

Unraveling a little of the TRUTH that shall help to set you Free:

You are a natural being, born of natural parents. Your parents "gave" you a natural name, then they unwittingly "granted" by means of commercial exchange (*a legal contract*), a duplicate version of that same name to the province. This duplicate "name" was also created by your parents, thus it was their private property, to do with as they desired.

Subsequently, because they did not know of exactly what they had done, and because therefore they were unable to properly explain to you what they had done (*because much of what they had done was induced upon them by trickery*), you unwittingly pretended to be that duplicate name, or pretended that you could be identified by that duplicate name, every time you allowed yourself to be identified by it, and or every time you effectively operated as it, by acting or behaving as if you were it, or could be identified by it.

Your copy of the birth certificate is not a contract, it is merely a copy of a receipt, evidencing the irrevocable gift (*grant*) of THEIR name made by your parents. They created/made that duplicate name, thus they had the right to grant it to whoever, or whatever "state" they desired. You do not qualify to hold an original receipt, because you were not a party to the original contract, nor did you make the original grant – they did.

They willingly made a legal transaction and reversing any legal transaction is subject to statute limitations – in other words, just because I have a receipt for my car, does not entitle me to go back to the dealer after 30 years and say, "I made a mistake, here is your car, give me my money back." Such a notion surely is even less realistic, if I were thinking of trying to undo a contract that I was not even a party to.

Likewise with the name. In order to even attempt to reverse that apparent mistaken transaction, your parents (*and only your parents – not you*) would have to assemble evidence that they have the ability to return all previously claimed benefits – benefits they arguably "accepted", thus ratifying the subject contract, but even if they could prove what those benefits were (*which we doubt*), and then if they could establish capacity to return them, the other side is not under any obligation to accept a return of those benefits that have been paid in good faith, nor are they obligated to return that which they have legally purchased and paid for in good faith, – the duplicate corporate name.

Alternatively, your parents would have to prove that they had been tricked, or fraudulently induced into exchanging their duplicate artificial name for the alleged state benefits. The problem with this approach is simple. The duplicate name was created by your parents at no actual or contingent cost to them. Your

parents exchanged that “free” duplicate name for good and valuable consideration, which they actually received, and benefited from, perhaps one might even argue, unjustly.

Subsequently, your parents have never been obligated directly or indirectly to give, or to provide anything further in consideration of the actual benefits they have received, and perhaps continue to receive, thus technically, “they” have not been defrauded of anything. In fact it could be argued that they received significant real value for something that actually cost them nothing.

Therefore the birth certificate that you hold does not constitute a trust, nor did the prior gift made by your parents by the registration of your birth, create one. You, by your active behavior, create a *de facto* trust, in and of the name that never was, or never has been yours.

They do not orchestrate your behavior, you alone do that – voluntarily, albeit, unwittingly. Remember, you are exercising your right of self-determination. Fortunately, there is always a way to correct a mistake, but first everyone must recognize, accept, and comprehend what the mistake was, how it happened, who committed it, why it has gone unnoticed until now, who benefited, and how the mistake can be repaired, or at least prevented from recurring.

We were created to govern ourselves, and we were appointed a lineage of kings & queens that acknowledge that aspect of our creation. Apparently we have an inherent right to “self-determination”. What this really means, is that whatever we determine to do, is perceived by others, as being done by our own free will. This perception also applies to those things that we mistakenly do, or that we have been tricked into doing.

Mistake number one, performed within the parameters of self-determination, was made by your parents, when they were tricked into creating a duplicate of your natural name. Yet even that trick did not directly defraud them of anything, because as we have previously said, they received significant benefits for having freely created and given up that duplicate name.

This duplicate version of your name is interesting, inasmuch as it is not directly associated with any natural or living being, and must therefore by process of elimination and simple deduction, then be limited to being an artificial creation, or at best, an actual paper creation, that exists on paper as a corporate entity only.

Here is where mistake number two originates. Because of your parents' misunderstanding of what they had done, you also misunderstood their actions. You also mistakenly believed that the duplicate name they sold to the state, was actually somehow still “your” name.

Thus by this mistake of yours, you have committed two serious offenses. First you unwittingly dishonored your parents by abandoning that natural name that they gave you at birth. Second, you unwittingly, commenced behaving "as if" you were that duplicate artificial corporate name that belongs to someone else.

You "applied" (*also known as asked, begged, pleaded, requested, etc.*) for a social insurance number, which effectively is asking permission to "operate" their registered name for commercial purposes. Then you "applied" for various forms of permissions, licenses and other identity documents, all again confirming your intent to carry out or conduct certain activity "in" their registered name; and agreeing to "act", "as" their registered name, and confirming your desire to be recognized "as", or identified "as" their registered name, and to accept all legal and financial obligations for and on behalf of, and as if you were, their registered name.

Thus by mistakenly acting as if you were that name that belongs to the state (*actually the Bar Association via the banks, but we will explain this later*), you unwittingly forfeited by your own apparent self-determination, those gifts of your natural birthright, your inheritance, the value of your productivity, and even your natural name, to the benefit of the owner of that artificial duplicate name.

So you do not need, to "identify" with that name. For example, I am me, here I am, this is who you see, and who you see is how you identify me - I cannot identify me to you - you must do that either by yourself, or for yourself with the aid of others (*explained later*).

We have all been tricked into doing everything in reverse. When you see a duck, you identify it as a duck, by how it appears to YOU, not by how it appears to itself. The duck, like any individual, inherently knows who or what it is, it has no need to identify itself to itself. "Identity", is truly only that inherent comprehension which is achieved in and by the mind of the party making the identification of something, or someone, outside of him or herself.

"I am who I am", and I stand before you as I am, therefore you are the only one that can identify me, to you. Because YOU, see me, just as you see a duck, and are therefore able to identify "it", or "me", because YOU, see it or me. Now you may be able to do this with knowledge or familiarity of me, or with the knowledge that comes from two witnesses that are able to point to me with a certain degree of familiarity, but it is only YOU, that can accept your identification of me, whether made entirely by yourself, or with the help of those witnesses.

However, if you ask me to identify myself, you are mistaken in how identity works. This is why in "law", identity of a perpetrator, is accomplished by asking witnesses to "point" out the party, not to "name" the party. If I claim to be a name, then it is I that am mistaken, because I cannot be a name, I can only be me. Likewise a witness cannot be relied upon to have seen or known a "name", anymore than they could be asked to point out a name in a crowd of people.

Furthermore, neither you nor I have the power or the authority to un-grant, or to un-give, that which was given away by our parents - the name - the name we have mistakenly pretended to still have, or to still hold claim to, or to still be called, or claim to still "be". Therefore, if I am to allow myself to be identified truly as the me that I am, then I must stop allowing myself to be identified as, or by that name which is not even mine.

I must distance myself from that mistake and terminate any association with it. That artificial duplicate corporate name is very legally real, and it is a permanently fatal error, inasmuch as we are actually defrauding ourselves when we pretend we can be identified by it, or even by any reference to it. I, like you, can only be identified by another party, or by witness(es) that can stipulate that I, or you, are the individual man or woman that he or she is identifying.

The office of vital statistics does not "record" your name, like the priests or pastors formerly did in the local church Bibles. They unwittingly administer a "transaction", crafted by lawyers working under the guise and direction of clever bank owners, resulting in a commercial exchange, or, a grant of a name, in consideration of non-specific benefits, perhaps including the illusion of having the name officially recorded for them.

This exchange then generates what in law is referred to as the titled ownership of all equitable and legal rights, title and interest in that name, and transfers those rights to the province in right of her majesty, thus everything anyone, including you or I may do, or may produce in that name, belongs to the province, in right of her majesty.

So, the statement of live birth was only an instrument giving rise to an agreement of purchase and sale of a thing called a "name", and specified as a particular corporate name by the acknowledged spelling. The birth certificate is merely an after-issue receipt. That certified copy is held by a third party, evidencing that the original sale was consummated. That sale had absolutely nothing at all to do with any assets other than the specific artificial "name" - the sale did not include any ownership or entitlement to birthrights or inheritances, regardless of who holds the duplicate receipt (BC).

We have forgotten our first law. In exercising our own self-determination, we have given away our natural rights, in favor of the artificial rights associated with the artificial duplicate name, because we have chosen to pretend to be that artificial "duplicate" name. We are not even pretending to be an artificial "person", merely an artificial "name" (*which pretense in itself entirely creates the person*)!

Think of the ducks. The ducks are born free with their inheritance, so are we. We have also chosen with some more unwitting deliberation, to enable a government of ourselves, ostensibly by ourselves, to have authority to delegate authority over us, and to have authority over all of our natural resources.

Our government is not holding "our" names - they are holding "their" names, that formerly belonged to your parents, never to you, so never was yours. They have legal title to a legal fiction (*corporate*) name - that is not you, nor was it, or is it your name - it is very simply just another "corporation" registered in the government's name. You are still a man or a woman that may be recognized by a name called John or Mary, but that name you are recognized by, IS associated with you, inasmuch as you respond to it, and others that know you, know that you respond to it. It just happens to look and sound the same, but it is vastly different than the legal name that is owned by the government as proxy for the Bar Association via the banks.

There is one natural you, and you are entitled to your one true natural name, just like there is one natural Creator, and He declares that His natural name is Yahweh. Now someone else could elect to call themselves Yahweh, but that does not make that someone else into the One Creator. Nor does calling a "legal person" by your name, make that legal person into you. Only you can "act", or pretend to be that legal person, regardless of what "name" it is associated with, or what name you are called by.

Thus it is not a matter of who owns or claims to own the legal name, that is obvious - that party which contractually purchased it for good and valuable consideration from your parents, is in fact and in deed, the legal owner, and always will be. That does not give them as owner of that name any rights, title or interest in you the natural man or woman, or in your inheritance or birthright, or in the natural name you use, because neither you, nor your birthrights, nor inheritance, nor your natural name, were ever a part of that transaction between your parents and our government.

It (*the transaction*) simply happens to have created a convenient manner by which you were subsequently tricked by the lawyers via their puppet banksters into acting as if you were THAT legal name, instead of simply being you with your natural name, thus resulting in you unwittingly giving the owner of that

corporate name, all of your productivity, all of your inheritance and all of your birthright - at least so long as you continue to pretend to be "their" name, which pretense precludes you from actually being you.

The "person" is a creation of YOU - created BY you, when and if, and only when and if you "act" as if you are their artificial, duplicate, corporate name. Seeing that an artificial name cannot be real in the sense that such may not possess its own conscience or ability of volition (*like any corporation*), neither can the individual that is "acting" as if he or she were "it", be completely real either, only considered to be an "actor", a.k.a., a "person" - the key is to comprehend that we must stop acting "as if" we were "their" name, because that behavior creates their "person". We terminate the person by stopping all activity in "their" name.

Doing so does not preclude us from actually being ourselves and operating in our "own" name, even if our own name is identical to their contractually owned version of it. When we know the difference, we can act accordingly - the quest will arise from getting them - the rest of us, who are us, acting as our government administrators, to comprehend the difference.

We do not need to fight to let them retain what they have legally bought and paid for, and we certainly do not need or want to fight to take it away from them. In truth, we do not want anything at all to do with "their" name, which never was ours anyway, all we really want, is to stop our mistaken behavior, which has been that we have until now, acted "as if" we were that name, when in fact we were NOT "THAT" name, neither are we "OUR" name, we are simply us. You, are you, and you are an individual human being (*man or woman*) called by your natural name given to you by your natural parents, and by coincidence, your parents also sold a completely separate duplicate "name" - something they simply made up and committed to a piece of paper, to the state.

Thus that duplicate name only exists as a piece of paper, and in that paper form only, it happens to be identical to the natural name you use. The "paper" name that your parents sold to our government on behalf of the Bar via the banks, has no power, no authority, no nothing, except the legal right to be beneficiary to everything any living individual may choose to do, or to offer to do, in its name or for its name.

You, as you, AND your natural name, which is yours, are all that is of value. They can have the "empty" paper name; that name that is associated with and becomes an empty fiction paper "person", when a living individual acts as if he or she were it, and they can do whatever they wish with it, because without you pretending to be it, it has no value at all.

The alleged "person" only comes into existence and has potential value, so long as you are behaving "as if" you, a real live human being, were the "name", thus unwittingly conferring your natural capacity to it – thus, "it" plus "you" operating "it" = a "person", and they own "it", therefore they own whatever is done by you "as" it.

This reality applies to all corporate entities – simply read the rules of incorporation in any province or state to confirm that a registered company, is deemed in law to be a "legal person, enjoying all of the rights and benefits of that legal person", by virtue of the name being operated by a living individual (*director, or officer, etc.*), otherwise it is simply a dormant "registered name", or "shelf" company.

They do not own you, nor do they own your natural name, nor do they own your birthright or your inheritance, or your productivity, until YOU give it to them! They only own "it" the name - and "it", truly owns nothing other than what YOU "give" it. What your parents gave to you - your natural name, is yours and always will be - no-one can un-give something, but you can dishonor their gift, by pretending to be the secondary "it" that your parents unwittingly created and sold for a price.

Here may be a good place to take a break and read our companion article, entitled: Supremacy of God & Rule of Law (<http://www.naturalgod.com/Rule%20of%20Law.pdf>) found on our "Library" page: (<http://www.naturalgod.com/library.html>) of: www.naturalgod.com

We have been duped by ourselves into being governed by a bunch of ourselves – and we are a bunch of idiots, because while we were pretending to govern ourselves, we were first pretending to be a bunch of artificial names that were not even owned by ourselves. Then, much worse than that, we allowed "Law" to step in and be our *de facto*, if not actual Ruler – we live under the rule of Law, regardless of what we call our system of alleged democratic self-governance.

First we must comprehend the significance that the government is "our" government – IT IS US – THERE AIN'T NO ONE HERE BUT US PEOPLE! Unfortunately, almost none of us, including most of us that happen to be our government administrators, are aware of what the problem is, or that a mistake of this magnitude has been made, and certainly none, or at least very few of us, including our government, even know that we are under the rule of LAW.

So who is entitled to remedy? Well, who can establish a valid claim. This eliminates our parents, for they benefited much from the transaction they entered into, almost to a degree that could arguably be deemed unjustly so. So have we, the children been defrauded, because we have been tricked into

behaving as if we were a name that our parents invented and sold to someone else?

Perhaps, but we must still prove a claim. Theoretically, each of us is a joint beneficiary of all things collectively owned by "us" in the form of our government, so if we are claiming against our government, we are essentially claiming an administrative error, inasmuch as we are our government, therefore any alleged lack or deprivation of individual entitlement, could only be an administrative oversight, not theft or conversion, since "we" being all of the collective individuals that are our government, still own what we as the collective may have allegedly converted, or what we as individuals may not yet have collected, but are entitled to.

Its not so much that the government must know who is entitled, because the government IS US, it is US that must first know we are entitled, then we, as our government will obviously also know, and then everyone of us, including our government, will be ready to work toward fixing the main big mistake, which was not a conversion of our inheritance, or a forfeiture of our entitlements, but rather an usurpation of our authority and natural right to self-determination.

We, via ourselves operating as our government, have unwittingly allowed the elite members of the Bar Association to place us all under the rule of THEIR Law! We have by our own actions, left ourselves with no right of self-determination because of this most misunderstand reality.

The province did not obtain you via the exchange they made with your parents, it only obtained the duplicate artificial name from them – a simple piece of paper, that like any other corporate entity, includes its own name and all things ever to be done in that name. "You" are still free, so long as you do not pretend to be associated with that corporate name that is their name - that name which is not your name, nor can it ever be.

It was never yours. It was first your parents' private property, then they by lawful right, granted it unto the province in right of her majesty. Thus you actually have no legal right or claim to it, and by acting - which is a legal form of "pretense", as if you have had such a claim, you have first defrauded yourself, and then all those around you.

We have heard it said that an infant cannot identify itself as a 'name', yet the state, acting as (*pretending*) to be "Child Welfare", will walk into a hospital and take an infant that hasn't even been 'given' a name by the parents yet. How does that happen?

Child Welfare does not operate under the rule of government, it operates like all of us and like the whole of our government does, under the rule of Law!

Therefore, it is US, you, I, and all of our friends and all of our government administrators that must join forces and work together to get out from under the rule of LAW. We must exercise our most fundamental natural right – that of self determination.

So long as this artificial corporation called Law has us divided, Law will continue to conquer. They – the Bar Association, have “us”, as in our government, fighting against “us”, as in most of the people, all of the time, so none of us, has ever stopped long enough to realize two extremely important factors: first we are our government and our government is us, and second, Law is our common enemy – the enemy of both us and our government (*which is us*). Law is the enemy of both “us” and of our “Government”, because we are all one and the same as far as Law is concerned.

We have forgotten the law of our Father, and we have lost the ability to live under that most natural of Law; His natural Law, because we have elected to allow the Bar to create an artificial form of law, which we have adopted to be our Ruler (*under their private administration of the Bar*).

So we must stop pretending to be their name, stop complaining about what “they” are doing wrong, stop denying that our problems begin within and are of our own making, and start acting as real men and woman again, – and start enjoying our freedom. This is not something that can be done easily within the self-designed limitations of “Law's” current legal system, however it is important that you know that this can be done, and will be done by exercising our natural right to self-determination – the right to choose not just our form of governance, but also our over-riding form of “ruler ship”, or “law” that governs our governance.

We must determine to exchange democratic governance under the rule of the Bar's artificial Law, for democratic governance under the rule of our Father's natural Law – where no men have any special or privilege authority. Check your history, and you will learn that this was the main thrust behind what the founding fathers of the US originally intended – they actually banned and barred all lawyers from being part of the original new colonies, but they did not enforce that edict, and subsequently, the Bar again took over and things have ended up as bad for us now, if not worse than what they had tried to escape from then.

You have always owned your birthright and your inheritance, and in this you remain no less complete than the duck. The difference is simple. The duck has always operated as a natural being – the duck. You have operated “as if” you were the un-natural (*or artificial*) “name”, (*thereby creating a person*) thus granting all of the results of your operational efforts to the legally registered

owner of that artificial name. (*"it" - the name, operated by you, results in the creation of a legal person.*)

If you read (*or re-read if you have already*) the legal brief prepared by the Ontario Landowners' Association (OLA) on Crown Grants (*included following this as separate appendix*), it may become clear that "our" governments are not empowered with authority to legislate laws that are superior to natural law as administered by the Crown and its agents, such as many municipal laws that they now pretend will supersede the Crown Grant.

Likewise our governments have no authority to legislate, much less enforce laws that usurp our natural rights as such rights are guaranteed to be protected under those same Crown Grants, and under our various constitutions, bills of rights, etc.. The government "acts" like they have authority, and we imply our consent, because we also "act" like they have that authority – since we have effectively given up our right of self determination.

Example:

ABC Industries Ltd. = Legally Registered *Name = Inactive corporate entity;

ABC Industries Ltd. + Chief Operating Officer (Director) = Active "Corporation"; Active "Operation" of registered name event confirmed in "application" to record Articles of Incorporation "to conduct business activity" and subsequent Annual Reports to continue "to conduct business activity", by "CEO/director/operator";

ABC Industries Ltd. Shareholder(s) = any other legally registered *name(s);

JOHN HENRY SMITH = Legally Registered *Name = Inactive corporate entity;

JOHN HENRY SMITH + John Henry Smith (Operator) = Active "Corporation"; Active "Operation" of registered *name event confirmed by "application" for S.I.N., being request for permission to Operate in and as the legally registered *name, and subsequent "application(s)" for various forms of "identification," as being requests for permission to be recognized and identified "as" the registered *name;

JOHN HENRY SMITH Shareholder(s) = Bar Association/Vatican c/o some province in right of Her Majesty;

Shareholder(s) of all legally registered *name(s) = Bar Association/Vatican c/o some province in right of Her Majesty;

***All legally registered *names = Collateral Security Pledged by all UN Member nations to** *World Bank/IMF and other global banking institutions operating as fronts for and on behalf of* **Bar Association/Vatican.**

Thus the Bar Association and or its incestuous Vatican affiliates, own 100% of all things done in all legally registered *names, whether “corporate” or so-called “personal”.

Unfortunately, everyone has been acting improperly for so long, that many are now convinced that this improper behavior is right, so the effort to correct this may well be more difficult than merely recognizing the primary problem – and must include the secondary associated problem which is that of an ignorant society, which ignorance extends even into and throughout our legislative and legal systems.

The recognition must first be inherent within we, the people – we being all of us including all of us that are our government and court administrators, because then all of us can dictate to our courts what we want them to do, regardless of what “Law” wants, because we have the right to terminate the rule of Law, but this will only happen if we collectively comprehend that this is required. We must accept the “Law” is also a legally registered (*corporate*) *name, and that name is controlled by the Bar, and the sole purpose of that name, is to provide a veil to hide the Bar's exclusive “rule” over all UN Member states and their respective citizens (*or at least all nations proclaiming to live under, or to respect the “rule of Law”*).

The natural right to self determination is not at risk of being lost, rather we are at risk of not being able to recover our right to enjoy it as our forefathers once did, simply because we have been tricked into not realizing we have chosen not to exercise our right – we see, but fail to perceive what is going on right before our eyes.

There are some of us people, that are currently involved in organizing an effort to share this information for educational and discussion purposes. Your comments, questions and concerns are welcomed in this regard.

This information and any information or documents referred to herein, does not constitute legal advice, nor shall it be so construed. Recipients of this information are strongly advised not to rely on the validity of any of this information nor to attempt to utilize any of this information or references made or implied herein as part of any actual or contemplated legal proceeding. If you have legal issues or concerns you should consult with a qualified professional for advice.



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**OLA Position Paper:
Municipal By-laws ©
June, 2012**

**A report created by the
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Municipal By-laws © June, 2011**

Under Section 92, subsection 8 of the British North America Act (BNA), the provinces have the authority to grant permission to the Municipalities to create by-laws. When Municipalities implement by-laws that are in conflict or frustrate Acts of Parliament, superior legislation, Crown contracts or Crown Grants/Letters Patent, the Council and staff can be found liable to tort action. This includes all members of staff, particularly, the by-law inspector, Clerks, CAOs, and Council, as it is function of these entities to know and understand the implication of all Acts and any conflicts/frustrations that may arise. Please note section 448.2 of the Municipal Act:

**PART XV
MUNICIPAL LIABILITY**

448.2

Liability for torts

(2) Subsection (1) does not relieve a municipality of liability to which it would otherwise be subject in respect of a tort committed by a member of council or an officer, employee or agent of the municipality or a person acting under the instructions of the officer, employee or agent. 2001, c. 25, s. 448 (2).¹

We would also like to draw your attention to Section 9, of the Municipal Act, ***Powers of a natural person***

9. A municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act. 2006, c. 32, Sched. A, s. 8.²

As a "person"³ has no right, title or interest in any private land/property/estate, in/on or to private land/property/estate, neither have the Municipalities, or the Counties, Provinces, etc., this includes personal property and real estate (land and buildings). As noted in the 1994 case of the *Attorney General of Ontario v. Rowntree Beach Association*, "*The Queen in right of Ontario has no right, title or interest in and to the lands described...*"⁴ Any claim that the Municipalities, Counties, Provinces, etc., feel that they have can be deemed as Trespass of Chattel:

"Trespass of Chattel occurs when the tortfeasor intentionally deprives or interferes with the chattel owner's possession or exclusive use of personal property. The tortfeasor's possession or interference must be unauthorized, which means that the owner cannot have consented.

¹ Municipal Act http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_01m25_e.htm#BK541, as of June 30, 2011

² Ibid.

³ Corporation: A legal entity created under the authority of a statute, which permits a groups of people, as shareholders, to apply to the government for an independent organization to be created, which then pursues set objectives, and is empowered with legal rights usually only reserved for individuals, such as to sue and be sued, own property, hire employees or loan and borrow money. June 28, 2011 Duhaime On-Line Legal Dictionary. <http://www.duhaime.org/LegalDictionary.aspx>

⁴ Ontario (Attorney General) v. Rowntree Beach Assn., 1994, Conclusion, Section [123]

*Dispossession: wrongfully taking away a person's property by force, trick of misuse of the law"*⁵

*"Intentional torts are any intentional acts that are reasonably foreseeable to cause harm to an individual, and that do so. Intentional torts have several subcategories, including torts against the person, including assault, battery, false imprisonment, intentional infliction of emotional distress, and fraud. Property torts involve any intentional interference with the property rights of the claimant(plaintiff). Those commonly recognized include trespass to land, trespass to chattels(personal property), and conversion."*⁶

*"Trenton (Town) v. B. W. Powers and Sons Ltd., [1969] S.C.R. 584
A judgment at trial granted a declaration that the respondent company was the owner of certain lands and ordered the appellant municipality to pay damages for trespass...The respondent's defence was that there was never any dedication of either piece of property by an individual or corporation who had title to do so."*⁷

The private property owner is protected by his/her patented rights as the Letters Patent are a Superior Act of Parliament and the Municipalities can be in violation of the Superior Act as well as a Crown Contract. To ensure that Municipal Representatives, including staff, are informed as to what is entailed in "property" we are supplying the definition used in *Manrell v. Canada*, 2003 Section 24-25.

"In Manrell v. Canada 2003, the Federal Court of Appeal adopted these words:

"Property is sometimes referred to as a bundle of rights. This simple metaphor provides one helpful way to explore the core concept. It reveals that property is not a thing, but a right, or better, a collection of rights (over things) enforceable against others. Explained another way, the term property signifies a set of relationships among people that concern claims to tangible and intangible items.

*"It is implicit in this notion of property that property must have or entail some exclusive right to make a claim against someone else."*⁸

If a neighbor of the privately owned property feels that he/she has been "put upon", it is for them to seek their own tort action, it is not for a municipality to abrogate from one neighbour's rights in deference of another neighbour. Please see Section 15 of the Charter:

"Equality Rights

Equality before and under law and equal protection and benefit of law

⁵ Tort and Personal Injury Law by William R. Buckley and Cathy J. Okrent, Chapter 6, p. 1888
⁶ Wikipedia the Free Encyclopedia, as of June 30, 2011 <http://en.wikipedia.org/wiki/Tort>

⁷ *Trenton (Town) v. B. W. Powers and Sons Ltd., [1969] S.C.R. 584 1:para 1*

⁸ *Manrell v. Canada 2003, the Federal Court of Appeal, Sections [24-25]*

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 discrimination⁹

"In political as in civil law, in the absence of any provision specially applicable to the subject, recourse must be had to the common law, to ascertain the relations between the government and the governed."¹⁰

"COMPARATIVE CONSTITUTIONAL LAW (U.S./CANADA/AUSTRALIA), 2009, Professor Helen Irving. "An appreciation of Canadian federalism requires a brief historic overview of the significance of the concept of "property and civil rights." The phrase includes all laws governing the relationships between individuals ...as opposed to the law which governs the relationship between citizens and government."

This is out side of the ability of the Municipality. It is also not for a Municipality or any other entity to create legislation, by-laws, regulations, infringements, conditions, etc., without the property owner's consent, as this is a violation of the property owner's absolute rights, as expressed in Rowland v. Edmonton.

"Supreme Court of Canada, Rowland v. Edmonton (City), (1915), 50 S.C.R. 520 Date: 1915-02-02

But it cannot be said and maintained that this man formally dedicated this piece of property and nobody can be deprived of his rights without his consent, or without the provisions of the law.

There is no consent proved and the law cannot be construed as depriving him of his right in connection therewith."¹¹

"Lands" which had been already granted by the Crown and were at the time of the Union vested in the grantees thereof, or in their heirs or assigns, cannot with any degree of propriety be said to have been lands "belonging to the several provinces of, &c., &c., at the Union,"¹²

"...its design as to "properties," as to every thing else which is appropriated to the use of the provinces and therefore placed under the legislative control of the provincial legislatures, is to specify those properties which being still, as before, vested in the Crown shall be under the *exclusive control* of the provincial legislatures."¹³

⁹ The Constitution Act, 1982.

¹⁰ Hon. Mr. Loranger, QC. at 605, Supreme Court of Canada, Mercer v. Attorney General for Ontario, 5 S.C.R. 538, Date: 1881-11-14

¹¹ Supreme Court of Canada, Rowland v. Edmonton (City), (1915), 50 S.C.R. 520 End Page: 532-33

¹² Gwynne, J., at 706, Supreme Court of Canada, Mercer v. Attorney General for Ontario, 5 S.C.R. 538, Date: 1881-11-14

¹³ Gwynne, J., at 702, Supreme Court of Canada, Mercer v. Attorney General for Ontario, 5 S.C.R. 538, Date: 1881-11-14

This is supported by Blackstone, in regards to Eminent Domain.:

"Eminent Domain. – So great moreover is the regard of the law for private property, that it will not authorize the least violation of it; no, not even for the general good of the whole community. If a new road, for instance, were to be made through the grounds of a private person, it might perhaps be extensively beneficial to the public; but the law permits no man, or set of men to do this without consent of the owner of the land... Besides the public good is in nothing more essentially interested, than in the protection of every individual's private rights..."¹⁴

In regards to the "Legislated Authority" for the Municipalities/Counties to make by-laws... Section 10 – 12 of the Municipal Act, this is granted through Section 92 subsection 8 of the BNA, where the province has the authority to grant Municipal Institutions the right to make by-laws. It would seem, their authority to create Letters Patent to incorporate a new municipality and the authority to create contracts with the Municipalities (92 (16) BNA), is the limited authority the Province has in regards to the Municipalities. That being said, the province has left the Municipalities/Counties to create by-laws, knowing that these types of by-laws cannot be up-held in the courts, leaving the Municipalities/Counties (staff, Council) open to "Torts" (Law Suits). If the Province was legally able to create legislation, in regards to these issues, it would have...we direct you to Section 14 of the Municipal Act.

Conflict between by-law and statutes, etc.

- 14. (1) A by-law is without effect to the extent of any conflict with,***
(a) *a provincial or federal Act or a regulation made under such an Act; or*
(b) *an instrument of a legislative nature, including an order, licence or approval, made or issued under a provincial or federal Act or regulation. 2001, c. 25, s. 14.*

Same

(2) Without restricting the generality of subsection (1), there is a conflict between a by-law of a municipality and an Act, regulation or instrument described in that subsection if the by-law frustrates the purpose of the Act, regulation or instrument. 2006, c. 32, Sched. A, s. 10.¹⁵

"16. Generally all Matters of a merely local or private Nature in the Province."¹⁶

(local and private nature are the "private nature" to the province, this does not include any private interests not of the province, see section 109 BNA.)

"Whatever may have originally been the importance more or less great of their general relations, the idea that prevailed was to have the interests common to all the provinces managed by the general government and to

¹⁴ Blackstone Commentaries, 2:138-9

¹⁵ Ibid.

¹⁶ British North America Act, 1867

leave the provinces in possession of their particular government for the internal management of their private interests."¹⁷

In conjunction with Section 14 of the Municipal Act and the implications of creating by-laws, etc., one must understand the definition of Crown Grants/Letters Patent. To explain further in regards to the Crown Grants, we refer you to the "Guide to the Federal Real Property Act":

Guide to the "Federal Real Property Act"

"Crown grant" is defined as:

a grant by letters patent under the Great Seal as referred to in paragraph 5(1)(a) of this Act;

an instrument of grant under paragraph 5(1)(b);

a provincial conveyancing instrument under subsection 5(2);

a conveyancing instrument used in a foreign jurisdiction under subsection 5(3);

a lease under subsection 5(4);

a plan used to grant real property under section 7;

a notification under the Territorial Lands Act; and

any other document by which federal real property may be granted.

The definition extended the previous definition of "grant" under the Public Lands Grants Act. The previous definition limited Crown grants to those conveying a fee simple or equivalent estate in real property.

"grant" means letters patent under the Great Seal, a notification and any other instrument by which public lands may be granted in fee simple or for an equivalent estate."

"Real property" is defined as land, mines, minerals, buildings, and fixtures on, above or below the surface, and any interest therein, both in Canada and abroad. The definition includes both legal interests in land, such as estates, and physical interests in land, such as mines and minerals."

*"The definition extended the previous definition of "grant" under the Public Lands Grants Act. The previous definition limited Crown grants to those conveying a fee simple or equivalent estate in real property." Letters patent have been defined as **"writing of the sovereign, sealed with the Great Seal, whereby a person or company is entitled to do acts or enjoy privileges which could not be done or enjoyed without such authority."**¹⁸*

In P.H. Le Noir et al. & J. N. Ritchie, March 1879 (2L. N. 373), the Court held :

"That the Acts of the Legislature of Nova Scotia were not retrospective, and must be so construed as not to disturb or take away the precedence given

¹⁷ Hon. Mr. Loranger, QC. at 618, Supreme Court of Canada, Mercer v. Attorney General for Ontario, 5 S.C.R. 538, Date: 1881-11-14

¹⁸ Guide to the Federal Real Property Act, 1992. as of June 28, 2011 Section 2: 3 Interpretations and Definitions , http://www.tbs-sct.gc.ca/pubs_pol/dcgpubs/TB_G3/reg-1-eng.asp#1

by the Patent issued to the respondent; ... That the British North America Act, 1867, does not, either expressly, or by inference, divest Her Majesty of this branch of her prerogative, and confer it upon the Provincial Legislatures, or the Lieutenant Governor of the Provinces."

Taking into consideration the Province's interpretation of having legislative authority over the "property and civil rights" we feel that, in the best interest of the Municipalities, you should also be made aware of what is encompassed in that "purported authority". We would direct you to Section 92 of the BNA, sub-section 13. To fully understand the interpretation of the BNA one must seek out a number of court cases and papers. Suffice it to say that the Province only had legislative authority over any interests that were transferred from the Dominion, in Section 109 of the BNA. This does not include "Private Land/Property/Estates".

Based on section 109 of the BNA, which is constitutional law, and is part of our Constitution and Charter, Section 109 limits the provincial power to implement legislation, regulation, policy, etc., only on "public" or "Crown Land" and "public/Crown interests".

"Now, what lands, mines, minerals and royalties can with propriety, having regard to the manner *in* which those words have been used in other legislative language above quoted, be said to have *belonged* to the several provinces of *Canada, Nova Scotia and New Brunswick at the Union*? None at all, it is plain, in any other sense than that the revenues arising from such properties *belonging* to the Crown had been made part of the consolidated funds of the old provinces now constituting the *Dominion of Canada*, for the public uses of these provinces. "Lands" which had been already granted by the Crown and were at the time of the Union vested in the grantees thereof, or in their heirs or assigns, cannot with any degree of propriety be said to have been lands "belonging to the several provinces of, &c., &c., at the Union,"... and within the limits of which province the property now in question is situate, declared by 12 *Vic.*, c. 31, that the term "public lands" in the province, which is but an equivalent expression to "lands belonging to the provinces at the Union" did not comprehend lands accruing to the Crown by escheat or forfeiture, and that they did comprehend only the *ungranted lands of the Crown in the province*, in which sense they have ever since been understood. These waste ungranted lands of the Crown, the revenues derived from which constituted part of the consolidated funds of the provinces before the Union, were, as we know, appropriated to the public uses of

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the provinces; but the lands so appropriated did not constitute all the ungranted lands of the Crown in the provinces. There were other lands of the Crown, the monies arising from the sale or other disposition of which did not form part of such consolidated funds; these lands were set apart and appropriated for the actual residence thereon and occupation thereof by certain Indian tribes by whom they were surrendered to and became vested in the Crown, and others

were surrendered by the Indians to and vested in the Crown for the purpose of being granted by the Crown and that the monies arising therefrom should be applied for the benefit of the Indians. These lands are by item 24 of sec. 91, placed under the control of the Dominion Parliament. The custom in the grants by the Crown of these lands was the same as in the grants of all other Crown lands, namely, to reserve all mines and minerals, but the reservation thereof would accrue, as was provided with respect to the monies arising from the sale of the lands, to the benefit of the Indians for whose benefit the lands were set apart; such mines and minerals, or the royalties accruing from the disposition thereof, could not have been appropriated to the public uses of the provinces, the "lands" therefore which are referred to in sec. 109 of the British North America Act can only be construed to mean those ungranted or public lands belonging to the Crown within the several provinces of Canada, Nova Scotia and New Brunswick, the revenues derived from which before and at the Union effected by the *British North America Act* had been surrendered by the Crown and made part of the consolidated funds of the provinces; and the words "mines, minerals and royalties" being in the same 109th sec. added to the word "lands," this latter word must there be construed in a limited sense, that is to say, as exclusive of the "mines and minerals"¹⁹

Ministry legal counsel have asserted that under Section 92 of the BNA they have the "authority"²⁰ over "property and civil rights", whereas Section 109 states that there can be no control over "any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same."²¹

Reference is made to the "civil rights" section of Section 92, sub-section 13, the "civil rights" referred to, were strictly so that the Province had authority over the property that was transferred to them and that it would have the authority to seek redress to protect their claim of ownership of Crown land/interest and Public land/interest. It was also implemented so that the Province had the authority to create contracts and to issue their own Letters Patent.

*"But from the creation of the province it is clear that any interests disposed of by the Dominion would automatically come under its exclusive jurisdiction through the force of sec. 92 of the Confederation Act."*²²

Property Rights:

"Lands" which had been already granted by the Crown and were at the time of the Union vested in the grantees thereof, or in their heirs or assigns, cannot with

¹⁹ Gwynne, J., at 706, Supreme Court of Canada, *Mercer v. Attorney General for Ontario*, 5 S.C.R. 538, Date: 1881-11-14

²⁰ *Her Majesty the Queen v. Robert Charles Mackie*, July 2010, Section 5

²¹ *British North America Act*, 1867.

²² *A.G. for Alberta v. Huggard Assets Ltd.*, [1951] S.C.R. 427 p. 441

any degree of propriety be said to have been lands "belonging to the several provinces of, &c., &c., at the Union,"²³

"the "lands" therefore which are referred to in sec. 109 of the *British North America Act* can only be construed to mean those ungranted or public lands belonging to the Crown"²⁴

Civil Rights:

GWYNNE, J.:

"By this bill it was recited among other things as follows:—

Whereas your Majesty has been most graciously pleased to declare to your faithful Canadian Commons, in provincial parliament assembled, your Majesty's gracious desire to owe to the spontaneous liberality of your Canadian people, such grant by way of civil list as shall be sufficient to give stability and security to the great civil institutions of the province, and to provide for the adequate remuneration of able and efficient officers, in the executive, judicial and other departments of your Majesty's public provincial service, the granting of which civil list constitutionally belongs only to your Majesty's faithful Canadian people in their provincial parliament.

The bill provided for the establishment of a consolidated revenue fund for the province of *Canada*, in the same terms as had been provided by the 50th sec. of 3 & 4 *Vic.*, c. 35. It then charged upon that consolidated fund permanently a sum not exceeding £34,638 15s. 4d. cy, in lieu of the «£45,000, by the 52nd sec. of 3 & 4 *Vic.* provided, and during the life of her Majesty and for 5 years after the demise of her Majesty, a sum, not exceeding £39,245 16s. cy, in lieu of the

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£30,000, by the same 54th section provided; and after making provision for alteration in the salaries to be attached to certain offices, it enacted that:— During the time for which the said several sums mentioned in the said schedules, are severally payable, the same shall be accepted and taken by her Majesty, by way of civil list instead of all territorial and other revenues now at the disposal of the Crown, arising in this province, and that three fifths of the *net produce* of the said territorial and other revenues, now at the disposal of the Crown, within this Province, shall be paid over to the account of the said consolidated revenue fund; and also that during the life of her Majesty, and for five years after the demise of her Majesty, the remaining two fifths of the *net produce* of the said territorial and other revenues now at the disposal of the Crown within this province, shall also

²³ Gwynne, J., at 706, Supreme Court of Canada, *Mercer v. Attorney General for Ontario*, 5 S.C.R. 538, Date: 1881-11-14

²⁴ J., at 707, Supreme Court of Canada, *Mercer v. Attorney General for Ontario*, 5 S.C.R. 538, Date: 1881-11-14

be paid over in like manner to account of the said consolidated revenue fund."²⁵

"The lands in question on which the timber to be cut grows, belong to the said province of British Columbia by virtue of section 109 of the B.N.A. Act, 1867, which reads as follows:—

109. All lands, mines, minerals and royalties belonging to the several provinces of Canada, Nova Scotia and New Brunswick at the Union, and all sums then due or payable for such lands, mines, minerals or royalties, shall belong to the several provinces of Ontario, Quebec, Nova Scotia and New Brunswick in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the province in the same."²⁶

"This certainly never was intended to deprive the owners of property, whether private citizens or provinces, of their inherent rights as such, much less to destroy a contract made before the Act in question."²⁷

Ontario (Attorney General) v. Rowntree Beach Assn., 1994

"Her Majesty the Queen in right of Ontario has no right, title or interest in and to the lands described."²⁸

"Supreme Court of Canada

A.G. for Alberta v. Huggard Assets Ltd., [1951] S.C.R. 427

KERWIN J.:— [Page 436] "In Cooper v. Stuart 4, the Judicial Committee had to deal with a clause in a Crown grant in New South Wales "reserving to His Majesty, his heirs and successors ... any quantity of land not exceeding ten acres in any part of the said grant as may be required for public purposes." Although the precise point was not argued, their Lordships had no difficulty in deciding that the reservation was valid."²⁹

RAND J.: - "...regulations made by order-in-council. What was [Page 442]

the nature of these regulations? They were intended, clearly, to be administrative and so far legislative in character; but in relation to grants, I am unable to discover any power to introduce by them new incidents of land ownership by reservation or otherwise in the ordinary instrument of conveyance.

²⁵ Gwynne, J., at 690-91, Supreme Court of Canada, Mercer v. Attorney General for Ontario, 5 S.C.R. 538, Date: 1881-11-14

²⁶ Attorney-General for British Columbia and the Minister of Lands v. Brooks-Bidlake and Whittall, Ltd., 63 SCR 466 p. 467

²⁷ Attorney-General for British Columbia and the Minister of Lands v. Brooks-Bidlake and Whittall, Ltd., 63 SCR 466 p. 473

²⁸ Ontario (Attorney General) v. Rowntree Beach Assn., 1994. Conclusion, Section [123]

²⁹ A.G. for Alberta v. Huggard Assets Ltd., [1951] S.C.R. 427

*[Page 444] I do not understand the statement of claim to allege an intention on the part of the province to seek by order-in-council to subject the lands to a condition...*³⁰

*"Public "user rights" over private property only become legal rights upon a successful application to the court initiated by the Attorney General."*³¹

*"If you don't own it, you cannot plan for it."*³²

All of these court cases, mentioned, happened after the BNA was constructed and the absolute right of the private property owner/estate was supported and yet, there was no specific declaration of "private property rights" included in the BNA. Ergo, the framers of the BNA were fully aware of the Letters Patent and the "right, title and interest" conveyed to the patentee, his heirs and assigns forever. Once the Crown has alienated the Crown domain, there is no further and/or future jurisdiction or authority that can be allotted to the province to administer. As the province receives its authority from the Crown, and as the Crown has alienated its authority it has nothing to transfer to the province, in regards to private property, thus the only "property" that the province has authority to regulate/legislate for must be either public or Crown property. The statement of "property and civil rights in the province" and "all things merely local and private in nature in the province", are restricted to any public³³ and/or Crown lands/property³⁴.

This also leads to that if the province has no authority/jurisdiction they cannot transfer authority they do not have to any other entity to demand permits/licenses³⁵, including third party corporations as in municipalities, the Conservation Authorities, the Niagara Escarpment Commission, etc. This also restricts the ability of implementing the Planning Act and all other legislation that may be interpreted as pertaining to private property, it places restrictions on the Provincial Policy Statement and any environmental legislation, including the Endangered Species Act. Basically, *"If you don't own it, you cannot plan for it."*³⁶,

³⁰ A.G. for Alberta v. Huggard Assets Ltd., [1951] S.C.R. 427

³¹ Court rulings don't support claim of open beaches Midland Free Press, May 19, 2000.

(this article is a revised and updated version of TINY'S SHORELINE – A LEGAL HISTORY, which appeared in Issue #14 (Spring 1999) of *The Tiny Cottager*) Midland Free Press, May 19, 2000. 2: 17.

³² Court rulings don't support claim of open beaches. Midland Free Press, May 19, 2000. Last statement.

³³ PUBLIC (Black's Law Dictionary, 9th Edition, 2009, p. 1350) – The people of a nation or community as a whole <a crime against the public>. A place open or visible to the public <in public>

³⁴ PUBLIC PROPERTY (Black's Law Dictionary, 9th Edition, 2009, p. 1337) – State or community owned property not restricted to any one individual's use or possession.

³⁵ LICENSE (Black's Law Dictionary, 9th Edition, 2009, p. 1002) – 1. A permission, usu., revocable, to commit some act that would otherwise be unlawful; esp., an agreement (not amounting to a lease or profit a prendre) that it is lawful for the licensee to enter the licensor's land to do some act that would otherwise be illegal, such as hunting game. "A license is an authority to do a particular act, or series of acts, upon another's land, without possessing any estate therein. It is founded in personal confidence, and is not assignable, not within the statute of Frauds." 2 James Kent, *Commentaries on American law* ' 452-53 (George Comstock ed., 11th ed. 1866) 2. The Certificate or document evidencing such permission.

³⁶ Court rulings don't support claim of open beaches. Midland Free Press, May 19, 2000. (This article is a revised and updated version of TINY'S SHORELINE – A LEGAL HISTORY, which appeared in Issue #14 (Spring 1999) of *The Tiny Cottager*) Midland Free Press, May 19, 2000. p.2.

as it is only the private property owner that has the authority to dedicate his property and it is only the private property owner that has the authority to designate his property for the use of the public³⁷.

*"What cannot be legally done directly cannot be done indirectly. This rule is basic and, to a reasonable mind, does not need explanation. Indeed, if acts that cannot be legally done directly can be done indirectly, then all laws would be illusory."*³⁸

We would also direct you to the Public Lands Act for Ontario:

"Land use conditions

*18. (1) Letters patent for land sold or leased under this Act may contain a condition that the land is to be used in a particular manner or a condition that the land is not to be used in a particular manner and every such condition shall be deemed to be annexed to the land. R.S.O. 1990, c. P.43, s. 18 (1)."*³⁹

In June of 2011 the Ontario Bar Association released a paper, in regards to the Crown Grants/Letters Patent with a final statement of:

*"They were (and continue to be) intertwined with a larger legal framework of constitutional law, statutes, statutory interpretation principles, common law, history and real property law. The meaning accorded to the rights and obligations granted to a landowner in any Crown patent is tied to and affected by a host of statutes and other forms of government action. As a result, the rights and privileges set out in any particular patent must be considered together with the applicable statutory regime in order to understand the property owner's actual rights."*⁴⁰

92 subsection 13 of the BNA grants the province authority over its own property and the ability for the province to protect its property in private civil matters or to enter into civil contracts and/or for the civil lists. The province, not having authority over private property cannot transfer authority to any other entities, be that corporations, counties, municipalities, etc., as the Crown alienated its domain/authority ergo it cannot transfer something twice to two different parties.

In regards to the continuing statements referring to "property and civil rights in the province" and the specific authority to enact legislation I would direct attention to;

³⁷ PUBLIC INTEREST (Black's Law Dictionary, 9th Edition, 2009, p. 1337) – 1. The general welfare of the public that warrants recognition and protection. 2. Something in which the public as a whole has a stake; esp., an interest that justifies governmental regulation.

³⁸ [G.R. No. 166471, March 22, 2011], TAWANG MULTI-PURPOSE COOPERATIVE, PETITIONER, VS. LA TRINIDAD WATER DISTRICT, RESPONDENT.

³⁹ Public Lands Act. http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90p43_e.htm. As of June 30, 2011

⁴⁰ Ontario Bar Association, Municipal Law Section Zella Phillips, Associate Solicitor, Town of Newmarket: Back Off Government: What Municipal Lawyers Need to Know about Crown Patents, Volume 20, No. 2, p. 9, June 2011

An Act respecting Gold Mines, 1864, Section 1 . 7 and 8 which state:
"CROWN LANDS." Seventhly. The words "Crown Lands," shall be held to mean and include all Crown Lands, Ordnance Lands (transferred to the Province), School Lands, Clergy Lands, or lands of the Jesuits' Estates, CROWN DOMAIN or Seignior of Lauzon, WHICH HAVE NOT BEEN ALIENATED BY THE CROWN;

"PRIVATE LANDS." Eighthly. The words "Private Lands," shall be held to include ALL LANDS WHICH HAVE BEEN ALIENATED BY THE CROWN;"

Staying with the Constitution and the BNA, there is the Constitution Act of 1930. This is the amendment to the BNA which brought the Western provinces into the same agreement with the Federal Government as the original provinces at the time of Union:

"Manitoba, Alberta and Saskatchewan were placed in the same position as the original provinces by the Constitution Act, 1930, 20-21 Geo. V, c. 26 (U.K.)."

Transfer of Public Lands Generally

2. The Province will carry out in accordance with the terms thereof every contract to purchase or lease any Crown lands, mines or minerals and every other arrangement whereby any person has become entitled to any interest therein as against the Crown, and further agrees not to affect or alter any term of any such contract to purchase, lease or other arrangement by legislation or otherwise. except either with the consent of all the parties thereto other than Canada or in so far as any legislation may apply generally to all similar agreements relating to lands, mines or minerals in the Province or to interest therein, irrespective of who may be the parties thereto."

It clearly states that it is only at the negotiation of the contractual obligations involving the reservations that can be legislated or the administration of legislation involving new grants/patents.

In regards to "Crown Domain" and to "alienate", the definition of "domain" and "alienate" from Black's Law Dictionary is:

DOMAIN (Black's Law Dictionary, 9th Edition, 2009, p. 557) – 1. The territory over which sovereignty is exercised. 2. An estate in land. 3. The complete and absolute ownership of land.

ALIENATE (Black's Law Dictionary, 9th Edition, 2009, p. 84) – To transfer or convey (property or a property right) to another.

ALIENATION (p. 84) – 1. Withdrawal from former attachment; estrangement.

2. Conveyance or transfer of property to another <alienation of one's estate>.

The Crown, in alienating the Crown Domain, is alienating all right, title, and interest in the estate/land/property. *"The Queen in right of Ontario has no right, title or interest in and to the lands described..."*⁴¹. Clear definitions are needed.

LAND (Black's Law Dictionary, 9th Edition, 2009, p. 955) – 1. An immovable and indestructible three-dimensional area consisting of a portion of the earth's surface, that space above and below the earth's surface, and everything growing on or permanently affixed to it.

2. An estate or interest in real property.

"In its legal significance, 'land' is not restricted to the earth's surface, but extends below and above the surface. Nor is it confined to solids, but may encompass within its bounds such things as gases and liquids. A definition of 'land' along the lines of 'a mass of physical matter occupying space' also is not sufficient, for an owner of land may remove part or all of that physical matter, as by digging up and carrying away the soil, but would nevertheless retain as part of his 'land' the space that remains. Ultimately, as a juristic concept, 'land' is simply an area of three-dimensional space, its position being identified by natural or imaginary points located by reference to the earth's surface. 'Land' is not the fixed contents of that space, although, as we shall see, the owner of that space may well own those fixed contents. Land is immovable, as distinct from chattels, which are moveable; it is also, in its legal significance, indestructible. The contents of the space may be physically severed, destroyed or consumed, but the space itself, and so the 'land', remains immutable."

RIGHT (Black's Law Dictionary, 9th Edition, 2009, p. 1436) – 1. That which is proper under law, morality, or ethics

2. Something that is due to a person by just claim, legal guarantee, or moral principle.
3. A law <the right to dispose of one's estate>.
4. A legally enforceable claim that another will do or will not do a given act; a recognized and protected interest the violation of which is a wrong
5. The interest, claim, or ownership that one has in tangible or intangible property.

TITLE (Black's Law Dictionary, 9th Edition, 2009, p. 1622) – 1. The union of all elements (as ownership, possession, and custody) constituting the legal right to control and dispose of property; the legal link between a person who owns property and the property itself.

2. Legal evidence of a person's ownership rights in property; an instrument (such as a deed) that constitutes such evidence.

⁴¹ Ontario (Attorney General) v. Rowntree Beach Assn., 1994, Conclusion, Section [123]

INTEREST (Black's Law Dictionary, 9th Edition, 2009, p. 885) – 1. The object of any human desire; especially advantage or profit of a financial nature.

2. A legal share in something; all or part of a legal or equitable claim to or right in property <right, title and interest>. Collectively, the word includes any aggregation of rights, privileges, powers and immunities, distributively, it refers to any one right, privilege, power or immunity.

PRIVATE (Black's Law Dictionary, 9th Edition, 2009, p. 1315) – Relating or belonging to an individual, as opposed to the public or the government.

PROPERTY (Black's Law Dictionary, 9th Edition, 2009, p. 1335) – The right to possess, use and enjoy a determinate thing (either a tract of land or a chattel); the right of ownership <the institution of private property is protected from undue governmental interference>. – Also termed "bundle of rights" [Cases: Constitutional Law.]

PRIVATE PROPERTY (Black's Law Dictionary, 9th Edition, 2009, p. 1337) – Property – protected from public appropriation – over which the owner has exclusive and absolute rights.

PUBLIC (Black's Law Dictionary, 9th Edition, 2009, p. 1350) – The people of a nation or community as a whole <a crime against the public>.
2. A place open or visible to the public <in public>

PUBLIC INTEREST (Black's Law Dictionary, 9th Edition, 2009, p. 1337) – 1. The general welfare of the public that warrants recognition and protection.
2. Something in which the public as a whole has a stake; esp., an interest that justifies governmental regulation.

PUBLIC PROPERTY (Black's Law Dictionary, 9th Edition, 2009, p. 1337) – State or community owned property not restricted to any one individual's use or possession.

REAL PROPERTY (Black's Law Dictionary, 9th Edition, 2009, p. 1335) – Land and anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land.

ABSOLUTE PROPERTY (Black's Law Dictionary, 9th Edition, 2009, p. 1336) – Property that has full and complete title to and control over.

BELONG (Black's Law Dictionary, 9th Edition, 2009, p. 175) – 1. To be the property of a person or thing. 2. To be connected with as a member.

BELONGINGS (Black's Law Dictionary, 9th Edition, 2009, p. 175) – 1. Personal

Property; *EFFECTS* – see personal property under property. 2. All property, including realty.

PROVINCE (Black's Law Dictionary, 9th Edition, 2009, p. 1345) – 1. An administrative district into which a country has been divided. 2. A sphere of activity of a profession such as medicine or law.

PRINCIPLE (Black's Law Dictionary, 9th Edition, 2009, p. 1313) – A basic rule, law, or doctrine

FREEDOM OF CONTRACT (Black's Law Dictionary, 9th Edition, 2009, p. 735 (1879)) –

the doctrine that people have a right to bind themselves legally; a judicial concept that contracts are based on mutual agreement and free choice, and thus should not be hampered by external control such as government interference.

INSTRUMENT (Black's Law Dictionary, 9th Edition, 2009, p. 869) – 1. A written legal document that defines rights, duties, entitlements, or liabilities, such as a contract, will, promissory note, or share certificate. – Also termed legal instrument

(“An instrument seems to embrace contracts, deeds, statutes, wills, Orders in Council, orders, warrants, schemes, letters patent, rules, regulations, bye-laws, whether in writing or in print, or party in both; in fact, any written or printed document that may have to be interpreted by the courts.” Edward Beal, *Cardinal Rules of Legal Interpretation* 55 (A.E. Randal ed. 3d. ed. 1924)

LICENSE (Black's Law Dictionary, 9th Edition, 2009, p. 1002) – 1. A permission, usu.,

revocable, to commit some act that would otherwise be unlawful; esp., an agreement (not amounting to a lease or profit a prendre) that it is lawful for the licensee to enter the licensor's land to do some act that would otherwise be illegal, such as hunting game.

“A license is an authority to do a particular act, or series of acts, upon another's land, without possessing any estate therein. It is founded in personal confidence, and is not assignable, not within the statute of Frauds.” 2 James Kent, *Commentaries on American law* ' 452-53 (George Comstock ed., 11th ed. 1866)

2. The Certificate or document evidencing such permission.

In conclusion it is hoped, with the preceding information, that you will revoke, repeal and/or quash any by-laws of the nature that may infringe on “private property/land/estates” and that you will restrain your staff from seeking to implement any past, present or future by-laws of the nature that may infringe on “private property/land/estates”, as this will leave the Municipalities/Counties in a

very precarious situation. It is within the "rights" of the members of a community to launch a mass tort and it is their right to name individuals in those torts.

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