the Governor-General being the representative of the reigning sovereign, in this case Elizabeth Windsor. Elizabeth Windsor, carrying on business as QUEEN ELIZABETH THE SECOND gives what is known as "Royal Assent" to laws and her counterpart in "Canada", the Governor-General carries on the same business of assenting to laws created by the parliament in Ottawa. The Governor-General once obtained his Royal Instructions from the reigning KING or QUEEN from the Secretary of State, U. K. then met with the monarch to receive his instructions. Since the Byng-King affair of 1926 the role and function of the Governor-General changed. In 1927 British High Commissioner was appointed and in 1931 R. B. Bennett signed the commission for the Governor-General and not Edward the Eighth. By this, the Governor-General effectively became the property of the prime minister which could, in part, explain the role and function of the British High Commissioner. I have taken the liberty to include a copy of a "questions and answers" session conducted sometime in the 1940's between R. Rogers Smith and George Barr, Kings Council. When you read the document you will find that George Barr and R. Rogers Smith have somewhat summed up the position of Governor-General and the British High Commissioner and have given a fairly detailed account of the history of British North America. It is interesting to note that R. Rogers Smith and George Barr, although fairly accurate in their questions and answers, fail to include the Indians, or, it could be that they believed that the Indians were all "citizens of Canada" therefore, the Indians were, like "Canadians", having just a wonderful time "enjoying" the franchise.

Once you have considered the facts and those thoughts of R. Rogers Smith, you will more than likely come to the realization that everything concerning government is fictitious, reliant upon the ignorance of the people in order to maintain an illusion that they have some sort of *bona fide* authority to plunder the nations' wealth under the pretext of law. L. Frank Baum summed it up in his book *The Wizard of Oz* … we have no brains, no heart and are too shy to stand up to the wizard while those not loyal to the Indians or the people of Turtle Island build their yellow brick road for some unknown entity of a foreign land.

We all have been told that we ought to vote in order to participate in the affairs of the country, to exercise our "franchise". We are constantly reminded to participate in elections by the various levels of governing structures we live under, by our teachers from the schools we attended or are now attending and let us not forget the media. What does it mean to vote? What are the implications of voting? Who are you voting for? What do you think you are voting for? Whose interests are those duly elected really representing? These are all questions that should be considered before you enter into the "democracy" game or before you partake in your own personal "enjoyment of the franchise".

When one hears the word “franchise” it conjures up ideas of owning a coffee and doughnut shop or fast food business, car dealership or any other chain of businesses one can buy into. When looking at the word from a legal or political point of view, as it applies to the people, “franchise” has a totally different meaning. Franchise in its legal sense is associated with suffrage, voting, and speaking in general terms, the removal of all the rights, freedoms and grants that the Creator has given to us all. In order to understand what “democracy” is all about, and I do not profess to have all the answers concerning this topic, one must look at the words the politicians flaunt to induce the people to participate in elections. In order to understand what voting is and what the ramifications of voting are one needs to understand precisely what voting is all about and to help you better understand this you might want to find out exactly what certain words mean in relation to voting. To that end, I have decided chapter one ought to be a compilation of some key definitions the average man or woman have little or no understanding of.
The basic objective of this publication is to keep as simple as possible the facts that surround the fabrication of “Canada” as a nation and although I have included supportive documentation I chose not to inundate this edition with comprehensive documentation as it may burden the reader. My effort is an attempt to expose the so-called governments for what they really are … front men for the corporate elite and not our servants as we have been misled into believing.

One might look upon the government as a sports team. The prime minister is the captain of the team, the ministers appear as different players on the team, the Governor-General is the coach and the Parliament of Great Britain the owners of the franchise called team “Canada”. The people of “Canada” are the spectators or fans and they get to root for their favorite team at election time. Election time could be considered as a sports draft and depending on how the team faired since the election that put the team together is reflected with the results of the following election. If the franchise didn’t perform to the fans expectations then the franchise is folded and the fans are allowed to select a new team “Canada”. This is called voting.

By reading this book it is hoped you may find for yourself and discover that you are neither an “obtuse voter” nor “Canadian” rather, you are what is colloquially referred to as “Turtle Islander” … one who is born on Turtle Island and who is not an Indian, a subject of the QUEEN or a slave.

CHAPTER ONE: DEFINITIONS

The words I have chosen have been taken from various dictionaries and are as follows;

Webster's Unabridged Dictionary, Random House, 2001

Argot

> "*n.1. a specialized idiomatic vocabulary peculiar to a particular class or group of people, especially that of an under world group, devised for private communication and identification:; a Restoration play rich in thieves argot. 2. the special vocabulary and idiom of a particular profession or social group: sociologists argot."*

Black's Law Dictionary, Third Edition

Franchise

> "*A special privilege conferred by government upon an individual or corporation, and which does not belong to the citizens of the country generally, of common right. It is essential to the character of a franchise that it should be a grant from the sovereign authority, and in this country no franchise can be held which is not derived from a law of the state. In England, a franchise is defined to be a royal privilege in the hands of a subject. In this country, it is a privilege of a public nature, which cannot be exercised without a legislative grant.*

A franchise is a privilege or immunity of a public nature which cannot be legally exercised without legislative grant. To be a corporation is a franchise. The various powers conferred on corporations are franchises. The execution of a policy of insurance by an insurance company, and the issuing a bank-note by an incorporated bank, are franchises.

The word "franchise" has various significations, both in a legal a popular sense. A corporation is itself a franchise belonging to the members of the corporation, and the corporation, itself a franchise, may hold other franchises. S, also, the different powers of a corporation, such as the right to hold and dispose of property, are its franchises. In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage, etc.

The term "franchise has several significations, and there is some confusion in its use. When used with reference to corporations, the better opinion, deduced from the authorities, seems to be that it consists of the entire privileges embraced in and constituting the grant. It does not embrace the property acquired by the exercise of the franchise.

General and Special

The charter of a corporation is its "general" franchise, while a "special" franchise consists in any rights granted by the public to use property for a public use but with private profit.

Elective Franchise

The right to suffrage; the right or privilege of voting in public elections.

Franchise Tax

A tax on the franchise of a corporation, that is, on the right and privilege of carrying on business in the character of a corporation, for the purposes for which it was created, and in the conditions which surround it. Though the value of the franchise, for purposes of taxation, may be measured by the amount of business done, or the amount of earnings or dividends, or by the total value of the capital or stock of the corporation in excess of its tangible assets, a franchise tax is not a tax on either property, capital, stock, earnings, or dividends.

Personal Franchise

A franchise of corporate existence, or one which authorizes the formation and existence of a corporation, is sometimes called a "personal" franchise, as distinguished from a "property" franchise, which authorizes a corporation so

formed to apply its property to some particular enterprise or exercise some special privilege in its employment, as, for example, to construct and operate a railroad.

Secondary/Special Franchises

The franchise of corporate existence being sometimes called the "primary" franchise of a corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls, collect fares etc. The franchises of a corporation are divisible into (1) corporate or general franchises; and (2) "special or secondary franchises." The former is the franchise to exist as a corporation, while the latter are certain rights and privileges conferred upon existing corporations."

Suffrage

"A vote; the act of voting: the right or privilege of casting a vote at public elections. The best is the meaning of the term in such phrases as "the extension of the suffrage," "universal suffrage," etc. Participation in the suffrage is not of right, but is granted by the state on a consideration of what is most for the interest of the state. The grant of suffrage makes it a legal right until it is recalled, and it is protected by the law as property is."

Vote

"Suffrage; the expression of his will, preference, or choice, formally manifested by a member of a legislative or deliberative body, or of a constituency or a body of qualified electors, in regard to the decision to be made by the body as a whole upon any proposed measure or proceeding, or the selection of an officer or representative. And the aggregate of the expressions of will or choice, thus manifested by individuals, is called the 'vote of the body'."

Certificate

"*A written assurance, or official representation, that some act has or has not been done, or some event occurred, or some legal formality been compiled with.*"

License

"*In Constitutional Law, and in the Law of Contracts: A permission, accorded by a competent authority, conferring the right to do some act which without such authorization would be illegal, or would be a trespass or a tort.*"

Charter

> "*An instrument emanating from the sovereign power, in the nature of a grant, either to the whole nation, or to a class or portion of eh people, or to a colony or dependency, and assuring to them certain rights, liberties, or powers. Such was the 'Great Charter' or 'Magna Charta,' and such also were the charters granted to certain of the English colonies in America. A charter differs from a constitution, in that the former is granted by the sovereign, while the latter is established by the people themselves.*"

Constitution

In Public Law

> "*The organic and fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organizing the government, and regulating, distributing, and limiting the functions of its different departments, and prescribing the extent and manner of the exercise of sovereign powers. A charter of government deriving its whole authority from the governed. In a more general sense, any fundamental or important law or edict; as the Novel Constitutions of Justinian; the Constitutions of Clarendon.*

In American Law

> "*The written instrument agreed upon by the people of the Union or of a particular state as the absolute rule of action and decision for all departments and officers of the government in respect to all the points covered by it, which must control until it shall be changed by the authority which established it, which must control until it shall be changed by the authority which established it, and in opposition to which any act or ordinance of any such department or officer is null and void.* "

Treaty

> "*An agreement between two or more independent states. Brande. An agreement, league, or contract between two or more nations or sovereigns, formally signed by commissioners properly authorized, and solemnly ratified by the several sovereigns or the supreme power of each state.*"

Trustee

> "*The person appointed, or required by olaw, to execute a trust; one in whom an*

estate, interest, or power is vested, under an express or implied agreement ot administer or exercise it for the benefit or to the use of another called the cestui que trust. … Trustee is also used in a wide and perhaps inaccurate sense, t denote that a person has the duy of carrying out a transaction, in which he and another person are interested, in such manner as will be most for the benefit of the latter, and not in such a way that he himself might be tempted, for the sake of his personal advantage, to neglect the interests of the other. In this sense, directors of companies are said to be 'trustees for the shareholders.'"

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Fiduciary

"*The term is derived from the Roman law, and means (as a noun) a person building the character of a trustee, or a character analogous to that of a trustee, in respect to the trust and confidence involved in it and the scrupulous good faith and candor which it requires. Thus, a person is a fiduciary who is invested with rights and powers to be exercised for the benefit of another person."*

Beneficiary

"*One for whose benefit a trust is created; a cestui que trust. A person having the enjoyment of property of which a trustee, executor, etc., has the legal possession. The person to whom a policy of insurance is payable."*

Confederation

"*A league or compact for mutual support, particularly of princes, nations, or states. Such was the colonial government during the Revolution*"

Consolidate

"*In a general sense, to unite into one mass or body, as to consolidate the forces of an army, or various funds. In parliamentary usage, to consolidate two bills is to unite them into one. In law, to consolidate benefices is to combine them into one. The term means something more than to rearrange or redivide. To consolidate cases for trial simply means that all are to be tried together by the same jury; but separate judgments may properly be entered. To make solid or firm; to unite, compress, or pack together and form into a more compact mass, body, or system.*"

Incorporation

"*To create a corporation; to confer a corporate franchise upon determinate persons".*

Other Definitions

"Canada"

The juristic federal unit, the law makers in parliament.
The geographical land area including the sum total of the Provinces and Territories.
The corporation, or "Canada Inc.", brought about with the consolidation of 1867.
Canada is Indian Affairs and Indian Affairs is Canada.
A trustee with a fiduciary responsibility to the "Indians" and Elizabeth Windsor.
A fictitious country.

Definitions from the Encyclopedia of Freemasonry by Albert MacKay, 1927

Bible

"*The Bible is properly called a greater light of Masonry, for from the centre of the Lodge it pours forth upon the East, the West, and the South its refulgent rays of Divine truth. The bible is used among Masons as the symbol of the will of God, however it may be expressed. And, therefore, whatever to any people expresses that will may be used as a substitute for the bible in a Masonic Lodge. Thus, in a Lodge consisting entirely of Jews, the Old Testament alone may be placed upon the altar, and Turkish Masons make use of the Koran. Whether it be the Gospels to the Christian, the Pentateuch to the Israelite, the Koran to the Mussulman, or the Vedas to the Brahman, it everywhere Masonically conveys the same idea-that of the symbolism of the Divine Will revealed to man.*

The history of the Masonic symbolism of the Bible is interesting. It is referred to in the manuscripts before the revival as the book upon which the covenant was taken, but it was never referred to as a great light. In the oldest ritual that we have, which is that of 1724,-a copy of which from the Royal Library of Berlin is given by Krause, (Drei alt. Kunsturk, i. 32,)- there is no mention of the Bible as one of the lights. Preston made it a part of the furniture of the Lodge; but in rituals of about 1760 it is described as one of the three great lights. In the American system, the Bible is both a piece of furniture and a great light.
Objections have been made to the incorporation of Lodges in consequence of some of the legal results which would follow. An incorporated Lodge become subject to the surveillance of the courts of law, from which an unincorporated Lodge is exempt. Thus, a Mason expelled by an unincorporated Lodge must look for his redress to the Grand Lodge alone.

But if the Lodge be incorporated, he may apply to the courts for a restoration of his franchise as a member. Masonic discipline would thus be seriously affected. The objection to incorporation is, I think, founded on good reasons."(pages 408-409)

Black Ball

"*The ball used in a Masonic ballot by those who do not wish the candidate to be admitted. Hence, when an applicant is rejected, he is said to be "black balled." The use of the black balls may be traced as far back as to the ancient Romans. Thus, Ovid says (Met. xv. 41), that in trials it was the custom of the ancients to condemn the prisoner by black pebbles or to acquit him by white ones." ("Mos erat antiques nivels atrisque lapillis. His damnare roes, Illis absolvere culpa.")* P. 129

Equity

"*The equipoised balance is an ancient symbol of equity. On the medals, this virtue is represented by a female holding in the right hand a balance, and in the left a measuring wand, to indicate that she gives to each one his just measure. In the Ancient and Acccepted Rite, the thirty-first degree, or Grand Inspector Inquisitor Commander, is illustrative of the virtue of equity; and hence the balance is a prominent symbol of that degree, as it is also of the sixteenth degree, or Princes of Jerusalem, because, according to the old rituals, they were chiefs in Masonry, and administered justice to the inferior degrees.*" P. 289

Female Masons

"*The landmarks of Speculative Masonry peremptorily exclude females from any active participation in its mysteries. But there are a few instances in which the otherwise unalterable rule of female exclusion has been made to yield to the peculiar exigencies of the occasion; and some cases are well authenticated where this "Salique law" has been violated from necessity, and females have been permitted to receive at least the first degree. Such, however, have been only the exceptions which have given confirmation to the rule." See Aldworth, Beaton, and Xentrailles* P. 307.

Incorporation

"*By an act of incorporation, the supreme legislature of a country creates a corporation or body politic, which is defined by Mr. Kyd (Corp., i. 13.) to be "a collection of many individuals united in one body, under a special*

denomination, having perpetual succession under an artificial form, and vested by the policy of the law with a capacity of acting in several respects as an individual, particularly of taking and granting property, contracting obligations, and of suing and being sued; of enjoying privileges and immunities in common, and of exercising a variety of political rights." Some Grand Lodges in this country are incorporated by act of the General Assembly of their respective States; others are not, and these generally hold their property through Trustees. In 1768, an effort was made in the Grand Lodge of England to petition Parliament for incorporation, and after many discussions the question was submitted to the Lodges: a large majority of whom having agreed to the measure, a bill was introduced in Parliament by the Deputy Grand Master, but, being approved on its second reading, at the request of several of the Fraternity, who had petitioned the House against it, it was withdrawn by the mover, and thus the design of an incorporation fell to the ground. Perhaps the best system of Masonic incorporation in existence is that of the Grand Lodge of South Carolina. There the act, by which the Grand Lodge was incorporated, in 1817, delegates to that body the power of incorporating its subordinates; so that a Lodge, whenever it receives from the Grand Lodge a Warrant of constitution, acquires thereby at once all the rights of a corporate body, which it ceases to exercised whenever the said Warrant is revoked by the Grand Lodge.

Objections have been made to the incorporation of Lodges in consequence of some of the legal results which would follow. An incorporated Lodge becomes subject to the surveillance of the courts of law, from which an unincorporated Lodge is exempt. Thus, a Mason expelled by an unincorporated Lodge must look for his redress to the Grand Lodge alone. But if the Lodge be incorporated, he may apply to the courts for a restoration of his franchise as a member. Masonic discipline would thus be seriously affected. The objection to incorporation is, I think, founded on good reasons." P. 408-409

Obelisk

"The obelisk is a quadrangular, monolithic column, diminishing upwards, with the sides gently inclined, but not so as to terminate in a pointed apex, but to form at the top a flattish, pyramidal, figure, by which the whole is finished off and brought to a point. It was the most common species of monument in ancient Egypt, where they are still to be found in great numbers, the sides being covered with hieroglyphic inscriptions. Obelisks were, it is supposed, originally erected in honor of the sun god. Pliny says (Holland's trans.), "The kings of Egypt in times past made of this stone certain long beams, which they call obelisks, and consecrated them unto

the sun, whom they honored as a god; and, indeed, some resemblance they carry of sunbeams." In continental Masonry the monument in the Master's degree is often made in the form of an obelisk, with the letters M. B. inscribed upon it. And this form is appropriate, because in Masonic, as in Christian, iconography the obelisk is a symbol of the resurrection." P. 613.

Red "*Red, scarlet, or crimson, for it is indifferently called by each of these names, is the appropriate color of the Royal Arch degree, and is said symbolically to represent the ardor and zeal which should actuate all who are in possession of that sublime portion of Masonry. Portal (Couleurs Symb., p. 116) refers the color red to fire, which was the symbol of the regeneration and purification of souls. Hence there seems to be a congruity in adopting it as the color of the Royal Arch, which refers historically to the regeneration or rebuilding of the Temple, and symbolically to the regeneration of life.*

In the religious services of the Hebrews, red, or scarlet, was used as one of the colors of the veils of the tabernacle, in which, according to Josephus, it was an emblem of the element of fire; it was also used in the ephod of the high priest, in the girdle, and in the breastplate. Red was, among the Jews, a color of dignity, appropriated to the most opulent or honorable, and hence the prophet Jeramiah, in describing the rich men of his country, speaks of them as those who "were brought up in scarlet."
In the middle Ages, those knights who engaged in the wars of the Crusades, and especially the Templars, wore a red cross, as a symbol of their willingness to undergo martyrdom for the sake of religion;; and the priests of the Roman Church still wear red vestments when they officiate on the festivals of those saints who were martyred.

Red is in the higher degrees of Masonry as predominating a color as blue is in the lower. Its symbolic significations differ, but they may generally be considered as alluding either to the virtue of fervency when the symbolism is moral, or to the shedding of blood when it is historical. Thus in the degree of Provost and Judge, it is historically emblematic of the violent death of one of the founders of the Institution; while in the degree of Perfection it is said to be a moral symbol of zeal for the glory of God, and for our own advancement towards perfection in Masonry and virtue.
In the degree of Rose Croix, red is the predominating color, and symbolizes the ardent zeal which should inspire all who are in search of that which is lost.

Where red is not used historically, and adopted as a memento of certain

tragical circumstances in the history of Masonry, it is always, under some modification, a symbol of zeal and fervency.

These three colors, blue, purple and red, were called in the former English lectures "the old colors of Masonry" and were said to have been selected "because they are royal, and such as the ancient kings and princes used to wear; and sacred history informs us that the veil of the Temple was composed of these colors."

Red Letters

"*In the Ancient and Accepted Scottish Rite, edicts, summonses or other documents, written or printed in red letters, are supposed to be of more binding obligation, and to require more implicit obedience, than any others. Hence, in the same Rite, to publish the name of one who has been expelled in red letters is considered an especial mark of disgrace. It is derived from the custom of the Middle Ages, when, as Muraturi shows, (Antiq. Ital. Med.) red letters were used to give greater weight to documents; and he quotes an old Charter of 1020 which is said to be confirmed "per literas rubcas," or by red letters."*

As you can see from some of the definitions, in becoming a voter, you ask to be enfranchised. To be enfranchised is to be incorporated. To become incorporated is to become the property of any one of or all of the various governing structures where you live. In short, you are owned or, they think that they own you. To find out why this is, you have to know what, if any, authority the various governing structures have over you and where it derives its authority to make such assumptions, presumptions or determinations. As for the last definition one can plainly see why it is a "man's world".

CHAPTER TWO ON THE ROAD

In order for a tract of land to become a country you have to first look to the "ownership"

or “Title” to the land. Similarly, when one purchases real estate they have a lawyer search title and advises you whether the title is free and clear or subject to any encumbrances. In order to enact legislation a legislative body must have title to the land. When did the united States of America, or Canada for that matter, gain sovereignty over the land? When did Canada become a country? Knowing how and why the united States of America and Canada claim they are sovereign nations you have to look back through several hundred years of history. You have to look back to the early trading arrangements between various European nations and the original inhabitants of the Americas, the Indians.

“Indian” is the catch-all name that the Europeans branded the original inhabitants of Turtle Island as being and the word “Indian” has two meanings, ordinary usage and the legal. The ordinary meaning involves the various Nations and Tribes of Indians and the legal “INDIANS” are those who are defined by statute and include but are not limited to; First Nations, Aboriginals, Status Indians and others who are not Anishinabe. When speaking about the Indians of Turtle Island I would like to point out that “Cheyenne, Iroquois, Mohawk, Cree etc., all mean “people” in the particular dialect of the particular tribe or nation.

Prior to Christopher Columbus allegedly finding America, European Nations had been actively engaged in trade with the original Tribes and Nations of inhabitants of the Americas. Since the time of Christopher Columbus various European nations entered into contracts or “treaties” with the Indians on different parts of what is colloquially known as British North America and known by the original inhabitants as “Turtle Island”. In 1763 the various treaties would become consolidated into the hands of the Crown of Great Britain.

English Laws Relevant to “Canada”

Since 1763 the laws that prevailed on Turtle Island were the British statutory laws sometimes referred to as the “constitution” of England. The “constitutional” laws of England are the written codified laws, or statutes, that started with the Roman civil law *Magna Carta 1215*. The laws of England, being the laws of the colonies such as “Canada”, were established in the *Colonial Laws Validity Act 1865* but the *Statute of Westminster 1931* permits “Canada” to repeal U. K. law.

Between *Magna Carta 1215* and today there are thousands of English laws that apply to “Canada” and I will focus in only on the more significant ones and to only give some of the key point found within.

Colonial Laws Validity Act 1865 (28-29 Victoria, c. 63 U. K.)

Sec. 1 *“The Term “Colony” shall in this Act include all of Her Majesty’s Possessions*

abroad in which there shall exist a Legislature as hereinafter defined except the Channel Islands the Isle of Man and such Territories as may for the Time being be vested in her Majesty under or by virtue of any Act of Parliament for the Government of India." "Canada", at that time as now, was and is a Colony that had a Provincial Legislature and have several such Legislatures. "Canada" was known as the "Province of Canada" and was part of Victoria's responsibilities.

Sec. 2 *"Any Colonial Law which was or shall be in any respect repugnant to the Provisions of any Act of Parliament extending to the Colony to which such Law may relate, or repugnant to any Order or Regulation made under Authority of such Act of Parliament, or having in the Colony the Force and Effect of SUCH Act, shall be read subject to such Act, order, or regulation, and shall to the Extent of such Repugnancy, but not otherwise, be and remain absolutely void and inoperative."* Any Colonial Law that is repugnant, or inconsistent, to the provisions of an Act of (the Imperial) Parliament and depending upon the degree of inconsistency could be declared to be void and inoperative.

Magna Carta 1215

Ch. 13 *"And the city of London shall have all its old liberties and free customs as well by land as by water. Moreover we will and grant that the other cities and burroughs, and town and ports, shall have all their liberties and free customs"* The city of London, which is now referred to as the Inner City of London, is the ancient Roman city of "Londinium" and in preserving its ancient liberties and free customs renders it a sovereign city-state, or the "country of London" as I opt to call it.

Ch. 35 *"There shall be one measure of wine throughout our whole realm, and one measure of ale and one measure of corn-namely, the London quart-and one width of dyed and resset and hauberk cloths-namely, two ells below the selvage. An with weights, moreover, it shall be as with measures.*" Kind of blows away the metric system.

Ch. 40 *"To none will we sell, to none deny or delay, right or justice."* Rights or justices shouldn't cost, be delayed or denied.

Ch. 45 *"We will not make men justices, constables, sheriffs, or bailiffs, unless they are such as know the law of the realm, and are minded to observe it rightly."* Those appointed to judge and uphold the law have to know the law and conform to it.

In order to defeat a nation you have to conquer the people who live there. Conquering a people can take several routes. One route is out right war, then there is germ warfare, take away their food sources by laying siege or statutize them out of existence through

enfranchisement. The British have employed all of these methods in trying to get rid of the Indians. Governor James Murray used small pox as germ warfare in the extinguishing of the Indians immediately after the *Royal Proclamation* of *1763*. To extinguish the Indians by statute you have to establish a governing structure. The establishment of a governing structure is one of the fundamental prerequisites in the fabrication of a nation. The European styled governing structures came about as a result of colonization. The Hudson's Bay Company had a governing structure when it had the monopoly on the fur trade and provided, or were commissioned to enact and enforce laws intended to keep the peace between the Indians and those others being granted a license to trade with the Indians. By destroying the plains Indians main food source, the buffalo, the governing structure in Ottawa expedited the bringing of the Indians into the European lifestyle, ways of life by turning them into the European system of franchise "enjoyment".

The immigration policies of the colonies were such that soon the European population began to out number the Indian population through unlawful incentives to foreigners to migrate to "Canada". The next step was to enact legislation aimed at enfranchising the Indians to the governing structure. This method was enacted in 1869, a year before the buffalo slaughter began, and had the effect of laying siege on the Indians. You must remember, at this time the governing structures were there to manage those other than Indians and to pay the Indians their royalties from the rent of the land. By laying siege on the Indians the only viable option the Indians had was to accept the enfranchisement or face starvation. The colonists were there consequent to treaties between various European nations and the Tribes and Nations of Indians of Turtle Island and as a result of an over population crisis in Europe. The Indians looked upon the Europeans as guests similar to you inviting someone into your house.

Having set up the governing structure the next step was to assimilate the Indians and, as I have also indicated, to pass legislation in order to enfranchise the Indians. The Directors of the corporation known as the Dominion of Canada undertook this step first with the enactment of 32-33 Victoria ch. VI, "*An Act for the gradual enfranchisement of the Indians, better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42*". This occurred in 1869 and is to be read in conjunction with 31 Victoria ch. XLII, the "*Department of Secretary of State Act*". In 1870 the "Canadian" governing structure allowed the elimination of fourty-million buffalo, the Indians main food and clothing source, in order to lay siege against the Indians and to bring them to their knees begging for help, all the while being trustees to the Indians. It was a means of coercing the Indians into the franchise. In order to get any assistance from the Ottawa authority they would have to submit to its so-called legislative authority over them. I will elaborate a little more on those two acts later on.

With the two acts there now were systems in place to take the land from the Indians and the essential statute was the one which now defined Indians under statute. In 1870 the

Hudson's Bay Charter is surrendered and the trustees in Ottawa embarked upon the "Morris Treaties" commencing in 1871. I will not go into any detail about them other than to provide some illustrations of the goings on with those treaties. There is another statute that was on the books with the Province of Canada with the same intent, the enfranchisement of the Indians, and there were other treaties prior to the Morris Treaties. Before I continue on with the Alexander Morris Treaties I would like to focus in on two other treaties that precede the Morris Treaties and they are the *Robinson Huron* and *Robinson Superior Treaties* of 1850.

(William) *Robinson Treaties*

Prior to the consolidation of the three Provinces in 1867 William Robinson undertook to enter into treaties with the Indians of the Huron and Superior territory in 1850. Those treaties would become to be known as the *Robinson Huron* and *Robinson Superior Treaties*. The *Robinson Treaties* are problematic in several areas but primarily insofar as William Robinson's authority to enter into treaties with the Indians of the Huron and Superior regions of what is now known as being part of the Province of Ontario is of major concern. The *Royal Proclamation 1763* states that if any land is to be surrendered it is to be done with the Crown of Great Britain and the Province of Canada did not have that requisite authority. William Robinson was acting in his capacity as agent for the Province of Canada and not QUEEN VICTORIA. You may review the areas known as the Robinson Huron and Superior Treaty land area by referring to the map that appears at the end of this book.

The reason for the Robinson Treaties can be found in the untapped natural resources in those regions. Once the Treaties were in place, the Province of Canada quickly undertook the construction of railways in order to transport human resources to the natural resources. The railroads, unfortunately, encumbered the three Provinces to the extent that the loans the Provinces took out for their construction placed a heavy financial burden on the Provinces. The railroads were not needed for population reasons and of no use for military purposes thereby creating a tread mill of debt. The financial problems of the three Provinces ultimately led to the formation of a new corporation known as the "Dominion of Canada" during the consolidation of 1867.

(Alexander) *Morris Treaties*

Having dealt with the subject of the Robinson Treaties I will now move along with the Treaties undertaken by Alexander Morris. Alexander Morris was the Lieutenant Governor for the Province of Manitoba and North-west Territories. Had the Robinson or Morris treaties been valid then the boundary lines described in the *Royal Proclamation 1763* would have had to have been amended and no such amendments have ever been undertaken with respects to the boundary lines set out in the *Royal Proclamation 1763*. There have been no amendments to the boundary lines as of 1763 which raise some

issues concerning the American Revolution, or shall we say the American restructuring?

Another defect found within the Morris Treaties, as with most treaties, can be found in the signatures. Take Treaty 4 Adhesion for example. Of all the treaties Alexander Morris entered into the Treaty 4 adhesion is the only document signed by the Traditional Inherent Head Chief of Turtle Island, Che-ee-Kuk, of Saulteaux Tribe. Upon further review of the Treaty 4 Adhesion signatures you will find one "Gabriel Cote" or Mee May. According to the Statutes of Canada Mee May was "Canadian", or "enjoying" the franchise as one Gabriel Cote and a member of the purchasing team signing on behalf of the vendors which is highly irregular. The treaties the Indians entered into with the *Hudson's Bay Company* were not dealt with prior to or at the *Charter* surrender in 1870 by the *Hudson's Bay Company*.

Another problem that arises with the Alexander Morris Treaties can be found in the fact that Alexander Morris was the Lieutenant-Governor of the Province of Manitoba and the North-west Territories. According to s. 91.24 of the *British North America Act 1867* the parliament of the Dominion of Canada had then, as now, the exclusive jurisdiction to make laws in the nature of "peace, order and good government" for the Indians and has the exclusive jurisdiction to enact laws for the benefit of Indians and Land Reserved to the Indians. Entering into treaties is not part of the parliament's authority. There is nothing in the *British North American Act 1867* that permits the parliament to pass laws over the Indians or to pass laws that would have a negative impact on them or to enter into treaties with the Indians. So it is hard to see how Alexander Morris could enter into to those so-called "Morris Treaties", in his capacity as a representative of the Province of Manitoba and the North-west Territories, and not as a representative of the Ottawa authority or Victoria Saxe-Coburg-Gotha, alias; QUEEN VICTORIA, REGINA, HER MAJESTY IN THE RIGHT OF or by whatever alias, pseudonym, commercial entity or corporation sole she may have been known as at the time.

Alexander Morris was also Minister of Inland Revenue under the Sir John A. McDonald vice-presidency. Being the Minister of Inland Revenue, and only a few years after the Consolidation of 1867, Morris would have had a good idea about the finances of the Dominion and the Provincial corporations in particular the debt due to the railroads and especially royalties due the Indians. It would only make sense having someone like Morris undertake those so-called treaties in view of the alleged railroad debt.

In any event with the destruction of the chief food source for the plains Indians, the buffalo, Morris attempted to convince the Indians that it would be better to sign the treaties than to starve. The treaties are concluded by 1879. The North-west Mounted Police are formed and the Supreme Court of Canada is established in 1875. The powers that be carried on with the business of fabricating a nation through the "democratic" process, statute law, escheatment of land (cheating), enfranchisement, genocide and, in effect, by hook and by crook to meet that end.

Williams Treaties

Three other treaties, or so-called treaties, I would like to draw your attention to are the "*Williams Treaties*" of 1923. If you refer to the map located at Appendix "B" you will note that the area in question appear as treaties; "A", "B" and "C". The problem with all three of these so-called treaties can again be found in the signatories to the contracts.

In all three treaties you will find that the purchasers signed on behalf of the vendors. Also, all three treaties were entered into with the Ottawa authority and while it is submitted that the parliament has the authority under s. 91.24 of the *British North American Act 1867* to the exclusive jurisdiction to Lands Reserved to the Indians it cannot be said that the Ottawa authority could enter into treaties with the Indians. The reason for this can be found within the definition of "treaty". In order for the Ottawa authority to enter into treaties it would have to first be a sovereign nation and in order to become a sovereign nation the *Royal Proclamation* would have to be repealed or spent or rescinded. If the *Royal Proclamation* was repealed or spent or rescinded then the Indians would be completely redundant. "Canada" was not then nor is now a sovereign country and will only achieve sovereign nation status once all the Indian beneficiaries become extinguished. That is, of course, if the Morris Treaties caused the Indians to lose their sovereignty are valid then I suppose it would stand that "Canada" is a sovereign nation.

However, if that were the case then it would be *prima facie* evidence of a breach of trust, breach of royal instructions and genocide so I do not believe that the authorities would want to go that route. Furthermore, the *Royal Proclamation* would have had to have been amended which it hasn't and it does not appear that there is any likelihood of any such amendments coming to pass anytime soon.

To understand what a government is, you have to define whether or not you are speaking of the noun or the verb. In one instance "government" means the act of controlling or administrating and in the other sense it means the sovereign or supreme power of a state or a nation. Therefore, if Canada were truly a nation, a country, then the term "government" would mean the noun, the supreme or sovereign power. In this instance the parliament of "Canada". If "Canada" were not a sovereign nation or country then the "government of Canada" would mean an action akin to the management of a corporation, governing or administrating.

It has been alleged "Canada" became a nation in 1867 and Sir John A. MacDonald was this great founding father of some sort of Confederation. The Dominion of Canada was formed as the result of a business consolidation precipitated by the financial problems of the Provinces brought on by railroad debt.

We are told that the Dominion of Canada again became a sovereign nation or country

with the *Statute of Westminster* of 1931. With the *Statute of Westminster,* the Provinces were acknowledged as being sovereign independent states, the Dominion of Canada could pass its own laws and those "Canadian" laws since the passing of the *Statute of Westminster* would not have to be consistent with the laws of England. This did not set aside other laws of England applicable to the Dominion of Canada post 1931.

In 1933 it is alleged that the *Montevideo Conference* acknowledged "Canada" was a sovereign nation or country. It is unclear to me how the several Provinces became sovereign independent states in 1931 then in 1933 the Dominion of Canada becomes a sovereign state. Sovereignty goes with the title to the land. If the Provinces were declared sovereign independent states in 1931, how did it come to pass that the Dominion governing structure had sovereign land in 1933? Of course, neither corporate entity is sovereign as the sovereignty, in this sense, rests with the original inhabitants of Turtle Island, the Indians.

In 1965 Elizabeth Windsor gave the Dominion of Canada a new corporate flag as we see it today, the "red" maple leaf and the two "red" vertical bars on either side with white background. Also, the word "Dominion" was dropped from the corporation and the new corporate entity was called "Canada". It would stand to reason that there was a bankruptcy of the Dominion of Canada on or about 1965. Those of us who were of that era would certainly remember that "Canada" was awash with money…lots and lots of money so much so that the Canadian dollar cost more than the united States dollar. As well, Pierre Trudeau was throwing buckets and buckets of money everywhere he could especially to the International Monetary Fund of which $175,000,000 was sent in 1968.

Finally, in 1982 Elizabeth Windsor gave Canada a Charter of Rights and Freedoms known as the *Canadian Charter of Rights and Freedoms, 1982, c. 11 (U. K.)*.

We now have several options available to help us decide upon which date Canada became a sovereign nation or country but the most glaring irregularity within the aforementioned options can be found in reviewing what Elizabeth Windsor "gave" "Canadians". She gave them certain rights and privileges and, I assume, that if it weren't for those all important rights and freedoms given to "Canadians" by her, "Canadians" would have no rights at all. Also, if "Canada" had a constitution the people would have had to ratify it themselves and that has not happen. A constitution is in contradistinction to a charter. Therefore, as the expression goes, "…what the QUEEN giveth…the QUEEN taketh…". As Elizabeth Windsor gave "Canadians" certain rights and privileges, she can also take them away. The Hudson's Bay Company surrendered the charter given to them to a monarch. So, when do you think "Canada" became a sovereign nation or country?... 1867? … 1931? … 1965?...1982?...or the date when the Ottawa authority finally murders off all Indians of Turtle Island. There is no other conclusion one can arrive at other than "Canada", as well as the united States, are not sovereign nations or countries but are corporations consistent with Albert MacKay's definition of "incorporation" as noted in chapter one. As we

progress you will find out why “Canada” and the united “States of America” are not countries.

Before I continue I would like to clarify some points with respects to what the expression “Crown” means. Originally, “Crown” meant the sovereign power the KING or QUEEN as the case may be. However, due to certain abuses committed by Kings and Queens over the centuries, the people of England had had enough. In 1640 the KING was stripped of his sovereignty and that sovereignty was transferred with the Parliament of Great Britain. The Crown in Chancery is the Royal Purse. There is a third Crown and this Crown is not related to the Parliament of the U. K. or the sovereign power. It is the Crown Temple from the Inner City of London, or the ancient Roman city state known as “Londinium”, or as it has sometimes been referred to as the “country” of London. Members of the Inner Temple answer to the Crown Temple and are agents for the Crown Temple which is obviously a foreign jurisdiction. The Inner Temple operates in “Canada and the Middle Temple operates in the united States. Members of the Inner Temple, as well as the Middle Temple, are lawyers. The lawyers are not serving Indian’s concerns and they are not serving either those born here and not Indians nor subjects of the QUEEN. They serve a foreign jurisdiction. To be born here and to serve a foreign jurisdiction to the detriment of the people of the Island is an act of treason or commission of an undeclared war on us.

CHARLES THE FIRST enacted the *Petition of Right* in 1627and one year later he dissolved the Parliament for the next eleven years. CHARLES had recalled Parliament twice in order to arrange funding for his personal initiative and was refused. The first recall of Parliament is referred to as the “short Parliament” as CHARLES dissolved the Parliament once it was determined that he wasn’t going to get his own way. Shortly thereafter, he recalled Parliament again and for the same reason and when he couldn’t get his way this time he attempted to dissolve the Parliament. Parliament refused and continued sitting in what has come to be known as the “long Parliament”. At about this time there a Civil War broke out in England and, in 1649 CHARLES THE FIRST was executed.

CHAPTER III *BRITISH NORTH AMERICA ACT 1867*

The *British North America Act 1867* was an act of consolidating the Provinces of Canada, Nova Scotia and New Brunswick brought about solely because of the financial dire straits due to railroad construction. The *British North America Act 1867* was brought about for the sole purpose of consolidation and not confederation. To find the intent of the *British North America Act 1867* you have to turn to the House of Commons and House of Lords Debates, U. K., Volume 185, 1867. In this volume you will note that the Monarch, QUEEN VICTORIA, opened the session of the Parliament of Great Britain by addressing the Houses of Commons and Lords. In the opening session of the Parliament of February 5th., 1867, QUEEN VICTORIA addresses the issue of the Provinces of British North America when she speaks to the Houses. In her speech, relative to the Provinces of Canada, New Brunswick and Nova Scotia, she says;

> *"Resolutions in favour of a more intimate Union of the Provinces of Canada, Nova Scotia, and New Brunswick have been passed by their several Legislatures; and Delegates duly authorized and representing all Classes of Colonial Party and Opinion have concurred in the Conditions upon which such an Union may be best effected. In accordance with their Wishes a Bill will be submitted to you, which, by the Consolidation of the Colonial Interests and Resources, will give Strength to the several Provinces as Members of the same Empire, and animated by Feelings*

of Loyalty to the same Sovereign."

As you can see, there was no mention of "Confederation". It was a consolidation. It is not until you read the debates of the *Bill* that you find it is the politicians who are calling the *Bill* a "constitution" but as we have seen the QUEEN wasn't calling for a constitution she was calling for a consolidation. As you can see by definition and instruction a "confederacy" is not what one would expect in view of Victoria's message of giving

> "*…Strength to the several Provinces as Members of the same Empire, and animated by Feelings of Loyalty to the same Sovereign."*

Also, a confederacy is something that is done without the consent of the QUEEN like the so-called patriots of the united States in their confederation from George the Third regarding taxation.

The question remains, which "Crown" has the commercial monopoly over Turtle Island, Elizabeth Windsor, the Parliament of Great Britain or the Crown Temple? It would appear that the Parliament of Great Britain is responsible for "Canadians" and Indian issues were reserved to the QUEEN. This is evident in the *Royal Proclamation 1763* as the *Proclamation* was a Royal pledge, emanating from the KING at St. James Palace as opposed to the seat of Parliament, Westminster. St. James Palace is where the KING or QUEEN carries on their personal business and if you read the *Royal Proclamation* you will find that the lands not subject to treaty, session or surrender were recognized as being reserved to the Indians and that any treaty, session or surrender would have to go through "royal channels". The responsibility to manage the monarch's business arrangements with the Indians was transferred fist to the Province of Canada in 1861 then to the junior authority in Ottawa under *s. 91.24* of the *Consolidation Act* in *1867*.

If you look closely at the *British North America Act 1867, s. 91 and 92* you will note that section 92 provides that "*Local and Private Matters"* and "*Property and Civil Rights*". Those two examples are exclusive Provincial jurisdictions and cannot infringe upon the classes of subjects enumerated in section 91 which are subjects reserved exclusively to the parliament. Conversely, the parliament has its exclusive jurisdictions and parliaments classes of subjects cannot infringe upon Provincial jurisdictions. Neither the parliament nor the Provinces can inter-delegate their statutory authority to each other. It becomes clear, that in 1867, if the Indians were "Canadians" then, and not sovereign people, they would fall within the jurisdiction of the Provincial Legislatures. But, the Indians are found within the exclusive jurisdiction of the parliament therefore, section 92 does not apply to them. Parliament and only parliament has the authority to legislate in favour of the Indians and not to pass laws over them. This would include a judicial arrangement where the Indians could take their grievances for such things as property encroachment by non-Indians, protecting the lands referred to in the *Royal Proclamation 1763* which were reserved to them and other laws that operate in a positive manner towards the

Indians. However, section 91.24 did not give the parliament the authority to legislate over the Indians. The parliament of Canada was not given the authority to enslave the Indians in order to cheat them out of land, resources and royalties. Clearly, the *British North America Act 1867* has two solitudes, Indians and Europeans and not English and French. To date the parliament has enacted no legislation to protect Indians and their territory as specified by the *Royal Proclamation 1763* and there is no case law that confirms the Royal pledges.

I wish to also point out that Prince Albert, Victoria's husband, met an untimely death in 1861. In 1861 you have the American Civil War breaking out and the transfer of the Indian Trusts over to the Province of Canada. After the death of Albert in 1861 Victoria began meeting a "Mr. Brown". After his untimely demise Victoria fell into a depression that is reported to have lasted some thirty years. During this time Prime Minister Gladstone and Benjamin Disraeli "moved in" on her. Although Victoria is reported to have not taken a liking to Gladstone, she did take a liking to Disraeli and Disraeli became Victoria's advisor. Disraeli was the head of the Exchequer in England. So, when you consider the Provinces were encountering financial difficulties because of railroad construction financing, there was a consolidation as opposed to a confederation, the Parliament of Great Britain had to debate a loan *Bill* for the "Canadian" railroads and that England itself was encounter their own financial difficulties due to centuries of war one easily draws the conclusion that there is something going on here rather than the "pomp and circumstance" the politicians give to that so-called great day in 1867 when "Canada" became a nation. With that in mind, you have to question who the politicians are and who are they really working for.

As noted, after the *British North America Bill* was passed the Imperial Parliament debated whether or not Great Britain ought to be acting as surety for a loan needed for the financially strapped "Canadian" railroads. The settlement of Upper and Lower Canada was such that there was no real need for railroads, aside from the fact they were settling on Indian Territory, but one of the excuses the politicians used was to show concern that there might be an invasion by the united States and if such an invasion were to occur in winter, there would be no way in which to expedite the movement of British Troops from the east coast to Lower or Upper Canada. There were, however, vast natural resources to be found in Indian Territory which necessitated the construction of railways in order to make commerce with this new found wealth. So, the railroads were being constructed to reap the natural resources, bringing with it the human resources needed to build the railroads and harvest the natural resources and at the end of the day, the Immigrants or "Canadians" were saddled with the debt. It must also be pointed out that there was no discussion regarding the Indians or the *Royal Proclamation* during those debates which, in itself, promoted nation building.

One has to remember that railroads were not part of any deals between the Indians and the sovereign power, and in the instance of the *Canadian Pacific Railroad* the Indians

were vehemently opposed, therefore, any so-called debt as a result of the railroads would have to be burdened by the people of Turtle Island, except the Indians, or in lieu of that, the Parliament of Great Britain. But, if you peruse the finances of the Province of Canada before the consolidation of 1867 you will find that the royalties collected on behalf of and for the Indians were kept off the records. The Indians were not getting the royalties they were promised in the treaties and as such the money was being diverted to pay for or help pay for the railroads. After the debates of the *British North America Bill,* or the consolidation, and the *Canada Railway Loan Bill* is finished with, the Parliament goes on to debate the budget of Great Britain. Here you will find that Britain was also in a financial crisis, in part, due to "…*centuries of wars*…".

With the Provinces becoming insolvent, a new corporate entity, the Dominion of Canada, having to be formed and Britain financially unstable one has to question who all this debt is owed to. I suppose it would be safe to ask that question today for a corporation cannot "own money" *per se*, rather, it is the principal(s) or the shareholders. Who is the principal or shareholders who is or are benefiting from the financial indebtedness of the several Provinces and Great Britain? That is the question that remains to be answered but, you can be sure that there is more than likely a lawyer protecting the ultimate entity through "solicitor-client privilege".

The reasons why there was no "Confederation" in 1867 are two fold. Primarily it was because the Provinces of Canada, New Brunswick and Nova Scotia were having financial problems due to railway debt. But more importantly, it was a mechanism available that was utilized to enlist the royalties due the Indians to pay for the construction of the railways which would enable the corporate interests to further harvest resources situated in and on Indian Territory. Athough there was an *Indian Fund* pre 1867, at the consolidation the fund was amalgamated with the *Consolidated Revenue Fund* in 1867 thereby making it more difficult to account which funds are royalties and which are taxes and which go to Elizabeth Windsor. Also, the railroad debt would not go on forever but the Indian royalties would last for centuries.
The politicians claim that a "Confederation" occurred in 1867 probably because of some sort of conflicts of interests but now it could be sheer ignorance in that most politicians, who are lawyers, think the Indians were all defeated, notwithstanding section 25(a) of their *Charter.* The initial reason was for cheating purposes which is being carried on to this day and now it is a full scale genocide and the Indians themselves are speeding this along in their participation in the "democratic" scheme.

CHAPTER IV TOOLS OF GENOCIDE

Media

The bureaucrats in the employ of the Ottawa authority rely heavily upon the mass media to hide the facts about the Indians. It controls the mass media, in part, through the *Canadian Radio and Telecommunication Commission*, C. R. T. C., and while trustees to the Indians they permit the airwaves to carry that disinformation that “Canada” is a country and founded at many different times that one can actually choose a date that suits

them when “Canada” became a country. Being trustees and permitting radio and television outlets to broadcast and telecast propaganda claiming “Canada” is a country is so done to the detriment of the Indians. To minimize or trivialize the role and function of the Indians can only operate in a manner of constructive genocide. After all, exactly when were the Indians defeated? They certainly never were defeated in the so-called “Indian Wars” south of the so-called Canada and united States border as what appeared to be Indian wars was in reality a gross breach of trust and of the *Royal Proclamation 1763* on the part of Victoria Saxe-Coburg-Gotha. Or could it have been a breach on the part of Benjamin Disraeli?

Governor-General

As the reigning sovereign sits until abdication, or death, it would stand to reason that the Governor-General ought to sit under the same period of reign and not be replaced every four or five years. Under the scheme of things one reason that the Governor-General is changed every four or five years could be found with the “discontinuity” of the passage of Royal Instructions from one Governor-General to the next Governor-General. It seems that the general way of doing business with those entrusted with the maintenance of Royal Instructions is to have them replaced as soon as they find out their responsibilities. Simply put, once the Governor-General understands his job the mandate ends, or he is replaced, and someone with little or no knowledge or experience takes over thereby effecting discontinuity of the Royal Instructions being passed down through the chain of command.

Education

The governing structures are here, in part, to serve the Indians. By the state using its schools of instruction as grounds for schools of disinformation, or non-information it provides for the gradual genocide of the Indians. Children are taught nothing about how they ended up on Turtle Island and the schooling system established for the Indians was perpetrated on genocide and slave labour as well. With the residential schools the children were placed there, away from family and friends, and taught the “Canadian” way. It is not as important as to what the Indian children were taught it is most important to consider what they were not being taught. They were taught the “Canadian” way, and not the Indian way, but more importantly, when it came to teaching them practical subjects the institutions opted to teach them “spiritually” rather than how they were going to make a living in the white mans’ world. This would have a negative effect in two ways. First of all, they were taken at an impressionable age. They were taught theoretical and abstract subjects and nothing practical. But more importantly, they were kept away from their family wherein they were not exposed to the Indian way of life. The passing of knowledge from generation to generation was broken. This was done not necessarily for the natural resources but for the enfranchisement, the turning of the Indians into corporations or entities created by men and not by the Creator. The intent for the most

part was brain washing. One of the “inventors” of the residential school scheme had a university named after him. The university is *Ryerson* and is in the city of Toronto.

CHAPTER V HUDSON’S BAY COMPANY

1666

Radisson and des Groseilliers managed to receive financing through Prince Rupert to explore the trading potential of the areas where the continental North American rivers flowed into the Hudson and James Bays. Prince Rupert was the nephew of King Charles the Second of England. They all met and Radisson and des Groseilliers headed off to Hudson Bay on the ship called the Nonsuch. Two years later they returned to England with samples of furs. Shortly thereafter, a group of investors are granted a monopoly of the fur trade within the area that would come to be known as "Rupert's Land".

1670

On May 2nd., 1670 KING CHARLES THE SECOND issued a group of investors a royal charter granting them a monopoly on the fur trade in the area known as "Rupert's Land". The group of investors would be incorporated as the "*Governor and Company of Adventurers of England Trading into Hudson Bay*". Radisson and Des Grosielliers had contracted with the English prior to 1670 and when word of their discoveries spread France claimed their discoveries belonged to France because of their French heritage. This was contested for some time and in 1713, at the Treaty of Utrecht, France relinquished all claim to the trade area of Hudson Bay. The name of the company would stay the same until 1821 when the company merged with the Hudson's Bay Company. The Hudson's Bay Company eventually succeeded the former company thereby inheriting the fur trade monopoly for an area covering three million square miles and the name, Hudson's Bay Company, would stay.

By 1763 you had three solitudes in British North America. On the first part you had the Hudson's Bay Company with its monopoly in the area known as "Rupert's Land". Secondly, you had the Parliament of Great Britain in possession of the thirteen colonies as well as the areas the Spanish and French had business arrangements with the Indians. Next, you have the areas where no Europeans were present. Those areas were then, and are now, Indian Territory and cover the area noted in the map in Appendix "A" of this book.

Between the time of Columbus and the Royal Proclamation of 1763 various European powers engaged in trade with the Indians. France, Spain, Portugal, Britain, Holland and Scotland had commercial arrangements with the Indians which they are still obligated to. The Dutch for example, although they transferred their treaty rights with the Manhattan Indians to the Crown of Great Britain in 1640 for $2.00, ultimately have treaty obligations with the Manhattan Indians. Likewise, Spain has treaty obligations with the Indians inhabiting the areas of East and West Florida. The French had business arrangements with the "Indians" of New France or Quebec, Louisiana and the Islands of St. Pierre and Michelon, the English entered into agreements with the "Indians" inhabiting the areas known as New England or the thirteen colonies and Scotland in the

area known as Nova Scotia. The "*Governor and Company of Adventurers of England Trading into Hudson Bay*" and the Hudson's Bay Company also have arrangements with the Indians.

In 1825 Fort Vancouver was established as the company's head office and as it was claimed that it was on "united States" territory its head office was moved to Victoria on Vancouver Island in 1843. Victoria is now the capital, or head office, of the corporation of British Columbia.

In 1840 the Puget Sound Agricultural Company was formed as a subsidiary of the Hudson's Bay Company and mainly dealt with agriculture and settlement in Oregon Country. The Owners of the Puget Sound Agricultural Company were directors and senior officers of the Hudson's Bay Company.

The allegation that the Hudson's Bay Company had returned sovereignty of the three million square miles comprising Rupert's Land to the Crown and in return, the Hudson's Bay Company was given *L*300,000 and permitted to keep vast tracts of land must be considered. In 1869 Governor-General Monck was given the task of writing a report on the surrender of the Hudson's Bay Charter and to consider whether or not *L*1,800,000 was a fair and just amount for the company to surrender "its" land.

Governor General Monck concluded that the Hudson's Bay Company was making claims to owning land that was, in part, subject to other treaties and in reality the Hudson's Bay Company owned no land but merely had a trade monopoly with the various Indians of the different areas and regions of Turtle Island. The Company was, however, allowed to keep the land where their trading posts were set up and L300,000 paid to settle the Charter surrender.

To this day, the popular conception is that the Hudson's Bay Company or the *Governor and Company of Adventurers of England Trading into Hudson Bay* somehow was able to conquer all the Indians within the three million square miles to become title holders to the land. It would appear that this disinformation is an integral part of the misinformation campaign waged by the corporate elite in their conquest of the people to create a nation through fabrication.

In the absence of the Indians releasing the Hudson's Bay Company, or the *Governor and Company of Adventurers of England Trading into Hudson Bay* of their obligations it would appear that the Hudson's Bay Company still has the powers it was given, by extension, through the Charter of 1670. It would be safe to conclude that certain "treaties" overlapping areas that are subject to agreements with the Hudson's Bay Company, like the Robinson and Morris treaties, create a problem.

Now that we know Canada and the united, or combined, States of America are not

countries we have a clearer picture on what politics is all about. If Canada and the united States of America are not countries then they are corporations. In America, you have the president. He is the President of the corporation. Similarly, in Canada, the prime minister in reality is a vice president, vice president of the Corporation Canada. This comes about because of Indian Title which underlies, for all intents and purposes, the real authority on Turtle Island. There can be no country until such time as all the Indians have been dealt with by way of extermination. When that occurs, then America and Canada become sovereign nations. Until that time, they are only corporations and by voting for the politicians, *viz*, participating in the selection of the board of directors, you unwittingly become their property, or that is what they assume. Of course, *dolus* fraud must be considered as their *modus operandae* and the *Statutes of Frauds* must be carefully considered.

POST 1763

With the advent of the *Royal Proclamation* there could be no war with the Indians as the Indians and the Crown of Great Britain were in contract with each other. It wouldn't look good if the Crown started a war against the Indians while proclaiming that they are under the Crown's protection. So there had to be a better way of going about the business of conquering a people without a declaration of war. In order to wrestle the title to the land from the Indians those entrusted with carrying out the responsibilities and duties of and to the Indian Trusts and Interests the trustees had to resort to surreptitious means to extinguish the Indians either physically or through statute. In order to accomplish this they had to, in part, invent this fiction that Canada is a country. This went full scale with the introduction of the *British North America Act 1867*.

Another of the ways in which the Ottawa authority went about business in extinguishing Indian Title was through immigration. Through immigration the indigenous population would be overwhelmed with the influx of the European population thereby the significance of the Indian becomes trivial. The *Governor and Company of Adventurers of England Trading into Hudson Bay* was opposed to immigration as it would impact on the fur monopoly the company had. It was the Hudson's Bay Company that looked to the "human" resources to exploit the natural resources and to eventually displace the Indians. Eventually, it was found that not only would the influx of immigrants dilute the population it also provided a vast pool of human resources that could be used to exploit the land. It was good business sense. Immigrants were brought in from European countries. Polish, Ukrainians, Germans, Hungarians and people from other countries were brought to Turtle Island with the promise of "free land". The immigrants who came here were mainly uneducated but couldn't resist the lure of free land. In having the Indian population outnumbered by the settlers, it would be easier for the politicians deal with the Indian problem. As it stands, within the area known as Canada there are about 35 million "Canadians" and about 1.8 million Indians. The suppression of and interference with Indian procreation combined with massive immigration seems to have served the

politician quite well. But, as the politicians come and go it could be safe to say that the politicians have to be working for some unknown person or group of persons. For example, it could not be said that William Lyon MacKenzie King was working for his own personal gain or for the personal gain of his family, nor MacDonald, nor Trudeau.

The purposes of the immigration were many. First of all, the immigrants provided a vast pool of "human" resources needed to exploit the natural resources of the land. Another reason can be found in the fact that Europe was undergoing a population explosion and there was needed a place closer than Botany Bay where people could be sent. In committing to mass emigration from Europe to the "New World" the financiers could dilute the population with those who knew nothing about the Indians, Indian Title, and the purpose of the governing structures and why they were there. Having the advantage of being able to look back over time we can see that the intent of immigration was ultimately aimed at the usurpation of Indian Title by dilution. By flooding the land with immigrants and giving away the Indian's land to entice immigration the corporate elite did then and still do reap the fruits of the land using cheap human labour to meet that end.

When it comes time to consider the Charter Charles the Second granted to his nephew Prince Rupert in 1665, you find the link to the KING by the grant of a Charter to the Northwest Company. Although this is a subject to which I will devote more insight on essentially the Charter came to be known as the Hudson's Bay Charter and was granted in 1670. The Hudson's Bay Company surrendered its Charter in 1870. Also, with the Imperial Parliament being involved, one has to ask why the Imperial Parliament has been undertaking nation building and wrecking and for whom. Personally, I have no idea. However, it does seem somewhat strange that while images of the KING or QUEEN may appear on our currency and the Union Jack appears on certain Provincial and International flags, there is no question that it is the Imperial Parliament that has some sort of interest in or obligation to Canada or the Indians or its own self-interest or is acting for some other unknown foreign interest perhaps a foreign country.

With respects to the Charter granted by Prince Rupert to the Company, the mandate of the Company was to trade with the Indians, issue licenses to those who wanted to conduct trade with the Indians and set up a governing structure similar to a judicial or policing system. The monarch would defend the company's interests in case any hostile take over attempt was made by any extraterritorial jurisdiction. The expression "Rupert's Land" does not mean that it is land that belonged to Rupert, rather, it denotes the three million square miles wherein he had commercial interests.

The original instructions to the "*Governor and Company of Adventurers of England Trading into Hudson Bay*" was to conquer the "Indians" in the areas of Turtle Island not already settled or explored. When they studied the possibilities of that undertaking they found it would be next to impossible. The region is heavily forested, the routes were unknown and they didn't know how many Indians there were.

Instead, the company chose to set up trading posts at the points where the interior rivers flowed into the James and Hudson's Bays. They found that the Indians would come to the posts bringing furs, and other resources, for trading. The employees found that with the backing of the British, hail Britannia and all, they could enjoy a lucrative trade monopoly with the Indians in the three million square miles. The employees who manned the trading posts took several Indian wives and were in not interested in pursuing search and destroy endeavors. It appears they were quite content with the monopoly rather than the usual violence associated with conquest.

CHAPTER VI *ROYAL PROCLAMATION 1763*

Retuning to 1763, this year was the culmination of the six years war. At this time the war between Britain and France, Spain and Portugal was raging for, among other things, a monopoly for trade and commerce with the Indians of Turtle Island. Having won the war, George the Third was in the position of consolidating the treaties, held between the Indians and France, Spain and Portugal, to the Crown of Great Britain. Whether or not the Indians signed any releases to the other contracting parties enabling George the Third the monopoly is questionable for I have found no evidence of this. Nonetheless, he issued his *Royal Proclamation* in 1763 and not the Imperial Parliament. Even though the Royal *Proclamation 1763* is 243 years old it is still in force and effect as evidenced by section 25(a) of the Canadian's *Canadian Charter of Rights and Freedoms 1982* which I have addressed certain parts thereof in a later chapter.

To fully understand the terms, conditions, stipulations, protections and the maps of settled lands and lands reserved for the Indians one must read the *Royal Proclamation 1763* and the treaties for themselves. If you refer to the map taken from the *Dorion* Report of 1971 you will note the lands settled included; the thirteen colonies, or New England, East and West Florida, Quebec, New Found Land, Labrador, and Rupert's Land. The land west of the thirteen colonies, north of West Florida, East of the Mississippi and to the western end of Labrador constituted Indian Territory. This vast stretch of land still stands as Indian Territory to this very day. If this were not true, then the *Royal Proclamation 1763* would have been amended and would have been known as the *Royal Proclamation 1763* "as amended", at a minimum this would have had to have been done in 1776. The *Royal Proclamation 1763* has not been amended, repealed or spent and is still in force and effect to this day.

That is how things stood, and stand, as of 1763; the Crown of Great Britain holds the Thirteen Colonies, East and West Florida, the East coast of "Canada" and the area known as Rupert's Land, the rest was acknowledged as being Indian Territory most of what is today called Canada and the united States of America.

Since the days of the European "explorers" there has been a non-stop campaign, or reign of terror, against the Indians particularly by the British since 1763, in order to extinguish Indian Title to the land by extinguishing the Indians as nations and as people. In modern more abrupt terms, it is known as genocide. For example, it is a historical fact that Governor James Murray employed the use of germ warfare on the Indians by giving them gifts of blankets contaminated with small pox. In later years other methods would include; escheatment of land, destruction of food supplies, enfranchisement, infiltration, murder and indifference to achieve that end. There is also the media that has been, and is being, used in order to create a court of public opinion in their favour.

The reason the English are subjugating the Indians to genocide can be found in the title to the land. 1763 aside, the Indians have treaties with divers European nations. With this comes a trustee/fiduciary/beneficiary relationship. The Crown of Great Britain becomes the trustee with a fiduciary responsibility to the Indians. The arrangement between the Crown of Great Britain and the Indians is such that the monarch becomes a serf. The Indians are the landlords and the monarch is allowed to work the land taking her share and giving the Indians their share. The Indians become the beneficiaries to the trust/ fiduciary relationship with the Crown of Great Britain. While it is a question of law as to whether or not the Crown of Great Britain could claim to be a trustee in substitution for the other nations that had treaties with the Indians leading up to 1763, and whether or not the various Indians consented to the transfers of those multi-national contracts and the responsibilities attached thereto transferred to the Crown of Great Britain, again, remains to be seen.

Should the Indians become extinguished, statutorily or by what other means Elizabeth Windsor and the Parliament of Great Britain chooses to employ, the title to the land devolves to the holder of the trust, in this instance, Elizabeth Windsor. The Parliament of Great Britain "gets the people" of Turtle Island. There seems to be a pattern of genocide with respects to treaties the Crown of Great Britain has entered into with other nations, particularly the African nations. This appears to be conduct unbecoming of past sovereigns let alone Elizabeth Windsor and perhaps this could account for the "centuries of wars" England had committed to.

As I have previously stated, the power to enact laws flows from the title to the land. Since Elizabeth Windsor has not yet secured Indian title, the only way in which she can claim jurisdiction over anyone on Turtle Island, save and except her subjects if there are any, is through *dolus* fraud, assumpsit contracts and, in the case of the enforcement of her father's so-called *Indian Act of 1951*, by way of the barrel of a gun. It is interesting to note, that while this particular act of crimes against humanity was being inflicted upon the "Indians", the monarchy was in transition. George the Sixth meets an untimely death and Elizabeth Windsor became the heir to the throne at a relatively young age, fourteen months later. It is quite plausible that there may have been an advantage in favour of Elizabeth Windsor and her quest for Indian Title. With the chaos that came about after the

death of George the Sixth the opportunity presented itself in the Ottawa authority to use armed force to extinguish Indian customs and traditions and title, with the forced implementation of the *Indian Act 1951* on the Six Nations Reserve outside of Brantford, Ontario.

Prior to the enactment of the 1951 *Indian Act* the Six Nations were recognized as sovereign to the extent of being able to issue passports to its own people to travel in foreign lands while the Ottawa authority could not. At that time the British High Commissioner had the authority to issue passports and the Dominion governing structure could not. “Canadians” or “Dominion of Canadians” were required to make application to the British High Commission in order to obtain passports.

CHAPTER VII TOOLS OF GENOCIDE

1867

In 1862 loans were undertaken by the three Provinces to cover the expenses of railroad construction and those loans came due in December 1867. In 1867 Victoria authorized the consolidation of the three Provinces of Canada, Nova Scotia and New Brunswick into the Dominion of Canada. One of the “promises” of the consolidation Act of 1867 was for the Dominion of Canada to push through an inter-continental railroad and in order to achieve this they had to deal with the Plains Indian “problem”. They solved the problem through legislation.

31 Victoria Chapter XLII-1868

> *An Act providing for the organization of the Department of the Secretary of State of Canada, and for the management of Indian and Ordnance Lands”*

Now firmly on the road to nation building with the consolidation of 1867, the parliament of “Canada” had to devise a means of procuring Indian land in the most subtle way. The board of directors, *viz*, the parliament, for the Dominion of Canada passed an act entitled “*The Department of Secretary of State Act*”, 31 Victoria chapter XLII, 1868. This act was the precursor to the 1869 act entitled “*An Act for the gradual enfranchisement of the “Indians”, better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42*.”, or as I call it, the “enfranchisement act”. This Act was 31-32 Victoria ch. VI. Both Acts compliment each other. The latter Act was essential for the scheme of the former.

To under stand the underlying intent of the two Acts you must read them together. You will have to have some knowledge of Indians and Indian Customs and Traditions and to be able to compare them. Section 8 of the *Department of State Act* provides for the transfer of Indian Territory to the parliament of "Canada". Section 8 reads;

> 8 "*No release or surrender of lands reserved for the use of the "Indians" or of any tribe, band or body of "Indians", or of any individual Indian, shall be valid or binding, except on the following conditions;*
>
> *1. Such release or surrender shall be assented to by the chief, or if there be more that one chief, by a majority of the chiefs of the tribe, band or body of "Indians", assembled at a meeting or council of the tribe, band or body summoned for that purpose according to their rules and entitled under this Act to vote thereat, and held in the presence of the Secretary of State or of an officer duly authorized to attend such council by the Governor in Council or by the Secretary of State; provided that no Chief or Indian shall be entitled to vote or be present at such council, unless he habitually resides on or near the lands in question;*
> *2. The fact that such release or surrender has been assented to by the Chief of such tribe, or if more than one, by a majority of the chiefs entitled to vote at such council or meeting, shall be certified on oath before some Judge of a Superior, County or District Court, by the officer authorized by the Secretary of State to attend such council or meeting, and by some one of the chiefs present thereat and entitled to vote, and when so certified as aforesaid shall be transmitted to the Secretary of State by such officer, and shall be submitted to the Governor in Council for acceptance or refusal.*

What we have here is the mechanism that sets up the treaty making process between Ottawa and the Indians. You will note that land surrenders or releases have to be approved by the chief of the area in question and where there is more than one chief by the majority of the chiefs present and eligible to vote and they have to be authorized to be present by the Secretary of State and they have to be authorized to vote on the decision by the Secretary of State. Despite the fact that Indians, by and large, at that time were roamers and that under this Act only those chiefs or Indians residing full time on or near the land in question could qualify to participate.

Under section 8, subsection 2, the land "deal" has to be certified under oath before a judge of the Superior, County or District Courts. The chief also has to swear an oath, a European initiative and within the Canadian system. Does this mean that the oath is redundant because Indians are a distinct people or does it mean that the chief who swears the oath is a "Canadian"? If the latter, that would be like the purchaser signing on behalf of the purchaser would it not? Section 8 is in clear violation of the *Royal Proclamation 1763* because under the *Proclamation* anything to do with selling Indian Territory had to

be dealt with by the KING or the QUEEN and by Ottawa setting up its own shell game they have usurped the Royal Instructions in order to escheat the "Indians" out of the land.

31-32 Victoria Chapter VI-1869

> "*An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42*"

With the Department of Secretary of State Act in place the Ottawa authority established a means for the taking of land from the Indians in violation of George the Third's Proclamation of 1763. Under section 8, if the Indians wanted to sell their land it could only come about when a chief or chiefs agree to sell it. To find out exactly who the chief referred to in the *Department of Secretary of State Act* is you have to refer to what I self-servingly call the "Enfranchisement Act" of 1869. Under this Act the chiefs are elected and you will find this under section 10. Section 10 reads;

> "*The Governor may order that the Chiefs of any tribe, band or body of "Indians" shall be elected by the male members of each Indian Settlement of the full age of twenty-one years at such time and place, and in such manner, as the Superintendent General of Indian Affairs may direct, and they shall in such case be elected for a period of three years, unless deposed by the Governor for dishonesty, intemperance, or immorality, and they shall be in the proportion of on Chief and two Second Chiefs for every two hundred people; but any such band composed of thirty people may have on Chief; Provided always that all life Chiefs now living shall continue as such until death or resignation, or until their removal by the Governor for dishonesty, intemperance or immorality."*

According to this section, the chief is elected. According to Indian Customs and Traditions the Chief is hereditary, similar to the monarchy. In this way the chiefs are brought in by the "democratic" process which is in clear opposition to the Indian customs and beliefs.

Further in this Act you will find how Indians became enfranchised. Section 16 reads;

> *"Every such Indian shall, before the issue of the letters patent mentioned in the thirteenth section of this Act, declare to the Superintendent General of Indian Affairs, the name and surname by which he wishes to be enfranchised and thereafter known, and on his receiving such letters patent, in such name and surname, he shall be held to be also*

> *enfranchised, and he shall thereafter be known by such name and surname, and his wife and minor unmarried children, shall be held to be enfranchised; and from the date of such letters patent, the provisions of any Act or law making any distinction between the legal rights and liabilities of Indians and those of Her Majesty's other subjects shall cease to apply to any Indian, his wife or minor children as aforesaid, so declared to be enfranchised, who shall no longer be deemed Indians within the meaning of the laws relating to Indians, except in so far as their right to participate in the annuities and interest money and rents, of the tribe, band, or body of Indians to which they belonged is concerned; except that the twelfth, thirteenth, and fourteenth sections of the Act thirty-first Victoria, chapter forty-two, and the eleventh section of this Act, shall apply to such Indian, his wife and children."*

An Indian who wants to become enfranchised has to "qualify" to become "Canadian" in that he or she have to be of good moral character. Once selected he chooses a name and surname that he would like to be known as then he is issued *letters patent* which are similar to Elizabeth Windsor's letters patent as QUEEN ELIZABETH THE SECOND and parish priests are issued. The authority that issues the letters patent has the authority over those whom the patent is issued. Elizabeth Windsor has letters patent therefore she would have to be "owned".

What have we so far? The Provinces were about to run into financial difficulties which necessitated the formation of a new corporation, the Dominion of Canada, in 1867. We have the *Royal Proclamation 1763* protecting Indians and reserving and preserving their land and special provisions if the Indians wanted to part with any of their land. We still have the Dominion of Canada in financial problems as a result of the consolidation and we have the Indians being incorporated so that their land and natural resources found within and there under can be taken by the Ottawa authority for their private handlers. There is the *Department of Secretary of State Act 1868* that provided a mechanism to "accept surrendered" land from the enfranchised or "Canadian" chiefs and in 1869 the Ottawa authority provided a means of turning "Indians" into corporations. What could possibly come next? 1870.

The Seige-1870

As the 1868 Act was a set up for the 1869 Act, the 1869 Act had to have been a setup for something else. That something else was the Alexander Morris Treaties. These Treaties cover the years; 1871-1879 and were an attempt to turn the Indians into wards of the state. They began the so-called treaties by laying siege through the systematic slaughter of forty million buffalo that roamed and migrated freely on the plains of Turtle Island. With the food supply "shot up" the Indians began to starve. With few options available

the Indians were offered the Morris Treaties and the franchise. The Indians would be protected and fed if they just sign this piece of paper and go away and be good loving subjects of the QUEEN.

Even though there were very few options available to the Indians in the way of food they still did not sign the Morris Treaties. When you review the Morris Treaties you will note that enfranchised Indians, or INDIANS, signed on behalf of the Indians who were not enfranchised. Since some of the Indians who signed were enfranchised, or incorporated under the laws of Canada, it had the effect of the purchasers signing on behalf of the purchasers … the INDIANS enfranchised under the laws of Canada, or in other words, the party of the first part signed for the first part, or, the purchasers signed on behalf of the vendors. It is hard to see how this slight of hand would be in keeping with the doctrine of *ubarrima fides*, the doctrine that all parties to a contract act in the utmost good faith.

Another feature of the Alexander Morris treaties is the way in which those treaties were undertaken without first having the Indians release the Hudson's Bay Company from their obligations to the Indians with whom they had agreements with, in spite of the Charter surrender of 1870. When you review the Morris Treaties you will find that Morris tells the Indians that what they were getting was on top of what they already had. What the Indians already had were agreements with the Hudson's Bay Company and no one else or no other corporation.

The only Indians the Ottawa authority, or any other authority for that matter, has jurisdiction over are those who choose to become enfranchised, and who depend on statute for their very existence. This could come about by being elected a chief or councilor through the "democratic" scheme of voting. Otherwise, Indians are sovereign individuals and not subject to the European systems and schemes in place in the corporate jurisdictions of "Canada" and the united States of America.

The 1860's was a turbulent decade. In 1861 you have the death of Prince Albert, the start of the American Civil War and the transfer of the management of Indian Affairs out of the Home Office in Westminster to the Province of Canada. By 1867, under the consolidation Act of that year, those affairs were again transferred this time to the Ottawa authority under section 91.24 of the *British North America Act*.

It is important to note that Prince Albert was not only Victoria's husband but it appears that she heavily relied upon him to run her business, Queen Victoria, a corporation sole. With the demise of Albert, Victoria went into a 30 year depression. At this time Benjamin Disraeli, head of the exchequer, steps in and offers his assistance to Victoria. Victoria became trusting of him and allowed her affairs to be managed by him.

With the advent of the *Royal Proclamation 1763* the boundary lines defining Indian

Territory, ceded or treatied or surrendered land and Rupert's Land were defined. The *Royal Proclamation 1763* has not been amended, repelled, spent or extinguished therefore, not only is it still in force and effect the boundary lines therein referred to are still the same to this day, bearing in mind the *Royal Proclamation 1763* came about thirteen years prior to the American Revolution. As I have mentioned the management of Indian's affairs was administrated out of the office of plantations and colonies from 1763 until 1860. With the transfer of the Indian's affairs to the Province of Canada the affairs of the Indians in Canada and the American Colonies had to have been administrated from the Province of Canada because of the pledges to the Indians made by the KINGs and QUEENs of Great Britain.

Between 1861 and 1866 the Province of Canada was entrusted with the management of Indian's benefits and royalties yet chose not to pay them. This is evidenced in the sessional books of the Province of Canada prior to 1867. In these books you will find that the Province of Canada had to keep track of two sets of financial books. One set was for the *Consolidated Revenue Fund* and the other set of books represented the *Indian Fund*. The records of the Indian's royalties were not printed by order of the superintendent of Indians thereby suppressing evidence of the Indian royalties. To suppress these records would not only operate to cheat the Indians of their entitlements but was necessary in the maintaining the illusion of "Canada" being a nation.

Even though the agents entrusted with the operation of the corporation of the Province of Canada used Indian entitlements to fund the railroads, it wasn't enough to satisfy the so-called debt and in 1867 the Imperial Parliament, under direction of Victoria, authorized the consolidation of the three Provinces to form the new corporation known as the Dominion of Canada. This is referred to as "Canada's" "Confederation". There was no Confederacy there was only a consolidation.

When one reads the House of Lords and House of Commons Debates of the United Kingdom you get the sense that the Imperial Parliament was not prepared to act as sureties to loans made to the Provinces any longer but due to the urgency of the 5 year railroad loans coming due it is possible they agreed to act as sureties as there were vast natural resources to be had which would ultimately be of benefit of the British budget. This is evidenced within the House of Commons and House of Lords debates that followed the *British North American Bill*. The debates I speak of are the debates on the *Canadian Railroad Finance Bill*. When you read this debate it becomes clear that the formation of the Dominion of Canada was necessary before any loans to "Canada" were guaranteed by the British Parliament. The guarantee came about as the loans to the three Provinces were coming due in December of 1867.

The Ottawa authority, vested with the exclusive fiduciary responsibility of protecting the Indians from the Europeans, under section 91.24 of the *Consolidation Act* of 1867, undertook the systematic extermination of the Indians in order to meet its financial

commitments. Even though Indian royalties continue to be used for the purposes of paying off loans, the corporate structure in Ottawa still claims there is both debt and deficit aside from the obscene revenues being generated through numerous taxes on top of the Indian royalties. One has to wonder how it came to pass that Great Britain, with all its colonies, and as with all its colonies, is in financial turmoil. The question that begs to be asked is exactly who is the holder of all this debt? Who is the lender? Who could possibly have more money than England and Canada? Who is that wizard of the gold ounces?

The power to pass legislation rests with the title to the land. Without the Crown of Great Britain having title to the land the Imperial Parliament cannot pass legislation governing the original inhabitants of Turtle Island or those who are not a contracting party but are born on Turtle Island. Does this mean that if the Crown of Great Britain has no jurisdiction to pass legislation then there is no law? No. The prevailing law would be the law of the land. The law of any land would invariably have to flow from those who are the recognized holders of the title to the land. The Law of the Land therefore, would ultimately have to be Indian Law.

CHAPTER VIII WORKING ON THE RAILROAD

The business of British North America began with the fur trade. Then it evolved to immigration and settlement and at about the same time the railways came on the scene. The railways were brought in at about time and at this time railways weren't warranted aside from the financial burden railroad construction would entail insofar as construction, operation and maintenance. The railways weren't warranted because there wasn't a large enough population base that could support such ventures. The railways were not built for people, rather, they were built for commercial reasons and those reasons were for the purpose of harvesting the natural resources. Consequently, the bureaucrats employed in the services of the monarch saw fit to borrow the finances required to construct railways.

Consequently financial problems set in and were and in 1866 and there came a need to refinance outstanding loans that ran for five years and were coming due in December 1867. This led to a meeting of the delegates from the Provinces of Canada, Nova Scotia and New Brunswick for the purpose, so we have been told, of drawing up plans for "confederation". In any event, the Provinces agreed to consolidate and they asked Queen Victoria to authorize the venture. On March 26th., 1867 the *Canada Railway Loan Bill* was presented into the House of Commons, U. K.,. Victoria's message instructed the Parliament to provide for the consolidation of the three Provinces, and not a confederation, as well to provide for the financial needs of the Canadian railways. When you read the House of Commons and House of Lords Debates, U. K., on the *Canada Railway Loan Bill*, as with the debates on the *British North America Bill,* you will find the politicians calling the *British North America Act 1867* a "constitution" and a "confederation" when it was neither and the reason for using those words were ancillary to the scheme of fabricating a nation.

There were two schemes in play here the "confederation", or consolidation, of the three Provinces and railroad construction. The two schemes were interwoven and neither could stand independently.

The Railway Bill was a consequence to the expiration of a previous agreement drawn up by the Duke of Newcastle in 1862 between the Provinces of Canada, New Brunswick and Nova Scotia and that agreement was to run for a period of five years expiring in December 1867. Because the five year agreement was to expire there had to be a new agreement put in place when the old one expired. The old agreement was subject to refinancing and the Province of Canada had created opposition on how the financing was to be distributed. The end result was the three Provinces were consolidated.

By consolidation there would be established one fund, the *Consolidated Revenue Fund*, to be handled out of one central authority. Previously, there were three separate purses to draw from, the Provinces of Canada, Nova Scotia and New Brunswick and attempting to ascertain what percentage each Province would absorb from the railway loans was a rather onerous task. By the Act of consolidation, a central authority would be created and known as the *Dominion of Canada*. The new corporation came into being under the auspices of the *British North America Act 1867* and under this act there would be established one consolidated revenue fund from which the payments for the railway loans would be paid. Prior to 1867 each Province had its own *Consolidated Revenue Fund* and Ontario also had the *Indian Fund.* So In 1867 all four funds were conjoined.

Public safety, public necessity, public interest are the three battle cries of the bureaucrats who in the employ of any governing structure who seek to enact legislation for dubious reasons. In this instance it was the cry of public safety, or more precisely, "colonial"

safety. The debate mainly focuses in on two factors the first being the defense of what is now referred to as a "country" and the carrot that is being used as the second reason, commerce, was what caught the public interest side or let's say the interest of the Parliament of England.

The debate centering on the colonial safety aspect took issue with the potential of an American invasion into the British North American Provinces. The Fenian Raids of 1866 for example were cited as an example of the need for a railway system for the expeditious movement of troops in the event an American invasion and with the proposed railway the British would have a means of moving troops from the Atlantic to the interior. The Fenians were Americans of Irish decent or Irish men who made several incursions into the Fort Erie Ridgeway areas between 1866 to about 1870. The only problem with that theory was the Americans could take over the railroads and utilize the system for the movement of their own troops. There was also raised the issue of Montreal not having adequate access to Atlantic sea ports however, it was pointed out that there was a link between the two points by way of the rail route from Portland in the state of Maine and if England and Canada were to maintain peaceful relations with the Americans then it would not be necessary to invest vast sums of money that was uncalled for. The English Parliament was also debating the *Bill* without choosing a predetermined route. The Imperial Parliament was to be the guarantor for the loan to the Colonial government trusting the credit, revenue and good faith of the Colonial government. The Imperial Parliament would only be dealing with the exchequer of the state in British North America instead of several individual funds.

From a commercial point of view the railway was useless and insofar as the construction for military use would be highly dangerous. The amount of commerce that was taking place in the North American Provinces wasn't enough to justify the enormous debt that the construction of the railway would run up. Insofar as the railway was to be used for defense, again, the railway was vulnerable to take over by those whom they feared the most, the Americans. So if railway construction wasn't founded upon a need by a substantive population and the construction of which could have an adverse affect insofar as military purposes is concerned there can only be one other reason for the construction of the railways. Debt. The rates of interest consequent to the loans would out pace the revenues from the land thereby effectively rendering the natural resources the property of the financers either directly or collaterally.

At the end of the day the security for the loan would be the *Consolidated Revenue Fund* and in 1867 the debt the Dominion of Canada owed amounted to *L* 12,000,000. The charges to the *Consolidated Revenue Fund were; the costs of tax collection, the interest on the debt and the salary of the Governor-General* of *L* 10,000. That is what they said in the English Parliament but, what was conspicuously absent from the debates was the *Indian Fund*. The *Indian Fund* was now blended into the *Consolidated Revenue Fund* and in reality the first charge against the *Consolidated Revenue Fund* is the costs for the

collection of the revenue. The second charge to the *Consolidated Revenue Fund* ought to be, but isn't, the payment of royalties due the Indians. So, it can be safe to say that the Imperial Parliament "voted away" Indian natural resources in order to compensate for the financial short-fall due to debt.

CHAPTER IX THE "PERSON" AND THE FICTITIOUS IDENTITY

If we look back in time we can see that the Indians outnumbered the Europeans and the land was virtually impenetrable for a traditional European military event to attempt conquest. So the Treaty making process was undertaken and eventually the floodgates of immigration were opened. As the numbers began to rise and the number of Indians began to decline, the systems in place to manage those other than the Indians came to take control of the population. If you read the Royal Proclamation of 1763 you will find that other than providing protection to Indians and Indian Lands it is a commercial notice that advises anyone wishing to trade with the Indians required a license and those who were subjects of the QUEEN could trade freely with the Indians. In order to wrestle Title from the Indians they had to enfranchise them. By enfranchising the Indians, the enfranchised Indian, who becomes a "Canadian", allegedly becomes a subject of the QUEEN. Ergo, the enfranchised Indian is now able to trade freely with the Indians according to the *Royal Proclamation 1763*. There had to have come a time when all the Indians were enfranchised. This is because there were no Indians left with which to trade freely with. With all the Indians turned into corporations known as "Canadians" there are no flesh and blood Indians with which to trade freely with therefore, everyone would have to require a license, or permission, to carry on business or life on Turtle Island. That time, I allege, was when Louis St. Laurent brought in the amendment to the *Indian Act 1951.* St. Laurent, being a corporate lawyer, is the type of person you want to head a cash strapped and cash starved corporation. He was ruthless, a quality required when engaged in an undeclared war on his beneficiaries.

There are several theories centered on the creation of the "fiction" or the "straw man" and this creation somehow represents the corporate side of the live flesh and blood man or woman. There are theories that the words; "Mr." or "Ms" prior to ones name is an indication that a corporation is being addressed rather than what most people believe to be proper business or social etiquette. There are theories that the *Social Insurance Number* or *Birth Certificate* creates the corporate side. The theory on the social insurance number is that the legal definition of "insurance" is contract therefore, you do not really have an insurance number rather, you have a contract number and such contract is a single signature contract which does not provide full disclosure on the nature of the contract. The birth certificate on the other hand is thought to have been derived from the berth certificate as the captain of a foreign ship might receive in order to take on or unload cargo. The birth certificate has red numbers on the reverse and I have included a definition of "red letters". Similarly, if you, or you mother, seek permission for you to set foot on "Canadian" soil you would need permission similar to what a ship's captain might request. There is a theory that anytime one asks any level of governing structure for relief, whether it is baby bonus, G. S. T. payments, pensions or just about any other benefit that is offered by any governing structure the acceptance of a benefit supposedly puts you within their jurisdiction. Although there are merits to those theories you have to look at the actual contract that was offered giving the state jurisdiction over you. The problem is that there is no contract that binds you to the state let alone the fact that the

state cannot produce title to the land giving them authority to enact the legislation in the first place.

If you take the time to investigate some of the millions of laws on the books you will note reference that the law applies to “persons”, “corporations”, “associations” etc. You may think of a “person” being a man or woman or boy or girl yet according to the statutes a “person” is found within the same classification as corporations, natural persons and other non-flesh and blood entities. For example, you will note from the 1917 House of Commons Debates on the *Income War Tax Bill* 1917 you will find that a “person” is defined as a corporation. Therefore, according to law there is no difference between you and a book entry. It all comes down to economics and accounting. Man has been reduced to a book entry which is another term for slavery.

CHAPTER X POLITICAL SCANDALS

When we look back at the past Kings of England, Scotland, Ireland and Wales we find many of them were murdered for their misdeeds and in some cases for reasons of outright greed. Today, it is a different story. Elizabeth has been insulated from her royal obligation by her advisors who surround her. Her advisors insulate her from the goings-on within her colonies by letting her advisors handle her affairs. In this way, the monarch could claim that she had no prior knowledge of a particular negative matter therefore could not be held accountable for the misdeeds of her advisors. This is what is known as "plausible denial" the plausibility of not really knowing what had happened and the plausibility that one of her advisors neglected to advise her. This way, nobody at the "royal" end really pays for the consequences as any incident could be view as a somewhat of a "got lost in the translation" matter and no ill-intent was contemplated.

When you look at Elizabeth Windsor's advisors, you will note that her subjects carry on business as if it were a "when the cats away the mice come out to play" situation. With the QUEEN unable to oversee her vast dominions her subordinates plunder the lands that are to be protected by them. When we steal and get caught, we are charged and have to attend court. At court, we are either fined or jailed or both or found not guilty. When a politician gets caught stealing, they call a public inquiry and are protected under section thirteen of their *Charter of Rights and Freedoms*.

Under section thirteen of the *Charter* no one can be charged as a result of giving evidence. You would think that the politicians are a bunch of criminals but they are not. They belong to a foreign jurisdiction and the laws that apply to us do not necessarily apply to them so the definitions of theft may not be the same. Under the law that applies to most people "theft" means to steal or to deprive another or others of property. Based upon the way politicians are treated it would appear the word "theft" means "reward". They are rewarded with a "truth hearing" tell the truth and they're off the hook.

Any prime minister from McDonald to the current incumbent there was or is some sort of scandal that has happened or is currently in the works. People have their favorite prime ministers for various reasons. MacDonald was the "father of confederation" and during his term he managed to; eradicate the buffalo, enfranchise the Indians where possible, brought about the residential schools and other initiatives during his reign. Louis St. Laurent had committed to a policy of turning all Indians into "citizens" of Canada.

Although I will be making reference to other prime ministers I would like to focus on one in particular to offer some enlightenment on what the business of the house of commons

is all about but before I continue on I would like to say that those current "liberal" minded people who would like to think that "that is old stuff" may very well be "old stuff" but it never ceases to amaze the way in which history keeps repeating itself. In any event I would like to continue on with a brief review of William Lyon MacKenzie King.

MacKenzie King had some very interesting business connections and his political career as prime minister spanned from December 29th., 1921 to June 28th., 1926 then from September 25th., 1926 to August 7th, 1930 then from October 23rd., 1935 until 1948 except for the 1931 to 1935 period of R. B. Bennett and the "fifteen minutes of fame" that Arthur Meighan enjoyed as prime minister from June to September 1926. He was in power for over two and one-half decades.

According to the parliamentary guide of 1921, William Lyon MacKenzie King was the Deputy Minister of Labour from 1900 to 1908. Between 1914 and 1917 he was engaged upon investigation of Industrial relations under the auspices of the Rockefeller Foundation. The Rockefeller's are the main players in the manufacturing of pharmaceuticals world wide. There are several exceptional books on the Rockefellers and their drug carte "*Murder by Injection"* by Eustace Mullins, and "*The Drug Story"* by Morris A. Beale provides interesting accounts of the Rockefellers. In 1919 MacKenzie King was chosen leader of the Liberal Party of Canada … the liberal party of "Canada", could this be *prima facie* evidence that there are other liberal parties other than that of "Canada"? With respects to Arthur Meighen in 1917 he was Minister of the Interior and Superintendent of Indian Affairs. He also served as prime minister, or Premier as noted in the *Parliamentary Guide*, and Secretary of State for External Affairs from July 20th, 1920 until December 29th., 1921.

The 1920's were truly roaring for MacKenzie King. In 1924, as prime minister of the Dominion of Canada $800,000,000 disappeared from the Canadian National Railway Fund. There was no accountability. During the 1920's MacKenzie King got caught up with Frank Bronfman, of the then Dominion Distillers Company and the running of spirits to the united States during prohibition.

MacKenzie King served his mandate from 1921 to 1925 and an election was called. Due to the corruption of "his" government MacKenzie King and nine other cabinet ministers lost their seats in the election of this year. However, this did not stop MacKenzie King. When the new session of parliament commences on January 7th., 1926 MacKenzie enters the house of commons and takes the seat reserved to the prime minister. He sat in the prime minister's chair unelected. On January 8th., 1926 the house begins quite a lengthy debate on the governments right to office. The debate centered on MacKenzie King sitting as prime minister unelected and by February 15th., of that year he managed to win

a by-election … after he promised the people of Prince Albert a Hudson's Bay Railway spur worth between twenty and forty million dollars.

This is the way some of your "democratically" elected officials carry on business as members of the parliament of the Dominion of Canada. Customs and excise, a branch of the tax people, would confiscate alcohol from legitimate business people. In some cases there would be rail tank cars full of alcohol that would be seized. The tax man would confiscate the shipment then Dominion Distillers would pick it at a discount and without the requisite tendering process. There is a process involved wherein alcohol can be natured and denatured. Dominion Distillers, picking up the confiscated spirits, would send the shipment into the states in its denatured state. Once at its destination in the united States the process would be reversed and the result was that you now had drinkable spirits to be sold on the black market, at speak easies for example while it was against the law.

During this time period someone may have mixed up the process and the result was there were several deaths attributed to bad alcohol. Anyway, it is unclear as to whether or not Rocco Peri took the fall on that one but the whole business of "rum-running" came to a head in what was called the "Customs Inquiry" of 1926. The Inquiry was undertaken by the house of commons and involved questions about MacKenzie King's involvement with the customs department and Dominion Distillers.

Quite a lengthy debate ensued on the liberal government's methods and procedures with respects to the confiscation of alcohol and the selling of the booty to Dominion Distillers without tender so much so that MacKenzie King was being threatened with censorship by his peers in the house of commons.

Censoring causes the alleged offender to be brought to the floor of the house of commons. He stands in front of the speaker of the house where the charges are read. He is verbally "tarred and feathered" by his peers, then forced to sit in jail for the remainder of the session. MacKenzie King could not allow this to happen. Rather than face the music and incarceration MacKenzie King asked the Governor-General, Lord Byng, to dissolve the parliament but Byng refused. As you will see this did not stop MacKenzie King, he was a very crafty fellow. When Byng refused MacKenzie King's request, MacKenzie King and "his" government resigned meaning, he and all the sitting members of the Liberal party resigned their seats. To my mind, the house of commons either serves out its mandate or it is defeated by a non-confidence vote as Lord Byng opined. Being elected under the democratic system the electors voted-in a particular member to sit in the house of commons until the next election. In failing to serve out their mandate those members of parliament who chose to resign ought to have been held in contempt of the Imperial Parliament as the Canadian parliamentary system came into being as a result of Imperial legislation. That episode was nothing more or less than a breach of trust and for MacKenzie King to use his position of authority to protect himself was, at a minimum, an

abuse of process.

The Governor-General, finding that he was about to have no parliament, of all things, approached the leader of the opposition, Arthur Meighan, and asked if he would form a government. Meighan agreed and the parliament continued with a minority government. It must be noted that at this time, there were only two political parties. The liberals, part of the liberal party international, and the conservatives which may not have international connections. Arthur Meighan formed the government, as a minority, and about three months after a non-confidence vote was held, "Meighan's" governance falls and an election is called.

Politically speaking, the parliamentarians operate under "privilege". Anything the members of parliament say in either house are privileged and no member can pursue another member for things said in either house. This sets up an interesting scenario. Had there been an investigation by any policing authority the mere fact that the house of commons held a debate upon the very issue could effectively thwart any police investigation due to what is known as "parliamentary privilege". Having such matters discussed in that forum would operate so as to prejudice any criminal proceedings. But, with evidence having been given during debate within the confines of the lower house, the evidence would have to stay there. If not, I am sure that the house of commons would pass legislation to protect all members in order to indemnify them anyway.

This is a good reason why the people have to exercise their due diligence insofar knowing what is going on around them and what the politicians are doing, why they do what they are doing and, in some instances, why they are not supposed to be doing what they are doing. In conducting your own research you will come to the conclusion they really don't work for you or apply to you.

Along with those questionable incidents attributed to MacKenzie King it must also be noted that when it came to arranging financing for the "country" MacKenzie King turned to J. P. Morgan and Company, a banking firm in New York City. Instead of borrowing the money domestically, say through bonds, he chose to arrange financing from a foreign jurisdiction. Had MacKenzie King borrowed the money domestically the rate would have been 4½ - 5% as opposed to the 7% the New York bankers were asking in the mid 1920's. This not only came up in the debates of the 1920's it also came up again in the 1950's. Although I must admit that I do not know where the Ottawa authority is currently borrowing money from but it wouldn't surprise me in the least to find out money is still being borrowed from J. P. Morgan and Company and at a premium rate of interest.

It doesn't appear that MacKenzie King was working on behalf of the Indians or on behalf of those not Indian but are born on Turtle Island. Therefore, it would be safe to conclude that while born here and being elected or appointed to the parliament, all the while working for a foreign jurisdiction, MacKenzie King had to have been a traitor. That is of

course if the laws that we are led to believe apply to us also applied to him.

1931 sees the end of the liberal mandate for five years, the election of R. B. Bennett who was born in England, the midst of the great depression and the Statute of Westminster. Bennett serves one mandate then its back to the MacKenzie King liberals from 1935 up until 1948. Although I could go on with MacKenzie King for some time I wish to end this study of MacKenzie King with a focus on the income tax act the tax people are currently imposing on the people.

CHAPTER XI INCOME TAX

"The power to tax involves the power to destroy"
John Marshall 1819

Petition of Right 1627

X "*They do therefore humbly pray your Most Excellent Majesty, That no Man hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or such-like Charge, without common Consent by Act of Parliament (2) And that none be called to make Answer, or take such Oath, or to give Attendance, or be confined, or otherwise molested or disquieted concerning the same, or for Refusal thereof; (3) And that no Freeman, in any such Manner as is before mentioned, be imprisoned or detained; (4) And that your Majesty would be pleased to remove the said Soldiers and Mariners, and that your People may not be so burthened in Time to come; (5) And that the aforesaid Commissions, for proceeding by Martial Law, may be revoked and annulled; and that hereafter no Commissions of like Nature may issue forth to any Person or Persons whatsoever to be executed as aforesaid, left by Colour of them any of your Majesty's Subjects be destroyed, or put to death contrary to the Laws and Franchise of the Land.".*

XI "*All which they most humbly pray of your Most Excellent Majesty as their Rights and Liberties, according to the Laws and Statutes of this Realm;*

> *and that your Majesty would also vouchsafe to declare, That the Awards, Doings and Proceedings, to the Prejudice of your People in any of the Premisses shall not be drawn hereafter into Consequence or Example; (2) And that your Majesty would be also graciously pleased, for the further comfort and Safety of your People, to declare your Royal Will and Pleasure, That in the Things aforesaid all your Officers and Ministers shall serve you according to the Laws and Statutes of this Realm, as they tender the honour of your Majesty, and the Prosperity of this Kingdom.*
> *Qua quidem Petitions lecta & plenius intellecta per dictum Dominum Regen Taliter eft refponsus in pleno Parlimento,* viz, *Soit droit fait come est Defire."*

Section 54 *British North America Act 1867*

> "*It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue, or of any Tax or Impost, to any Purpose that has not been first recommended to that House by Message of the governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed."*

Currently, the Ottawa authority is taking the direct taxes raised in the Province then giving some of it back to the Provinces to be used for Provincial purposes. Only the Provinces are permitted to raise direct taxation within the Provinces to be used for Provincial Purposes and for the Ottawa authority to take-over this exclusive Provincial jurisdiction is unlawful. Direct taxation within the Province for Provincial purposes is an exclusive jurisdiction of the Provinces under section ninety-two, sub-section two of the *British North America Act 1867* while the parliament may raise taxes by any mode or system of taxation as an exclusive jurisdiction of the parliament under section ninety-one-three. If the raising of money by any mode or system of taxation could super cede the Provinces' right to direct taxation within the Province then the provision found in section ninety-one sub-section three would render section ninety-two-two redundant. The courts have held, interestingly enough, that the money Ottawa raises through the direct taxation of incomes within the Provinces is not then going back to the Provinces for Provincial purposes (*Winterhaven Stables*). The fact that the money goes into the Consolidated Revenue Fund means that the money cannot be said to have been going back to the Provinces for Provincial purposes. How absurd.

Looking at it simplistically, you might say that the Ottawa authority is raising money on three fronts. The Indian Royalties, Provincial direct taxation and money it raises under its own schemes. The direct taxation from the Provinces goes to pay the Indians, the money raised by Ottawa goes to the Provinces and the Indian Royalties goes to pay for the so-called debt orchestrated by the parliament since 1867 at a minimum. But then again "through chaos comes order", so we are told. In creating this "shuffling of the decks" the left hand doesn't know what the right hand is doing which eventually creates a

breakdown on several fronts.

As you have noted, Ottawa has no authority to tax without consent of the parliament. It may seem rather odd that the *Petition of Right 1627* would somehow apply to Canada but since Canada is still a colony it would have to have a "mother" country to protect and guide the colony. Subsequently, the *Colonial Laws Validity Act 1865* confirms the sovereignty of the Imperial Parliament and its Statutes over the colonies but also authorizes the colonies to enact its own legislation as long as the laws being contemplated are not inconsistent with the laws of Britain. The *Statute of Westminster 1931* allows for the repealing of English Statutes applicable to "Canada". In Canada the Governor-General must first give authorization for the parliament to enact laws specific to taxation.

The income tax act is not a valid act of parliament. It is not a valid act of parliament because it was not authorized by the Governor-General, it was not introduced into the house of commons as a bill, it was not debated, it did not receive Royal Assent, it amalgamates the expired *Income War Tax Act* without the Governor-General's authorization, and was not posted in the Canada *Gazette*. The final step in the enactment of legislation is the posting of the assented Act in the Canada *Gazette*. If the enactment is not posted in the *Gazette*, there is no law. Caligula used to pass laws, print the law in small print then had the law posted in high, out-of-the-way places so the people would not readily see the them. Therefore, the people would break the law unknowingly but the law was, at a minimum, passed and posted. The *Income Tax Act* of 1948 was not.

There could be a reason for the parliament not having not dealt with the *Income Tax Act* as a *Bill* and that reason could be because of the Governor-General. The Governor-General is the one who gives Royal Assent to legislation and since the *Byng/King Affair* of 1926 the office may have met its demise. In 1927 Lord Byng finishes his mandate and his replacement takes over as Governor-General. A British High Commissioner is appointed this year and the Governor-General authorizes a revision to the *Income War Tax Act S. C. 1917, ch. 28*. The *Income War Tax Act S. C. 1917 ch. 28* came about in 1917 upon direction of the Governor-General and in keeping with sections 52-56 of the *British North America Act.* If you review the Governor-General's message for the 1917 session you will find the Governor-General authorized the parliament to "*…provide for the effective conduct of the war…*" or to pay for the costs of the First World War. According to the Senate Debates on the *Income War Tax Bill*, you will find that an income tax law was not really necessary as there were other war taxes generating substantive revenues.

Nonetheless, the costs due to the First World War were met during the 1920 session of parliament therefore the *Income War Tax Act S. C. 1917, ch. 28* expired during that session as the costs of the war had been met. The bureaucrats in the Ottawa employ couldn't just "leave it on the books" for to do so would constitute a contempt for the Imperial Parliament. The *British North America Act 1867* is an enactment of the Imperial Parliament and for a politician to ignore the laws of the Imperial Parliament would put

one in the same position MacKenzie King faced in 1926, censorship.

The *Income War Tax Act, S. C. 1917, c. 28* was the only income tax act that the Ottawa authority passed with a degree of lawfulness. I say "with a degree of lawfulness" because, although the Act followed the rules of parliamentary procedure, was authorized by the Governor-General, debated as a bill in both lower and upper houses, committeed, received Royal Assent and was *Gazetted,* it was passed into law on the basis of retro-active legislation. What this means is, although it received Royal Assent in the fall of 1917, it came into force and effect commencing January 1st., 1917, months before the *Bill* was even drafted. That aside, at the end of this book I have included the entire research on the *Income War Tax Act 1917* as a point of reference so that you may become familiar with parliamentary procedures in the law making process. I have also included the complete research of the *Income Tax Act S. C. 1948, ch. 52* so that you may compare the procedures that were or were not followed as compared with the 1917 Act. The *Income Tax Act* appeared toward the end of MacKenzie King career, and life, and is catalogued as the *Income Tax Act, S. C. 1948 ch. 52*.

The Governor-General's message with respects to taxation for the 1948 session was to "revise the tax law". The only tax law "on the books" at the time was the *Income War Tax Act 1917*, as amended, which was part of a series of amendments well after that Act died a natural death in 1920 just prior to MacKenzie King's reign as prime minister.

A revised statute is a modification of a statute. Before you can have a revised statute you have to have a statute as a revised statute cannot stand on its own. If a statute requires a modification it becomes a revision of the statute or a revised statute and usually the revision of a statute ought to be as a consequence of some unforeseen mischief the original statute causes or a redundancy or for reason that obsolescence has occurred within the statute necessitating a revision or amendment. That is usually the case. However, the practice has been that the powers-that-be amend the statute in order to confound the people even further as well as for the never ending ulterior motive of raising taxes. If the statute becomes obsolete then the statute and all revisions of the statute are repealed. The *Income War Tax Act* expired during the 1920 session yet there were several amendments to this Act which had officially expired. The Governor-General's message regarding taxation for the 1948 session was to revise the tax law. Accordingly, the parliament passed an act entitled; "*An Act to Amend the Income War Tax Act*". This Act is catalogued as *S. C. 1948, ch. 53* and its foundation is of the *Income War Tax Act, R. S. C. 1927, ch. 97,* an amendment of the 1917 Act.

As a continuing effort to wrestle the exclusive jurisdiction of the Provinces to Direct Taxation the MacKenzie cabinet found another means of attacking the Provinces. During the 1940's we saw World War Two and the advent of MacKenzie King's infamous "tax rental agreements". Those agreements were between the Provinces and the Dominion

Government. The jurisdiction over taxation of the junior authority in Ottawa is subservient or residual compared to Provincial rights. This is evident when you find that the Ottawa authority asked the Provinces to borrow their class of taxation, direct taxation, for the duration of the war. If Ottawa had the Imperial Parliament's authority to the field of direct taxation Ottawa would not be asking the "favour" from the Provinces. But again, because of a war, Ottawa "needed" to secure the exclusive Provincial jurisdiction over direct taxation and just for the duration of that war. It is interesting to note that while the Provinces are entrusted with the management and upkeep of property within its corporate boundaries the Ottawa authority is entrusted with no land…yet Ottawa requires Provincial direct taxation? Exactly what costs does the Ottawa authority incur in maintaining its bureaucracy as compared to the Provinces?

The transcripts of the dominion-Provincial Conference on Taxation of 1942 makes for an interesting read. In it you will find Mr. Ilsley, minister of finance, strong-arming direct taxation away from the several Provinces. When the Provinces brought to Mr. Ilsley's attention they will suffer financial hardship in agreeing to the transfer of direct taxation to the junior authority he replied by advising the Provincial representative that they had such an "underutilized property tax base" that he could hardly see why the Province would have any financial problems at all. In more recent times, the Province of Quebec has been enforcing its prerogative to direct taxation much to the disappointment of the Ottawa authority. The cost of Quebec's to the Ottawa authority is, in all likelihood, being absorbed by the several Provinces and Territories.

It appears that the purpose of taking the field of direct taxation away from the Provinces was two fold. Primarily, the money raised is being used to pay off fictitious or orchestrated debts also, to force the cities into financial crisis. When you read the House of Commons Debates on the *Income War Tax Act 1917* you will find that the tax wasn't really necessary. However, I believe the reason for the 1917 tax was to establish a form of personal income tax just to have a tax on the books. The median rate of income at the time of the *Income War Tax Act 1917* was such that taxation had a threshold of which the bulk of the population would not reach for some time. It was kept on the books and no one complained as it didn't really affect the average Joe. Once the tax threshold was reached, meaning when the average Joe becomes "taxable", it would "rain dollar bills" in Ottawa. Keeping the direct taxation away from the local level and giving it to the Ottawa authority, for whatever nefarious reasons, strangles the local economies. When the financial crisis hits the city, the city would have to borrow money to pay for its upkeep and its bureaucracy. To obtain the loans, the city had to incorporate. The city of Toronto was incorporated in 1957. In order to borrow, the city would have to put forth collateral which would consist of the property within the corporate boundary lines. The property tax ought to pay for the water and sewers, the gasoline tax pays for the roads and the corporate taxes can pay for the other local services and initiatives so why would the people have to pay anything else in taxation? In contrast, there are several small towns in southern British Columbia where "unincorporated", is noted in brackets below the name

of the town you are about to enter.

MacKenzie King was quite the man. He was on the cutting edge in “innovative” governance. Some might question his reasons for talking to his dog “pat” but my research tends to persuade me to believe that MacKenzie King was involved with corporate elite. In short, as things go today they were the same in his time. MacKenzie King was born here and wasn’t serving the interests of the Indians or those born here who are neither Indians nor subjects of the monarch. He was serving a foreign jurisdiction and, in short, he was involved with treason. Had he been caught at what he was doing he could have been executed but I surmise that had he been caught he could have pled insanity thereby avoiding the gallows.

Since the MacKenzie King years we have had; St Laurent, whose “policy”, and policy is not law, on Indians involved the compulsory enfranchisement of all Indians and forced the Indian Act on the Indians at gun point. Diefenbaker; who scrapped the Avro Arrow and failed to comply with the Supreme Court insofar as turning direct taxation back to the Provinces, Pearson; who was in power when Elizabeth Windsor authorized a change in the name of the corporation from the “Dominion of Canada” to “Canada” along with the change of name a new corporate flag, Trudeau; who took out the silver from our monetary system, gave buckets of money to the International Monetary Fund, the F. L. Q. event, divided the family at the expense of the husband/father/man with the *Divorce Act* then later made it “constitutional” with the *Charter of Rights and Freedoms* in 1982, Mulroney; with his G. S. T. and Airbus scheme, Chretien; being rewarded with the position of ”prime minister” for his role as the lawyer with the rank of general in his conspiracy with Trudeau and Elizabeth Windsor in the implementation of the *Charter* in 1982. Paul Martin Jr. also had turmoil during his reign and Steven Harper is currently undertaking judicial and senatorial reforms.

Former prime minister of Canada, Brian Mulroney, once stated that the constitution of Canada was not worth the paper it was written on. I have read some material on Mulroney’s reasoning, and apparent reason for his feeling on why it wasn’t worth the paper it was written on is reportedly because of the “override” section, section 33, which effectively nullifies all personal rights. I have taken the liberty in dissecting the opening sections of the *Charter* for your information and that information appears in the next chapter.

CHAPTER XII CHARTER OF RIGHTS AND FREEDOMS 1982

Along comes the Charter of Rights and Freedoms in 1982. The “Charter”…the “Constitution”. As we have seen from the legal definitions of “Charter” and “Constitution” Canada is not a country. Proof that Canada is not a country can be found within the *Charter*, those rights and privileges Elizabeth Windsor gave to her dependants in 1982. You will note from section 25(a) of the Canadian’s *Canadian Charter of Rights*

and Freedoms 1982, Elizabeth Windsor respected the *Royal Proclamation 1763* and Indian Customs and Traditions wherein she also recognized the Indian way of life as reflected under section 35(1) of her *Canadian Charter of Rights and Freedoms 1982*. By respecting the *Royal Proclamation 1763* and Indian Customs and Traditions Elizabeth Windsor is acknowledging that the Charter does not apply to the Indians as a whole but it does apply to those INDIANS who fall within the laws of Canada and to those who subscribe to the authority of the *Charter*. I have taken the liberty to list several of the sections of the *Charter* and attempted to give an explanation to each of the sections chosen.

The Canadians *Canadian Charter of Rights and Freedoms 1982* came about on April 21st., 1982. Politicians, lawyers and "Canadians" claim that the *Charter* is a constitution but as you have seen it is anything but and Canada is not a country, rather, it is merely a corporation. Although there are several theories and reasons concerning why the *Charter* came about it can be said that the *Charter* is not a constitution, the *Charter* provides for the taking away of all of one's "rights and freedoms" and the *Charter* divides the population right down the middle, on gender lines. The *Charter* only applies to corporations and the people, in general, are not subject to it, but they think that they are.

The *Charter* is not a constitution as a constitution differs from a *Charter*. Also, the rights and freedoms given to us by the Creator super-cede the countless statutes created by men and the creation of which, in the main, a means of slavery through taxation under the pretext of law.

The following is a summarization of certain sections of the *Charter* in order to give you insight and some possible interpretations. After all, we hear about the *Charter* almost every day and not many people know what it is all about. And most people prefer to leave the law up to the lawyers and this is the probable cause for the grief we are currently experiencing.

Preamble

> Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Traditionally, and legally, the preamble is there to establish the reason and the intent for the enactment of legislation. Unlike the *British North America Act 1867* which has a preamble, the preamble to the *Charter* does not accomplish this. It merely states that there are principles that recognize the supremacy of God and that law rules. In other words, God may be supreme but this is a secular society and law rules. Of course, there also arises the question as to which God, or better yet "god", Elizabeth, Pierre and Jean were contemplating at the time. It could be amen rah or the God of Abraham, Isaac and Jacob or the god of currency or the god of gold.

As previously mentioned a “person” is defined as a corporation and this definition can be found within the debates on the *Income War Tax Act 1917*. When you read the *Charter* you may see through it and find that the *Charter* does not apply to you despite of what the judges, lawyers and especially the media may claim.

Section 1

> The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

By this is meant that the rights and freedoms set out in it are guaranteed but can be limited as the law may prescribe and that “Canada” is a free and democratic society. “Democracy” and “freedom” stand in opposition.

Section 2

Fundamental Freedoms

> **2.** Everyone has the following fundamental freedoms:
>
> (a) freedom of conscience and religion;
> (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
> (c) freedom of peaceful assembly; and
> (d) freedom of association.

With section 2, a Canadian is free to have a conscience, religion (which is authorized by the state), free to think, believe in things, have opinions and a right to express oneself, can assemble peacefully (whether or not they are referring to assembly line employees is unclear), and a Canadian can join any association he or she chooses.

Section 3

Democratic Rights of Citizens

> 3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

To be a citizen of Canada, as opposed to a citizen of the one of the several Provinces,

States, Territories or Municipalities, makes you a subject of the Ottawa authority. The “federal” governing structure in Ottawa owns no land therefore, to be a citizen of Canada renders you a book entry. A citizen of Canada is allowed to vote for members of the house of commons in Ottawa. A citizen of Canada is also able to vote for members of the

124Provincial legislatures although there is no reference that a citizen of Canada, upon voting in a Provincial election, becomes a citizen of one of the several Provinces. Technically I suppose, a citizen of Canada could mean; a section 91 public servant, an Immigrant or an alien.

Section 4

> (1) No House of Commons and no Legislative Assembly shall continue For longer than five years from the date fixed for the return of the writs at a general election of its members.
>
> (2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.

The house of commons and the Legislative Assemblies shall not sit for longer than five years after being elected to the house of commons. However, at times of unrest, or apprehended unrest, the five year proviso may be extended according to the terms set out in sub-section 2.

Section 5

> There shall be a sitting of the Parliament and of each legislature at least once every twelve months.

The parliament has to sit at least once every twelve months. “Once” is not defined therefore, it is open for debate on exactly what the minimum sitting time per year would be. Charles the First suspended Parliament for a number of years which cause so much unrest that it finally culminated in his execution.

Section 6

> 1. Every citizen of Canada has the right to enter, remain in and leave Canada.
>
> 2. Every citizen of Canada and every person who has the status of a permanent Resident of Canada has the right
>
> (a) to move to and take up residence in any province; and
> (b) to pursue the gaining of a livelihood in any province.
>
> (3) The rights specified in subsection (2) are subject to
>
> (a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and
> (b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.
>
> (4) Subsections (2) and (3) do not preclude any law, program or activity that has as its

object the amelioration in a province of conditions of individuals in that province who were socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

Citizens of Canada, as opposed to Provincial Citizens, are allowed to leave, enter and remain in Canada. Every citizen of Canada and every person who has the status of a permanent resident of Canada can reside in any Province and gain a livelihood in any Province. These laws are subject to the laws or practices of a Province that discriminate against people of another Province or of a Province of previous residency. It also recognizes Provincial social services laws requiring minimum residency requirements. There is provision to make adjustments in Provinces that are economically or socially disadvantaged compared to the other Provinces.

Section 7

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Everybody has the right to live, freedom to move around and to be secure. These provisions apply to “persons”, or corporations, and those rights cannot be denied except through the principles of fundamental justice.

Section 8

Everyone has the right to be secure against unreasonable search or seizure.

Everyone is protected against unreasonable search or seizure. The question is; what is unreasonable?

Section 9.

Everyone has the right not to be arbitrarily detained or imprisoned.

Everyone has the right to protection from arbitrary arrest, detention or imprisonment. As you will see, this provision does not apply to the arbitrary arrest and detention of fathers, husbands and males of a heterosexual relationship.

Section 10

Everyone has the right on arrest or detention

(a) to be informed promptly of the reasons therefore;
(b) to retain and instruct counsel without delay and to be informed of that right; and
(c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

Section 11

Any person charged with an offence has the right

(a) to be informed without unreasonable delay of the specific offence;
(b) to be tried within a reasonable time;
(c) not to be compelled to be a witness in proceedings against that person in respect of the offence;
(d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;
(e) not to be denied reasonable bail without just cause;
(f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;
(g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;
(h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and
(i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

A, b, c, i and h are straight forward.

Turning to "d" with the Law Societies engaged in racketeering with their monopoly of the legal system, and the judges being lawyers, it is safe to say that in matters contrary to the "well being" of the state people are not going to receive a fair public hearing. This is particularly evident in the evil divorce game and income tax matters.

"E" reveals a misspelled word. The word, to my mind, ought to be "Ba'al" and not bail.

"G" states that if you commit an act or omission that isn't criminal by nature you cannot be found guilty. It is obvious that if you commit an act or omit to do something and neither are criminal you could not be charged with an offense. What I think this subsection is all about refers to public servants. For example, if you give a neighbour a court document to file for you and he loses it then it would, at best, be a civil matter. However, when a servant, like a court clerk, "loses" or omits to file a document in the court file then there is no liability to that servant. The servant is paid to protect the file and to properly file documents. For a court clerk to lose a file is a *misfeasance.*

Section 12

Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Section 13

> A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

Lets say there was a public inquiry regarding financial irregularities within a governmental organization. You were an active participant in an illegal activity but weren't the one who was caught. You give testimony at an inquiry and that testimony implicates you. That evidence cannot later be used to incriminate you in any other proceedings. The only way in which to wave that protection is to give contradictory evidence, or lie.

Section 14

> A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Interpreters are available to an accused who cannot understand or speak the language of the court.

Section 15.

> 1. Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.
>
> 2 Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Section 15.1 acknowledges that all "individuals" have equal protection and benefit of the law and cannot be discriminated based upon; race, where you come from, the colour of your skin, your religious, but not spiritual, beliefs, sex, as opposed to gender, age or disability.

Section 15.2 is a very interesting subsection. In this section the state, being the public, and the private, meaning flesh and blood men or women or men and women, may establish programs aimed at the amelioration, or getting rid, of conditions that cause discrimination on the basis the classifications as set out in 15.1. What is unusual about section 15.2 is that there may be programs set in places that could be gender specific in nature, that is to say, that "special programs" could be put in place that cater only to men or only to women. An example of this would be the "Woman's Directorate", "Wife Assault" programs, "Women's Shelters", Ministers responsible for "Women's Issues". Unfortunately, this is what I call target gender malice. The problem also lies with the "Notwithstanding" section of the Charter, section 28. Although I ought to continue on in chronological order, I find it necessary to explain the "guarantee" section, or the "Notwithstanding" section.

Section 28

> Notwithstanding anything in this Charter, the rights and freedoms
> Referred to in it are guaranteed equally to male and female persons

"Notwithstanding" is defined as meaning "in spite of". We have reviewed section 15, subsections 1 and 2, and have found that everyone is equal under the law and cannot be discriminated upon under certain prohibited categories. However, section 28 is "in spite of" any other and all other sections within the Charter. Therefore, section 28, in effect, overrides the word "sex" found in section 15, subsection 2. Unfortunately, there appears to be some sort of "legal argot" when you note that section 28 provides for "male and female 'persons'" as opposed to "sex". By usage and practice the state has acknowledged that their intent is to maliciously prosecute the males at all costs and when in doubt the police have to be arrested or they would be charged under the *Police Act* of Ontario. This is a fact in relation to the Toronto Police Service and their "protocol" on wife assault.

Homolka

I thought I would give you some insight on how this gender specific, target malice plays out and has played out. Although I do agree that both Paul Bernardo and Karla Homolka ought to have been subject to the death penalty, life in prison for both at a minimum, the reason why she got the cozy deal was because of her gender and the objective of Elizabeth Windsor is ultimately to destroy the family unit with the destruction of the father figure.

Although it appears I am trying to minimize what Paul Bernardo did I am not but, he was only a violent rapist. He was getting along just fine attacking women for a number of years without getting caught. Then he meets and marries Karla Homolka, from St. Catherines, and the two stay in St. Catherines. This is where the murders started. Although there may be unsolved murders in the Toronto area that Paul Bernardo may have committed you must remember for all we know he was only a violent rapist. From what I have heard and seen it takes a "special" personality to "cross the line" in the act of taking someone's life. The facts tend to agree with this.
Again I don't intend to trivialize his endeavors but Paul Bernardo was "plying his trade" in a big city like Toronto with seeming impunity. He meets Karla, they marry and settle in the city Karla was born and raised. She wanted to partake in Paul Bernardo's activities for her own nefarious reasons but as it was a small town and she would have been readily identifiable, I believe that she couldn't take a chance in getting caught. She procured the drugs. She participated in the "acts". She knew about the murders. She partook in the murders because she didn't want to get caught, period. And, maybe she was not a "battered wife", rather, she may have been into rough sex.

Even though she was as guilty as Paul Bernardo, or guiltier, the Attornee General Marion Boyd and Murray D. Segal, Deputy Attorney General, first gave Karla Homolka a break in the form of a contract. If she would "spill the beans" on Paul Bernardo she would serve less time than him, but she would have to come clean about her activities. She breached the contract in that she did not come clean about one "Jane Doe". At this point the contract would have been null and void but Murray D. Segal and Marion Boyd have to follow Elizabeth Windsor's orders and those orders are to blame the man for everything. The Attornee and Deputy Attornee General both refused to rescind the contract and chose to give Karla Homolka easy street.

Section 33

> 1. Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.
> 2. An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration.
> 3. A declaration made under subsection 1 shall cease to have effect five years after it comes into force or on such earlier day as may be specified in the declaration.
> 4. Parliament or the legislature of a province may re-enact a declaration made under subsection 1.
> 5. Subsection 3 applies in respect of a re-enactment made under subsection 4.

The parliament or the Provincial Legislatures may pass enactments in order to override sections 2 and 7 through 15. This is what is colloquially known as the "override" clause. An enactment that is contrary to sections 2 and 7 through 15 may be put into force. If this is done, the override to sections 2 and 7 through 15 would have to apply to both men and women. So, you can see that the gender specific programs are in clear violation of the Charter as the override provision does not permit gender specific programs and if this section provided such override then section 28 would be redundant. The override may be in effect for only 5 years but section 4 provides that the override may be renewed for another five years and you will note that there is no limitation period and that any such override legislation could go on indefinitely.

Divorce and the Charter

I thought this would be an appropriate time to make comment on divorce in Canada and the Charter. But before I proceed I wish to point out that the only jurisdiction the parliament had over divorce was to read the divorce bills into the parliamentary records. In the early 1960's the divorce bills were being "delayed" in being read into the parliamentary records. Within a short time divorces were not being decreed years after the parties were able to be divorced as they were not finalized because of the backlog in

Ottawa. What we have here is one of the three war cries the governing structures pull-off on the people in order to achieve their own ends. The three are; public safety, public necessity and public interest. In backlogging divorces in the parliament there created a public interest and necessity in preventing this from happening. In 1968 Pierre Trudeau gave the solution with his *Divorce Act*. I have to make a comment on this act to illustrate what law is all about. I was researching at the great law library in the Ontario Court of Appeal in Toronto and selected the 1968 Statutes of Canada in order to look at the *Divorce Act*. More so then than now I was shocked to find that the statute book not only had dust on it but some of the pages within the section on the *Divorce Act* were still stuck together from the printer…the book had not been opened in more than 30 years after being placed on the shelf. Although divorce is a local and private matter, and is a concurrent Ottawa/Provincial class of subject, Ottawa claims, like everything else, that it has the exclusive jurisdiction over divorce.

The way divorce works, the husband is pitted against the wife and the lawyers turn it into a "ping-pong" match with the lawyer taking you children's inheritance for their own. When the family splits up and the "custodial" parent ends up in destitution the parent at times ends up on a pubic assistance program. Eventually, the children, by extension, become wards of the state because the parent is incapable of handling her own children that she has to rely on the state.

There are many systems in place that cater specifically to the woman and her children, prior to divorce or separation proceedings and after, and in keeping with the so-called "affirmative action program". Aside from the usual governmental agencies that are pro woman and anti man the Attorney General has the silver bullet available to women who are seeking the upper hand in pending divorce or separation proceedings. The silver bullet is the local police force.

The protocol on domestic violence that the police rely is to arrest the male. In fact, former Attorney General Marion Boyd issued a directive to the police that when attending a "domestic" disturbance and when in doubt, they have to arrest the male. This is backed up by the police themselves in that if the police officer didn't arrest the male the police officer would face charges under the Police Act.

So what you have here is a situation where the police are active participants in the genocide of the father from the family unit. This is a tool that many women utilize in order to obtain the upper hand in divorce proceedings. When a woman calls the police claiming to have been assaulted by her husband or live-in boyfriend the police attend for one objective and one objective only and that is to arrest the male. Once the male is arrested he has to attend a "show-cause" hearing wherein several restrictions are usually imposed upon the man. One of the most damaging restrictions is for the man not to be able to see his children until ordered by the corrupt "family" court. In many instances the man is literally thrown onto the streets with only the clothes on his back. There is a

majickal trick the police employ in these instances.

The most curious proceeding the police undertake in the prosecution of men in "domestic" situations is the fact that the alleged victim, the woman, isn't the one who swears out the information. The police officer lays the information through his personal sworn affidavit. In keeping with the 503 process hearing under the Criminal Code of Canada the informant swears the information. In most cases the police officer is the informant yet saw nothing. He is the one swearing out the information based upon what he heard from someone else, in this case the woman. In legal terms this is referred to as "hearsay" evidence. Since the woman is the alleged victim wouldn't she be the appropriate one to swear out the information and not the police? The only exceptions to the hearsay rule are death bed confessions or evidence. Therefore, any man who has had the police become involved in their divorce, and were charged, now have grounds to proceed against them in civil and criminal litigation. "Will all men, while going through divorce, and who weren't arrested by the police in their divorce proceedings please meet in the phone booth".

Indians and the Charter

Section 25

> The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal people of Canada including;
>
> **a.** any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and
> **b.** any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

The *Royal Proclamation* of 1763 is acknowledged to be in full force and effect. It also has not been amended since George the Third's proclamation as it is referred to as the *Royal Proclamation 1763* and not the *Royal Proclamation 1763* "as amended". By placing the *Royal Proclamation 1763* in the *Charter* does not mean that the *Charter* applies to those Indians who do not wish to "enjoy the franchise". "Aboriginal" is a legal definition of those Indians who prefer to "enjoy the franchise".

With the *Royal Proclamation 1763* being in full force and effect it means that the lands detailed in the map of that year still stands, the Indian Territory is still Indian Territory and all revenues generated within this region belong to the Indians. Although the lawyers claim the *Royal Proclamation of 1763* is the first "constitution" of the Indians, the Indians were never involved with it so how could it be "their" constitution. The *Royal*

Proclamation of 1763 was merely one of royal instructions, the other being the *British North America Act* of 1867, the former proclaiming that the Crown of Great Britain has a monopoly over trade within Turtle Island and are partners with the Indians. The *Proclamation* describes Indian Lands, trading restrictions and other provisos. There is no historical evidence that any of the Nations or Tribes of Indians of Turtle Island agreed to the consolidation of all treaties with the various extraterritorial Nations into the hands of the monarch of Great Britain.

Section 35

The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit, and Metis peoples of Canada.
For greater certainty, in subsection 1 'treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.
Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection 1 are guaranteed equally to male and female persons.

We are dealing with corporations here with the reference to; "persons", "Innuit", "Metis" and "Indians". Again, there was no agreement with the Indians whereby they asked to be placed within those certain rights and privileges handed out by Elizabeth Windsor.

Section 35.1

a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada; and

b. the Prime Minister of Canada will invite the representatives of the aboriginal peoples of Canada to participate in the discussions on that item.

It is recognized that "aboriginals" of Canada have existing rights and treaty rights that are recognized and affirmed by this section. "aboriginal peoples of Canada" include Indians Inuit and Metis. Under Indian Custom and Tradition you are Indian by virtue of having at least one drop of Indian blood in you or through adoption. As "Canada" is a corporation the "people" of "Canada" are also corporations or employees thereof. Section three recognizes treaty rights as those which were undertaken with "Canada" and those yet to be undertaken with "Canada". Again, you have this "equal rights" nonsense as noted under s. 28 and 15.2. There are no equal rights within the corporation of "Canada".

When you read the House of Commons and the House of Lords, United Kingdom, debates on the *Charter* the Indian issue is raised. Whenever the issue of Indians came to the floor Elizabeth Windsor's Lord Privy Seal refuses to address the Indian issues other than to say that the Indian issues are between the Indians and "Canada" and Elizabeth Windsor has no responsibility to or for them. One has to question to whom has she given up all her royalties from Turtle Island to.

CHAPTER XIII INDIANS, CONSTRUCTIVE CULTURAL GENOCIDE

I have already mentioned how the contracting party with the Indians set about to extinguish the Indians by laying siege, germ warfare, population dilution and statutization but there are other methods and procedures the KINGs and QUEENs have employed to meet that end. For example, the Indians are supposed to be under the protection of the monarch yet her criminal code is conspicuously devoid of any provisions to deal with crimes committed against Indians. Indian law differs from English law where English law is punitive in nature and Indian law is generally compensatory. Therefore, Elizabeth Windsor's Criminal Code of Canada ought to have a special part that deals specifically with crimes committed upon the Indian by Canadians but does not. This omission is what is known in legalese as *prima facie* evidence of genocide. After all, the powers that be could have had a part within the *Criminal Code* that addressed the royal pledges and protection of Indians and the lands reserved to them but not enforce those laws. Similar to the divorce procedures wherein under section twenty-eight everyone is equal but when it comes to divorce men have no rights whatsoever.

Another method the Ottawa authority employs in its never ending quest to extinguish the Indians can be found within the divisions of powers under the *British North America Act 1867*. The Indians fall within the exclusive jurisdiction of the parliament of Canada. Under section 91.24 of the *British North America Act 1867* the parliament may exclusively make laws for the Indians and is also responsible to protect lands reserved to the Indians. The parliament has no authority to enter into treaties with the Indians as this would have been added to section 91.24. Even though section 92 deals with property and civil rights as well as local and private matters those classes of subjects are not applicable to the Indians. Health care, although an exclusive Provincial jurisdiction, when it comes to the Indians it is the exclusive responsibility of the parliament to provide healthcare to the Indians. If the parliament provided healthcare to the Indians, and the Provinces provided healthcare for the general population, then the people at large would start questioning why the Indians are treated differently than others. Also, in criminal matters, if Indians were at all subject to the jurisdiction of the QUEEN's courts then their issues would have to be within the exclusive jurisdiction of parliamentary courts, the federal court. Again, if the general population had to attend the Provincial and Provincial Superior courts and the Indians could only attend the federal courts the people would again start to question why the Indians are being treated differently than others. If people start asking questions then the whole nation fabrication scheme falls apart.

We can draw some parallels between Indian rights and Provincial rights and how the Ottawa authority has usurped both. With respects to the Indian Trusts the proceeds from Indians Royalties, prior to 1867, once were in a fund known as the "*Indian Fund*". That

Fund was on the Province of Canada's books until 1867. In 1867 the Imperial Parliament consolidated not only the three Provinces but the *Indian Fund* as well. The *Indian Fund* was amalgamated with the old *Consolidated Revenue Fund* forming the one fund. All revenues due the Indians and the revenues generated by the dominion governing structure went into one account. The Indians were to be paid out of the *Consolidated Revenue Fund* but without a separate account for the Indians it would be easy, and convenient to "lose track" of Indian Royalties. Similarly, the Provinces have the exclusive jurisdiction over direct taxation within the Province, such as income tax, yet the Provinces have allowed the Ottawa authority to usurp that exclusive Provincial right. With the Provinces giving up "their birthright for a mess of red lentils" forces the cities to incorporate and this incorporation involves the incorporating of the people and property contained within the limits of the city.

The Canadian Radio and Telecommunications Commission, "CRTC", is another example of both usurpation of Royal Instruction and constructive genocide. While "policing" the air and radio waves, the CRTC permits the multimedia to carryon with the fallacy that Canada is a country to the detriment of the Indians.

The mass media, in particular the television, has replaced religion as being the narcotics of the people. The best thing that could ever happen to mankind would be for the power to fail, permanently. In this way, we would be forced to talk to one another and to use our brains to think instead of relying upon someone else to do our thinking.

CHAPTER XIV THE LAWS OF CANADA

We have seen that this whole business of government is exactly that, business. What is now known as the Parliament of Great Britain had its roots with Edward the First, in 1295. If you recall history it was the twenty five Barons that assisted King John to concede to the Roman Statute law commencing with Magna Carta in 1215. The Barons happen to pop up from time to time and in 1275 Edward the First decided that rather than arbitrarily make laws he sought to consult with his Barons when contemplating such ambitions so, in 1295 he incorporated the church, the Barons and people from the towns and villages in those consultations, and from this devolved the Parliament of Great Britain or, the "Lords Spiritual, Temporal and Commons" to go along with Royal Assent.

The Canadian system is, in the main, modeled after the Imperial Parliament. The procedures are also somewhat the same. The opening of both Parliament and parliament are carried out with the sovereign in England, and the sovereign's alleged representative in Canada the Governor-General, giving a speech, or a "message". The speech essentially outlines the business of the previous year and what is to be accomplished during the new session of the Parliament. When the sovereign, or the Governor-General, advises that certain undertakings were to be taken they are dealt with by the presentation of the particular subject that is to be considered as legislation. The subject matter enters the house of commons or the senate in Canada, the House of Commons or House of Lords in England, as a *Bill*.

A *Bill* can enter the house for debate in many ways. One way would be a private members *Bill*. This is a bill that could be considered as not being essential legislation and private members' *Bill*s rarely receive Royal Assent. Another way in which a law enters the house would be as a bill consequent to the Governor-General's message. Take, for example, the 1917 *Income War Tax*. Under s. 54 of the *British North America Act 1867* the parliament of Canada cannot implement a tax without the Governor-General's prior direction. In 1917 the Governor-General directed the parliament to "provide for the effective conduct of the war.". Accordingly, a bill was presented to the house of commons and met with the requisite readings and committees prior to receiving Royal Assent.

Because Canada is a colony of England, before it can enact legislation there has to be

active English law “on the books”. For example, if Canada wanted to enact slavery legislation it could only do so if there was valid British legislation. In this case, there is no such English legislation therefore, Canada cannot enact slavery legislation.

Another example of supportive legislation I wish to address would be the taxation by the Ottawa authority. Under U. K. law, parliament cannot tax without the consent of the people, or “no taxation without representation”. This can be found in the *English Bill of Rights 1627*. The income tax law from the Ottawa authority is in breach of this enactment and this enactment is applicable to Canada through the *Colonial Laws Validity Act 1865*. Therefore, if you know your law and procedure you will be better able to address the tax man from Ottawa when they knock on your door.
When Governor James Murray took command of Turtle Island, on behalf of King George the Third in 1763, he immediately ruled as a dictator. This was, and is, the common practice where ever the sovereign power undertook a conquest or a trade monopoly in a foreign land. He or she would have his general govern the new territory, hence, “governor general”. As I have said, this is currently in place today as evidenced with the Governor-General, Lieutenant-Governors, attorneys who also hold the rank of general even a receiver and registrars who are generals. There are similar positions south of the so-called border. There are state Governors, a surgeon and attornees who also hold the rank of General.

The phrase “parliament of Canada” in itself is *prima facie* evidence of the efforts of the Imperial Parliament at the extinguishment of Indian Title because that expression has a connotation of nationhood or country status. Its intent, or course, was to hold out a parliamentary system such as the one in Great Britain and once the Indians are completely extinguished then you have a turn-key official government with a history of legislation. This was a useful tool to apply to immigrants in the fabrication of a nation.

The state uses the media and statute laws to keep the public’s attention to matters other than the ancient and legal history of the land and its original inhabitants. Utilizing its schooling system the state teaches our children what the bureaucrats require them to know. It also indoctrinates the “Indian” children into believing that the laws of Canada apply to them as well as to the Canadians at large. By denying Indian Title and by telling the public and Indians lies that “Canada” is some sort of great “country”, the corporate officers for Canada are able to siphon off trillions and trillions of dollars of natural resources for the benefit of people of foreign jurisdictions. When you conduct your own research you will find, that although we need law and order, the so-called governments really have no authority over you.

SCHEDULE "C"

The following is an excerpt from an interview by George Barr, KING'S Council, with R. Rogers Smith sometime in the mid 1940's and on "Ligue pour l'Union Federale", 822 Sherbrooke Est, Mtl. (Acquired from the Archives of the Province of Saskatchewan)

A CANADIAN CONSTITUTION
Question s by G. H. Barr, King's Council
Answers by R. Rogers Smith

Mr. Barr: I understand, Mr. Smith that you have made a rather exhaustive study of our Constitutional position for some years past and have come to the conclusion that in the national interest the entire position should now be clarified?

Mr. Smith: I consider this indispensable.

Mr. Barr: I should like to ask you a few questions to get your viewpoint on various phases of the situation?

Mr. Smith: good—I am only too pleased to give you any information I have gathered from the facts of history and constitutional authorities. Also, if you desire my reasons for stating that a clarification of our constitutional position is indispensable.

What is the source, Mr. Smith, from which the authority of government in Canada originates?

In Nova Scotia, King James VI of Scotland granted a charter to Sir William Alexander (afterward Earl of Stirling) to the lands extending from Penchscot Maine to the St. Lawrence River, including what is now New Brunswick and Prince Edward Island. As well as a small acreage in the City of Edinburgh where Stirling Castle now stands. "This was declared Nova Scotia territory in the reign of Charles I, in order that Baronets of Nova Scotia might 'take seizin' of their lands without leaving Scotland, and is there a

lawyer in Edinburgh who will deny the fact that in the eyes of his profession this bit of Scotland is really in Canada?" (In search of Scotland, 1933-by H. V. Morton). The grant was a lease with a clause for the payment of three Indian arrowheads per year. The present flag and Coat of Arms were granted in 1625 by Charles I, as King of Scotland. Nova Scotia never belonged to England then, or later. Prince Edward Island was separated from Nova Scotia and made an independent province in 1770. New Brunswick was detached from Nova Scotia and made an independent province August 16th., 1784. Thomas Carleton was the first Governor.

In the case of Quebec-a "Constitution" was granted to Governor James Murray November 21st., 1763, by the "Board of Trade and Plantations", signe Yorke and Yorke (see Sessional Papers 18). The Lords of Trade and Plantations, afterwards known as the Board of Trade and Plantations, and, finally, as the Board of Trade, received their authority from the Crown in Chancery. In the reign of Queen Elizabeth "Members of Her Majesty's most learned and honourable Privy Council (divers orders thereunto called) conceived and established the Crown in Chancery to administer affairs in connection with and exercise authority over the waste lands or commons of England". Newly discovered or conquered lands were placed under this Department of Lands, whose offices are at Whitehall, London. When the Treaty of Union, 1707, uniting England and Scotland, was signed, the administration of affairs in connection with Scottish land was granted to this Department.
Nova Scotia, which was now a "British" possession also, was placed under the Crown in Chancery. It is a common assumption that the Monarch, or the House of Commons, or House of Lords, grant authority to a Governor General. Such is not the case. Governors General receive their authority only from the Crown in Chancery. It is not permitted that the King, or any member of the House of Commons or Lords even suggest that anyone be appointed. The affairs of the Crown in Chancery are administered by the Sec'y of State that he be appointed. The Sec'y of State alone is responsible for the retention of a colony as a British Possession. He must not be circumscribed in any way in the exercise of his powers.

(2) Sir George Fiddes, who was Under-Secretary from 1909-1916, explains the difference between a "Governor" and a "High Commissioner".

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"The Secretary of State, broadly speaking, has no executive authority within the territorial limits of a Colony or Protectorate. His authority is exercised through the Governor (or, in the case of some protectorates, the High Commissioner) with whom he alone corresponds and to whom alone

he issues his instructions."

After the Governor General is appointed by the Secretary of State "Letters Patent" are drafted and signed by Sir Claude Schuster, Clerk of the Crown in Chancery.

The Secretary of State for the Colonies in Britain corresponds to a Minister of Lands in Canada. He alone is responsible for the retention of a Colony as a possession of the British people. He therefore must not be interfered with in his appointment or removal of a Governor or High Commissioner.

After the "Letters Patent" are attested, the Governor now is introduce to His Majesty at the Court of St. James, where he receives a letter of directions form His Majesty called "Instructions". If we add to the "Letters Patent" and "Instructions" the added powers granted to the Governor General in the British North America Act, we have the same sum of dictatorship on March 23rd., 1931 as were granted to Governor James Murray by the Board of Trade and Plantations November 21st., 1763.

You ask: "What is the source from which the authority of government originates?"

It originates in the title to land. When the King was absolute Monarch, in him alone existed the Sovereign power. He could-and did-sign grants or leases for "three acorns" a year to Dukes, Lords, Earls etc., many of which exist today. The Duke of Wellington paid his lease to His Majesty on July 6th., 1944. This was one little "silken Union flag". These are called "entailed estates". It is true that the lease granted by Queen Elizabeth to Sir Walter Raleigh was also ratified by Parliament, but it was not until Charles II ascended the Throne, that the Monarch was not the Sovereign Power. Today the King can sign a lease or enact a law "by and with the advice and consent of the Lords Temporal, Spiritual and Commons in Parliament Assembled and with the authority of the same as follows: (The King alone has no power.)

Today the People of Britain are Sovereign, not only over the British Isles but also all Colonies which they own.

The "Titles" to these lands are in the custody of the "Crown in Chancery". This is the reason we call them "Crown Lands".

The British people do not own Canada today.

None of the Provinces are required to pay rent. Since December 11th., 1931, the ownership to the land is held by each Province. The Legislature of each Province can make laws exclusively in connection with property and the title is held in the custody of the Department of Lands. All Provinces of Canada today are Sovereign States.

The Province does not divest itself of ownership when the Department of lands grants a title to a "homestead" in "fee simple" or "free and common soccage".

It is well understood by both the purchaser and the Province that the Legislature retains the right to "tax" the land. This "tax" is the rent the purchaser pays. If a person dies intestate or fails to pay his "tax", the land reverts to the Province in the first case or is repossessed by the Province by way of a "tax" sale.

(3) The answer to your question would not be complete without the statement that: The Sovereign right to govern originates in, nor can it be divested from the ownership of land.

In order that "Sovereignty" be exercisable by a Central Government in Canada, it is indispensable that the Sovereign Provinces divest themselves of those powers which they collectively desire the Central Government to administer and to "cede" to the Central Government some land, such as the District of Columbia, U. S. A.; Mexico City, District Federal of Mexico; or District of Canberra in Australia. This is called the right of "Eminent Domain".

It is admitted that England and Scotland signed a treaty uniting them on January 14th., 1707. Article 1 of the treaty states that "Her Majesty shall be requested to appoint ensigns armorial to conjoin the crosses of St. George and St. Andrew into one flag". This flag, by the way, was first flown at the celebration to commemorate the union, held in St. Paul's Cathedral, London, May 1st., 1707. Prior to this time, James Sixth of Scotland had granted a charter to Sir William Alexander-afterwards the Earl of Stirling-for New Scotland, as the King stated that "Old England" has "New" England and France has "New" France, I see no reason why Scotland should not have "New Scotland", (and used the Latin term "Nova Scotia") which extended at that time from Penchscot Maine to the St. Lawrence River, including Gaspe-what is now New Brunswick; also Prince Edward Island.

Charles I, upon coming to the throne, granted to Nova Scotia paid a lease for the lands of three Indian arrowheads per year.

It may be of interest to comment that Scotsmen were not permitted to go to an

English Colony, nor were Englishmen permitted to go to a Scotch Colony. At this time there was a death penalty for a Frenchman to leave Canada to take up residence in the State of New York.

After the union of England and Scotland, the Colonies were under the Lords of Trade and Plantations. This was altered to the Board of Trade and plantations and finally to the Board of Trade.

> Would it be true then to say, Mr. Smith, that at the time of the granting of Letters Patent creating the Colony of Nova Scotia, the source or power granting those letters was the Sovereign of Scotland; where then did the Board of Trade get its authority?

At the union of England and Scotland, all Scottish lands were placed with English lands in the Crown in Chancery as possessions of the British people and all Colonies, that is to say, new England and New Scotland, were placed together under this same department. Ther Crown in Chancery delegated the administration of and the exercise of authority over the Colonies to the aforesaid Board of Trade and Plantations. At this time the profit from owning Colonies was attained through the Navigation Acts, which were that everything and anything-manufactured articles used in the Colonies, must be imported from Great Britain in British bottoms by British crews and anything raised n the Colonies must be transshipped to Britain in British bottoms and by British crews. To make this effective, it was provided that anything exported by the Colonies to any foreign country would be regarded as contraband. But it should be noted that "the Colonists had all the privileges of Englishmen and were governed by laws of their own making". It was not until Burke's Act was enacted in 1782-22 Geo. III Ch. 82, abolishing the authority of the Board of Trade and Plantations and the Governors of the Colonies were told to make their returns to a committee of His Majesty's Privy Council, that the Colonial Office assumed the administration of affairs and the exercise of authority over all Colonies.

> Comparing the sessional papers 18 which were granted by the Board of Trade to Murray in 1763 with the Letters Patent issued to Earl Bessborough March 23rd., 1931 with the instructions issued by His Majesty and also the British North America Act, we find this "*mutantis mutandis*" the same. Therefore I think we can agree with the statement of Judge W. H. P. Clement of the Supreme Court of British Columbia, on page 1 of his "Constitution of Canada," Third Edition, issued in 1916, as follows; "It was no part of the scheme of Confederation to alter in any essential respect Colonial relationship or to weaken the Crown's headship; and there is nothing in the (BNA) to indicate a surrender in any degree by the British Parliament of that cardinal principle of the Constitution, the supreme legislative authority of the British Parliament over and through the British Empire. Our colonial position suggests at once two lines of

> limitation upon Canada's power of self-government, the first that she cannot legislate as to the Imperial Constitution; and secondly that she has no power to dictate the essential framework of her own as provided in the British North America Act unless indeed that power is conveyed to her by the Act itself".
>
> It may be said here, in passing, that Judge Clement wrote this fifteen years before the enactment of the Statute of Westminster, for the Statute of Westminster is the only enactment pertaining to Canada which has in any way altered our status since the Sessional papers 18 were granted to James Murray in 1763.

What was the nature of the papers so granted, in brief, and to what extent were the people themselves given the power to make the laws under which they were governed?

It is admitted that James Murray was a "corporation sole" in 1763. It is known by chapter 85 of the Revised Statutes of Canada, 1927, that the office of the governor general is a "corporation sole".

Would it be true to say that the only charters granted for the government of Canada were these three documents, that is, the Letters Patent of Nova Scotia, the Sessional Papers 18 to Murray, and the Letters Patent granted to Paterson for the Island of St. John which subsequently became Prince Edward Island-that these were the only authority granted up to the British North America Act of 1867?

Yes! In explanation I would like to make it clear that no papers of any kind were ever issued to any governor to come to Canada, by the King, the House of Commons, or the House of Lords. The last papers issued to a governor to Canada were those granted at the time of the appointment of Earl Bessborough, march the 23rd., 1931. These papers wree granted by the Crown in Chancery, or Department of Lands of Great Britain, giving him the full authority to govern Canada. After the Governor receives his appointment, he is introduced to the King at the Court of St. James, where he is granted a letter of instructions by His Majesty. But it is not true to state that any Governor of Canada ever was a Viceroy. It will be remembered that when Lord Willingdon finished his term of office as Governor General of Canada and returned to London, he was sent by George the Fifth as his Viceroy to India and shortly after his arrival he knighted three princes of India "Sir".

Has any change taken place in the appointment of Governor General since the passing of the Statute of Westminster?

No governor general since the enactment of the Statute of Westminster has received any papers from the Crown in Chancery of Great Britain to act as Governor General in Canada.

I understand the successor to Bessborough was John Buchan, afterwards Lord Tweedsmuir. How was he appointed?

Lord Tweedsmuir has a commission, signed by R. B. Bennett, which was never Gazetted in the Canada Gazette. This is the only paper extant in connection with Lord Tweedsmuir's appointment to Canada.
How was Mr. Bennett appointed?
It should be understood that Mr. Bennett was made a member of His Majesty's Imperial Privy Council' that acting in this capacity he could commission a governor general but he could not grant any papers to him to govern Canada. (a commission without authority-my comment)
Is it true that the present governor general of Canada is in exactly the same position in regard to the authority he purports to exercise as Lord Tweedsmuir was?
He is!
Who signed the commission for the earl of Athlone?

The minister of justice in a letter dated July 10th., 1940, states that his excellency the earl of Athlone came to Canada not in the capacity of Viceroy of His Majesty, except in the popular sense of the term, and-----he is not the agent or representative of His Majesty's Government in Great Britain or any Department of that Government.
Under what authority does he purport to act? It is inconceivable to me that a man would purport to exercise the authority of Governor General unless he has some document or title or written authority from some person having the power to give him such authority to act in that capacity. What has the Earl of Athlone?
This is a prevalent assumption and one which should be definitely refuted. There is no record anywhere of the Earl of Athlone having received any authorization from the Crown in Chancery to act as Governor General of Canada. It might be opportune to request of the Earl of Athlone a copy of the credentials under which he purports to act before recognizing any Lieutenant Governor which he may appoint for this Province.
Now I would like to explain further that since Canada is no longer under the Department of Lands of Great Britain since the enactment of the Statute of Westminster, that they are not in a position to grant any powers to anyone to act as the governor general of Canada. Since that date, the British Government sent to Canada a British High Commissioner, the present incumbent, the Rt Hon. Malcolm MacDonald.
In explanation I would say that before 1931 we had four British High Commissioners for the empire, on for Palestine, for Singapore, for the Islands of the Pacific and for Basutoland. There is no higher office within the competency of the Secretary of State of Great Britain to confer higher than that of High Commissioner. These men could order an attack by the British Army or the British Navy within the orbit of their authority (jurisdiction). High Commissioners are sent to Protectorates of the British Empire which are not Colonies. Their powers greatly exceed the powers of Governor General. It might be interesting, in passing, to comment that if no enactment or order in Council is valid without the assent of some representative of the British Government, the orders in Council passed since the Statute of Westminster should have been assented to by the British High Commissioner at Earnscliffe instead of being assented to by a purported Governor General at Rideau hall.

Going to the next phase of the discussion, let us enumerate the various individuals, groups, institutions, or officers under which the Government of Canada is carried on.

Prior to the enactment of the Statute of Westminster, the Government of Canada was composed of a Governor General and a Select Committee of His Majesty's Imperial Privy Council. Three of this committee are resident in London and administer affairs in connection with foreign relationships. Two of this committee functioned in the House of Commons, two in the Senate; one headed the Supreme Court of Canada and two other, namely Sir William Thomas White and Dr. T. J. McNamara were available to act as Chairman of any Royal commission.

Who appoints these parties to the Imperial Privy Council for Canada and how are they paid?

They are appointed by His Majesty and of the 319 members who compose the Imperial Privy Council for the Empire the lowest remuneration that they are eligible to receive is L2,000 per year.

Who are the present occupants of those positions for Canada resident in London?

Lord Beaverbrook, Lord Greenwood and Lord (R. B.) Bennett. In the House of Commons of Canada we had the Rt. Hon. W. L. MacKenzie King; in the Senate the Rt. Hon. Arthur (15 minutes of fame) Meighen and Rt. Hon. George Graham. In the supreme court, Sir Lyman P. Duff.

Who of these parties are still functioning?

The three in London and the Rt. Hon. MacKenzie King in Canada. The other who are not actually exercising an office in Canada are still members of the Government of Canada by virtue of being members of the Imperial Privy council for Canada, all of whose names are to be found in the parliamentary guide. There would appear to be an anomaly here; for instance, in the case of Arthur Meighen, he is no longer a member of the House of Commons of Senate of Canada but he is still listed as a member of the Imperial privy Council and since no man in Canada can occupy that position unless he is a member of one of these bodies, he is by virtue of the appointment which has never been revoked technically a member of the Government of Canada although not holding any elective position.

Is there not a Canadian Privy Council as well as the Imperial Privy Council for Canada?

There is! This council is nominally composed of around 150 members -150 members of whom are summoned and appointed by the governor general and members thereof may be from time to time removed by the governor general. In order to ascertain how many are appointed and how many are removed from time to time, compare the list in 1935 with the present list.

What will that disclose?

It would at least disclose that the Duke of Windsor was a member in 1935 and was removed from the Privy Council by Lord Tweedsmuir.

Is it true then that men were appointed to and removed from this important body without

reference to any elective authority in Canada?
Yes! Although it is the practice for the governor general to summons and appoint the heads of what is commonly know as the “cabinet”. To make myself clearer-suppose that the C. C. F. were elected with a majority in Canada, a number of those-around18-would be summonsed and appointed by the governor general to form a cabinet.
To make it clear, you speak of 18 forming a cabinet. Is the cabinet a separate and distinct body from that called the government, men who are the minister of the crown?
A distinction should be drawn between government and parliament. The governor general is the governor of Canada. The House of Commons and the Senate of Canada, and the Privy Council for Canada, as well as the Lieutenant Governors of the Provinces and the Legislatures of the Provinces were to aid and advise the governor general in the government. It may be said that all of these bodies were members of different standing in a kind of “Ladies Aid” for their constituted powers are no greater than the powers that the Ladies Aid are able to exercise as a body of the United Church. House of Commons, being the elected representatives of the people. It should be held in mind that the House of Commons are elected by and only by British subjects. These words “British subject” occur 11 times in the Elections Act. Anybody not admitting to be a British subject can be challenged at the polls.
Can it be said then that the House of Commons is elected not by all the Canadian people because there are Canadians who do not qualify as British subjects, people actually born in Canada? Does not this indicate, mr. Smith, that there should be something to establish the status of the Canadian citizen in order that he, in that capacity, may vote to elect his own Parliament? Is it not true that on the taking of the census, it has been repeatedly stated, and the enumerators are instructed not to list any person as a Canadian citizen, or one of Canadian nationality because there is no such thing? Is not that true?
Yes! Census takers are instructed not to accept the answer “Canadian”.
So that we have no Canadian citizenship? No Canadian nationality and no Canadian flag?
Insofar as Canadian citizenship and Canadian nationality are concerned, you are correct, but we have what may be said to be a Canadian flag, on which was granted in 1625 by Charles I to the only territory in Canada at that time under the British monarch, namely, Nova Scotia, which I have previously explained took in what is not “Gaspe, New Brunswick, and Prince Edward Island, as well as the present Province of Nova Scotia”, and for this reason we cannot say that the Maritimes have no flag, and I think if the colonists in Quebec, after the capitulation of 1763, had stated that they would fly the flag which had been granted to the Maritimes, I cannot conceive of the Imperial authorities having any objection.

THE SENATE:

Certain men who are qualified by property and standing in their community may be from time to time summonsed and appointed as Senators by the Governor General. He shall, subject to the provisions of the B. N. A. Act, hold his place in the Senate for life. If a vacancy happens by resignation, death or otherwise, the Governor General shall by

summons to a fit and qualified person fill the vacancy and the Governor General may from time to time, by instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate and may remove him and appoint another in his stead.

As part of the House of Commons we have the Government or Cabinet Ministers or Ministers of the Crown, each of whom is given the power to administer the affairs of a certain department. Just what, in brief?. How are they constituted?

It should be remembered that in this connection Canada was a Dominion and "a Dominion" is defined by Lord Thring in section 18, para. 3, of the Interpretations Act (Imperial) as follows;

> "The expression "Colony" shall mean any of her Majesty's Dominions (exclusive of the British islands and British India) and where parts of such Dominions are under both a Central Legislature and Local Legislatures, all parts under the Central Legislature shall, for the purpose of this definition, be deemed to be one colony"

so that, in answer to your question, I would say that the Cabinet of the house of Commons, or any members of the House of Commons, have no more power or authority than have the members of any Legislative Assembly of any of the British Colonies. The function f a Legislature of a Colony is to aid and advise the governor, who is the government, and the Cabinet is to administer affairs in any department to which he is appointed by the Governor General. But it cannot be remotely said that either the Legislative Assembly of Canada nor the House of Commons of Canada, are responsible to the Canadian people-they are responsible only to the Governor General.

Am I to take it from what you say that they have no power to make laws? It is recognized by both the House of Commons, the Senate as well as the Legislatures of the Provinces, they cannot enact any measure unless it is assented to by the Governor General or by the Lieutenant Governor of a Legislature-as the case may be. So that while they may introduce legislation and enact laws, such laws do not become effective or, in fact, become law until they receive such assent?

You are correct! But I would like to draw to your attention that: "It shall not be lawful for the house of Commons to adopt or pass any vote, resolution, address or Bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to that House by message of the Governor General in the session in which such vote, resolution, address, or Bill is proposed"-Section 54 British North America Act.

In common practice, that is expressed something as follows: "all money-bills-must originate with the government". So that, insofar as the expenditure of public money is concerned, it originates with the Governor General and can only become effective after passing the House and the Senate and the Assent of the Governor General?

Correct! –Only the salary of the governor General is the first charge against the consolidated revenues of Canada after the expenses of collection are paid. His salary amounts to $48,666.66 per year and expenses. This is the fact in this regard as given by

the Auditor General of Canada.

PRIME MINISTER OF CANADA

Just how is he appointed- etc?
The present incumbent is elected from prince Albert and receives an indemnity of $4,00.00 per year. After being called upon to form a government by the Governor General, he receives $15,000.00 per year as being the member of the King's Privy Council for Canada, holding the recognized position of First Minister.
Who pays the $15,000.00?
Canada pays that on the orders of the Governor General. (Salaries Act-cap. 186 Revised Statutes of Canada).

PROVINCIAL LEGISLATURES:

How are they constituted?
The Legislature of the Province is composed of the Lieutenant Governor and Elected members.
How is the Lieutenant Governor appointed?
The Lieutenant governor appointed solely by the Governor General.
Is he obliged to comply with any request or submit his suggestions or receive advice from elected representatives?
No! As the Governor General was a "corporation sole" for the Central Legislature of Canada, the Lieutenant governor is equally a "corporation sole" in the legislature of each Province. His powers are to act as the representative of the Governor General and he has all powers necessary to carry on the government of the Province. There is, of course, no such thing as second Chamber or Senate in the Provinces except in the Province of Quebec where they have in addition to the Legislative Assembly a Legislative Council appointed by the Lieutenant Governor.
Consisting of how many members?
I think it is 24. I would not be sure.
What functions do they exercise in Quebec?
Much the same functions as the Senate exercises in Ottawa.

PROVINCIAL CABINET OR GOVERNMENT:

How is this constituted?
The Cabinet of the Province is constituted in much the same manner as is the Cabinet at Ottawa.
The Premier of the Province-he is appointed by whom?
He is appointed to his position by the Lieutenant Governor and exercises the same functions within his jurisdiction as the Dominion Prime Minister within his. He must subscribe to an oath of office to the Lieutenant Governor before assuming such office.

Jurisdiction of the various Provinces-groups-committees-jurisdiction of the Governor General?

We find these powers and authorities set forth in Letters Patent, the last of which were granted, as I have said before, to Earl Bessborough March 23rd., 1931. Canada Gazette, Oct. 12th., or 19th., of 1935. You will find there a proclamation issued by Sir Lyman P. Duff which tells you that he is acting as the Governor General of Canada and that he is to swear in the Governor General under letters Patent of June 15th., 1905. These had been revoked in 1931 by the Crown in Chancery under Letters Patent dated March 23rd., 1931. He can "do and execute, in due manner, all things that shall belong to his said office, and to the Trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of "the British North America Act, 1867" and of these present Letters Patent and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such instructions and may from time to time be given to him under Our Sign manual and Signet and to such Laws as are or shall hereafter be in force in Our said Dominion". He is authorized to use the Great Seal for sealing all things whatsoever that shall pass the said Great Seal. He has the appointment of all judges and justices of the peace. He can suspend or remove from office any person exercising any office within our said Dominion, under or by virtue of and Commission or Warrant which may be granted by Us in Our name or under Our authority. He can summon and dissolve the Dominion Parliament. He can appoint deputies of himself to exercise or administer any powers which he may have-or less powers if the Governor General so desires. He appoints all officers of the Army, Navy, Air Force, Harbour Commissioners, and any office in Our said Dominion. All these officers are required and commanded, both civil and military, and all of the inhabitants of Our said Dominion to be obedient, to aid and assist Our said Governor General, or in the event of his death, incapacity or absence to obey such person or persons as may from time to time under the provisions of these Our Letters Patent administer the government of our said Dominion. (See Statutes of Canada (second session) 21-22 Geo. V Parts I-II, p. xix. Summing up—it will doubtless be conceded that it was not logical for the British to grant General James Murray less than a dictatorship if they held him responsible for the retention of the Colony of Canada as a possession. No dictatorship could be granted more inclusive of power than the constitution of the Colony of Quebec granted by the Board of Trade. Today, if we add the letters Patent granted to Earl Bessborough March 23rd., 1931; the Instructions issued by his Majesty; the Colonial Laws Validity Act of 1865, and the British North America Act 1867-1930 together and divide by commonsense, we get exactly the same mathematical quotient as we find in the constitution granted to Murray November 21st., 1763, published in Sessional Papers 18.

DOMINION HOUSE OF COMMONS-CONSTITUTION AND JURISDICTION

The Constitution is settled by sections 37 to 57 of the British North America Act, 1867. These provide, in brief, the constitution of a House of 181 Members to be summoned, called together and prorogued from time to time by the Governor General.

What would you say, Mr. Smith, is the jurisdiction or authority of the House of Commons?

Before answering your Question, I would like it to be understood that the House of Commons is constituted of a Speaker and a body of elected Members. The Speaker is appointed by the governor General and is one of the Presidents of the Parliament of Canada, the other being the Speaker of the Senate. The Rt. Hon. W. L. MacKenzie King is a Vice-President of the Parliament of Canada and the Leader of the Opposition also a Vice-President. There is no office of Prime Minister. Once only has the term "Prime Minister" been used in the statute. (See Debates in the House April 10th., 1935, Hansard. P. 2509). It may be said here that the House of Commons, together with the Senate and the King's Privy Council for Canada, are an ancillary body to aid and advise the governor General in the government of Canada.

this hardly coincides, Mr. Smith, with the conception of the average citizen of Canada. What comment have you to make in that regard?

it is only in the popular sense of the term that the present incumbent, Rt. Hon. MacKenzie King is given the courtesy title of "Prime Minister". Naturally, if Canada were a democracy, we would have a Prime Minster and a House which would make the laws of Canada and whose enactments could not be disallowed by the British Government, or any department of that Government. The popular conception of the Government of Canada is a variance with the facts. The situation was brought to the attention of the House by W. F. Kuhl, the Member for Jasper-Edson, Alberta, and has from time to time been brought to the attention of the public, but to this date no remedy has been offered for this anomalous situation. Based upon the British North America Act of 1867, the House of Commons has been given jurisdiction over certain matters as set forth in section 91, and subject to the approval of the Senate and the assent of the governor General, the Bills passed by the housed form the statue law of Canada. It will be noted, in passing, that no Bill involving the expenditure of public money may be introduced or initiated except by the Governor General in Council.

The Senate, Constitution and Jurisdiction?

I would say that probable the Senate is constituted as a brake on the enactments of the house of Commons to revise and correct any mistakes that may be made. Sometimes their efforts have been conducive to uniformity, but it is a moot question as to whether the Senate itself serves any useful purpose. It is entirely an appointment by the governor General and the qualifications of the person to be

appointed to the Senate appear to be more of a property qualification than of his personal ability. The Speaker of the Senate is the President of the Parliament of Canada and that he is entirely under the influence of the Governor General may be realized by reading section 34 of the British North America Act, as follows;

> *"The Governor General may from time to time, by instrument under the Great Seal of Canada, appoint a senator to be Speaker of the Senate, and may remove him and appoint another in his stead".*

The Imperial Privy Council-jurisdiction, functions and authority. What, Mr. Smith, is their authority, or what is their jurisdiction?

It may be said that the Imperial Privy Council for Canada is a body delegated by the British Government to carry on the executive government of Canada. Three members of this council reside in London-Lord Beaverbrook, Lord Greenwood and Lord Bennett. Their functions are to administer matters in relation to Canadian Foreign Affairs. Those residing in Canada had certain duties and acts to perform, such as the administration of the affairs of Canada n the absence of the Governor Genera. This particular duty was exercised by Sir Lyman P. Duff. The duties of the Rt. Hon. MacKenzie-King are to act as one of the Vice-Presidents of the parliament of Canada; to warn of any impending legislation by the parliament of Canada which would interfere with the rule of the governor General and also to scrutinize any enactments emanating in Provincial legislatures. It it is necessary to appoint a Chairman of a Royal Commission, the R. Hon. William Thomas White could serve on such a commission or to regiment the people of Canada into a straitjacket by the formation of a Selective Service for Canada Dr. T. J. McNamara, another member, would carry out the orders of the British Government. At the present time, if you will consult the parliamentary Guide, you will find only 9 members of His Majesty's Privy Council.

The King's Privy Council-jurisdiciton?

The King's privy Council for Canada is constituted by the Governor General. The method is set forth in section 11 of the British North America Act, as follows;

> *"There shall be a Council to aid and advise in the government of Canada, to be styled the Queen's Privy Council for Canada; and the persons who are to be members of that Council shall be from time to time chosen and summoned by the Governor General and sworn in as privy councilors; and members thereof may be from time to time removed by the Governor General".*

What are their functions and jurisdiction, Mr. Smith?

The jurisdiction and functions of the King's Privy Council for Canada may be said to be that of an ancillary body, similar to the ladies Act of the United Church. The

ladies Aid of the United Church advise the Moderator and I think have as much influence in the activities of the united Church as the King's Privy Council for Canada have in connection with the government of Canada.

Would it be true then, Mr. Smith, to say that their function is purely advisory? They have no executive authority at all?

Their function is purely advisory for the reason that if they, or any of them, were to attempt to impose their ideas upon the Governor General, the Governor General has the power to remove them and appoint another in his stead.

In common practice, what do they do? Does not the Governor General act upon the advice of his Cabinet, which is a part of the privy Council?

I will answer your question, mr. Barr, by asking you a question. If it came to matters of real importance, would you not, even if you were a dictator, take the advice of your Cabinet?

Mr. Barr: That would likely be the course anyone would take. But would it be fair then to say that in common practice in Canada as it has developed, the Governor General is supposed by the average man to act on the advice of that portion of the Privy Council constituting the Cabinet for the time being, but legally if it came to an issue as between what the representatives of the people wanted on the one hand and what the Governor General felt was necessary on the other in the matter of Imperial policy, his viewpoint would prevail in spite of the recommendations of the privy Council or any members thereof?

(Mr. Smith) the popular conception is that the Governor General acts upon the advice of his Privy Council for Canada but I know of many instances in Ottawa where the Governor General has acted without consulting any of the members of His Majesty's Privy Council or of the King's Privy Council for Canada—using his prerogative which is given in section 12 of the British North America Act-that he may act individually as the case requires.

If required, could you give specific instances, Mr. Smith, to prove this statement?

I could.

CABINET JURISDICTION:

The Cabinet consists of what are commonly spoken of "Minister of the Crown", each with a portfolio, having charge of certain departments of Government. The Cabinet, with the Prime Minister, are generally spoken of as "the Government", as distinct from the House of Commons itself.

What is their jurisdiction Mr. Smith?

Individually each member of the Cabinet is given a specific task to perform. They are chosen and appointed to their positions by the governor General and are generally elected members. But it will be remembered that after the electon of 1935 Mr. Dunning was appointed as Minister of Finance before he had a seat as an elected member of the House of Commons. Any of their acts n the performance of their

duties may be nullified by the Governor Geneal or the member may be removed from office. As an instance of this, the R. Hon. MacKenzie King was removed by Lord Byng and Arthur Meighen appointed to his position of the firs Minister of the King's Privy Council for Canada.

PROVINCIAL LEGISLATURE-jurisdiction?

The Provincial Legislature is of course elected by the people and uder the British North Americ Act, section 92, has jurisdiction over certain specific matters supposed to be of local concern and interest. The same procedure and authority within its competence is largely the same as that exercised by the Dominion House of Commons within its competence.

The Legislature of the Province is composed of a Lieutenant Governor and elected members, varying in the different Provinces as to number. Contrary to popular conception, the Lieutenant Governor is the more important part of the Legislature. The members of the Legislature may enact a measure but it does not become law until assented to by the Lieutenant Governor. It has not been long since the Clerk of the Alberta Legislature arose in the house and said that "His Honour the Lieutenant Governor doth reserve these Bills for the signification of His Excellency the Governor General's pleasure thereon". No other action but this was taken. The members of the Alberta Legislature, assuming that Lord Tweedsmuir was a duly authorized Governor General appointed by Great Britain and that no enactment made by them would be considered law unless it were assented to by some appointee in the Government of Great Britain, thought that their Act had been disallowed but no specific action was ever taken in relation to those Bills as can be verified by consulting the Canada Gazette. In explanation, I may say that it would be necessary for the disallowance of an Act of the Legislature by the Governor Genera, that some proclamation be published in the Canada Gazette before such Cill could be disallowed.

In connection with these three bills then, Mr. Smith, as I understand it, the Lieutenant Governor, having received no reply from the Governor General, never assented to the Bills so that they really never became law?

That is correct. The Lieutenant governor of the province is to all intents and purposes the "alter ego" of the Governor General.

PROVINCIAL CABINET

Their function and jurisdiction within the sphere of competence under the British North America Act is practically the same as that of the Dominion Cabinet within its sphere or competence.

What, in your opinion, was the effect on Canada's status of the Statute of Westminster, Mr. Smith?

The Statute of Westminster has altered the status of each and every Province of Canada. Section 11 of the Statute of Westminster raises each Province of Canada from the position of a Colony to that of a sovereign state. Section 11 is as follows;

> *"Meaning of "Colony" in future acts. Notwithstanding anything in the Interpretaion Act, 1889, the expression "Colony" shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a dominion or any Province or State forming part of a Dominion".*

As there is no intermediate status between that of a Colony and a sovereign state and any Province of Canada is no longer a Colony, they must, of necessity, be sovereign states as they come within the requirements set for the in section 11.

You are aware of course, Mr. Smith, that under section 7, subsection (1) the benefit of the Statute of Westminster insofar as the Dominion itself is concerned, is withheld, that is, the provisions of section 2 in regard to the Colonial Laws Validity Act do not apply to the British North America Act. Consequently the dominion Government cannot repeal or amend any portion of that Act. Is it not fair to say then that insofar as the Dominion is concerned, the Statute of Westminster left us in exactly the same position as we were before, that is insofar as the Dominion Parliament is concerned.

The answer is no! The British North America Act is a statute of eh Imperial Parliament creating an ancillary body to aid and advise the governor General and it could only be effective if there is a duly appointed Governor General for Canada. As no person receives any credentials from the Crown in chancery to act as Governor General of Canada, we may, if we choose, disregard the British North America Act. As section 7, para. 2, grants to each Province individually those powers which were granted to the Commonwealth of Australia, the Union of South Africa, the Irish Free State, new Zealand and Newfoundland, the Provinces of Canada can either assert themselves as sovereign states or they may mutually agree to create a union of the Provinces.

What, if any, difference is there in respect to the appointment of a Governor General in Canada since the passing of the Statue of Westminster?

In answering your question, I may say, without fear of contradiction, that since the enactment of the Statute of Westminster, no Governor General has been dispatched to Canada by the British Government, or any department of that Government. Instead of a governor General, we now have a British high Commissioner, the present incumbent of that office being the Rt. Hon. Malcolm MacDonald, whose address is Earnscliffe, Ottawa.

By way of preliminary to answering this question , the following statement is illuminating:

> *The debate on the Quebec Resolutions October 10, 1884, in the*

Legislature of Upper and Lower Canada ended by ratification March 13th., 1865. Immediately the Imperial Parliament countered the move by enacting the Colonial laws Validity Act, June 29th., 1865, to show the Colonists that it was they and not the Colonial Legislature that had the power to govern. Revising the draft and briefing the Quebec Resolutions in the form of a Bill, called the Kingdom of Canada papers, John A. MacDonald and delegates from Canada, Nova Scotia and new Brunswick, presented these to the Earl of Carnarvon, Secretary for the Colonies, December 26th., 1866. Instead of bluntly refusing, the Earl of Carnarvon delegated Lord Thring parliamentary Secretary to the Treasury to draft a Bill to conform as much as possible to the Kingdom of Canada draft-but to nullify its purpose by not disturbing in any particular the authority of the Governor General to act as a dictator. John A. MacDonald got a wife, a title, and a membership in His Majesty's Imperial Privy Council and Canada got the British North America Act.

1767. The Island of St. John was granted to proprietors and re-named "Prince Edward Island".

1770. Prince Edward Island was separated from Nova Scotia. A Constitution was granted to Walter Patterson. This is the only constitution document in the Archives of Prince Edward Island.

q. Under these circumstances, Mr. Smith, what would your recommendation be to the Canadian people in order to remove this anomaly and establish a Government that would be the sovereign authority?

a. In my opinion, the logical solution is a Federal Union of the Provinces. It is illogical for us to decry disunity in Canada before a union has been achieved. The definition of a Federal Union, as given in the Law Dictionary, is a "union of sovereign states mutually adopting a Constitution." There can be no coercion in the construction of a mutually adopted Constitution. It is ony by co-operating that Nationhood can be made a reality. Lord Campbell, Leader of the Opposition in the House of Lords when the Earl of Carnarvon Introduced the Bill-The British North America Act-said:

> "*It would scarcely be possible to break the artificial unity we now propose to organize".*

(Hansard's Parliamentary Debates, Vol. 185. p. 1016)

The Colonies composing Canada were stuck together by the British North

America Act. Nova Scotia objected in the strongest terms. The Colony appointed a delegation, headed by Joseph Howe, to present a petition to Parliament, signed by 30,000 voters of Nova Scotia: "That Nova Scotia be relieved of this measure, or that a commission of inquiry be appointed". John Bright presented this petition to the House of Commons. It was rejected, the vote being 183 to 87. Nova Scotia was compelled to become a member of the United Colony. Howe, in his departing speech, said: "We go home to share the perils of our native land in whose service we consider it an honour to labour and whose fortunes in this darkest hour of her history it would be cowardice to desert". To "adhere" does not mean to "cohere". To be stuck together may have been the best expedient at the time. Today the position is intolerable. Each Province of Canada is a sovereign state. No sovereign state can coerce another sovereign state except by force of arms. What does the future hold? Is Canada to become an armed camp, each at the other's throat? Or can we unite to create a federal Union, mutually adopting a Constitution, each respecting the autonomous powers the others desire to retain? This is the question which must be answered. Sovereignty and the ownership of land go hand in hand. In this respect I would like to draw a distinction between POSSESSION and OWNERSHIP. The slave may possess his Physical body which his master owns. Colonists may possess lands which are owned by some Sovereign state. They are in the position of share-croppers. As there is no intermediate state between that of a Freeman and a Slave, neither is there an intermediate state between a Colony and a Sovereign State. They are either one or the other. If Canada were not a Colony in 1931, section 11 of the Statute of Westminster would be superfluous. This section reads as follows;

> *"Notwithstanding anything in the Interpretations Act 1889, the expression "Colony" shall not in any Act by the parliament of the United Kingdom passed after the commencement of this Act include a Dominion or any Province or State forming part of a Dominion."*

This is in unequivocal terms-states that after December 11th., 1931, each Province of Canada, previously cognized as Colonies are now recognized as Sovereign States. They are no longer share-croppers, nor do they pay any lease to the Crown in Chancery or Department of Lands of Great Britain. They own the land. Only the owner of land can make the law of the land. Sovereignty and the ownership of land go hand in hand. This is the most important axiom to be learned by the student of constitutional and International law. Although all property within the boundaries of a Province belongs to the Province and is possessed by the Provinces, there is nothing in the Act to intimate that the Province owns the land. From the signing of the Peace of Paris, 1763, whereby France ceded the land to the British, Britain owned the land, until Britain ceded the land to each respective

Province in the Statute of Westminster, 1931. Possibly I can explain this by an analogy with which yhou are familiar. The Gypsies or Romanies have roamed Europe for a thousand years. As a people they do not own property. As a nation they have no sovereign rights The Jesw also claim to be a Nation. In support of this contention, they publish a magazine called "The Nation". As a people they do not own property or land. As a Nation they have no Sovereign rights. As a consequence, they have become the football of every nation which owns land. The ownership of land entails responsibility. Responsibility is the basis of all law, whether such law be civil, criminal, corporation, municipal, or International. This is the reason that although the Dominion could and did draft laws, it was only the owner (by delegated power to Governor Genera) that could enact it. The same held good in the province. The Provincial legislature could draft laws, but it was only the Lieutenant Governor (by delegated power from the governor General) who could enact it. No power has been conferred or granted by the previous owner of the land of Canada to any person to enact laws, pass Orders-in-Council, administer affairs in connection with or to exercise authority over anything in Canada since 1931. They naturally expected the owners to look after their own property. It is admitted that Canada needs a strong central government. The question is-how can this be consummated? It is obvious that the only alternative is an agreement signed by the owners of the land, the Provinces. If the sovereign states of England and Scotland had refused to sign the Treaty of Union January 14th., 1707, there would be no Great Britain. If it was a good thing for England and Scotland to sign an agreement, or for the United States, Mexico, Australia and South Africa, would it not be wise for Canada to follow their example? Such an agreement, signed by the representatives of the Provinces, should grant to the Central Government all essential services, with the powers of taxation to defray the expenses of such services. At the same time the rights of the Provinces should be safe guarded. No encroachment should be tolerated which would interfere with the powers and rights reserved by the Provinces. Each government must stay within its own field. Such agreement should be free of ambiguity or any party considerations. Being fair to all, it will not overlook the rights of any. It is hardly fair for our public men to decry disunity in Canada before the first step towards unity has been taken. Our first step should be the convening of an Inter-Provincial Conference, where "Article of Confederation" can be discussed. This need not be a lengthy document. An agreement to grant to a Central Government approximately the same powers as are contained in section 91 of the B. N. A. Act. After signing this agreement, which would constitute a provisional government, measures should be taken for convening a Constitutional Assembly. To create a Constitution, it must be finally ratified by the electorate of the Provinces. As it will doubtless be conceded that an agreement is indispensable, I am handing you a draft of the "Articles of Confederation" and will predict that the names of the men whose signatures are appended will be re-echoed down the Corridors of Time by

countless generations yet unborn, as long as the rivers flow and the grasses grow.

ARTICLES OF CONFEDERATION

WHEREAS the best interests and present and future prosperity of British North America will be promoted by a Federal Union. We, the undersigned, Premiers of the Provinces of Canada in conference assembled, in order to provide a means to implement this resolution do hereby Constitute a provincial Government composed of two appointed representatives from each Province to provide for the Peace, Order, and Good Government of Canada with the power to call an election which shall be held within sixty days after a Constitution has been created by a Conference and ratified by the electorate of each and all the provinces.

THE Provisional Government shall have full power and shall exercise authority over the following functions:

The Public Debt and Property.
The Regulation of Trade and Commerce.
The Raising of Money by any Mode or System of Indirect Taxation.
Postal Service.
Census and Statistics.
Militia, Military, and Naval Service and Defense.
the fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada.
Beacons, Buoys, Lighthouses and Sable Island.
Navigation and Shipping.
Quarantine and the Establishment and Maintenance of Marine Hospitals.
Sea Coast, and Inland Fisheries.
Interprovincial and International means of Transportation and Communication.
Bank of Canada and issuance of Coinage.
Weights and Measures.
Billso fo Exchange and promissory Notes.
legal tender backed by gold.
Bankruptcy and Insolvency.
Patents of Invention and Discovery.
Coyprights.
Indians and Land reserved for Indians.
Naturalization and Aliens.
Advisors to His Majesty.
The Criminal Law.
The Establishment Maintenance and Management of Penitentiaries.
The appointment of Superior, District and County Court Judges.

The Appointing and Despatching of Commissioners and Ambassadors to foreign Countries.
the governing and developing of areas or natural resources in Canada outside the boundaries of any Province.
Radio, Wireless Stations and Cables.
Aeroplanes and Air Transportation.
Immigration and Customs.
The production and reduction of Radium, Uranium and rare metals.
The exportation or importation of any Commodity.
External affairs and Great Seal of Canada.

Signed for the Province of

British Columbia _____

Alberta _____

Saskatchewan _____

Manitoba _____