

C.L.E.A.R.



Common Law Education and Rights

"It Ain't Over"

Saturday, December 10, 2022

<https://twitter.com/WallStreetSilv/status/1594918279801602049>

Wall Street Silver  @WallStreetSilv · 13h

George Soros: "Covid-19 also helped legitimize instruments of control"...

They are saying the quiet part out loud.

https://www.westernstandard.news/news/trudeau-threatens-a-return-to-restrictions-if-vaccine-uptake-doesnt-increase/article_fb3d9c94-4e3f-11ed-ab64-87edfe9f3649.html

Trudeau threatens a return to restrictions if vaccine uptake doesn't increase

Oct. 17, 2022 – Western Standard

<https://globalnews.ca/news/9196496/ontario-covid-19-kieran-moore-booster-masks/>

Ontario's top doctor urges mask wearing, warns mandate could return

Oct. 13, 2022 – Global News

<https://www.iheartradio.ca/580-cfra/news/time-to-wear-masks-once-again-ottawa-public-health-urges-1.18771473>

November 9, 2022 CFRA 580 Ottawa

TIME TO WEAR MASKS 'ONCE AGAIN,' OTTAWA PUBLIC HEALTH URGES

The narrative is shifting now from restrictions to CONTROL & privacy violations - especially medical

C.L.E.A.R. FREEDOM Rally!



Resistance Is Not Futile!

**Stuart Park 12 PM Saturday Dec.
K E L O W N A 10th, 2022**

*The only way to deal with an unfree world
is to become so absolutely free that your
very existence is an act of rebellion*

Albert Camus

Bring the non-believers! - Because It Ain't Over!



Get ready because the Convoy is back!!

#TrudeauMustGo

*Mark your calendar for **Saturday December 10** ... the rough itinerary (all times approximate) is as follows:*

8:30 AM - Depart Osoyoos Husky/Princeton ...

9:00 AM - Oliver folks join in ...

9:30 AM - Pass through Okanagan Falls ... Princeton group goes through Kaleden ...

10:15 AM - arrive at the East Parking Lot at Skaha Lake Park and assemble near the Gazebo

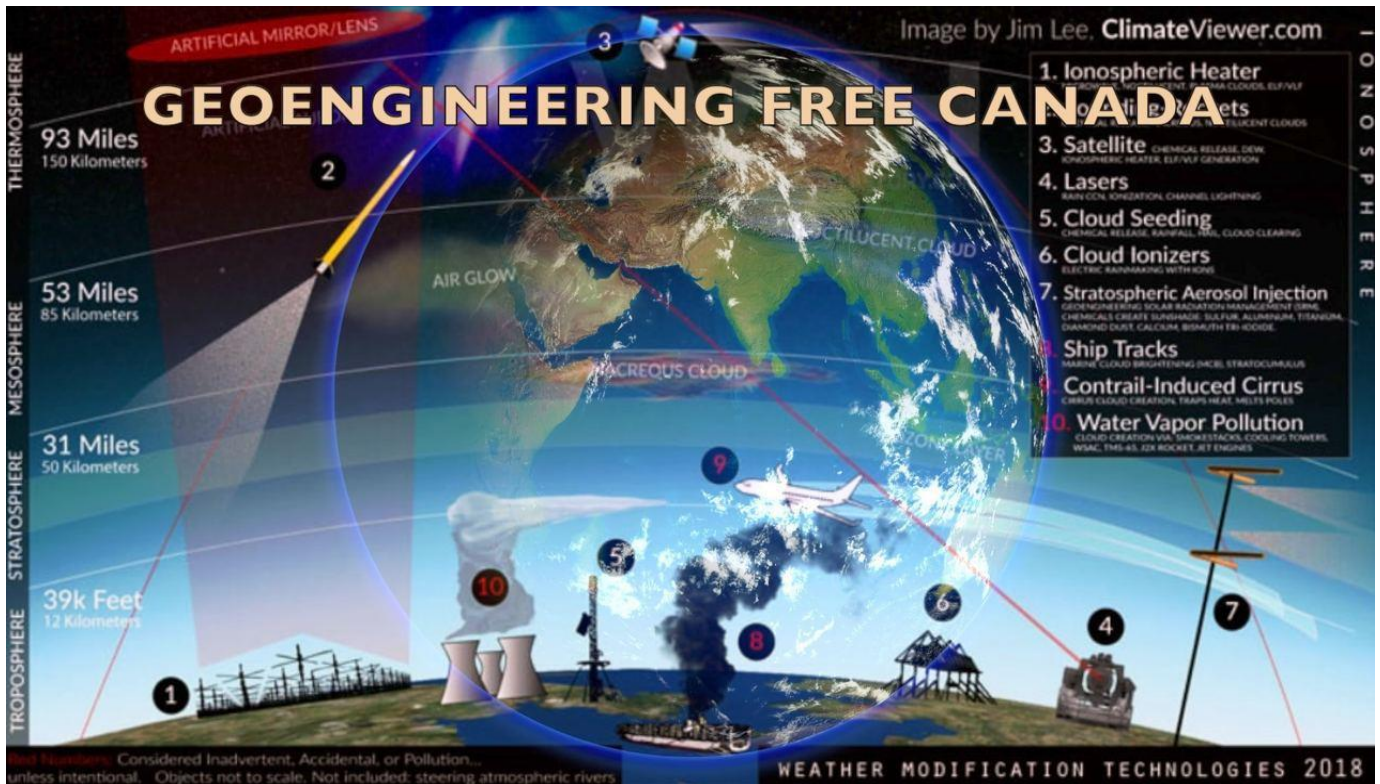


10:30 AM - Depart Skaha Lake Park and convoy through Penticton ...

11:00 AM - Pass through Summerland ...

11:30 AM - Pass through Peachland ...

12:00 PM - Arrive and park at Stuart Park in Kelowna



Geoengineering Free Canada GFC is a federal coalition which provides a comprehensive source of information, support and opportunities for people to learn about chemtrails and to work together to put an end to unsafe geoengineering practices. The coalition convenes regularly with Canadian and global action groups, guest speakers and advisers to improve collaboration and to achieve successful actions. www.geoengineeringfreecanada.com

Geoengineering Free Canada | Facebook

This group is to educate people and try to put a stop to the geoengineering and poisonous chemtrails they spray in our skies.

**JOIN THE COALITION FOR A GEOENGINEERING FREE
CANADA**

Contact Bettina

Enough is Enough!

Geoengineering Free Canada is Taking Action!

Get informed! Get involved or form a group and become a team leader for your city or region by signing up at:

<https://www.canadaforfreedom.info/geoneengineeringfreecanada>

Subscribe to the newsletter and join the zoom meetings featuring guest speakers at:

<https://www.canadaforfreedom.info/geoneengineeringfreecanada>

For more info: GeoengineeringFreeCanada@proton.me

Join Geoengineering Free Canada on Telegram at:

<https://t.me/+VzYn4J8zE3s2YjRh>

Get more informed by leading experts at:

<https://connect.climateviewer.com/>

Ocean 2 Ocean

GEOENGINEERING FREE CANADA



<https://www.facebook.com/groups/1780830142282917/?mibextid=6NoCDW>

C.L.E.A.R.



Common Law Education and Rights

Presents:

Common Law Made CLEAR

A Webinar of Truth & Empowerment!

Over 1200 Powerpoint slides!

- What is Law? A right? A privilege? A duty? A power? A disability?
- The oldest & most important Constitutional document.
The Coronation Oath of the Monarch its true meaning & implication & supremacy of God
- The specific limited powers of each level in our Gov't & their duties
- A comprehensive analysis of our common law
- The real meaning of property; **IT IS** in our Constitution & there are no loopholes
- The most important word in our legal & political systems - the word "Person"
- Analysis of "residency", the unlawful use of legal fictions & other legal & political word magic
- All our sources of information are provided to **YOU** for verification
- Ongoing Q & A throughout the presentation

Thousands of hours of research provide irrefutable legitimacy to our presentation

Join us as we "de-myth-defy" ongoing Gov't, Constitutional & legal disinformation & provide you with the Constitutional source of power for peaceful civil disobedience!

**Every Thursday starting September 22, 2022 5pm PST
with David Lindsay - Next Date: Dec. 8th, 2022**

Common Law Education and Rights
P.O. Box 21113 Cherry Lane Mall
Penticton, British Columbia V2A 8K8

■ CIVIL LAW
■ COMMON LAW
■ CUSTOMARY LAW
■ RELIGIOUS LAW
■ MIXED (COMMON & CIVIL) LAW
■ UNKNOWN

Schedule of Webinar dates and times, visit: clearbc.org
To register, email directly to clear2012@pm.me

Common Law Made CLEAR!

Webinar Series

Next Issue:

Statutory principles on “person”

Are you a “resident” of Canada

The unlawful use of Legal Fictions in law

Years in the making...

Next Webinar:

Dec. 8, 4:45 pm PST

Many myths and much disinformation have circulated for years about our common law, our Constitution, our rights and freedoms, and other important topics.

This incredible Webinar series will finally provide irrefutable documentation confirming the true source of our property rights and the supremacy of God in our Constitution – and why we should be thankful they are NOT in the Charter!!

- ✓ **If you want answers to what your common law and Constitutional rights and freedoms are**

- ✓ **Definitions and applications of the most important words in our law**
- ✓ **Where your Constitutional right and power of civil disobedience to all unlawful statutes and orders originates**
- ✓ **How Gov'ts and judges use "*legal fictions*" to steal your fundamental rights and freedoms from you**
- ✓ **What limited rights, powers, and duties Gov'ts truly have**

And much, much more...this is the Webinar series you have been waiting for!

We provide all sources of our research for verification purposes!!

By registering to this Webinar series, you will have downloadable access to each presentation you have registered to watch!

All webinars have a password that is provided to you to access each show you wish to receive, or if you register for the series, all webinars.

Never forget important information again!

For more information, go to:

Clearbc.org

For registration information, email us at:

clear2012@pm.me

COVID-19: Lessons Learned Review “THE REPORT”

Analysis:

On March 16, 2022, the B.C Gov’t appointed a Commission comprised of three (3) people to analyze the Gov’t’s actions in relation to COVID-19. That Report was issued last week, in November 2022.

chrome-

[extension://efaidnbmnnnibpcajpcgiclfndmkaj/https://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/emergency-preparedness-response-recovery/embc/reports/covid-19_lessons_learned_report.pdf](https://efaidnbmnnnibpcajpcgiclfndmkaj/https://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/emergency-preparedness-response-recovery/embc/reports/covid-19_lessons_learned_report.pdf)

Notwithstanding the claims by the B.C. Communist Government’s Minister Farnworth that the Report upheld the Gov’t’s response, this is pretty far from the truth. Here is the stated summary of their Report:

We were tasked with undertaking an operational review of the B.C. government’s pandemic response to help government prepare for future events. The review looked at preparations for the pandemic, the processes used to make decisions, government communications related to the pandemic response, and the implementation of response measures. Our findings include things that went well and things that could have been improved, because there are lessons to be learned from both. (What about things that went wrong – and there was lots of them?) (my emphasis)

We approached our task through a combination of research and

engagement. Our research examined the operational context within which government responded to the pandemic, public health and emergency management best practices, the events that took place during the pandemic, and how B.C. compared with other populous provinces in terms of several outcome indicators. We engaged broadly with the public, government, stakeholders, and Indigenous people and organizations to understand the response from a range of perspectives.

Before even examining this Report and its conclusions and findings, what does this Summary actually admit? I will come back to this at the end of this article – no cheating!!!

Many of the findings are quite irrelevant to our discussion here, such as people being dissatisfied with the time between announcements from Bonnie Henry at her press releases, and the timing of the Orders being issued.

The primary foundation of this Report is the assumption (or Gov't direction) that there was a global pandemic. All findings, **Part 3 What We Found**, are based on the assumption that there was a pandemic. Nothing in this Report analyzed the accuracy of the Gov't's claims of a pandemic, nor challenges the truthfulness of the Gov't statistics and claims.

For example, when the first Emergency Orders were issued on March 16 and 18, 2020 (Henry and Farnworth), only three people had allegedly died of COVID-19 in B.C. That is not a pandemic. Simply because the World Health Organization (WHO) issues an order of a pandemic, does not mean, factually, that there is a health emergency of that nature in B.C. Does it mean B.C. is required by law, because Canada is a member of the WHO, to issue such an Order?

Nor did the authors of this Report examine the fact that the Emergency Order by Minister Farnworth was issued without jurisdiction to so do, as the *Emergency Program Act* of B.C. only applies to natural disasters, not to viral infections or pandemics.

Nor did the authors of this Report consider that the PCR test utilized by the B.C. Gov't has a documented 97.5% false positive rate and how this would have affected the statistics in relation to deaths and health effects.

Nor did the authors of this Report consider as to why the Gov't determined to use PCR in the first place, and why it decided to use 35+ cycles in its use.

Nor did the authors of this Report consider Bonnie Henry's previous admissions in evidence in Ontario and admissions in B.C., that masks do not prevent viral transmissions.

In examining these issues, all findings were made as admissions that the Gov't narrative was correct, when in fact of course, they were not.

Why did the authors fail to contact organizations, groups or individuals opposing the Gov't narrative, and seek out their reasons for so doing and their supporting materials? If the authors were charged with determining if the statistics released by the Gov't were correct to support the restrictions, the results would have been much different, and even further against the Gov't narrative. Indeed, the Terms of Reference for this Commission, stated the following: (Appendix "A")

"The COVID-19 pandemic has affected all aspects of the BC government and the broad BC public sector throughout 2020, 2021, and into 2022...The scope of the review excludes an assessment of economic recovery and public policy decisions made by government to deal with the consequences of the pandemic and decisions made by the independent Provincial Health Officer. The review will, however, look at how these decisions were made."
(my emphasis)

These Terms set the foundation for this Committee that:

1. There was a pandemic for COVID-19;
2. The Committee was prohibited from doing a review or assessment on the decisions that were made by the Gov't and Bonnie Henry.

Considerations, noted above and others in relation to the PCR test, mask effectiveness, vaccine orders, distancing orders, lockdown decisions etc., could not be examined by the Committee and thus Henry *et al* continue to remain unaccountable for them, and the Report conclusions are skewed in favour of the Gov't as a result, as was intended by the Gov't.

The Committee was given instructions, directly and via how to conduct their investigation by the parameters set for this report, to achieve results the Gov't could rely upon to its benefits, while simultaneously minimizing all opposition.

As expected, it is a political sham which fails to get to the nature of COVID itself, the falsified stats, false PCR test results, etc.

This is the problem associated with these commissions – the Gov'ts appoint the authors, arbitrators or adjudicators, and the Gov'ts set the Terms and Conditions, what they can inquire into and what they cannot, to assure, as best they can, that they are unaccountable for their actions, while claiming to the public that this “*independent*” committee determined that they were doing a good job.

Interestingly, whether people wanted longer and more comprehensive restrictions or those who wanted none at all, a large majority of the people believed that the Gov't failed in its response.

Indicative of the quantity of people opposing the lockdowns and restrictions, the authors admit that:

A vast majority of respondents want a review of the actual decisions made to respond to the pandemic, which is beyond the scope of this review.

The extreme level of vitriol directed at decision-makers by many respondents was shocking.

This indicates that the vast majority of people did not trust the Gov't reports and statistics, and disagreed with the restrictions and lockdowns.

Statement #4 was worded: *I trusted COVID-19 information provided by Gov't*

This resulted in a whopping 74% disagreement of Gov't information!

Statement #6: *Overall the B.C. Gov't managed the pandemic well*

Disagree: 74% Agree: 18%

The authors then stated:

A relatively small number of people commented on the enforcement of provincial orders and felt that government should have been more assertive.

From the above alone, it can be seen that despite the selective people involved, the vast majority did not trust or believe the Gov't, and believed that the restrictions were excessive.

Now the *crème de la crème*. With regards to my opening insights into this Report. Though the authors claim to have engaged the public through an online survey, (p. 45), this was not publicly announced very well, and most members of the public were completely unaware of it. Over 15 000 people responded, (p, 45), but it is not stated where these people originated – were they all union/gov't employees, or with a vested interest in the outcome, or within the large group of people who believed the Gov't narrative? It appears that this survey was publicized to the organizations set out in Appendix "E" to the Report.

The authors of this Report admit to their awareness of the existence of many opposition groups to the lockdowns and restrictions. (p. 36, 37). However, they made no attempts to reach out to any of them.

None of these groups contacted have expressed opposition to the Gov't narrative, statistics, or pandemic claims. All of them, in one way or another, cooperated with and/or supported the Gov't due to financial or legal considerations. **The authors made no attempt to contact Vaccine Choice Canada (Ted Kuntz), Action4Canada (Tanya Gaw), CLEAR (David Lindsay), Unity and medical doctors, or any other individuals or groups opposed to the Gov't narrative and restrictions.**

Despite the lack of participation by professional groups and people opposing the Gov't narrative in this Report, there is clearly widespread opposition against the Gov't. If people opposing the Gov't narrative had been contacted and involved, these statistics and findings would have significantly increased in our

favour and there would have been many adverse findings against the Gov't, such that they would have had to truly justify their decisions and false statistics.

After perusing this document, the following findings became clear:

1. It is based on the false assumption that there was a pandemic and a response was needed (the *BC Emergency Program Act* does not allow for declarations of emergencies for viruses – only floods, earthquakes etc.)
2. No attempt was made to determine if the experimental injections themselves were safe after being developed in only months.
3. No attempt was made to determine if Bonnie Henry's stats were correct or not to support their emergency actions, restrictions and lockdowns.
4. The incredible amount of public distrust and anger was visible, even though groups like ours who vehemently opposed these lockdowns and restrictions, were never consulted or our reasons considered.
5. All participating groups and individuals were corporations, unions, Gov'ts and Gov't bodies, and others who are predisposed, either via bias (benefits such as employment or subsidies, or contracts), in favour of the Gov't narrative. (Appendix "A", p. 3) The lack of opposition is indicative of a study attempting to get hoped for Gov't supportive results. Despite this, the results were, as the authors admit, shockingly against the Gov't.



Sunday Paper Deliveries

A second time-slot has been added for those who cannot make it Sunday Mornings:

Every Sunday at 11:30am and 1:30pm is now also an option.

- Sign-up on the Newspaper Delivery list so that you get an email confirming the deliveries for each Sunday. With winter in mind, we will only do this if roads are bare and it's not snowing. The advantage of delivering this time of year is that nobody is hanging out in their front yards so you don't have to worry about confrontations.
- We meet at the Capri parking lot between A&W and De Dutch Pannekoek House
 - Bring a large bag for carrying the papers if you want
 - Grab a free small Kelowna map book that can help you get situated. Your cell phone will be tracking and tracing you. Learn how to read maps again
 - You will be provided with a printed google map of the area you will be delivering to. Bring a yellow marker to indicate which streets you completed. You may run out of papers or you may end up with extra
 - We ask that with every paper you deliver, you remove the inserts and place them in the mailbox in front or behind the paper. That way, someone who may hastily throw out the paper will still be forced to see each individual flyer
 - Please deliver only one paper per mailbox, regardless if you have different papers (we usually have a combination of different papers and editions). Some houses may have up to 4 mailboxes; put one paper in each as they are for different tenants
 - Dress warm and wear practical footwear

- Please always bring back your filled-out map and extra papers to the CLEAR booth on Saturdays or the following Sunday so we can keep track of the areas that got done and restock those papers
- We will keep doing this every Sunday, weather-permitting, until the majority of our 150,000 population has been reached. The more people step up to help, the faster this will get done!

Make Sure to check your email on Sunday mornings for confirmation that our paper delivery will take place that day

Anonymous Surveys

On Nov. 19/22, many people took surveys home to fill out. There was a total of 100 surveys and many are still missing. Please be sure to fill it out and return it to the CLEAR booth this Saturday, Dec. 10/22.

Thank you to all who have filled it out so far!

3 Simple Things Freedom Activists can do to WIN this War:

- 1. Spread the Word by delivering papers and flyers everywhere:
Knowledge is power!**
- 2. Replace your cell phone with a flip phone:
Think of your apps as TRAPS!**
- 3. Use CASH:
Hand out the “Use cash cards” and “pay cash” business posters**





<https://www.oraclefilms.com/safeandeffective>

From Vaccine Choice Canada



Please obtain a copy from Tom at Saturday's Kelowna Rallies and pass along to informed and uninformed alike!

Or watch here:

<https://librti.com/uninformed-consent>



<https://citizenfreepress.com/breaking/world-premiere-died-suddenly/>

<https://mailchi.mp/7007fe570ab7/manning-launches-national-citizens-inquiry?e=b1296672d3>

NATIONAL CITIZENS' INQUIRY LAUNCHED

PRESTON MANNING ANNOUNCES NCI FROM PARLIAMENT

We need a truly independent inquiry – not some committee where the arbitrator is appointed and the terms and conditions set out by the Prime Dictator of Canada.

Here is the Petition:

<https://nationalcitizensinquiry.ca/national-inquiry-petition-form/>

OF INTEREST:

Is a Federal Election coming???

Recently, a freedom supporter and former volunteer for Elections Canada, was contacted and asked if she was available during the last weeks of January, 2023!

Interesting that a likely Federal Election is being contemplated PRIOR to the decision on the Public Emergencies Act Hearing.

REMINDER

New Credit Card Fees & Lack of Privacy

The dangers of digital gov't ID and currencies are here... you need to use cash.

Withdraw money on Sunday from the bank machine, and then leave your money at home if you are scared to carry it with you, and just carry the amounts of cash for each day's purchases for the week.

NO MORE CARDS!!!! NO EXCUSES!
USE CASH!!!

Contact Unity Health & Sciences Team to volunteer to distribute their professional brochures and Medical Doctor Packages throughout your home area, and to your medical doctor!

Not every doctor, analyst, and specialist is on the gov't side and many have strong science and personal experiences opposing the gov't narrative.

<https://unitymovement.ca/health-sciences/>

New signs???

Even though COVID-19 restrictions are, for the most part, no longer in effect, other freedom issues have arisen as gov'ts use the cover of COVID-19 to introduce other more formidable liberty restrictions, including privacy violations.

Freedom is a multi-generational struggle – our legacy is to leave a better place for our children, not simply to quit after an issue appears to be over and anger diminishes; and of course, it rarely is truly over.

We urge you to provide designs (clear2012@pm.me) and/or your own signs for upcoming threats, including Digital ID

Digital currency and no cash

Climate change fraud

Further restrictions

<https://billboards4truth.com/>

CLEARBITS:

https://www.theepochtimes.com/alberta-premier-says-provincial-firearms-act-coming-in-spring_4903345.html

On the heels of the Constitutional Challenge filed by David Lindsay against the RCMP in British Columbia, Alberta is now bringing in legislation in the spring of 2023, in relation to firearms and elimination of the RCMP!

https://www.theepochtimes.com/trudeau-says-he-expects-police-to-prevent-a-freedom-convoy-repeat-as-planning-is-under-way_4901360.html

Trudeau Says He Expects Police to Prevent a Freedom Convoy Repeat as Planning Is Under Way

https://www.theepochtimes.com/parti-quebecois-barred-from-quebec-legislature-after-refusing-to-take-oath-to-king_4898006.html



Parti Québécois Leader Paul St-Pierre Plamondon, centre, speaks to the sergeant-at-arms Véronique Michel, who prevented the three PQ elected members to enter the Blue Room at the legislature in Quebec City, Dec. 1, 2022. (The Canadian Press/Jacques Boissinot)

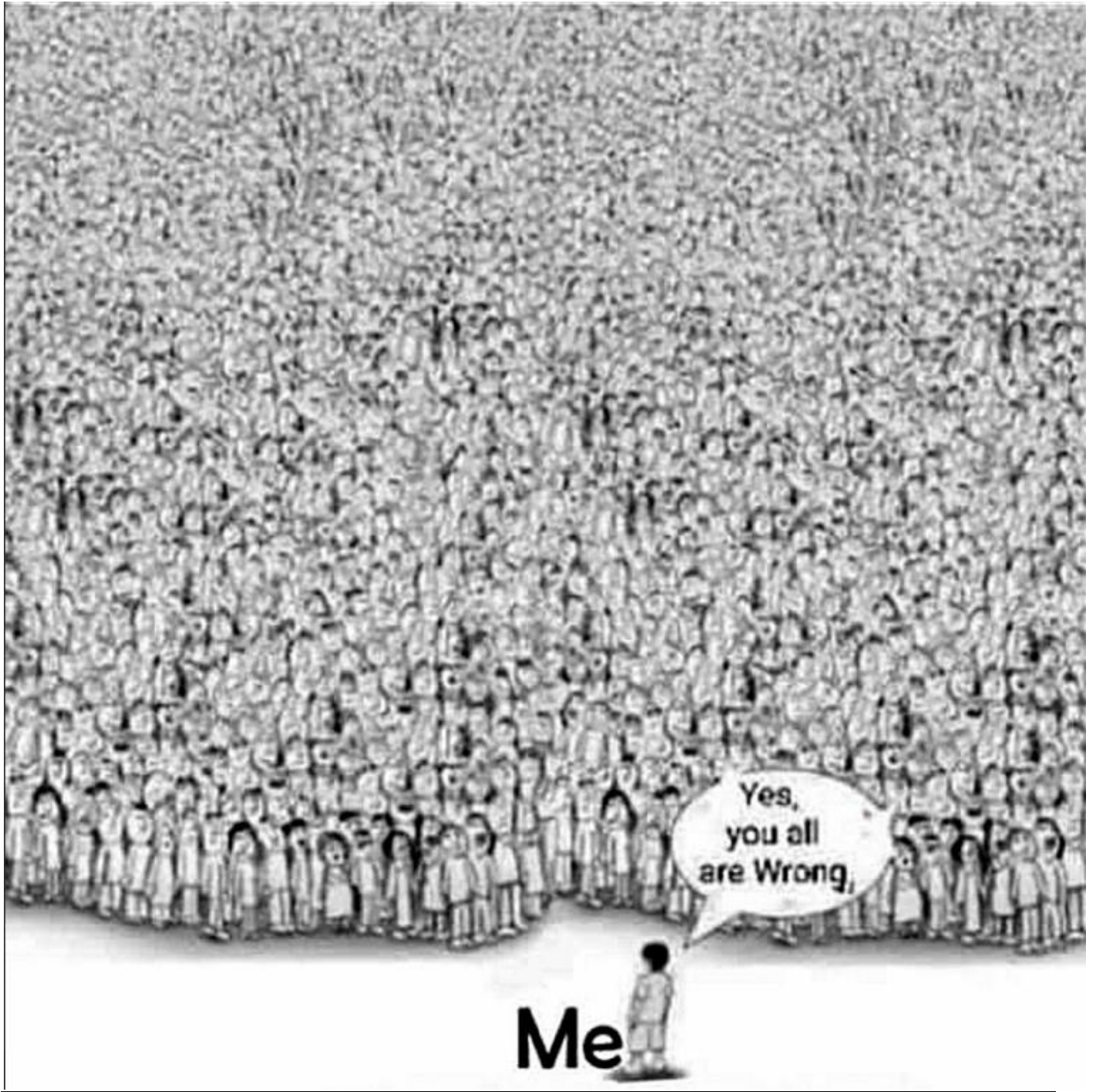
Quebec ministers refuse to swear allegiance to the Monarch.
Meanwhile, Premier Legault claims that he will introduce legislation so that ministers do not have to take the Oath in Quebec.

The problem? Quebec will run into s. 126 of the *Constitution Act 1867*, aka the *British North America Act 1867*, which Constitutionally mandates that this Oath must be taken as a condition to sit in the Legislature and Parliament.

There is no 'notwithstanding' clause to the *BNA Act* as there is in the Charter, and it is an English document, which means this is all political bravado...Quebec cannot pass such legislation as this is prohibited by s. 126!

<https://www.telegraph.co.uk/world-news/2022/11/28/netherlands-close-3000-farms-comply-eu-rules/>

Netherlands to close up to 3,000 farms to comply with EU rules




Freedom Rallies

"It ain't over till it's over"

Kelowna, BC

December 10, 2022

-4° - Cloudy  (subject to change

without notice!!! Lol - dress warm - NO

SNOW!!!!)

12:00 noon

+ The CLEAR Information Table

Stuart Park

Because It Ain't Over!

C.L.E.A.R. FREEDOM Rally!



Resistance Is Not Futile!

**Stuart Park 12 PM Saturday Dec.
K E L O W N A 10th, 2022**

*The only way to deal with an unfree world
is to become so absolutely free that your
very existence is an act of rebellion*

Albert Camus

Bring the non-believers! - Because It Ain't Over!



December 10, 2022 12:00 noon

Vernon Freedom Rally

12:00 a.m. – 2:00 p.m. @ Polson Park

Join Darren for the Largest rally in the North Okanagan, and growing weekly!



**TAKE BACK OUR
FREEDOMS!**

**SATURDAYS
12 - 2pm**

Polson Park Fountain

*** EVERYONE WELCOME ***

FREEDOM RISING

STAND UP  STAND FREE

freedomrising.info

North Okanagan Shuswap

Freedom Radio

<http://s1.vocast.com:11464/stream>

Decemberrer 10, 2022 11:30 a.m.

OK Falls Freedom Rally

11:30 a.m. Across from Esso Station

Join the OK Falls freedom activists continuing their local Freedom Rallies!

Decemberrer 10, 2022 12:00 noon

Oliver Freedom Rally

12:00 p.m. Town Hall

Join the Oliver freedom activists who are continuing their local Freedom Rallies!

December 10, 2022 11:00 a.m.

Osoyoos Freedom Gathering

11:00 a.m. – 12:30 p.m. Town Hall

Kamloops Freedom Gathering

December 10, 2022 **10:00 - 12:00 Noon**

Valleyview Centennial Park

December 11, 2022 1:00 p.m.

Penticton Freedom Rally

1:00 p.m. Warren & Main St. in N.E. lot

Join Mary Lou for the largest rally in the South Okanagan, and growing weekly!

CLEAR Telegram

With almost 770 members now and growing, join us in our C.L.E.A.R. Telegram group! Please remember: no foul language, abuse or vulgarity for any posts, keep posts relevant to today's freedom issues, humour is fine, be respectful at all times. Government officials, police, agents or their posts are not accepted nor permitted on this site. Please ensure as best you can, that material you post is accurate and correct. Posting false or incorrect information is not acceptable.

Help us ensure all posts are verified for correctness.

Opinions and discussions on relevant issues are also encouraged.

This is a private group for trusted people and friends only.

<https://t.me/+SWxndPh1I9F2lu-q>

In the name of Yahveh (God)

Provincial Court file no. 96731-1
Kelowna Registry

In the Provincial Court of British Columbia

In the Matter of: The common law, Constitutional law

And in the Matter of: *The Royal Canadian Mounted Police Act*, the *British Columbia Provincial Police Act*, R.S.B.C.1996, ch. 367

Province of British Columbia Municipal Police Service Agreement

Memorandum of Agreement between the Government of the Province of British Columbia and the Government of Canada for the utilization of a Federally constituted police force in British Columbia, 2012

Between:

His Majesty the King

- v -

David Lindsay,

Respondent

Notice of Application

Pursuant to s. 8 (2), (3), (4) of the *Constitutional Question Act* R.S.B.C. 1996 Chapter 68

David Lindsay

Deputy Attorney General of British Columbia
Ministry of Attorney General
P.O. Box 9290 Stn Prov Govt
Victoria, British Columbia V8W 9J7
Email: MAG.Correspondence@gov.bc.ca
Phone: 250 356:0149
Fax: 250 387-6224

Deputy Attorney General of Canada
British Columbia Regional Office
Department of Justice Canada
900-840 Howe St.
Vancouver, British Columbia V6Z 2S9
Email: AGC_PGC_VANCOUVER@JUSTICE.G.C.C
Phone: 604 666-2760
Fax: 604 666-1599

In the name of Yahveh (God)

Provincial Court file no. 96731-1
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Between:

His Majesty the King

- v -

David Lindsay,

Respondent

Notice of Application

Take notice that an application will be made by the Defendant, David Lindsay on March ___, 2023 at 9:30 a.m. at the Kelowna Courthouse, 1355 Water St., Kelowna, British Columbia, or on such other date as the Court may set, for the following relief:

1. Is policing a matter coming within the class of subjects encompassed by s. 92 (14) of the *Constitution Act 1867*, aka the *British North America Act 1867*, ie: the administration of justice in the province?

Yes

2. Is the *Royal Canadian Mounted Police Act*, R.S. c. R-9, s.1, in pith and substance, legislation in relation to policing, a matter coming within the class of subjects encompassed by s. 92 (14) of the *Constitution Act 1867*, aka the *British North America Act 1867*, ie: the administration of justice in the province, and thus unconstitutional and/or *ultra vires* Parliament, as the case may be?

Yes

3. Are sections 18 (a), (b), (c), (d), and 20 (1), (2), (3), (4), (5), of the *Royal Canadian Mounted Police Act*, R.S. c. R-9, s.1, in pith and substance, legislation in relation to policing, a matter coming within the class of subjects encompassed by s. 92 (14) of the *Constitution Act 1867*, aka the *British North America Act 1867*, ~~ie~~: the administration of justice in the province and thus unconstitutional and/or *ultra vires* Parliament, as the case may be?

Yes

4. Are s. 3, 14 (1), (2) (a), (b), (c), (d), and (3) of the *British Columbia Provincial Police Act*, R.S.B.C.1996, ~~ch.~~ 367, insofar as they purport to authorize the Minister, with the approval of the Lieutenant Governor to enter into and carry out agreements with Canada authorizing the Royal Canadian Mounted Police to carry out the powers and duties of the provincial police force, and *inter alia*, deem the Royal Canadian Mounted Police to be a provincial police force, unconstitutional and/or *ultra vires* the Legislature of British Columbia as the case may be, as being or amounting to a delegation, and/or an improper or unlawful use of legal fictions?

Yes

5. Is the Memorandum of Agreement between the GOVERNMENT OF CANADA and THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA, dated April 1, 2012 and Order in Council P.C. 2011-1344, November 17, 2011 Governor in Council, which purports to authorize the Minister of Public Safety and Emergency Preparedness to enter into this Agreement on behalf of the Government of Canada, and Order in Council by the Lieutenant Governor of British Columbia, insofar as they permit Canada to establish a Provincial Police Service within the Province, hereinafter identified as the Royal Canadian Mounted Police (RCMP), with the powers and duties of a provincial police force to enforce provincial and federal criminal offences, unconstitutional and/or *ultra vires* both the Lieutenant Governor, said GOVERNMENTS, as the case may be, to enter into?

Yes

6. That the aforesaid Memorandum of Agreement and impugned statutory provisions, are unconstitutional and/or unlawful and/or of no validity as the case may be.
7. That the charges in this case be quashed for want of jurisdiction to swear the Information before a Justice of the Peace.

8. Costs.
9. Such further and other relief as may be requested and this Hon. Court may grant.

The following are the general particulars to be argued for this challenge, pursuant to s. 8 (4) (d) of the *Constitutional Question Act*, R.S.B.C. 1996 CHAPTER 68, with respect to the *Royal Canadian Mounted Police Act* and the *Police Act* of British Columbia, including but not restricted to:

10. The *Constitution Act* 1867, formerly the *British North America Act*, was passed by the English Parliament in 1867.
11. This English statute did not federate the provinces into one country called Canada, nor is it a Confederation document, as it is erroneously called.
12. Canada was, and remains a Dominion, a union of Provinces under the Crown of England.
13. The exclusive powers of the Provinces were set out in s. 92 of the said *Act*, and the remaining, residual powers of Parliament were in s. 91, with examples set out therein. A proper interpretation of s. 91 and 92 is important.
14. The Provinces were given the exclusive power to pass laws in relation to matters in the itemized list in s. 92. The administration of justice, including policing, was an exclusive Provincial power. There was no analogous or expressed power given to the Federal Government, or Parliament, to create a police force, for use in any of the Provinces.
15. The RCMP were originally a para-military police force known as the North West Mounted Police (NWMP), and then subsequently the Royal North West Mounted Police (RNWMP). The enabling legislation for the RCMP was passed on May 23, 1873.
16. In 1905, upon Alberta and Saskatchewan becoming provinces of Canada, the first agreements were entered into, reluctantly by Prime Minister Laurier, for the rental of the RNWMP for those newly formed Provinces.
17. Members of the RNWMP already had their bags packed and knew that they were being transferred to the Territories to work as that is the only area that Parliament could utilize a police force.

18. The Royal Canadian Mounted Police were formed in 1920, absorbing the Dominion Police and Royal North-West Mounted Police.
19. British Columbia signed its first agreement with Ottawa for use of the RCMP in 1950.
20. In 2012, both Canada and British Columbia, following upon the expiration of previous such agreements, entered into a Municipal Police Service Agreement (Agreement), with a term ending March 31, 2032.
21. This Agreement remains in full force and effect to the present date.
22. G. Stroeder, a Special Constable with the RCMP, swore out an Information against the Accused, on December 8, 2021, alleging a *Criminal Code* offence.
23. The history of policing in English and Canadian history has always been restricted to that of a local level. National police forces to enforce local, Federal and/or criminal laws are unknown to the common law and to this country and are a Constitutional anomaly. This was incorporated into the *Constitution Act 1867*, aka the *British North America Act 1867*. There is no reference in any debates prior to 1867 at either the Quebec Conference or London Conference, during passage of the *BNA Act* nor thereafter, of policing being encompassed or intending to be encompassed by Federal legislation, exclusively or duplicitous with Provincial legislative powers.
24. There is no legitimate concept of 'Federal policing' or where the RCMP can police for Federal legislation, in the Provinces. Such a concept runs afoul, for example, of enforcement of the *Criminal Code* which would leave all Provinces either not policing and enforcing the *Code*, or being unlawfully duplicitous with the Federal Government.
25. There are only three (3) areas of overlapping legislative jurisdiction between Canada and the Provinces: agriculture, immigration and public works. Policing is not one of them.
26. Parliament has no jurisdiction to pass the impugned sections of the *Royal Canadian Mounted Police Act*, R.S. c. R-9, s.1 as this is legislation which is, in pith and substance, in relation to the matter of policing in the Province, which comes exclusively within the class of subjects identified as the administration of justice, pursuant to s. 92 (14) of the *British North America Act 1867*.
27. Parliament has no jurisdiction to pass the impugned sections of the *Royal Canadian Mounted Police Act*, R.S. c. R-9, s.1 insofar as they purport to authorize Canada to enter into Agreements with any

of the Provinces, including British Columbia, to permit a Federal police force operating in the Province.

28. Parliament has no legislative jurisdiction to create and/or constitute its own police force to operate in the Province and cannot, by way of legislative authorization to enter this said Agreement with the Province of British Columbia, permit its own police force to operate in the Province.
29. This Agreement, as with previous similar agreements in British Columbia and other provinces, was entered into primarily for economic expediency, and political reasons.
30. There is no presumption of regularity when jurisdiction is challenged. It is incumbent on the person or party (or Government) claiming jurisdiction, to prove it.
31. Applicable principles of Constitutional and statutory interpretation do not permit any interpretation of s. 91 and 92 of the *Constitution Act 1867*, aka the *British North America Act 1867*, that would permit Parliament to legislate in relation to the matter of policing, ie: for a Federally constituted police force to exist and/or enforce Provincial, Federal or criminal laws in the Province of British Columbia.
32. The only area where the RCMP have jurisdiction to operate, and where Parliament can pass legislation in relation to the matter of policing, is in the Territories.
33. The use of legal fictions in s. 14(2) of the B.C. *Provincial Police Act*, is an unreasonable, unconstitutional use of legal fictions, to accomplish indirectly what both levels of Government could not do directly. *Nemo potest facere per obliquum quod non potest facere per directum.*
34. *Res judicata* and/or *estoppel* are applicable to all Respondents, inasmuch as the Supreme Court of Canada has, on no less than five (5) occasions, held that the power to pass legislation in relation to the policing in the Province, ie: of enforcing all Imperial, Federal and Provincial laws, is *exclusively* vested in the Provincial Legislatures, not Parliament.
35. Both levels of Government, via the wording of the said Agreements purporting to authorize the RCMP to operate in the Province, freely concede that, in pith and substance, this is in relation to the matter of policing, encompassed within the class of subjects in 92 (14) of the *British North America Act 1867*, *Constitution Act 1867*, the administration of justice in the Province. Both Provincial and Federal Governments are estopped from arguing or submitting any position to the

contrary.

36. The Supreme Court of Canada in 1950 has conclusively and repeatedly held that delegation of legislative powers is not permitted by the *British North America Act 1867*, aka the *Constitution Act 1867*. “*The Parliament of Canada and the Legislatures of the several Provinces are sovereign within their sphere defined by the British North America Act, but none of them has the unlimited capacity of an individual. They can exercise only the legislative powers respectively given to them by sections 91 and 92 of the Act, and these powers must be found in either of these sections....no power of delegation is expressed either in section 91 or in section 92, nor, indeed, is there to be found the power of accepting delegation from one body to the other; and I have no doubt that if it had been the intention to give such powers it would have been expressed in clear and unequivocal language. Under the scheme of the British North America Act there were to be, in the words of Lord Atkin in The Labour Conventions Reference (1), ‘watertight compartments which are an essential part of the original structure.’” Neither level of government, independently or cooperatively can do indirectly what it cannot do directly.*
37. Any purported judicial change to this finding of “*watertight compartments*”, amounts to a change to our law without jurisdiction to so do, and further violates the intentions of the drafters of this English statute. Again, economic expediency and/or politics are not grounds to re-write the *Constitution Act 1867*.
38. Such further and other particulars and grounds as may be put forth by the Defendant, who is not bound nor restricted by the points listed herein and who reserves the right to amend any and all parts of this Notice at any time, including by way of his future written position.

Dated this ____ day of November, 2022

David Lindsay

David Lindsay
|

His Majesty the King v David Lindsay
Defendant

In the Matter of: The common law, Constitutional law

And in the Matter of: *The Royal Canadian Mounted Police Act*, the *British Columbia Provincial Police Act*, R.S.B.C.1996, ch. 367, and agreements between British Columbia and Canada for the utilization of a Federally constituted police force in British Columbia, 2012

Provincial Court file no. 96731-1

Kelowna, B.C. Registry

Proceedings commenced at Kelowna, B.C.

Notice of Constitutional Challenge
David Lindsay

David Kevin Lindsay