

Canadian Constitution, Myth or Fact  
And its Consequences on Law  
Revised – January 27, 2020

Rather than relate the history of the country from its distant past, settled by Asiatics since the end of the last Ice Age, i recommend reading an accompanying treatise called *Ho, Canada* by the late R. Rogers Smith and *Canada* by the late Walter Kuhl, a former M.P. from Alberta, which will fill in the gaps herein created. These two documents are probably the only source of the true facts of the conditions that set in motion the development of Canada from a legal perspective. See pages 18 on for my conclusions in light of additional material provided by C. W.

The non-exhaustive focus here will be the  
British Hudson's Bay Charter 1670,  
Letters Patent of Canada 1763,  
the Quebec Resolution 1864  
the British B.N.A. Act 1867,  
the British Rupert's Land Act, 1868,  
the British Interpretations Act 1889,  
the British Statute Revisions Act 1893,  
the British Statute of Westminster 1931,  
the Letters Patent, Governor General 1947 and finally  
the British "Canada Act 1982" and Proclamation of the Charter of Rights and Freedoms

The thread throughout this entire period is, of course, the word, "British", an Imperialistic Government that attempted to conquer the world by force and then keep it by the legal means that it alone created without the direct involvement of the people over whom it governed. In no case was there ever a "Canadian" Act that governed and delineated the respective powers and jurisdictions of the Provinces and Federal Government. In fact, no "Act" can be a Constitution because by all sovereign power, all Constitutions are the prerogative and authority of the true sovereigns of the Nation: the people. The American Constitution says it all: "We, the people". The Constitution is the authority that gives the lesser authority of Statutes enacted by the people's representatives who are responsible and accountable to the people ALL THE TIME. In Canada, the elected representatives are responsible and accountable to a foreign Monarch who she /he is responsible and accountable to the British Parliament. If  $A = B$  and  $B = D$ , then  $A = D$ . You do the math.

**1670**



King Charles the Second, by means of the Hudson's Bay Charter, granted to his cousin,



Prince Rupert, an exclusive, “sole” right to undertake an

“Expedicion for Hudsons Bay in the North west part of America for the discovery of a new Passage into the South Sea and for the finding some Trade for Furrs Mineralls and other considerable Commodities and by such their undertaking have already made such discoveries as doe encourage them to proceed further in pursuance of their said designe by meanes whereof there may probably arise very great advantage to us and our Kingdome.”

This Charter to the “Company of Adventurers” was given in “perpetuity”, thus no future British Monarch could cancel or modify this Charter. Therefore, while Britain and France fought over the East Coast of Canada, the Hudson’s Bay Company of Adventurers continued to govern the vast territory west of Upper and Lower Canada, setting up forts and trading posts throughout. **The governors were the law and order** and could and did establish judicial apparatuses to deal with conflicts among the traders and between them and the Indians.

“the said Society as is hereafter expressed shall bee one Body Corporate and Politique in deed and in name by the name of the Governor and Company of Adventurers of England tradeing into Hudsons Bay...in deede and in name and fully for ever for us our heirs and successors...[and] they shall have perpetual succession...[and they] shall henceforth for ever bee ruled ordered and governed according to such manner as forme as is hereafter in these presents expressed and not otherwise And that they shall have hold retheyne and enjoy the Grantes Libertyes Priviledges Jurisdiccions and Immunityes only hereafter in these presents granted and expressed and no other”

The first Governor was Prince Rupert and each successive Governor was to be elected from among the original or replaced members of the Company of Adventurers. Justice was to be dispensed to all

“persons belonging to he said Governor and Company or that shall live under them in all Causes whether Civil or Criminall according to the Lawes of this Kingdom and to execute Justice accordingly.”

The Governor and Company had full authority to use the military for defence and security and may confiscate property in belligerent places. It could build forts anywhere and capture and use belligerents as the Company saw fit.

Despite the free hand given to them under the Charter, the law, rule, regulation or process they established could

“bee not repugnant but agreeable to the Lawes of this Realme”

including the Common Law of England.

#### DEFINITION

**Charter;** definition: “A charter is the grant of authority or rights, stating that the granter formally recognizes the prerogative of the recipient to exercise the rights specified. **It is implicit that the granter retains superiority, and that the recipient admits a limited status within the relationship, and it is within that sense that charters were historically granted, and that sense is retained in modern usage of the term.**” Also, “a document defining the formal organization of a corporate body; constitution.”

#### 1760

The French had settled in Lower Canada/Quebec since the days of Jacques Cartier, 1534, where “The new French royal government was led by a governor general, who represented the [French] crown and thus was the head of state in the colony.”<sup>1</sup> The British, on the other hand had established themselves along the east coast of North America, south of “Canada”. The various French-British European conflicts during the 18<sup>th</sup> century inevitably erupted in the Seven Years War and jumped the Atlantic to be continued on the American continent. “The fate of the French empire was sealed when British ships struggled through the ice-strewn [St. Lawrence] river. Naval control of the North Atlantic shipping lanes was the final, decisive factor leading to the conquest of Canada. Terms of capitulation were signed by [the French]



Governor Vaudreuil

in Montreal, and in 1763 the Treaty of Paris, which formally ended the Seven Years War, recognized the transfer of Canada from France to Britain.”<sup>2</sup> President of the ‘Lords of Trade and Plantations’, to be a ‘Corporation Sole,’ immediately following the capitulation of Montreal, 1763...The Lords of Trade and Plantations was composed of a group of London merchants who were authorised by the Crown in Chancery to be the government of the New England colonies. Canada was added to their administration. The Lords of Trade and Plantations was later known as the Board of Trade and Plantations, and finally as the Board of Trade. The Crown in Chancery was

established in the reign of Queen Elizabeth. It is the department of lands of Britain and it is from this name we derive the term **Crown Lands**. ***Sovereignty and the ownership of land are inseparable. When the ruler possessed the land he was Sovereign. When the people possess the land, the ruler is demoted to a monarch***"<sup>3</sup>

The anomaly in Canada is that Elizabeth the Second, a British "monarch" claims the lands of Canada as her property and is often referred to as a "Sovereign"...incorrectly, I might add. If she possesses the land, then the people of Canada do not and the latter are relegated to the position of "subjects" (see the Charter of Rights and Freedoms) while theoretically if not in fact, the British people are regarded as the sovereigns but then they too are treated as subjects in British courts. The Canadian Federal and Provincial Interpretations Acts state that the term, Crown and Her/His Majesty means "the current British Monarch," therefore, officially, Elizabeth the Second is demoted to a "monarch" from a "sovereign". Even so, Elizabeth the Second is presumed to be the ultimate authority in Canada as "The Head of State"...but she is not the ***de jure*** Head of State and no one has ever referred to her as such.

"The Lord High Chancellor is the custodian of the Sovereignty of the people and all possessions of the Nation including the lands of England, and the Dominions thereunto belonging are in the custody or the offices of the 'Crown in Chancery' at Whitehall. Henceforth England was known as a Limited Monarchy...The Quebec Act 1774, the Constitution Act 1791, the Union Act 1840, and the British North America Act 1867 do not alter in any essential respect the Constitution of Canada drafted by Yorke and Yorke in 1763"<sup>3</sup>

The Governor General = dictator = agent of England = Corporation Sole operated under the British Letters Patent of the Constitution of Canada.

#### DEFINITION

***Letters patent*** (always in the plural) are a type of legal instrument in the form of a published written order issued by a monarch, president, or other head of state, generally granting an office, right, monopoly, title, or status to a person or corporation.

***Dominion***: each of the self-governing territories of the British Empire; a self-governing nation under the nominal rule of the British Monarch; ***A self-governing colony of the British Empire*** (now the British Commonwealth). An English rendering of the Latin term *dominium*; meaning ownership; as in a territory over which another asserts ownership. In Canada, the 1867 [British North America Act](#), which created a federal dominion and defines much of the operation of the Government of Canada, described the central, federal authority as the Dominion of Canada.

1864



“The **Quebec Conference** was held from October 10 to 24, 1864 to discuss a proposed [Canadian confederation](#).<sup>[1]</sup> It was in response to the shift in political ground when the United Kingdom and the United States had come very close to engaging in war with each other.<sup>[2]</sup> Therefore, the overall goal of the conference was to elaborate on policies surrounding federalism and creating a single state, both of which had been discussed at the [Charlottetown Conference](#) around a month earlier.<sup>[1]</sup> [Canada West](#) leader [John A. Macdonald](#) requested [Governor-General Charles Monck](#) to invite all representatives from the three Maritime provinces and [Newfoundland](#) to meet with the candidates who formed the United Canada to Quebec in October 1864. Although Newfoundland sent two observers, it did not participate directly in the proceedings.” *Wikipedia*.

With respect to taxation, for example, which is really my focus, Article 43 of the Provincial Legislature jurisdiction,

“43. The Local Legislature shall have power to make laws respecting the following subjects:  
**1Direct taxation**, and in New Brunswick the imposition of duties on the Export of Timber, Logs, Masts, Spars, Deals and Sawn Lumber; and in Nova Scotia, of Coal and other minerals.”

And Article 29 of the “General Parliament” powers stated:

“29. The General Parliament shall have power to make Laws for the peace, welfare and good government of the Federated Provinces (saving the Sovereignty of England), and especially laws respecting the following subjects:

4. The imposition or regulation of Excise Duties.

5. The raising of money **by all or any other modes or systems of Taxation**.

It seems to me that it was very clear as to how taxation was to be imposed. If the Provinces were given the right to impose Direct Taxation, it was an exclusive right otherwise the General Parliament would have been given the same right in no uncertain terms. Notice that the Provinces were not given the same umbrella taxation powers that were given to the General Parliament. They were restricted to “DIRECT TAXATION” only. It must be remembered that at

that time, there was no income tax on wages as this was not illegally imposed until 1917 and then entrenched in the further illegal Income Tax Act of 1948 but that will be discussed later. Wages relate directly to the person earning it and therefore only the Provinces had the right to impose this type of taxation.

### 1867

"In the 1860's, the monarchs back in England said to themselves, these HBC people have a country where they can do whatever they want and make as much money as they want, and all they give us in return is a nebulous gift. King Charles was never able to get out of it; it was a contract that he had signed, and he took an oath on the 1611 King James Bible to uphold his contracts."<sup>4</sup>

By the machinations of the British loyalist and British agent,



John A. MacDonal,

(who received a wife and a knighthood from Queen Victoria and was able to call himself "right honourable" once he became the Prime Minister), had maneuvered the Provincial representatives of Canada (Upper and Lower Canada, a.k.a. Ontario and Quebec) and Nova Scotia and New Brunswick into making a representation to Great Britain to create a "federal" government that would have specific jurisdictions and powers and authority while preserving specific local jurisdictions, etc. to the Provinces. Why? Because his wish was to preserve the British Empire against the intrusions of the Americans who were fighting a Civil War. The Northern Union desired to absorb "Canada" into the united states of America and Congressional members had made their desire abundantly, publicly known. I am certain that the then Governor General approached MacDonal with the British desperate desire to keep that union from happening. Thus, MacDonal likely convinced the Provincial leaders to form a "confederation" under the umbrella of the United Kingdom, which would assist them to remain within the British realm.

The term "Confederation" was used liberally during the period 1860 to 1864 but there could not be a confederation in the true sense of the word because the term suggests and means a union of sovereign States, none of the Provinces/Colonies being such. However, the B.N.A. Act 1867 states quite clearly that it is "An ACT for the Union of Canada, Nova Scotia and New Brunswick and the Government thereof...And whereas such a Union would conduce to the welfare of the Provinces and promote the Interests of the British Empire." The paragraph previous to this

statement states “Whereas the Provinces of Canada, Nova Scotia and New Brunswick have expressed their Desire to be federally united into One Dominion [Colony] under the Crown of the United Kingdom of Great Britain and Ireland, with a **Constitution** similar in Principle to that of the United Kingdom:”

#### DEFINITION

*“What is a constitution? One might consider it as the basic rules by which a country is governed. The following statement offers a comprehensive definition”[\*from Peter J.T. O’Hearne, *Peace, Order and Good Government: A New Constitution for Canada* (Toronto: The Macmillan Co. of Canada Ltd. 1964) pp.9-11]*

“The word ‘constitution’ is used with several different meanings of which only four need concern us. The four meanings are distinct but allied. In the **first** sense, the constitution of a state is its supreme law or theory of government. In the **second** meaning, it is the body of laws that are considered of basic importance and to which all other laws and institutions are, by law or by custom, subordinate. Since such laws usually define the structure and functions of the essential organs of government, the **third** sense of ‘constitution’ denotes these structural laws. And in the **fourth** meaning, a constitution is the body of laws (whether basic or not), conventions, and institutions that make up the government of the state, that is the structure and organization of the state.”<sup>5</sup>

I offer that the B.N.A. Act 1867 was a “constitution” but it did not differ greatly from that of the Yorke and Yorke “constitution” of 1763 which provided all the power and authority in the hands of the Governor General who represented the interests of Great Britain while allowing the local governments to operate within the sphere of the rules and regulations stipulated therein. The governments were accountable and responsible to the G.G. and he could invalidate any laws he felt were “repugnant to the laws of this Realme [England]”. Among other rights and duties, he also had the right to dissolve any sitting government at any time. Therefore, the G.G. could be compared to a benevolent dictator who intervened only rarely because the British “subjects” generally respected the rules and regulations and the duties imposed upon them by the “constitution”. After all, the members of parliament, who are members of their respect political parties and subject to their membership rules and regulations, have a person called, “a party whip” who demands that its members obey the party guidelines. If they choose not to do so, they can quit and join a different political party. Thus, the members are obedient to the party to which they are a member rather than to the constituents to whom people believe (wrongly) their parliamentary representatives are accountable.

#### 1868

The Rupert’s Land Act was promulgated by the British Parliament within a year of the B.N.A. Act in order to incorporate into “Canada” all the lands over which the Hudson’s Bay Charter gave authority. This territory comprised the land now called Manitoba, Saskatchewan and Alberta.

What does the Act say?

- 1) All the territory within the land mass known as Rupert's Land, basically now known as Manitoba, Saskatchewan and Alberta, is to be surrendered to the British Monarch and all rights, privileges, rules, regulations, government and justice systems will from then on be the property of the British Monarch;
- 2) The said territory shall be incorporated into the "Union" of Canada, a Dominion (colony of Great Britain) as established by the Parliament of Great Britain in the British North America Act 1867);
- 3) "it is expedient that the said Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers, and Authorities, so far as the same have been lawfully granted to the said Company, should be surrendered to Her Majesty, Her Heirs and Successors; and
- 4) "it shall be lawful for the Parliament of Canada from the Date aforesaid to make, ordain, and establish within the Land and Territory so admitted as aforesaid all such Laws, Institutions, and Ordinances, and to constitute such Courts and Officers, as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein..."

This Act continues to define Canada as a colony and that its inhabitants are "subjects" of Her Majesty. And since Her Majesty, who at the time was



Queen Victoria, was subject to the British Parliament, the Act was really saying that the Canadians were subject to Britain and ultimately came under the latter's jurisdiction. That Britain did not directly interfere with the Canadian Parliament and Provincial Legislature's enactments and their direct control over the Canadian people, the rule of law was, nevertheless, still British and the British Privy Council was the supreme arbiter in disputes between the Central and Provincial governments.

### **1889**

The British Interpretations Act 1889 spelled out clearly the relationship between Canada and the British Imperial Government: paragraph 18(3.) states that "The expression 'colony' shall mean any part of Her Majesty's dominions exclusive of the British Islands and of British India, and where parts of such dominions are under both a central and a local legislature [Canada], all parts under the central legislature shall, for the purposes of this definition, be deemed to be one colony (see ante, p. 433)."



This left no doubt as to the nature of the legal standing of Canada. In 1867, Canada became a “united” colony and all parts of this “dominion”, including all provincial (local) governments were considered colonies, whether or not part of the United Colony or not. See the Rupert’s Land Act.

### **1893**

Now comes the wrench in the motor, so to speak. The British Statute Revisions Act 1893 unenacted the British North America Act 1867 by removing the following words of that latter Act: “Be it therefore enacted and declared by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows.” and Section 2 which stated, “The Provisions of this Act referring to Her Majesty the Queen extend also to the Heirs and Successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.” was also removed.

Therefore, when Queen Victoria died on January 22, 1901, the unenacted B.N.A. Act 1867 died with her because all references to Queen Victoria were supposed to be automatically void, defunct, of no force and effect. For instance, in part III - Executive Power, it states in paragraph 9 that “The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen.” But...if there are no provisions extending to Victoria’s heirs and successors, how could any British King or Queen after Victoria have executive power?

May I suggest that the following B.N.A. Act 1867 and the so-called Constitution Act 1985 paragraphs no longer apply:

- P 10 – no one to appoint a Governor General
- P 14 – no one to authorize the Governor General to appoint Deputies
- P 15 – there is no longer any Command-in-Chief of the Land and Naval Militia, etc.
- P 17 – there is no longer a One Parliament for Canada consisting of the Queen, etc.
- P 24 – there is no longer authority “in the Queen’s Name” to summon qualified “Persons” to the Senate
- P 26, 27, 38, etc. etc. but you get the point.

By referring to the current Central/Federal Interpretations Act, it states clearly in paragraph 4(1) that “the enacting clause of an Act may be in the following form: “Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:” After researching various British Enactments that I could obtain online, I noticed that each had such an enacting clause. I obtained several British Columbia enactments, which also had enacting clauses. The removal or non-existence of an enacting clause invalidates the enactment and the presumption above indicates that each enactment shall have an enacting clause. It is British Parliamentary protocol that has survived hundreds of years of history. Nevertheless, as suggested above, where there is no authority, there is no validity to any enactment of the Central government of Canada nor of the Provinces, therefore, the Canadian and Provincial Interpretations Acts can give no instructions on how to interpret the enactments of those several governments.

## 1931

This is the watershed year. R. Rogers Smith, who was instrumental in drafting the notorious *Statute of Westminster 1931*, was likely not aware of the unenacted B.N.A. Act and of the nature and significance of the Hudson's Bay Charter, attempted to effect Canada's colonial separation from the United Kingdom by making the terms of the Statute acceptable to the British Parliament. The Brits at this time were actually eager to relinquish their hold on the colonies as it was becoming too expensive to do so and many world governments were pushing the Brits to release the colonies to their own devices. However, there is always deals behind closed doors. See Cal's take on this period. The Statute is easily accessible online and spells out the severance of the relationship between Canada as a dominion/colony and its master, the British Parliament/Crown.

The most important provisions, as far as Canada is concerned are:

**2(2)** No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, (contrary to the terms and conditions of the Hudson's Bay Charter, who which I will refer later) or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule, or regulation made under any such Act, and the power of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.

**4** No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof. (the same provision is made in the Canada Act 1982; seems rather redundant, no?)

**7. (1)** Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or to any order, rule or regulation made thereunder. (really?? of what relevance is this when the BNA Act was void and of force or effect since 1893?)

**(2) The provisions of section two (2) of this Act shall extend to laws made by any of the Provinces of Canada and to the powers of the legislatures of such Provinces.**

**(3)** The powers conferred by this Act upon the Parliament of Canada or upon the legislatures of the Provinces shall be restricted to the enactment of laws in relation to matters within the competence of the Parliament of Canada or of any of the legislatures of the Provinces respectively.

**11.** Notwithstanding anything in the Interpretations 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.

At this point, I believe it is imperative to introduce verbatim the words of R. Rogers Smith's *Ho Canada*, with respect to Article 7:

"Sections 3, 4, 5 and 6 are readily understood, and need no elaboration. The next section, however, seems to be the stumbling block, mainly because the British North America Act is misinterpreted: '*Nothing in this Act*

*shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or to any order, rule or regulation made thereunder.'*

“Why ? It is for the reason that the B.N.A. Act was simply a **guide** to the provinces in creating a federal union. The page which was **deleted** after being enacted by the House of Lords and before it was brought to the attention of the members of the House of Commons states: ‘***By reason of the request of the colonies for Federal Government, it is expedient that they have laws and regulations to guide them.***’

“As this was the intent and purpose of this Act, there was no need nor reason that it should be repealed. Section 7, subsection 2 reads: ‘The provisions of section two (2) of this Act shall extend to laws made by any of the Provinces of Canada and to the powers of the legislatures of such Provinces.’

“Why do provisions of Section 2 extend to the provinces of Canada and not to the States of Australia or to the States of South Africa? For the reason that the Commonwealth, or Federal Union of Australia, had been created by the States of Australia to be effective from January 1, 1901. The States of South Africa had created the Federal Union of South Africa in 1909. As the lawyers who drafted the Statute of Westminster **knew**, and all constitutional authorities **agree**, that no confederation of the provinces **had occurred**, it was imperative that the provinces of Canada should have an equality of status with the Dominions, in order that they could convene a conference and **create** a federal union. ***Section 2, therefore, reads as follows when applied to Canada:***

- **2. (1)** The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by any of the *Provinces of Canada*, or to the powers of the *legislatures of such Provinces*.
- **(2)** No law and no provision of any law made after the commencement of this Act by the *Legislature of any Province of Canada* shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of the Parliament of the United Kingdom, or to any order, rule, or regulation made under any such Act, and the powers of any of the *Provinces of Canada* shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of *the law of such Province*.

“I know of no way in which **independence** could be conferred in more adequate language than that used to confer **sovereignty** upon the provinces of Canada...There is no intermediate status between a colony and a sovereign state. If the provinces are no longer colonies they are independent sovereign states.”

In summary, the Provinces of Canada were given their independence, meaning sovereignty, and all that pertains to a fully independent and sovereign State. This Statute was and is the only legal document that recognizes the split between the Central and Local governments of Canada and recognizes the right of the Local governments to make their own laws, locally and internationally.

## **1947**

R. Rogers Smith, in his treatise, *Ho Canada*, states “The procedure in the appointment of a governor is that after he is chosen and appointed by the Colonial Secretary, he is introduced to the Lord High Chancellor, whose Clerk of the Crown in Chancery grants to him “Letters Patent” which constitute him the ‘**Sole**’ government of the Colony. Next he is introduced to His Majesty at the Court of St. James and is issued ‘**Instructions**’ to open and close sessions of the legislatures, assent to acts, and other powers, in the name of the King or Queen as the case may be

— but he is not a **vicero**y [a ruler exercising authority in a colony on behalf of a sovereign]. Further, if the King or Queen are in Canada they take precedence next after the Governor-General...” He further writes, “The **Letters Patent** granted by the Lord High Chancellor of Great Britain to governors-general of Canada **state** that they **are the constitution of the government**. The British North America Act *constitutes nothing*, but simply provides a means whereby the governor-general may provide auxiliary public bodies to “**aid and advise**” him in governing the colony. These Letters Patent were nullified by the enactment of the Statute of Westminster in 1931. As the British North America Act cannot be implemented without a governor-general, the bureaucrats in Ottawa, in order to perpetuate themselves in office, decided to appoint a governor-general and drafted letters patent granting him the government of Canada.”



William Lyon McKenzie King, in concert with others (parties unknown), realizing that there had been no legal or lawful Governor General office that could give “Royal Assent” to Central (Federal)—and Local (Provincial) by way of Lieutenant Governors—legislation since 1931 (I doubt that he was aware of the 1893 Statute Revisions Act), arranged for the Office of Governor General to take on the colour of law (appearance) and the alleged authority to provide such “Royal Assent” by way of Letters Patent. But who would provide the alleged authority to create/establish such Letters Patent? The British Colonial Office, a.k.a. Lands Office had been disbanded/closed after 1931, no longer needed since there were no official colonies/dominions. The British Parliament had never been involved in the process of granting Letters Patent for each colonial Governor General, and, as he could not turn to the House of Lords or House of Commons or any British government Minister, his only and obvious choice was to call upon the King of Great Britain, George VI. I do not have any correspondence at this time between the two men, but I am certain such correspondence must exist in the Ottawa archives, or elsewhere.

As a result of this correspondence,



King George VI likely happily agreed to give “Royal Assent” to the Letters Patent in 1947 and signed them. As is evident from the above discussion, he had **absolutely no authority from the British Parliament to perform this scam**. You must remember that the British Monarch has only the jurisdiction and authority to perform the duties that the British Parliament has granted him/her.

The contents of this document (Letter Patent) states in unequivocal terms that MacKenzie King received the authority by the “command” of George VI, the alleged but erroneous assumption being that the latter had the legal and lawful authority to grant said Letters Patent. Let the reader decide whether the entire document is a lie. Below is one copy found at the Maple Monarchists website. I will only reproduce the relevant paragraphs for our discussion.

#### Letters Patent Constituting the Office of Governor General of Canada

##### GREETING:

Effective October 1, 1947

"GEORGE R."

##### CANADA

George the Sixth, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith.

[SEAL]

To All To Whom these Presents shall come,

##### GREETING:

Whereas by certain Letters Patent under the Great Seal bearing date at Westminster the Twenty-third day of March, 1931, His late Majesty King George the Fifth did constitute, order, and declare that there should be a

Governor General and Commander-in-Chief in and over Canada, and that the person filling the office of Governor General and Commander-in-Chief should be from time to time appointed by Commission under the Royal Sign Manual and Signet: [true]

And whereas at St. James' on the Twenty-third day of March, 1931, His late Majesty King George the Fifth did cause certain Instructions under the Royal Sign Manual and Signet to be given to the Governor General and Commander-in-Chief: [true but while the British Monarch gave/issued Instructions, the Lands Office appointed the Governor General without advice or consultation with the Monarch.]

And whereas it is Our Will and pleasure to revoke the Letters Patent and Instructions and to substitute other provisions in place thereof: [the authority to do so had to be issued by the Lands Office but the impression given here is that it is the Monarch's sole prerogative.]

Now therefore We do by these presents revoke and determine the said Letters Patent, and everything therein contained, and all amendments thereto, and the said Instructions, but without prejudice to anything lawfully done there under:

And We do declare Our Will and pleasure as follows:

I. We do hereby constitute, order, and declare that there shall be a Governor General and Commander-in-Chief in and over Canada, and appointments to the Office of Governor General and Commander-in-Chief in and over Canada shall be made by Commission under Our [Our?] Great Seal of Canada. [Wwwhhhaattt? What happened to the Statute of Westminster 1931, which legally gave independence to Canada and eliminated the Lands Office? Did King George VI usurp the authority of Parliament or its various Departments? Where is the authority of the British Monarch to issue Letters Patent for and on behalf of an "independent" country? Was there a legal Central Canadian Government after December 10, 1931 on whose behalf the British Monarch could issue Letters Patent?]

II. And We do hereby authorize and empower Our [Our?] Governor General, with the advice of Our Privy Council for Canada or of any members thereof or individually, as the case requires, to exercise all powers and authorities lawfully belonging to Us [did something happen between 1931 and 1947 which gave legal authority to the British Monarch and the British Parliament jurisdiction in/over/on Canada? Was the Statute of Westminster 1931 repealed?] in respect of Canada, and for greater certainty but not so as to restrict the generality of the foregoing to do and execute, in the manner aforesaid, all things that may belong to his 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 Constitution Acts, 1867 to 1940 and the powers and authorities hereinafter conferred in these Letters Patent and in such Commission as may be issued to him under Our Great Seal of Canada and under such laws as are or may hereinafter be in force in Canada.

III. And We do hereby authorize and empower Our Governor General to keep and use Our Great Seal of Canada for sealing all things whatsoever that may be passed under Our Great Seal of Canada.  
[I will eliminate those next paragraphs that are irrelevant to our discussion and don't render any more authority than the previous ones.]

IX. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all the other inhabitants of Canada [what gave George VI the jurisdiction and authority over the "inhabitants" of Canada to be obedient? Is this not the talk of a dictator who has no obvious or legal right to dictate to said "inhabitants"?.], to be obedient, aiding, and assisting unto Our Governor General, or, in the event of his death, incapacity, or

absence, to such person as may, from time to time, under the provisions of these Our Letters Patent administer the Government of Canada.

[the following paragraphs give various powers and authority to judges, officers and officials to whom is given further powers, etc. etc.]

XV. And We do hereby reserve to Ourselves, Our heirs and successors [this power or authority evaporated with the death of Queen Victoria by virtue of the 1893 British Statute Revisions Act], full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem fit.

XVI. And We do further direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places within Canada as Our Governor General shall think fit.

XVII. And We do further declare that these Our Letters Patent shall take effect on the first day of October, 1947.

In witness whereof We have caused these Our Letters to made Patent, and for the greater testimony and validity thereof, We have caused Our Great Seal of Canada to be affixed to these presents, which We have signed with Our Royal Hand.

Given the eighth day of September in the Year of Our Lord One Thousand Nine Hundred and Forty-Seven and in the

Eleventh Year of Our Reign.

BY HIS MAJESTY'S COMMAND, [So, George VI gave a command? Legal or lawful authority to do so?]

W. L. MACKENZIE KING,  
Prime Minister of Canada

I humbly suggest that these Letters Patent were necessary and preliminary to the introduction of the nefarious and totally illegal *Income Tax Act 1948*, which introduced, for the first time, a scheme whereby the people of Canada were now considered legal “persons” subject to the fleecing of their hard-earned money to pay for any and all schemes and scams that (mostly) the federal politicians were about to perpetrate on an ignorant and unsuspecting people. They had already scammed the “Indians” (now called the Indigenous people) out of their rightful and lawful heritage. Now they were going after the heritage of everyone. They needed a legal basis on which to impose this “income” tax scheme, which, by the way, was never envisioned by the Fathers of “Confederation”. From the days of 1860’s to the 1940’s, the terms of the BNA Act (although dead) quite clearly stated that “direct” taxation was the “exclusive” jurisdiction of the Provinces. Over the years, this has been twisted and bent to mean that the Federal Government had/has the right, authority, jurisdiction to impose an “income” tax on all Canadians, corporate or human.

However, there is more to come, so hold on to your seats.

1982

Probably the one of the greatest hoaxes perpetrated on innocent people is the Royal Proclamation of 1982 and the so-called “Canada Act 1982”. So let’s see where our road will take us. We’ll take it line by line.



Queen Elizabeth the Second...

Do you see all the objects in this picture? What do they mean? Remember that everything has a meaning.

“Elizabeth II received the elaborate tokens of the responsibility with which she was being invested [in 1953], the Orb—‘remember that the whole world is subject to the power and empire of Christ’—the Sceptre with the Cross, ensign of power and justice, the Rod of Mercy, and also the Royal Ring with a sapphire and ruby cross—‘the Wedding Ring of England’. Then came the moment of crowning itself as the Archbishop [of Canterbury] raised St. Edward’s Crown glittering high in the air.”<sup>6</sup>





The opening line tells it all:

By the Grace of God of the United Kingdom, Canada and Her Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

Does QEII claim that Canada is one of her Realms or Territory? If not, then the sentence would have read "Canada and Her Realms and Territories..." The word "Other" means exactly what it says. One definition of the word is "a further or additional person or thing of the type already mentioned and by Merriam Webster: "being the one (as of two or more) remaining or not included"

To all to whom these presents shall come or whom the same may in any way concern

## A PROCLAMATION

Whereas in the past certain amendments to the Constitution of Canada have been made by the Parliament of the United Kingdom at the request of and consent of Canada

And whereas it is in accord with the status of Canada as an independent state that Canadians be able to amend their Constitution in Canada in all respects;

And whereas it is desirable to provide in the Constitution of Canada for the recognition of certain fundamental rights and freedoms and to make other amendments to the Constitution

Does this Proclamation concern me? If so, how?  
Definition of “concern”: to relate to : be about. How does this Proclamation relate to me or be about me? Presumptions and assumptions might be the stock in trade of “officialdom” but it warrants a rebuttal: prove it!

What is the definition of “proclamation”? : an official formal public announcement. Does it have any legal bearing? Is it law?

I cannot state for certain that various amendments were not instigated by the Central government, there is no proof that the removal of the enacting clause of the BNA Act 1867 and Section 2 enuring clause was at the request of Canada. Furthermore, since the BNA Act is British legislation, the British Parliament never needed Canada’s consent.

If the so-called Constitution, a British Enactment that was only a “guide” for colonialists, were truly Canada’s, why did the House of Commons and the Senate need to send a request to the British Parliament to implement patriation through ANOTHER British Enactment called The Canada Act 1982. The only known use of the word is in respect to Canada.

It is granted to Canada the ability to amend the BNA Act without having to seek permission to do so from the British Parliament. This, in no way, alters the fact that the “Constitution” is still British law and that there is no fundamental change in its operation. There is nothing “Canadian” about it. This so-called Constitution did not alter its basic tenets and scope from the British BNA Act 1867 as nothing changed except for the addition of the Charter of Rights and Freedoms, which are not immutable and which rights and freedoms may be expanded or restricted at any time by any Court. This is called “judge-made law.”

And Whereas the Parliament of the United Kingdom has therefore, at the request and with the consent of Canada, enacted the Canada Act, which provides for the patriation and amendment of the Constitution of Canada

And Whereas Section 58 of the Constitution Act 1982, set out in Schedule B to the Canada Act, provides that the Constitution Act 1982, subject to Section 59 thereof, shall come into force on a day to be fixed by Proclamation under the Great Seal of Canada

Now Know that We, by and with the advice of Our Privy Council for Canada, do by this Our Proclamation, declare that the Constitution Act, 1982 shall, subject to Section 59 thereof, shall come into force on the Seventeenth day of April in the year of Our Lord One Thousand Nine Hundred and Eighty-two.

It was someone(s) from the House of Commons and the Senate who “requested” that the Canada Act be promulgated in Britain and the Parliament thereof graciously acquiesced to this request. This begs the question: since the Statute of Westminster 1931 gave Canada its independence and made the Provinces Sovereign, why were the Provinces not involved in this process and by what rule of law, national or international, did the Central Government in Ottawa assume the legal or lawful right to send such a request to London? And why was it needed in the first place since Canada now had the legal right as a non-colony to develop its own home-grown Constitution? To find the answers to these questions, read Bob Plamondon’s book, *The Truth about [P.E.] Trudeau*, Great River Media, 2013. It was Pierre Elliott Trudeau who basically and unilaterally pushed the idea and met with Margaret Thatcher on June 20, 1980 to inform her and her government of his constitutional strategy.

What does this all mean? Section 58 states that this Act is subject to Section 59 which is subject to Section 23(1) which deals with language rights throughout Canada except in Quebec and when Quebec agrees and implements equal language rights in English and French then the Constitution Act will be renumbered. This will never happen. According to a footnote in the copy of the Constitution Act, 1982, it states, “The Act, with the exception of paragraph 23(1)(a) in respect of Quebec, came into force on April 17, 1982 by proclamation issued by the Queen. See SI/82-97.”

All of which Our Loving Subjects and all others whom these Presents may concern are hereby required to take notice and to govern themselves accordingly

IN TESTIMONY WHEREOF we have caused these Our Letters to be made Patent and the Great Seal of Canada to be hereunto made affixed at Our City of Ottawa this Seventeenth day of April in the Year Of Our Lord One Thousand Nine hundred and Eighty-two and in the thirty-first Year of Our Reign.

By Her Majesty's Command

What is a “loving subject”. I think we all know what loving means but what about “subject”? The definition of subject is, according to Merriam Webster: “one that is placed under authority or control: such as a : [vassal](#) b(1) : one subject to a monarch and governed by the monarch's law, (2) : one who lives in the territory of, enjoys the protection of, and owes allegiance to a sovereign power or state”. Black’s Law Dictionary 7<sup>th</sup> Ed. has much the same definition but adds: “...the word subject is commonly limited to monarchical forms of government...the term citizen brings in prominence the rights and privileges of the status, rather than its correlative obligations, while the reverse is the case with the term subject...it includes all members of the body politic, whether they are citizens...or resident aliens. All such persons are subjects, all being subject to the power of the state and to its jurisdiction, and as owing to it, at least temporarily, fidelity and obedience.” To end: we are allowed, no, advised that if we are not or do not consider ourselves “loving subjects”, then we are “all others” to which “these presents” do not apply and may “govern ourselves accordingly”. What does that last phrase mean: to act according to the directive of a document or to act in a different manner dictated by some other considerations.

The Proclamation is a Letters Patent, which is a peculiarity of Great Britain. It is defined as “a document granting some right or privilege, issued under governmental seal but open to public inspection.” per Black’s Law Dictionary. While the “Great Seal of Canada” is referred to, it has not changed in hundreds Of years and has an image of the British Monarch embedded in the middle. Make of this what you will.

Command means “to direct authoritatively; to order.”



Registrar General of Canada

Prime Minister of Canada

In the final analysis, it is safe to conclude that this British “Proclamation” merely re-iterates the position of Canada as a colony. It is debatable whether the Canada Colony is the property of the British Parliament or the British Monarchy. At this time, I cannot determine which but here are some facts which may provide the clues:



- The face of the current British Monarch (Elizabeth the Second) is on Canada’s \$20 paper bill it was once on the \$2 bill;



- 
- The British Coat of Arms on the right stands proudly behind every judge, justice, justice of the peace in every Canadian courtroom;
- Every Official, including judges et al and elected officials and officers of all government departments must swear an oath of allegiance to “Her Majesty”, currently Elizabeth the Second;
- The British Monarch claims “Her Majesty, in right of \_\_\_\_\_Province” and “Her Majesty in right of Canada”;
- Criminal Prosecutions against corporations (which includes humans, presumed Trustees of the Trust NAME, the property of Her Majesty) are in the name of “Her Majesty” or “Canada” or “Minister...so and so”;

- All land, which stands within the boundaries of each Province, is called “Crown Land”, a term that relates to the land under the control and administration of the British Board of Trade and Lands;
- The Provincial and Federal *Interpretations Acts* affirm that “Crown; Her His Majesty” mean the current British Monarch.

You will not find attached to the Department of Justice Canada website or in printed documents a copy of the British Canada Act 1982, which gave birth to the Constitution Act 1982, the British North America Act 1867 as renamed by Pierre Elliott Trudeau to hide the fact that there was no lawful Constitution since 1893. It was a little confusing for me, therefore, I ordered a certified, colour copy from the British Parliamentary Archives (thanks to D.L.). Here is the text:

## ELIZABETH II

# Canada Act 1982

### 1982 CHAPTER 11

An Act to give effect to a request by the Senate and House of Commons of Canada. 29th March 1982 [actually, it was requested by Pierre Elliott Trudeau of the then-Prime Minister, Margaret Thatcher in a meeting in London in 1980].

**W**hereas Canada has requested and consented to the enactment of an Act of the Parliament of the United Kingdom to give effect to the provisions hereinafter set forth and the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to Her Majesty requesting that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: 1. The Constitution Act, 1982 set out in Schedule B to this Act is hereby enacted for and shall have the force of law in Canada and shall come into force as provided in that Act. [not lawfully in force as therein provided] 2. No Act of the Parliament of the United Kingdom passed after the Constitution Act, 1982 comes into force shall extend to Canada as part of its law. [the same provision was made in the 1931 Statute of Westminster, obviously forgotten or unaware by all parties concerned?] 3. So far as it is not contained in Schedule B, the French of this Act is set out in Schedule A to this Act and has the same authority in Canada as the English version thereof. 4. This Act may be cited as the Canada Act 1982.

What is odd here is that the unlawful and illegal Canadian Central Government felt it necessary to plead/beg the British Parliament to pass a “Bill” to be called the Constitution Act, 1982 for Canada, and which apparently could not or did not have the competence (rather the lawful authority) to prepare a domestic, organic Constitution for public review, input and acceptance. To have done so would have exposed the fraud of an unconstitutional government of some eighty-nine years. The British North America Act 1867 became void and of no force or effect as a result of the

British 1893 Statute Revisions Act as discussed above AND the death of Victoria in 1901. Canadian politicians like William Lyon MacKenzie King, Jean Chretien and Pierre Elliott Trudeau chose to ignore the fact of the unenacted B.N.A. Act 1867 in order to continue the colonization of Canada by Britain, more likely the British Monarchy.

As stated previously, it was Pierre Elliott Trudeau who outmaneuvered the “gang of eight” Premiers at various meetings and conferences into, essentially, publicly granting him the right or approval to contacting unilaterally the British Prime Minister, Margaret Thatcher at the time (1980) to solicit her compliance to introduce a bill in the British Parliament to allow Canada to accept the British North America Act 1867 officially as its Constitution and to allow Canada to amend it as the Provinces and Federal Government should desire. At one point, according to Plamondon, Trudeau even threatened to have a home-grown Constitution created and to refer it to the people in a referendum. This, apparently was not favoured by the Provinces. The Premiers probably feared the loss of their current independence and power structure, not to mention their private fortunes and perks.

While this Canada Act 1982 has an enacting clause, it does not have Elizabeth the Second’s Royal Assent on the face. See the Proclamation of 1982. Each Statute requires this important feature. Previous and current British Statutes have it as I have researched, therefore, by the rules and protocols of the British Parliamentary system, Elizabeth’s signature is required to make a Statute legal. *I have requested a certified copy of the written declaration of the Royal Assent from the British Legislative Archives and when received, I will append it to this document.*

What is apparent and evident here is that the *Central* Government attempted to revive the B.N.A. Act from the void by an oblique reference in the Canada Act 1982 to the Canadian “Constitution” by having this Schedule B, named *The Charter of Rights and Freedoms* attached to it. It is vital that the reader remember that all these enactments are the property of the Parliament of Great Britain. There is absolutely nothing therein to suggest or demonstrate that the Canadian people ever had any say in their implementation and still have none. No Central or Local politician has any responsibility or accountability to the Canadian people. The only true right Canadians have is to vote periodically for the Queen’s representatives to whom only are the latter accountable and responsible. The Court of Queen’s Bench, Alberta has so decided.

It is my considered opinion that, in the end, the B.N.A. Act 1867-1982 is void and of no force or effect and the Canada Act 1982 is of the same ilk.

What is not void and is in full force and effect is the Hudson’s Bay Charter of 1670, which “officially” was surrendered to the British Monarch, Victoria and then later “patriated” to the Canadian Parliament. As someone told me, “it doesn’t matter whether the Charter hangs in the Board Room of the Hudson’s Bay Company or a brothel”, it is still the hidden rule of law in Canada by which the British Monarchy may and can still rule and “govern” Canada. Read the Coronation Oath of 1953 and the crack of light will reveal all.

<sup>1,2</sup>: The Association for Canadian Studies in the United States (ACSUS); Stewart, Gordon; 1996; Michigan State University Press.

<sup>3</sup>. *Ho, Canada*; Smith, R. Rogers, pg. 9

<sup>4</sup> *The Shadow Magic Show: Canada is a Corporation*; Cal Washington

<sup>5</sup> *Challenge & Survival: The History of Canada*; Herstein, H.H., Hughes, L.J., Kirbyson, R.C., (Prentice-Hall of Canada Ltd., Scarborough, 1970)

<sup>6</sup> *Majesty – Elizabeth II and the House of Windsor*; Lacey, Robert, Harcourt Brace Jovanovich; New York and London, 1977, pg162

The following eight pages are the communications requesting certain documents from the British Columbia Legislative Library. After these, are the attachments I gave in the January 3, 2020 email.

A January 3, 2020 e-mail to the Office of the Clerk of the British Columbia Legislative Library

Reply not received as of January 26, 2020

N.B.: the clerk's statements are in blue and my response is in black

**To:** "Clerks of BC Legislative Assembly" <ClerkHouse@leg.bc.ca>

**From:** "Casey"

**Sent:** January 3, 2020

**Subject:** Provincial Acts and Royal Assent

To whom it may apply and may interest and **especially to your fearless leader(s)**, see my response in black below interspersed within your statement.

I have also attached a speech given by Iona Campagnolo, former Lt. Gov. The bold print on page 2 might clarify some of your illusions about Royal Assent.

I thought it might be informative to send you Adrienne Clarkson's website while she was Gov. Gen., admitting that the position was a *de facto* one. Apparently, Michaelle Jean while Gov. Gen. also had this statement. As Clarkson's husband was a lawyer, he might have felt it expedient and wise to protect his wife from any liability should one arise from her having accepted the Office of Gov. Gen. As it is a fact that the Gov. Gen.'s office is *de facto*, then the Lt. Gov.'s one is too. Campagnolo readily admits that the Lt. Gov. Office is *de facto*. What did Jesus say about the bad tree?

I see no point in asking for additional Enactment copies since you will not be including a written and signed Royal Assent. This is *prima facie* evidence of the illegality of B.C. laws.

I do appreciate the time and effort your Legal Dept. took to compile the response to my requests. Failure to rebut the facts herein will be deemed to be your agreement to those facts.

Regards.

Casey

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**From:** "Clerks of BC Legislative Assembly" <ClerkHouse@leg.bc.ca>

**To:** "Casey"

**Sent:** Tuesday, December 24, 2019 12:13:12 PM

**Subject:** Provincial Acts and Royal Assent

[ignore the background colour]

Mr. Casey,

This reply is further to your emails of Monday, December 2 and Saturday, December 7. We are also in receipt of your follow-up correspondence by email on Wednesday, December 11; letter dated December 16 sent by fax; and your letter dated December 17 sent by registered mail and received in the office on Thursday, December 19.



Every Bill includes an enacting clause, as provided by the *Interpretation Act*: "HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:" The enacting clause appears either right below the title of a Bill or after the table of contents if a bill contains one.

I have some that do not have this necessary feature.

As the Queen's representative in the province of British Columbia, one of the functions of the Lieutenant Governor is to give Royal Assent, in Her Majesty's name, to Bills passed by the Legislative Assembly. Royal Assent is an integral part of the legislative process and is the last stage that a Bill must complete before it becomes law.

that's legal protocol.

Generally speaking, an Act passed by the Legislature comes into force on the day of Royal Assent. Some Bills may contain proclamation clauses, which delay the coming into force of an Act to a date specified in the Act or to a date to be fixed by regulation of the Lieutenant-Governor in Council.

Constitutional conventions and unwritten principles form part of the Canadian Constitution, which is an important source of parliamentary procedure and practice. The preamble to the *Constitution Act 1867* includes a statement that the constitution is "similar in Principle to that of the United Kingdom", much of which is unwritten.

definition of "similar": Having a resemblance in appearance or nature; alike though not identical. definition of "principle": a basic truth, law or assumption; a rule or standard. so, it is fair and correct to say that "similar in principle" means "resembling law" **but does not mean**, "identical in law or rules".

- The original British North America Act 1867 was simply a guide for the Governor General (who represented and acted solely for the benefit of the British Crown). The House of Commons and the Senate were there to assist him in his job. The first Canadian Constitution was that provided by the Lords of Trade and Plantations, later the Colonial Office, which, by the way, was the sole appointer of the Governor General for Canada. The last British Sovereign was Queen Elizabeth and all Kings and Queens thereafter were demoted to Limited Monarchs WHO NEVER HAD ANYTHING TO DO WITH THE COLONIES and whose powers included opening and closing of Parliament, granting of titles to "worthy" men and women and providing written and signed consent to passed bills. Most people are mistaken that the U.K., a.k.a. Great Britain, a.k.a. England does not have a written Constitution. The British Constitution was drafted and approved and passed Parliament in December, 1653. It is also called *The Instrument of Government* and it had 42 sections. Its burning in 1660 does not abrogate it. "to destroy the Constitution, it would be necessary for Parliament to do away with itself and for the people and the King to adopt a new Constitution. The Instrument of Government as adopted by the Commonwealth is the Constitution." (R. Rogers Smith, *Ho, Canada!*, 1965). It is nonsense to say that Canada has a Constitution "similar in principle to that of the United Kingdom". Why?

Because the B.N.A. Act 1867 was not a Constitution but a guide for the governance of a "united" colony of Canada. The word, "Constitution" that appears therein in the 3rd paragraph of the Preamble refers to the constitution/make-up of the legislative assembly as provided for within the remainder of the BNA Act. The word, "Constitution" may be defined as organization, structure, makeup, not as an organic Constitution that is created by "We, the People". Renaming the BNA Act a Constitution Act does not render the BNA Act suddenly a Constitution; it's still an Act of Parliament, not the Act of a sovereign people, who have or had no say in drafting it.

Reserve powers of the Canadian Crown are remnants of the powers once held by the British Crown, and have been reduced over time by the parliamentary system of government.

While the powers of the British Crown are not apparent, the Crown is still the Crown. I suggest you refer yourself to the Federal or Provincial Interpretations Act for the definition of "Crown, Her Majesty, etc.".

The powers of the Queen in right of the province

A "right" is a claim and as long as the Queen of England, a foreigner, exercises a right, then that Monarch claims the land and resources as hers, not that of the people who live and toil on it.

includes the power to summon, to prorogue and to dissolve the Legislative Assembly

Those are "powers" that are simply symbolic and limited by the British Parliament

and to give Royal Assent to legislation.

This begs the question of why Enactments of the Province require consent. Royal Assent requires the signature of the Monarch according to the Cambridge Dictionary "*Before an Act of Parliament can become law, it needs to receive **Royal** Assent (= an official signature) from the monarch.*" To that end, both the U.K. and Canadian Federal Statutes includes "The Royal Assent Act", which requires the written signature of the Monarch.

The Lieutenant Governor also ensures continuity of the state. While much of our constitution is unwritten

(see above for a rebuttal of that statement)

so too are many of the conventions that originated in the United Kingdom Parliament.

Neither the *Standing Orders of the Legislative Assembly of British Columbia* nor the *Constitution Act* specifically provide for the precise procedure for giving Royal Assent. The conventions of Royal Assent come down directly from the practices that were in effect in Great Britain at the time of Confederation.

Since the BNA Act 1867 and the Canada Act 1982 are British Statutes, there is definitely a precise procedure for giving Royal Assent and it's called *The Royal Assent Act*. The current British one is called *The Royal Assent Act 1967* (as updated from time to time) and I suggest you check this out. Since the B.C. Lieutenant Governor is subject to the British Monarch as is the Governor General by way of their Oath of Allegiance and the wording of the Royal Proclamation 1982, the Lt. Gov. receives his/her authority from the Gov. Gen. through a swearing-in ceremony. I could not find a B.C. Royal Assent Act, therefore, I have to conclude that the Lt. Gov. is governed by and subject to the Federal Royal Assent Act as she/he is just the representative/agent of the Gov. Gen. Here is what Iona Campagnolo had to say on that subject: "My salary is paid by the Federal Government" therefore, the Lt. Gov. is governed by the Federal Royal Assent Act. **No written Royal Assent = no legal Enactment.** Is it not a fact that Elizabeth the Second came to Canada to sign the Royal Proclamation of 1982 publicly? Why did she just nod or lift a hand to signify Royal Assent?

One of the conventions of Royal Assent that continues to be observed in Canadian Assemblies is the manner in which the Lieutenant-Governor will signify the Queen's Assent to legislation passed by the Legislative Assembly. After entering the Chamber and taking her place on the Throne, the titles of the Acts that have received third reading are presented to the Lieutenant Governor. After the titles of the Acts have been read out loud, the Lieutenant Governor will nod or incline her head. The Queen's Assent is then communicated to the Assembly by the Clerk or delegate, in the following words: "In Her Majesty's name, Her Honour, the Lieutenant Governor doth assent to these Acts." Since I find this explanation complete nonsense and objectionable on the grounds that it is not lawful or legal (see above on Royal Assent), I will not accept any such "signification" of any legislation without evidence of an Enactment that waives this requirement. Your excuse is without any merit whatsoever. Without that, it's just hearsay and no evidence at all. Was it not Iona Campagnolo who once said that the Lt. Gov "is required to sign all state documents in the name of the people to render them into law" The Lt. Gov. acts as a Chief Executive Officer. see attachments.

The nod to signify Royal Assent has its origins

(while that may be, the British Parliament decided to legislate the Royal Assent

with the British Crown when the Sovereign attended Parliament and gave Royal Assent in person. The manner in which Royal Assent was communicated was wholly within the Royal Prerogative of the British Monarch. The Monarch would communicate his or her approval of legislative measures through a nod or a hand gesture. It is at this moment that the Bills become law and comes into force unless the Bills provide another date on which they are to come into force.

It appears that your statements may be ill researched or misleading)

This practice of nodding consent continues to be followed in the modern context and serves as a reminder of the historical roots of our parliamentary system of government and the powers of the British Crown.

If that's the case, then why is there a Federal Royal Assent Act? Why is there a British Royal Assent Act? What makes the B.C. Legislative Procedure so unique that it doesn't have to comply with British/Canadian law. I suggest that you read the British Canada Act 1982 carefully. All British Enactments AFTER 1982 have no force or effect in Canada. Here is what it says in Section 2: "No Act of the Parliament of the United Kingdom passed after the Constitution Act, 1982 comes into force shall extend to Canada as part of its law".

The last time that a British Monarch granted Royal Assent in person in Great Britain was on August 12, 1854, under the reign of Victoria (relevance?). While the practice and wording used may vary somewhat in other Canadian Assemblies, the Queen's Assent, has always been communicated in this manner and forms part of the conventions of Royal Assent.

In the final analysis, the BNA ACT 1867's enacting clause and Section 2 of the same Act were repealed by the British Statutes Revision Act 1893, the fundamental aspect of the legislation was stripped of its legality, rendering it void and of no force or effect. I refer you to Halsbury's Laws Of England for a discussion on the constituent parts of the Acts of Parliament. No enacting clause, no law, period. The Coronation Oath of Elizabeth the Second is clear in that she vowed to govern Canada "according to their respective laws and customs...the things which I have here before promised, I will perform and keep." Refer to the Coronation Oath in its entirety. As all public officials and officers of the Crown have sworn an Oath of Allegiance, acting in a manner contrary to Her Majesty's Coronation Oath may be considered bringing her Oath into disrepute and dishonour.

Peace and kind regards.

Casey

Pursuant to section 3 of the *Queen's Printer Act*, the Clerk provides to the Queen's Printer a certified copy of each Act of the Legislature as soon as the Act has received royal assent, or, if a Bill has been reserved, as soon as assent has been signified in accordance with the *Constitution Act, 1867*.

Most of the Acts that you refer to have been amended many times, and often under an omnibus bill (eg. Miscellaneous Statutes Amendment Act (No. 2), 2019, which included amendments to the *Provincial Court Act*). There are two options available to you:

1. Obtain official copies from the Queen's Printer

In British Columbia, the official versions of Acts are the official print versions of the Acts published by the Queen's Printer under the authority of the *Queen's Printer Act*. Official versions of Acts are published in the following formats and are available from Crown Publications, Queen's Printer at [www.crownpub.bc.ca](http://www.crownpub.bc.ca):

- Annual Bound Statutes: a hardcover publication containing all new public and private Acts and Amendments Acts that have come into force during the calendar year.

- Statute Consolidations: a loose-leaf publication, containing all new public Acts and amendments enacted during a legislative session, that is an Act with amendments blended into the original.

2. If you would still prefer to receive certified copies of the Acts, we will need to retrieve the original Act and all the Amending Acts that have subsequently amended the Act.

Attached is an extract from the *Miscellaneous Statutes Amendment Act (No. 2), 2019* that was passed this session. This Act includes amendments to the *Provincial Court Act* (sections 8-11). You will see the enacting clause on the bill and that it has been certified correct as reported, certified that it has passed third reading, and that it bears the certified Royal Assent stamp "Certified pursuant to section 5 of the *Constitution Act*, Chapter 66, Revised Statutes of British Columbia, 1996 assented to by the Lieutenant Governor on the 31<sup>st</sup> day of October, 2019".

Many of these Acts and amending Acts may be offsite. Omnibus bills can be short or 36 or more pages (eg. attached extract from *Miscellaneous Statutes Amendment Act (No. 2), 2019*). Also, it is the complete Act that will be certified by the Clerk; not extracts of an Act.

Going through the tables of changes for the Acts you are requesting and retrieving each Act that amended them will require a substantial amount of time. It will likely be the end January 2020 before we are in a position to get back to you.

We are unable to calculate costs until the requested documents have been gathered and photocopied. The invoice will include copies at \$.50 per page and fees for retrieving and returning documents stored offsite are approximately \$24 per box. Given the possible date ranges and amount of Amending Acts, we could be looking at 40 or more boxes. For example, the *Provincial Court Act* has been amended by at least 9 Acts.

After receiving the information above, please confirm whether you would like to proceed with the certified copy option.

Kind regards,

Office of the Clerk

**From:** Casey, December 07, 2019 11:17 AM  
**To:** Clerks of BC Legislative Assembly <[ClerkHouse@leg.bc.ca](mailto:ClerkHouse@leg.bc.ca)>  
**Subject:** Provincial Acts and Royal Assent  
**Importance:** High

good day.

I have an additional request: please send me the following in addition to the below:

certified copy of the Provincial Court Act (first five pages only) and related signed, written declaration of its Royal Assent and

certified copy of the Supreme Court Act (first five pages only) and related signed, written declaration of its Royal Assent and

certified copy of the Royal Assent Act and related signed, written declaration of its Royal Assent

as always, please let me know the aggregate cost of sending me each item

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**From:** "Casey"

**To:** Clerks of BC Legislative Assembly" <[clerkhouse@leg.bc.ca](mailto:clerkhouse@leg.bc.ca)>  
**Sent:** Monday, December 2, 2019 11:33:08 AM  
**Subject:** royal assent

Good day, Rebecca Staffanson, House Documents Manager

Persuant to the B.C. Interpretations Act, it has come to my attention that every Enactment shall have an enacting clause and also, according to the official website of the B.C. Government, every Enactment must have "Royal Assent".

Would you kindly provide me with a certified copy of the signed, written declaration of the Royal Assent to the following Enactments, of which you have already kindly supplied me with certified copies:

- 1) Interpretation Act Chapter 238 (it does not have any notation as to the date of "Assent")
- 2) Clean Energy Act Chapter 22 (has notation that it was assented to June 3, 2010)
- 3) Hydro and Power Authority Act Chapter 212 (it does not have any notation as to the date of "Assent")

- 4) Utilities Commission Act Chapter 473 (it does not have any notation as to the date of "Assent")
- 5) Legal Professions Act Chapter 9 (has notation that it was assented to May 13, 1998)
- 6) Business Practices and Consumer Protection Act Chapter 2 (has notation that it was assented to March 31, 2004)
- 7) Business Corporations Act Chapter 57 (has notation that it was assented to October 31, 2002)
- 8) Motor Vehicle Act Chapter 318 (it does not have any notation as to the date of "Assent")

Please advise me of the cost of these declarations and i will forward payment immediately. Please also let me know if such documents are not in existence or if they are, where i might find them.

Thank you for your kind attention to this matter.

Regards.

Casey



# EXHIBIT K PART 4



## Governor General

### Governor General

Biography

Speeches

Role and Responsibilities

A Modern Governor General

Insignias

Commander in Chief

State Visits

Former Governors General

Congratulatory Messages

Submitting a proposal for vice-regal patronage

Jean-Daniel Lafond

La Citadelle

Rideau Hall

The Office

Quick Search:

## Role and Responsibilities of the Governor General

The Office of the Governor General, Canada's oldest continuing institution, is a thread that ties Canadians together. From Samuel de Champlain in 1608 to Viscount Monck in 1867 to Vincent Massey in 1952 to today's Governor General, the institution of Governor General dates back nearly 400 years.

### What is the Governor General's position in Government?

Canada is a parliamentary democracy and a constitutional monarchy. This means Canadians recognize The Queen as our Head of State. Canada's Governor General carries out Her Majesty's duties in Canada on a daily basis and is Canada's de facto Head of State.

Like many other democracies, Canada has clearly defined the difference between the Head of State and Head of Government.

### The Governor General

- represents The Queen who is the Head of State
- is appointed by The Queen on the advice of Canada's Prime Minister

### The Prime Minister

- is the Head of Government
- is the leader of the party with the most support in Parliament

### What does the Governor General do?

The Governor General's role is built on four major themes:

- Representing the Crown in Canada
- Representing Canadians and Promoting our Sovereignty
- Celebrating Excellence
- Bringing Canadians together

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## EXHIBIT J

Extract from GOVERNOR GENERAL'S web site.  
[http://www.gg.ca/osgg-bsgg/parl/osgg-bsgg-04\\_e.asp](http://www.gg.ca/osgg-bsgg/parl/osgg-bsgg-04_e.asp)

### GOVERNOR GENERAL'S FUNCTIONS

- \* THE GOVERNOR GENERAL, PARLIAMENT AND THE JUDICIARY ARE THE THREE COORDINATE BODIES THAT FORM THE FOUNDATION OF OUR DEMOCRATIC SYSTEM IN CANADA.
- \* **THE GOVERNOR GENERAL IS THE DE-FACTO HEAD OF STATE**, AS WELL AS COMMANDER-IN-CHIEF OF THE CANADIAN FORCES. IN THESE CAPACITIES, THE GOVERNOR GENERAL CARRIES OUT CONSTITUTIONAL AND STATE RESPONSIBILITIES AND UPHOLDS AND PROMOTES CANADIAN VALUES AT HOME AND ABROAD.
- \* AS COMMANDER-IN-CHIEF THE GOVERNOR GENERAL PERFORMS AN EXTREMELY POTENT SYMBOLIC ROLE IN BUILDING PRIDE AND MORALE AMONG THE TROOPS AND CANADIANS AT LARGE.
- \* FOR EXAMPLE, THE GOVERNOR GENERAL:
  - \* VISITS CANADIAN FORCES IN CONFLICT ZONES, SUCH AS KOSOVO, BOSNIA AND AFGHANISTAN;
  - \* REPRESENTS CANADIANS AT MEMORIAL SERVICES AND FUNERALS FOR FALLEN MILITARY PERSONNEL;
- \* THE GOVERNOR GENERAL ALSO FULFILLS IMPORTANT TRADITIONAL ROLES RELATED TO BRINGING CANADIANS TOGETHER.

*Handwritten signatures and initials at the bottom of the page.*

## Exhibit K part 1

**British Columbia Teachers' Institute on  
Parliamentary Democracy Ceremony and Dinner**

**Government House, Victoria BC  
April 26, 2007**

HAdC: Lieutenant Commander (N) Nord Mensah.

Mr. Speaker; respected Teachers from across British Columbia and our guest from Washington State; Facilitators and Educators:

It is a delight to welcome you to this Ceremonial Home of ALL British Columbians this evening and to this commendable initiative of Mr. Speaker Bill Barisoff. As I am coming to the end of my term as B.C.'s Lieutenant Governor, this evening gives me an opportunity to thank so many of you for the warmth of hospitality that I have enjoyed while visiting Elementary, Middle and Secondary Schools, both public and private, throughout the Province. As this is your 'Parliamentary' visit, I am aware that you have been absorbing some of the various fine points of our Parliamentary Democracy. Now it is time to speak of our Constitutional Monarchy that is the 'other half' of our governance model. It is my job to speak to you of The Crown, in relation to our distinctly Canadian practices of governance.

The history and operations of this Office and of Government House as an institution within the Canadian governance system is just recently capsulated in a new book, titled *Government House: The Ceremonial Home of All British Columbians*, as released on the anniversary two weeks ago of the 1957 fire that destroyed a previous Government House and for sale at Munro's, Bolen's, Tanner's and Ivy's Books. The Constitution of Canada sets out principles as a foundation for our national stability and generally cannot be changed without the agreement of at least seven Provinces! In 1982, when Canada patriated our Constitution from Great Britain (although the British had begged us to receive it since 1929!) the succeeding Constitution Act of 1982 contained a Charter of Rights and Freedoms, that just a few days ago celebrated a 25th anniversary. The political exercise of that historic inclusion was deemed so difficult and so 'heroic' that further progress on rights-bearing seems unlikely for at least another generation.

The present Canadian Constitution remains a model in some parts of the world, making most of us proud that it has subsequently been used as a template for emerging Democracies such as the new South Africa, Ukraine and Vietnam, each one of them extending the freedoms that we support and prize. Canada functions differently than countries we might be thought to resemble, Australia or New Zealand for example. Even our closest neighbour the United States, that formulated its Constitution a century before us, has a different perspective than we do, such as addressing the right to seek 'Life, Liberty and the Pursuit of Happiness' over our more mundane but typically Canadian search for 'Peace, Order and Good Government'! It is said of our two peoples that while an American will always prefer Liberty above all else, a Canadian will invariably choose "ORDER" over Liberty!

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As Head of State, I have the same mandate as Her Majesty, Queen Elizabeth, the Queen of Canada; that is to say, apart from a single reserve power to sustain democratic governance ... NONE! Canada is an autonomous and fully sovereign Nation, but our national destiny remains firmly in the hands of the men and women who are the electors in our free society. Queen Elizabeth Herself has stated that 'a Monarch is not a Person, but a Symbol.' The job of the Crown Representative is 'to symbolize the Democratic State.' As our Queen, Her Majesty symbolizes the Rule of Law, under which we choose to live together as a people, and we who are Her temporary Representatives during our usual five year terms are designated to do the same thing, whether as Governors General, Lieutenant Governors and Commissioners of the three Canadian Territories.

Most political observers consider it to be the genius or the folly, depending on your point of view, in the work of the two main drafters of our original Constitution, Sir John A. MacDonald and Louis Joseph Papineau, that two separate Crowns were created to maintain a strategic balance of power between co-sovereign Federal and Provincial Orders of Government (in addition to historic division between Government and State). Our 10 Founding Fathers were predominantly Scottish and so extremely cautious in the distribution of too much power in any one Order of Government. This fact gave birth to the great Canadian question: Is it a Federal or Provincial responsibility?

**Thus Her Majesty is our Head of State, while the Governor General is the defacto Head of State, and neither is in command of Provincial or Territorial jurisdiction! Thus each defacto Representative of the Head of State for our jurisdictions embodies the sovereignty of our own areas of responsibility.** My salary is paid by the Federal Government; expenses of the office in Victoria, with the maintenance of Government House and its 14.6 Hectares of Gardens and Woodlands, are sustained by the Province. In general out-of-Capital costs, travels throughout the Province and so on, are bourn by the Federal Government.

**As an appointed Lieutenant Governor I have three major areas of responsibility to fulfill: Ceremonial, Constitutional and Social.** We lead Ceremonial processes: Proroguing and Opening the Legislature, reading the Government's Speech from the Throne, and giving Royal Assent, that some people consider anachronistic. Except that those ceremonies remind Legislators that there is a higher responsibility than simple Partisanship, when engaged in the processes of governance: that they must always reach beyond politics as Governments to 'Govern' and serve the interests all the people. In terms of the Constitution, except where legally defined, an appointed L.G. is obliged to concur with democratically elected government's Policy Decision-making. **A Head of State however is the CEO of the Province and is required to sign all state documents in the name of the People to render them into Law.**

If an elected government for whatever reason fails to function, then the residual powers of the Vice-Regal Offices facilitate continuance of the democratically elected system, in absolute confidentiality and privacy. In fact, this Office is sometimes described as a Constitutional "Fail Safe" or "Fire-Hose" device! Each of those of us assigned to these 14 Offices in Canada exercise time honoured and very explicit residual prerogatives: the right to be consulted, to advise, to encourage and to warn (all of which must also be carried out confidentially and without public comment). We are, in addition, Stewards of Government House and Grounds and all its precious heritage, designed to protect the patrimony established through generations as a legacy to all the citizens of this Province.

There is no doubt that Government House and Grounds in British Columbia are among the most impressive in the country, with some Provinces having lost their Ceremonial Homes due to politics and other circumstances over time. In my case and that of my 26 predecessors and, no





doubt, uncounted successors, I trust that we will continue to be aided by the unique initiative of Dr. David Lam, who as L.G. in the 1990s assembled an ongoing army of some 400 volunteers, 250 of who are our inspired gardeners in the 22 Garden sites of this estate. Others provide House Tours, Archival, Photography and Floral Design support, earning the gratitude of successive L.G.s and citizens! Without that volunteer force, the institution that you see here would not be the proud edifice it is!

As temporary Heads of State, we are Custodians also of our Constitutional Monarchy; our terms generally average out at about six years. When I leave this Office it will be with profound admiration for the people of our Province and for the institutions of our society, including the ongoing usefulness of this Office as a buttress beyond partisan politics, capable of strengthening and enhancing the Civil Society on which much of our way of life depends. We not only award the Honours, we recognize, acknowledge and thank as many of those individuals who are critical to the 'Peace, Order and Good Governance' of this fortunate Province as possible.

We welcome frequent School Tours here, the Grounds are open and free of charge every day from sun up to sundown and if you would like to keep track of my progress and public speeches which I write personally, please check out our extensive website at [www.ltgov.bc.ca](http://www.ltgov.bc.ca), including Youth and Student pages. I have spent many happy hours with some of you and your colleagues and with the children who you work to equip to make their way in our society. You set them on course for a world that most of us will not see. There are few occupations (short of being a parent of course) that the trust of your profession and the integrity of being an example to those you lead. Unlike parents however, your children never grow up! We know and respect your commitment to the future of this Province and this Country and in the name of the people of British Columbia, as their Crown Representative, I thank you!

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“There is a crack in everything, that’s how the light gets in.” Leonard Cohen

N.B.: all images obtained from Wikipedia.com.

©Casey, January 27, 2020