

Ontario Court of Justice

Between
Name's

Appellant

-and-

**–His Majesty the King in Right of Canada,
Indian Act Band Names**

Respondent

Affidavit of Service

Notice of Constitutional Question

Dated :

I, (Name's) and Off (Community) Make Oath and say as follows:

1. I served the Attorney General of Canada, Constitutional Law Branch with a notice of Constitutional Question of the Applicant by sending a copy by fax to (416) 952-0298 and or email NCQ-AQC.Toronto@justice.gc.ca on Date:

2. I served the Attorney General of Ontario, with a notice of Constitutional Question of the Applicant by sending a copy by fax to 416, 326 4015 and or email attorneygeneral@ontario.ca on Date:

3. I served the Crown Attorney's with a notice of Constitutional Question of the Applicant by sending a copy by fax to 705 739 6551 and or email VirtualCrownBarrie@ontario.ca on Date:

Witness Signature and Notarized
By a Commissioner of Oaths

Your Signature

Ontario Court of Justice

Between

Names

Appellant

and

His Majesty the King in Right of Canada,

Name of Indian Act Band's

Respondent

Notice of Constitutional Question

Date:

The Appellant intends to question the constitutional applicability of:

- **The Robinson Huron Treaty Annuities Settlement's Band Council's Compensation Disbursement Agreement**
- **Vital Statistics Act 9 (1),(3)**
- **1867 British North America Act**
- **The Indian Act**
- **1947 Letters Patent Constituting the Office of Governor General**
- **The UK's 1982 Canada Act**
- **1982 Constitution Act**
- **1867 Constitution Act**
- **The Royal Styles and Titles Act 2023**

And seek remedy under subsection 24 (1)(2) of the Canadian Charter of Rights and Freedoms in relation to an act or omission of the Government of Canada and Ontario. The date, time and location have not yet been established by the Ontario Court of Justice, Respondent and Appellant.

Statement of Recognition

I do declare the following to establish my claim of recognition; This claim of recognition has been created to notify you and the executive powers of *Canada* concerning the limitation and abridgement of my natural rights and freedoms. I was born a free human being as documented by the Statement of Live Birth completed and held on record by Ontario's Registrar General. It is my understanding that *Canada* affirms itself as a common law jurisdiction through the following enactment:

The Interpretation Act: 8.1 *Both the common law and the civil law are equally authoritative and recognized sources of the law of property and civil rights in Canada.*

As the stated enactments are violating my Human Rights, I am seeking the Administration of Justice of the Rule of Law in a Superior Court which possess the Inherent Jurisdiction that recognizes common law rights, the fundamental rights and freedoms of a living being whereas;

I am of the Atik Clan of the Chippewa Tri Council, a Tribal Government within the Ojibway Nation and Territory of the Anishinabek Confederacy. I as an Indigenous National am a Non-Citizen of Canada where the Royal Proclamation, the 1764 Niagara Covenant Chain Wampum Belt Treaty affirms and recognizes our Sovereign Status, our Human Rights and allodial title to our lands which is entrenched in;

Charter of Rights Section 25

The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763.

In Singh vs Canada and Suresh v. Canada Regarding the Charter of Rights and Freedoms, "The wording of section 7 says that it applies to "everyone" This includes all people within Canada, including non-citizens."

The following are the material facts giving rise to the constitutional question:

1. We are Anishinabek Nationals and have given names where we were born as free human beings as documented by our Statements of Live Birth completed and held on record by Ontario's Registrar General. It is by this standing where we are exercising our fundamental rights and freedoms that are being violated by officers of the Indian Act that are withholding our monies by not distributing 100% per capita distribution as practiced by our ancestors through Treaty. We are seeking the Administration of Justice through the inherent jurisdiction of the Superior Court and seek remedy through this Constitutional Question where the stated enactments violate my fundamental rights and freedoms and inherent rights as an Anishinabek Nationals. We are not to be forced to play the role as the legal person, a non living entity registered via Birth Certificate that is as seen as our assumed names spelt in all capitals as this would further violate our right of freedom of association by holding us in servitude as a class of a non living person subject to civil jurisdiction. Our rights and freedoms exist in the common law jurisdiction of Turtle Island expressed as the Clan System which is recognized by the Peoples, Tribes and Nations of the so called America's for Millenia.
2. We are Anishinabek Nationals; non citizens of Canada. We are Families, Clans and Tribes and Nations within the Anishinabek Confederacy where our Territories surround the Great Lakes as stretch as far as the Rockies. Our Specific Nations under Clan Leadership are known in the Upper Canada Treaties as the Tribes of the 1850 Robinson Huron Treaty that we have with our ally the United Kingdom. Our Sovereignty and Rights are recognized and affirmed in the 1764 Niagara Covenant Chain Belt, a Treaty between 24 Nations that ratified the UK's 1763 Royal Proclamation. We are not "Indian's" or part of an Indian Band under the Indian Act nor are we asserting rights of an Indian under Section 35 of Canada's Charter however our Rights as Anishinabek Nationals are recognized under Canada's Section 25 of it's Charter and protected by several International Covenants that His Majesty in Right of Canada is signatory of.
3. Under the Indian Act, Indian Bands and Indians do not have title to any lands nor own any lands therefore can not surrender or make any agreements regarding lands that belong to us as Sovereign Anishinabek Nationals. Indian Act Band Councils and not the legal or lawful representatives of any lands or Nations and specifically in this matter the Clan Territories of the Robinson Huron Treaty. Any consultation, negotiations and agreements in regards to such Territories must be made with the collective of Sovereign Anishinabek Peoples under the Hereditary Clan Leadership. Any actions made with Indian Act Councils and Indians in regards to such lands is a violation of our rights and freedom to life, liberty and security of the person and freedom of association where such rights and freedoms are protected by several International Covenants that His Majesty in Right of Canada is signatory of.
4. The UK extinguished its authority and jurisdiction over its dominions through the 1931 Statute of Westminster for its Dominions to become Free Independent States. In doing so the UK rescinded its possession over all lands it obtained in Treaties which reverted back to the original Title Holders the Indigenous Nations. Indigenous Nations did not consent for Canada and its Provinces to take over Treaties on behalf of the UK nor did we make Treaties with Canada or its Provinces.

5. The 1982 Canada Act is an unlawful and illegal Statute of the United Kingdom which created the 1867 Constitution Act and 1982 Constitution Act. In order to be enacted The Canada Act required all Provinces to sign Schedule B of the Act and required a total of 3 Proclamations which did not happen. The BNA Act legally no longer could be amended since 1901. The UK also had no legal authority to enact the 1982 Canada Act for Canada. All assumed Governments, Indian Act Band Councils. enactments under said Statutes have no legal and lawful authority nor have a right to our Monies, the Indian Trust Fund and or have no lawful and legal title to any Lands. Canada has an outstanding Constitutional Crisis whereas it has no legitimate Constitution.
6. The Indian Land Management Fund (Indian Trust Fund) came into existence on 1 April 1858. It is an account to hold all moneys collected, received, or held by the Crown for the “use and benefit” of its Indigenous Allies. These monies come from the sale or lease of lands and from royalties and revenues from natural resources. This Trust became aggressively mismanaged and eventually expropriated where it now exists today within the Consolidated Revenue Fund of Canada — the general account where all public moneys are deposited. His Majesty in Right of Canada and Ontario or Canada and its Province of Ontario do not pay us anything in our compensation and monies come from our Lands and the Indian Trust Fund (Consolidated Revenue Fund)
7. The Robinson Huron Treaty Annuities Settlement's Band Council's Compensation Disbursement Agreement violates our fundamental rights and freedoms by holding us in servitude to the Indian Act Elected Council that impedes on our right to freedom of association and right to our monies. The 1764 Niagara Covenant Chain Belt ratified the 1763 Royal Proclamation. The 1764 Niagara Covenant Chain Belt Treaty included the Two Row Wampum and 24 Nations Presents Belt that the Crown accepted. The 24 Nations Belt helped set the foundation of how Treaties were to be established which included the annual giving of presents aka annuities for lands being possessed by the Crown. Hereditary Chiefs would disperse 100% of these annuities as a per capita to their Peoples. This was a longstanding practice by said rule of law which is affirmed me and acknowledged in the Charter of Rights Section 25. 100% per capita of The Robinson Huron Annuities Settlement needs to be dispersed to the Peoples.

The Following is the legal basis for the Constitutional Question:

1. Vital Statistics Act 9 (1),(3)

The artificial person (NAME IN ALL CAPITALS) was created by the Vital Statistics Act 9 (1), (3) by a Birth Certificate registration. We are not artificial persons. We are living beings created by Parents and affirmed and recognized by the Statement of Live Birth, a permanent and legal record.

As living beings with fundamental human rights and freedoms this court is legally obligated to administer justice under it's inherent jurisdiction to hear this matter outside of civil jurisdiction and under the common law jurisdiction in respect to the rule of law of;

The Interpretation Act: Duality of legal traditions and application of provincial law; 8.1 Both the common law and the civil law are equally authoritative and recognized sources of the law of property and civil rights in Canada;

Provincial Offences Act, R.S.O. 1990 Common law defences 80. Every rule and principle of the common law that renders any circumstance a justification or excuse for an act or a defence to a charge continues in force and applies in respect of offences, except in so far as they are altered by or inconsistent with this or any other Act.

Jonsson v Lymer the Court of Appeal of Alberta restricted the use of the inherent jurisdiction approach. The Court decided that vexatious litigant orders should only be used in the most extreme cases, where there has been a clear pattern of previous abuse by the litigant. The Court also pointed out that there are a number of other more appropriate procedural techniques (such as case management interventions by a judge) to make sure litigation is conducted fairly.

Scarola v MNR, 2002 CanLII 741 (T.C.C) 1. Section 25. In *Bogies v. The Queen*, 97 DTC 1079, Bruce J. Said at page 1080 (3) The Court, as a statutory creation, does not have the inherent jurisdiction (27) In *R. V. Unnamed Person*, (1985) O.J. N.O 189, Zuber J.A. said The term “inherent jurisdiction” is one that is commonly and not always accurately used when arguments are made with respect to the jurisdictional basis upon which a court is asked to make a particular order. The Inherent jurisdiction of a superior court is derived not from any statute or rule of law but from the very nature of the court as a superior court.

The Supreme Court of Canada on S. 24(2) Charter of Rights and Freedoms, 2014 The Administration of Justice: The term “administration of justice” in s. 24(2) embraces maintaining the rule of law and its processes and includes upholding charter rights in the justice system as a whole. Procedure: The charter itself contains no procedural directions. This led McIntyre J. in *R. v. Mills* to declare: There is no need for special procedures and rules to give it full and adequate effect.

Thomson Newspapers Ltd v. Canada (Director of Investigation and Research - While Individuals as a rule have full legal capacity by the operation of law alone, artificial persons are creatures of the state and enjoy civil rights and powers only upon the approval of statutory authorities. The particularity of corporate privacy interests was discussed by the Supreme Court of the United States in *Hale v. Henkel*, 201 U.S. 43 (1906), at pp. 74 -75: “The individual may stand upon his constitutional rights. He owes no duty to State, since he receives nothing there from, beyond protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. He owes nothing to the public so long as he does not trespass upon their rights.”

Divito v Canada (Public Safety and Emergency Preparedness), 2013 SCC 47 - 22- Canada’s international obligation and relevant principles of international law are also instructive in defining the right: The content of Canada’s international human rights obligations is, in my view, an important indicia of the meaning of “the full benefit of the Charter’s protection”. I believe that the Charter should generally be presumed to provide protection at least as great as that afforded by similar provisions in international human rights documents which Canada has ratified.

R. v. Hynes 1999 18979 (NL CA) 83) Prior to the Charter’s advent, the individual really had no special means of protecting against incursions upon his or her basic fundamental rights by executive or legislative arm of the state. 84) Respect of the rule of law, upon which, as W. Ivor Jennings in his text entitled *The Law and the Constitution* (University of London Press, 4th ed.) points out at p.42, hinges the existence of public order, mandated compliance with directives and ordinances even if they infringed upon individual fundamental rights and freedoms. A

primary purpose of the Charter was to change this relationship of the individual with the state and its laws by endowing individuals with an effective means of challenging acts of the state in courts on the ground of violation of their constitutionally protected rights and freedoms.

R. v. Wagner, 2015 ONCI 66 The “rule of law” not only finds itself in the preamble of the Charter of Rights, its spirit is manifested throughout the document. The idea that there are certain fundamental unwritten principles that govern all members of society, including legislators and which judges are expected to enforce is not particularly new.

The United Nation's Declaration of Human Rights

- Article 4, No one shall be held in slavery or servitude.

2. The Robinson Huron Treaty Annuities Settlement's Compensation Disbursement Agreement

The Indian Act Band Councils have denied our right to 100% per capita distribution to our Annuity Settlement by enforcing a provision under the Indian Act which is a discriminatory action based on the grounds of our race and ethnic origin. The illegal and unlawful racist discriminative Indian Act governs every aspect of our lives

Withholding money also violates our fundamental rights and freedoms by the following Rule of Law:

International Covenant on Economic, Social and Cultural Rights

Article 1:1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 11,1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

United Nations International Covenant on Civil and Political Rights

Article 1 (1.) All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

(2.) All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

(3.) The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Article 2

(1.) Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2.) Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

The Charter of the Organization of the American States

A Pan-American treaty that sets out the creation of the Organization of American States. The treaty came into effect on December 13, 1951. The OAS proclaims a commitment for Member States to protect Human Rights. CANADA became a member State in 1990. Canada is Treaty obligated to uphold principles of the OAS.

The U.N. Declaration on the Granting of Independence to Colonial Countries and Peoples 1960

4. All armed or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise their right to complete independence and the integrity of their national territory shall be respected.

5. Immediate steps shall be taken of all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions in accordance with their freely expressed will and desire to enjoy complete independence and freedom.

U.N General Assembly resolution A/RES/38/17 (22/11/1983) - "Reaffirms the legitimacy of the struggle of peoples for their independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation by all available means, including armed struggle".

United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

Article 10 No one shall participate, by act or by failure to act where required, in violating human rights and fundamental freedoms and no one shall be subjected to punishment or adverse action of any kind for refusing to do so.

Article 11 Everyone has the right, individually and in association with others, to the lawful exercise of his or her occupation or profession. Everyone who, as a result of his or her profession, can affect the human dignity, human rights and fundamental freedoms of others should respect those rights and freedoms and comply with relevant national and international standards of occupational and professional conduct or ethics.

Nuremberg Principles

The fact that a person acted pursuant to an order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

- Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law. Enacted by an illegitimate Parliament of Canada, in which the Parliament of Canada assented that Elizabeth II can proclaim herself to be the Queen in right of Canada.

The United Nation's Declaration of Human Rights

Article 2: Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 3: Everyone has the right to life, liberty and security of person.

Article 4: No one shall be held in slavery or servitude.

The Canadian Charter of Rights and Freedoms

Section 2 Everyone has the following fundamental freedoms: (c) freedom of peaceful assembly; and (d) freedom of association.

Section 7: Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Section 15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Section 25: Aboriginal rights and freedoms not affected by Charter - The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including: (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763.

3. 1867 British North America Act, The Indian Act, 1947 Letters Patent Constituting the Office of Governor General, The UK's 1982 Canada Act, 1982 Constitution Act, 1867 Constitution Act, The Royal Styles and Titles Act 2023

Our Nations have never capitulated and or extinguished our inherent rights and Sovereignty as a Nation to the United Kingdom, His Majesty in Right of Canada nor any Governments or Corporations.

His Majesty the King in Right of Canada; His Majesty the King in Right of Ontario do not have any jurisdiction within our territories and over the Indigenous Nations. Canada and Ontario is not a land mass nor a Federal and a Provincial Government but are only a corporation. The Indian Act Elected Band Council's are an extension of His Majesty in Right of Canada, a Corporation and are Officers of this Corporation and not our true representatives of our Nations.

The Letter's Patent 1947; The 1867 BNA Act; The Indian Act; UK 1982 Canada Act; The Constitution act 1867; The Constitution Act 1982 are Statutes that enacted His Majesty in Right of Canada, and the Indian Act Band Council have no legal and lawful standing by the rule of law as per;

The U.K's 1893 Statute Law Revision Act:

"Whereas that certain enactments have ceased to be in force, namely, Section Two. Provisions of this Act referring to Her Majesty the Queen extend also to the Heirs and Successors of Her Majesty." This Act repealed Section 2 of the BNA Act, 1867 removing Her Majesty the Queen, Heirs and Successors.

This Act was never repealed after it was passed and Section 2 of the BNA Act was never reenacted. When Queen Victoria died so did this BNA Act 1867 and Indian Act due to the repeal of Section 2. However this did not remove the British Monarchy because of the Letters Patent Revocation Act 1878. This only ended the BNA Act and Indian Act as no Monarch after Queen Victoria's death could not reenact or amend the BNA Act and Indian Act.

The Indian Act

2 (1) In this Act, *band* means a body of Indians (**a**) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after September 4, 1951.

The Queen that is being referred to "Her Majesty" is Queen Victoria as Queen Elizabeth II became Queen on February 6 1952 when her Dad dies and her coronation was on June 2, 1953.

The Statement in the Indian Act of "Her Majesty, have been set apart before, on or after September 4, 1951." Is language used to make it appear it was continuing to speak of Queen Elizabeth II but is speaking about Queen Victoria. This enacting clause in the updated version has not been amended to "His Majesty" because this Act's enacting clause can not be legally and lawfully amended because of the 1893 Statute Revision Act. The Indian Act is as dead as Queen Victoria and has no lawful and legal standing including the Indian Act Band Councils.

1931 Statute of Westminster

Section 2. "Validity of laws made by Parliament of a Dominion. 28 & 29 Vict. c. 63. (1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion. (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." This Section 2: Removed Colonial Law from the Dominion of Canada,

Section 7: "Saving for British North America Acts and application of the Act to Canada. (1) Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts."

Section 7 is misleading in how it deals with the applicability of this statute to Canada. Subsection 1 attempts to exclude the BNA Act from this Statute. However, the BNA Act was only a statute (guide) of the imperial parliament to aid the Governor General. It could only be effective if there is a duly appointed Governor General. (See Section 12 of the BNA Act 1867) Since the Crown in Chancery who appoints the Governor General gave up allodial title to the lands thanks to Section 11, there can be no more Governor General, Result this subsection is redundant. Subsection (2) Removed Colonial Law from the Provinces to become Free.

Section 11. "Meaning of "Colony" in future Acts. 52 & 53 Vict. c. 63. Notwithstanding anything in the Interpretation 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."

Section 11: Severed the connection between the Dominion and a Colony of Great Britain. The key word is "notwithstanding". Section 11 overrides the Interpretation Act of 1889 (definition of colony) The Provinces were not joined as one colony of Great Britain any longer. This also removed the Governor General because the Crown in Chancery lost the allodial title to the land. There is no intermediate status between that of a colony and that of a sovereign state. No confederation happened because the Provinces had never been sovereign states.

Section 11 finally raised each Province of Canada from the position of a colony to that of a sovereign state. All Lands obtained by the Crown in Chancery in Treaties with the Indigenous Nations reverted back to the allodial title to the Indigenous Nations.

The Indigenous Nations have no Treaties with the Provinces and Canada. This land mass known as Canada is all Indigenous Territory. This status has not changed since Dec 11, 1931. No Province has held a constitutional convention. No Province has seated a de jure lawful government. Every Politician, Every Governor General, every Prime Minister, every Law, every Act, everything has been illegitimate since Dec 11, 1931. Anything that was passed after this date is not applicable to the Indigenous Nations and People of the Provinces.

The Letters Patent Constituting the Office of Governor General and Commander in Chief of Canada 1947:

In 1947, Prime Minister MacKenzie King issues Letters Patent appointing a Governor General. These Letters Patent were signed only by Mackenzie King. To this day, only the Lord High Commissioner of Great Britain (Crown in Chancery) can issue Letters Patent. Nobody else has the power or authority to issue Letters Patent. The last ones that were issued at dated March 23, 1931.

The Canada Act, 1982

Section 23 (1) Language of instruction: Citizens of Canada (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province.

(2) Continuity of language instruction: Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language. Application where numbers warrant

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction ; and

- (b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

Commencement 58. Subject to section 59, this Act shall come into force on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.

Commencement of paragraph 23(1)(a) in respect of Quebec 59(1) Paragraph 23(1)(a) shall come into force in respect of Quebec on a day to be fixed by proclamation issued by the Queen or the Governor General under the Great Seal of Canada.

Authorization of Quebec (2) A proclamation under subsection (1) shall be issued only where authorized by the legislative assembly or government of Quebec. Repeal of this section 3) This section may be repealed on the day paragraph 23(1)(a) comes into force in respect of Quebec and this Act amended and renumbered, consequentially upon the repeal of this section, by proclamation issued by the Queen or the Governor General under the Great Seal of Canada. Steps to ratify and enact the Canada Act, 1982

All Provinces would need to sign Schedule B of the Act - Quebec would need to authorize a proclamation to enact Section 23, (1) (a) of the Act - Section 23. (1), (a) would be enacted through a proclamation - Section 59. (3) would be enacted through a proclamation to repeal Section 59 and renumber the Act. - Section 58 would be enacted through a proclamation to pass the Act

A total of 3 Proclamations were needed to pass the Act. None of this Happened. Also as per the 1893 Statute Revision Act, no monarch, heir or successor after Queen Victoria has the legal and lawful authority to make laws and enactments for the UK's former dominions. The Canada Act 1982 is void.

1763 Royal Proclamation - "And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them."

1764 Niagara Covenant Chain Belt The Royal Proclamation was interpreted to Indigenous Nations by the Crown via Sir William Johnson offering the 1764 Niagara Covenant Chain Belt Treaty in which we accepted by the exchange of the Two Row Wampum and understood this to be an eternal Nation to Nation Agreement based on Peace, Co-Existence and Non-Interference that further Acknowledged and affirmed our Title to our Territories and Human Rights.

Mikisew Cree First Nation v. Canada, [2005] 3 S.C.R. 388 at Supra note 24 In the 2005 Mikisew Cree decision, Justice Binnie, for the court, confirmed the following excerpt from the Badger decision: "the words in the treaty must not be interpreted in their strict technical sense nor subjected to rigid modern rules of construction. Rather, they must be interpreted in the sense that they would naturally have been understood by the Indians at the time of the signing."

Note: Section 25 Needs to be read in conjunction with the Mikisew Cree First Nation v Canada Case. The Royal Proclamation was interpreted to the Indigenous Nations through the 1764 Niagara Covenant Chain Wampum Belt affirming Indigenous Nations allodial title to their lands and recognition of Indigenous Nationhood

Canada's Charter of Rights and Freedoms

Section 2 Everyone has the following fundamental freedoms: (c) freedom of peaceful assembly; and (d) freedom of association.

Section 7: Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Section 15 (1): Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

UN Resolution 637 VII “Blue Water Rule” adopted Dec 16, 1952

The “Blue Water rule” also known as the “Belgian Thesis” or the “Salt Water Thesis” asserts that to be eligible for decolonization, the presence of “blue water” between the colony and the colonizing country or a discreet set of boundaries would be needed. Under UN Resolution 637 VII the world’s states have agreed that nations located inside UN member states may not seek or obtain independence through self-determination.

Note: UN Resolution 637 VII needs to be read in conjunction with Canada’s Interpretation Act definition of “Canada” and with the legal rule of the word “includes.” The definition of “Canada” excludes any landmass and is only the waters. Britain’s Crown in Chancery extinguished its title to all lands obtained in Treaties with Indigenous Nations via the 1931 Statute of Westminster reverting all lands back to the allodial title of the underlying rights holders that is the Indigenous Nations. Canada is not a colony nor a landmass and only a Trade and Shipping Corporation on the “waters.”

Canada's Interpretation Act 1985

General definitions 35 (1) In every enactment, Canada, for greater certainty, includes the internal waters of Canada and the territorial sea of Canada; Canadian waters includes the territorial sea of Canada and the internal waters of Canada; Internal waters,

Legal Rule of “Includes”

The legal rule for the word “includes” is defined in Blacks Law Dictionary Sixth Edition under “Expressio unius set exclusion alterius” which says, The explicit mention of one thing is the exclusion of another. This maxim, legal rule is that where a statute, contract or other legal document includes a list of items falling into a category, the inclusion of certain items on that list should be presumed to mean that any excluded items are intentionally outside the definition.

By Canada’s own definition in its Interpretation Act it is only “waters.

Remedy in this Constitutional Question being sought:

Disperse 100% of Annuity Funds to the Anishinabek Nationalists of said Communities.

If this is unacceptable in the Remedy being Sought this matter may and shall be a part of a collective of violations by Canada on Indigenous Nationals who are taking such grievances to the International Criminal Court, and International Court of Justice and seeking support from the permanent 5 states on the United Nations Security Council to intervene; and seek solidarity from allies of other Nation State’s around the Globe to initiate economic blockades and tariffs on Canada and the Province of Ontario.

The Appellant also suggest the immediate actions and constitutional conferences by the Canadian Citizen to be organized to deal with the outstanding constitutional crisis as mentioned in this Conditional Question. All Lands and Relations must be dealt with the Inherent Governments of Indigenous Nations and funding given to help them transition from the Indian Act Band System.

Date:

Name and Contact, Signature of Appellants

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