

Constitution/Covenants and Judgements

In Red: Constitution / Covenants Defining The Supreme Law and How the Corporation of Canada is Signatory to them.

White items: are the Supreme Court of Canada reminding Canada that they are a Corporation and Must follow the Constitution as Common Law flows from the International Covenants. WHICH THEY HAVE NOT! Know that they have turned off the RCMP from Fraud Investigations. Most Bills, Statutes, Codes and Regulations are in Breach of these Fundamental Human Rights and Freedoms. The Right to Un-Associate yourself with the Corporation of Canada is YOURS. When you do they still have the Duty of Care for you. They've signed up to it. It's in these Covenants. They don't want you to know that they are CEO's of the Banking System. Canada is Listed under the SEC - Securities and Exchange Commission. All of your hard earned dollars are leaving the country through the BIS/IMF. Learn more for free from John Spirit on eternallyaware.com or his youtube page.

1948 UDHR Universal Declaration of Human Rights The draft penned by Humphrey became the foundation for the Universal Declaration of Human Rights (UDHR). The Declaration's 30 articles defined fundamental rights and freedoms for every human being on earth.

1954 ICCPR/ICESCR Drafted: 1954

1966 ICCPR and ICESCR Signed: 19 December 1966 The principles of the UDHR offered hope and inspiration around the world. But to make a genuine difference in people's lives, those principles needed to be transformed into laws. In 1966, the UN Commission on Human Rights drafted two instruments to give legal force to the UDHR.

One instrument was called the International Covenant on Civil and Political Rights. The second was the International Covenant on Economic, Social and Cultural Rights. Together with the Universal Declaration, they comprise the International Bill of Human Rights.

The International Covenant on Civil and Political Rights offers protections for the right to life, freedom of speech, religion and voting. The International Covenant on Economic, Social and Cultural Rights focuses on such issues as food, education, health and shelter. More than 160 nations have ratified these two covenants which legally commit them to ensure these rights for people within their borders.

1976	ICCPR and ICESCR Effective: 23 March 1976
1980	<p>Supreme Court of Canada Supreme Court Judgments [1980] 1 SCR 54 1979-12-21 Re: Authority of Parliament in relation to the Upper House</p> <p>Further, although s. 91(1) gave the Queen the power, with the advice and consent of the Senate and the House of Commons, to alter the “Constitution of Canada” except in certain expressly designated areas, it does not confer a power to amend the B.N.A. Act. The word “Canada” in s. 91(1) does not refer to Canada as a geographical unit but refers to the “JURISTIC FEDERAL UNIT”</p>
1981	<p>Zingre v. The Queen et al., [1981] 2 SCR 392 (Supreme Court of Canada).</p> <p>It is a <i>recognized principle</i> of <i>international customary law</i> that a <i>state may not invoke</i> the provisions of its <i>internal law</i> as justification for its <i>failure to perform</i> its <i>international</i> obligations.</p>
1982	Charter of Human Rights and Freedoms Canada

1989 **Slaight Communications Inc. v. Davidson**, [1989] 1 SCR 1038, 1989

The reference in s. 32 to the "Parliament" and a "legislature" make clear that the Charter operates as a limitation on the powers of those legislative bodies. Any statute enacted by either Parliament or a Legislature which is inconsistent with the Charter will be outside the power of (ultra vires) the enacting body and will be invalid. ***It follows that any body exercising statutory authority, for example, the Governor in Council or Lieutenant Governor in Council, ministers, officials, municipalities, school boards, universities, administrative tribunals and police officers, is also bound by the Charter.*** Action taken under statutory authority is valid only if it is within the scope of that authority. Since neither Parliament nor a Legislature can itself pass a law in breach of the Charter, ***neither body can authorize action which would be in breach of the Charter. Thus, the limitations on statutory authority which are imposed by the Charter will flow down the chain of statutory authority and apply to regulations, by-laws, orders, decisions and all other action*** (whether legislative, administrative or judicial) which depends for its validity on statutory authority.

1990 Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission) [1990] 1 S.C.R. 425

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 **individual may stand upon his constitutional rights. He owes no duty to the State, since he receives nothing there from, beyond the 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.**

That is, read as a whole, it appears to us that this section [s. 7] was intended to confer protection on a **singularly human level**. A plain, common sense reading of the phrase "**Everyone** has the right to life, liberty and security of the person" serves to **underline the human element involved; only human beings can enjoy these rights.** "**Everyone**" then, must be read in light of the rest of the section and defined to **exclude corporations and other artificial entities incapable of enjoying life, liberty or security of the person, and include only human beings.**

1990	<p>Reference re ss. 193 and 195.1(1)(C) of the criminal code (Man.), [1990] 1 SCR 1123, 1990 CanLII 105 (SCC)</p> <p>IN THE MATTER OF The Constitutional Questions Act, being chapter C180, C.C.S.M.</p> <p>Indeed in some cases this interpretation of s. 7 may afford the individual greater protection since a restriction on rights and freedoms other than s. 7 must go to s. 1 <u>where the state is obliged to demonstrate that the restriction is reasonable and justified.</u> By contrast, s. 7 is, in a manner of speaking, "permissive". In other words the section allows the state to deprive an individual of life, liberty and security of the person as long as it abides by the principles of fundamental justice. It is <u>important to note</u> that the <u>onus</u> is on the <u>person</u> bringing the challenge <u>to demonstrate not only the restriction of the rights</u> but also <u>that the state has not abided by the principles of fundamental justice.</u></p>
1997	<p>The Supreme Court has made it clear in cases M. (A.) v. Ryan that Common Law in Canada Now Flows through the Constitution Act of 1982.</p> <p><i>M. (A.) v. Ryan</i>, 1997 (SCC), [1997] 1 S.C.R. 157, that the <u>common law must develop in accordance with Charter values. A Trespass in common law equals an infringement or denial of a fundamental right or freedom.</u> (listed in the constitution act or the covenants themselves), Quotes from Somwar v. McDonald's Restaurants of Canada Ltd., 2006 CanLII 202 (ON SC) and</p>
1999	<p>R. v. Hynes, 1999 CanLII 18979 (NL CA)</p> <p>[101] The determination whether to enforce <u>constitutionally protected rights under s. 24(2) was never intended to revert to the executive arm of government.</u> Indeed, as has already been discussed, <u>a primary purpose of the Charter was to place courts between the executive and the individual to protect the latter's individual fundamental rights and freedoms.</u></p>

2002 Scarola v. M.N.R., 2002 CanLII 741 (TCC)

[27] In **R. v. Unnamed Person**, 1985 CanLII 3501 (ON CA), [1985] O.J. No. 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.**

[25] In **Bogie v. The Queen**, 97 DTC 1079, Brulé J. said at page 1080

3)The Court, as a **statutory creation**, does not have the inherent jurisdiction

2005 Court Judgement Supreme Court- **Christie v. British Columbia**, 2005 BCCA 631 (CanLII)

The **rule of law** embraces at least three principles. The first principle is that the "**law is supreme over officials of the government**" as well as private individuals, and **thereby preclusive of the influence of arbitrary power**"

2007 **R. v. Hape**, [2007] 2 S.C.R. 292, 2007 SCC 26

Since it is a **well-established principle of statutory interpretation** that **legislation will be presumed to conform to international law**, in interpreting the scope of application of the Charter, a court should seek to ensure compliance with Canada's binding obligations under international law where the express words are capable of supporting such a construction. The presumption of conformity is based on the rule of judicial policy that, as a matter of law, courts will strive to **avoid constructions of domestic law** pursuant to **which the state would be in violation of its international obligations**.

53 One final general principle bears on the resolution of the legal issues in this appeal. ***It is a well-established principle of statutory interpretation that legislation will be presumed to conform to international law.*** The presumption of conformity is based on the rule of judicial policy that, as a matter of law, courts will strive to avoid constructions of domestic law pursuant to which the state would be in violation of its international obligations,

2014 **The Supreme Court of Canada on S. 24(2) of the Canadian Charter of Rights and Freedoms**
GERARD MITCHELL
JANUARY 2014

13 The Administration of Justice

[32] *[Note that you will find various article numbers, John used [30]]*

In *Therens*, Le Dain J. stated: "The central concern of s. 24(2) would appear to be the maintenance of respect and confidence in the administration of justice, as that may be affected by the violation of constitutional rights and freedoms." According to Grant, the term [or when you state] "administration of justice" in s. 24(2) concerns maintaining the rule of law and its processes, and includes upholding charter rights in the justice system as a whole.

2015	<p>R. v. Wagner, 2015 ONCJ 66 The Rule of Law</p> <p><u>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</u></p> <p><u>The contemporary concept of unwritten constitutional principles can be seen as a modern reincarnation of the ancient doctrines of natural law</u></p>
1919	<p>In Board v. Board (1919) Viscount Haldane for the Privy Council in dealing with the question of the nature of jurisdiction of a superior Court said:</p> <p><u>If the right exists, the presumption is that there is a Court which can enforce it, for if no other mode of enforcing it is prescribed, that alone is sufficient to give jurisdiction to the King's [Queens now] Courts of justice. In order to oust jurisdiction, it is necessary, in the absence of a special law excluding it altogether, to plead that jurisdiction exists in some other Court.</u></p>
1946	<p>Supreme Court of Canada Thomson v. Minister of National Revenue, [1946] S.C.R. 209 [pg 220]</p> <p><u>Residents are taxed, not Canadians;</u> but residents within the meaning of the Act,</p>

2005 Canada (Attorney General) v. Sam Lévy et Associés Inc., 2005 FC 171 (CanLII)

First, and most importantly, the Constitution is, under s. 52(1) of the Constitution Act, 1982, "the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the

extent of the inconsistency, of no force or effect" ****** . The invalidity of a legislative provision

inconsistent with the Charter does not arise from the fact of its being declared unconstitutional by a court, but from the operation of s. 52(1). Thus, in principle, such a provision is invalid from the moment it is enacted, and a judicial declaration to this effect is but one remedy amongst others to protect those whom it adversely affects

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Add, Devito v. Canada 22 and 23 see Notice of Understanding.

Add Gosselin v. Quebec

Add R. v. Peel

From Video “my property my exemption”

ADD Prete v. Ontario

**[https://www.canlii.org/en/on/onca/doc/
1993/1993canlii3386/1993canlii3386.html](https://www.canlii.org/en/on/onca/doc/1993/1993canlii3386/1993canlii3386.html)**

“The reasons of Lamer J., standing alone, are strongly persuasive that a statutory enactment cannot stand in the way of a constitutional entitlement.”