DOCTRINAL AUTHORITY

A Treatise on the Constitutional Principles Governing the Inherited Liberty of the Natural-Born Subject in Canada, and from the Tradition of Common Law

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A Public Document — An Etymological-Constitutional Analysis
Organized by Principle

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PREFACE

This treatise organizes, by doctrinal principle, one hundred and forty etymological-constitutional definitions and twenty-five numbered points of argument bearing on the inherited liberty of the natural-born subject within the Canadian constitutional order. The definitions trace each constitutional term to its linguistic root in order to recover the meaning the constitutional order received and to identify departures from that meaning in subsequent legislative instruments. The arguments apply those recovered meanings to the progressive encroachment upon the liberty of the natural person by successive firearms-related enactments from 1892 through the present day.

The register is impersonal and scholarly. The doctrinal architecture—the logical relationships between the principles asserted—is made visible by arranging the definitions under the principles they serve and distributing the operative consequences to the doctrinal chapters from which they flow. The result is a treatise that stands on its own terms: accessible to any reader, organized by principle rather than by sequence, and requiring no familiarity with any particular proceeding.

No originality is claimed. The principles traced herein are received principles of the common law tradition, the constitutional inheritance of Canada at Confederation, and the natural law foundations upon which both rest. The etymological method employed throughout is itself received: it traces each term to its linguistic root in order to recover the meaning the constitutional order inherited and to identify departures from that meaning in subsequent legislative instruments.

PART I — ONTOLOGICAL FOUNDATIONS

Chapter 1: The Order of Existence

The analysis opens with a series of definitions that establish an ontological framework prior to any legal analysis. The terms *definition* (Latin *definitio*, from *definire*: to set the boundaries of a thing), *is* (the present indicative of *to be*, from Proto-Indo-European **es-*), and *ontology* (Greek *on* + *logos*: the account of what is) are not preliminary throat-clearing. They establish the mode of argument. The analysis is ontological in character: it asks the reader to recognize what exists in the constitutional order, not to create something that does not.

The ontological framework distinguishes between that which *is* and that which has been *enacted*. A thing that exists in the present indicative—not hypothetically, not conditionally, but actually—stands in the order of existence prior to and independent of any instrument that may have been placed upon it. The liberty, on this account, *is*. The licensing regime *was enacted*. The tense is constitutionally decisive: the regime says the Heir *may* possess (permissive, conditional, revocable); the Constitution says the liberty *is* (actual, unconditional, already standing).

Four further terms—*fact* (Latin *factum*: the thing done), *truth* (Old English *trēowth*: what stands firm), *falsehood* (Latin *falsus*: what has fallen from correspondence with what is), and *reality* (Latin *realitas*, from *res*: the condition of being a thing)—complete the ontological vocabulary. The analysis deploys these terms to distinguish between the real (the inherited liberty, the allegiance bond, the constitutional standing of the natural person) and the fictive (the licensed actor, the administrative entitlement, the statutory creature the regime substitutes for the constitutional person). The distinction between reality and fiction is not rhetorical. It names the order of priority: what exists prior to an instrument cannot be the creation of that instrument. What the state did not bring into existence cannot be governed by the state as though it had.

Chapter 2: The Natural Person and the Order of Creation

The etymological chain of *life* (Proto-Germanic **līban*: to remain, to persist), *natural* (Latin *naturalis*, from *nasci*: to be born), *birth* (Proto-Indo-European **bher-*: to carry, to bear), and *blood* (Proto-Germanic **blōðą*: the substance that blooms within the living body) establishes the natural person as the irreducible constitutional unit. The natural person arises by birth—not constituted by statute, not created by administrative act, not produced by any licensing regime. The adjective *natural* is not decorative; it is ontological. It marks the boundary between what arose from the living order and what was imposed upon it from outside.

The terms *creator* (Latin *creare*: to bring into existence from non-existence), *created* (the past participle: that which has been brought into being by another's act), *auctor* and *auctoritas* (Latin *augere*: to increase, to originate) establish the principle that original title traces to the originating cause. In law, the creator of a thing is its first cause and therefore its first owner. The maxim *auctoris est opus*—the work belongs to its author—is the operational expression of this principle.

The constitutional application is direct. The state is a created entity. The natural person is not. The state's institutions, instruments, and licensing regimes are *created* things—brought into existence by legislative act, ontologically posterior to their creators, incapable of claiming authority over what preceded their own existence. The living person is the *auctor* of everything their life produces: the natural fruits of their capacity, the yield of their labour, their accumulated property, their inherited tradition. The state was not present at the creation. It contributed nothing to the originating act. It has no standing as *auctor* and therefore no claim under *auctoris est opus*.

The further definition of *the limits of auctoritas* makes the boundary explicit: the state cannot cause life, has never brought a person into existence, and finds persons already living and already productive. Its *auctoritas* is real within its proper domain—statutes enacted, institutions constituted, offices created, rights granted—but does not extend to creations it did not make. A state that conditions the natural fruits of life on prior authorization is implicitly claiming that the Heir's productive existence is downstream of state permission. Since the state cannot be *auctor* of life, that claim is a usurpation of a creative standing the state is constitutionally incapable of holding.

PART II — THE CONSTITUTIONAL BOND

Chapter 3: Allegiance, Standing, and the Foundational Law

The term *allegiance* (Old French *liege*, from Frankish **lethig*: free) names the bond by which a free person voluntarily binds themselves to a sovereign. It is not compliance. It is not permission-holding. It is the voluntary binding of a free person in exchange for the sovereign's reciprocal obligation of protection. The allegiance arises at birth, by the fact of birth within the dominion of the Crown—*ligeantia naturalis*—as established in *Calvin's Case* (1608). Nothing that occurs thereafter can undo what birth accomplished.

Standing (Old English *standan*, from Proto-Indo-European **steh₂-*: to stand) is the condition of having a recognized position within the constitutional order. The etymological connection to *constitution* (Latin *constitutio*: to cause to stand together) is structural: the constitutional order is the arrangement within which persons stand, and standing is what the constitutional order confers upon those it recognizes. The Heir's standing is prior to every statute, every licence, every administrative instrument.

The compound definition of *foundational law, constitutional bond, allegiance, and mastery* traces a deductive chain. Foundational law is what pre-stands—the order that exists before Parliament, before the Crown's instruments, before any statute. It was already standing when Parliament first convened. The constitutional bond is the specific reciprocal relationship the foundational law recognizes between the Heir and the Crown: personal in character, reciprocal in obligation, prior to statute, and singular—admitting no intermediary. Allegiance is the content of the Heir's side of that bond. Mastery, in the constitutional sense, is the structural consequence: the Crown is the Heir's master—the one to whom primary obligation runs, the one who owes protection in return.

The principle *nemo potest duobus dominis servire*—no one can serve two masters—operates here as a structural constraint. The Heir's primary bond runs to the Crown. A licensing regime that conditions the Heir's enjoyment of their inherited liberty on compliance with an administrative authority (a creature of statute, not a party to the allegiance bond) inserts a second master into a relationship that admits only one. The Heir cannot simultaneously hold their liberty by right of allegiance to the Crown and hold it by permission of a licensing regime. Right does not coexist with permission for the same thing.

Chapter 4: The Sovereign Cluster

Seven definitions—*Crown*, *Royal*, *King*, *Queen*, *Monarch*, and the cautionary models of *Pharaoh*, *Caesar*, and *Emperor*—form a cluster tracing the identity, limits, and pathologies of sovereign authority.

The *Crown* (Latin *corona*) is the juridical embodiment of sovereign authority—the abstract legal person in whom the powers of the state are vested. The *King* (Old English *cyning*, from **kunją*: kin) is etymologically the one who proceeds from the

people, not the one to whom the people belong. The direction of the relationship is encoded in the word itself. The *Queen* (Old English *cwēn*: woman in her full standing) names the personhood before the office. Both are constituted by the order, not constitutive of it.

Three cautionary models identify the pathologies of sovereign authority when it exceeds its constitutional containment. The *Pharaoh* (Egyptian *per-aa*: the Great House) is the office that has consumed the person—the institution that has swallowed the people who built it. The *Caesar* is the person that consumed the office—the accumulation of republican functions into a single will while maintaining the vocabulary of separated powers. The *Emperor* (Latin *imperator*: the one who commands) is the military authority that escaped its constitutional containment and became the permanent condition of governance. Each model identifies a specific failure mode: the collapse of the distinction between the person and the institution, the accumulation of checked powers into unchecked ones, and the replacement of allegiance with obedience.

The bridging definition of *the Monarch as Fidei Defensor* unites the sovereign cluster with the temporal-lineage cluster (treated in Part V below). The Monarch bears the title Defender of the Faith—*Fidei Defensor*—not as a ceremonial accretion but as a structural condition of the office. The Crown’s duty is to maintain the constitutional order’s connection to the higher ordering principle from which its authority descends. A Monarch whose instruments invert the relationship between the person and the state—placing the created above the creator, the instrument above the person—has departed from the *fides* the Monarch is constitutionally obligated to defend.

PART III — CONSTITUTIONAL SUPREMACY AND ITS VOCABULARY

Chapter 5: Constitution, Supremacy, and the Direction of Authority

Constitution (Latin *constitutio*, from *con-* + *statuere*: to cause to stand together) is distinguished from *statute* (a thing placed within the standing order). A constitution is the underlying arrangement that holds everything else upright; a statute is erected within it. The constitutional order pre-stands: it is already standing before any legislature acts. A statute erected within the structure cannot alter the structure that holds it up.

Supreme and *supremacy* (Latin *supremus*: the highest, that above which nothing within the order may stand) carry a structural implication: if a thing is supreme, then nothing within the order may contradict it. If the Constitution is supreme, then no instrument enacted within the constitutional order may operate in contradiction to it. If an instrument does so operate, either the Constitution is not supreme or the instrument is void. The constitutional order does not admit the first possibility.

The compound definition of *constitutional supremacy of free persons* presses the principle to its root. No constitutional order is necessary to produce unfree conditions. Unfreedom is the default state of power unchecked—it requires no architecture, no founding document, no act of settlement. Any arrangement in which one party holds the capacity of another under continuous conditional authority produces it. The Constitution exists because free persons exist. Free persons—already free, already self-owning—constituted the order not in order to become free but in order to remain free. Constitutional supremacy is therefore the supremacy of the condition of freedom itself: the structural guarantee that the pre-existing liberty of free persons stands above every instrument the order they created may produce.

Chapter 6: Law, Lawfulness, and Their Negation

Law (Old English *lagu*, from Old Norse *lǫg*: that which is laid down, gathered, settled) is what a community of free persons has laid down as the settled normative order. The *common law* (the law held in common, the gathered knowledge of the entire community) is not made by judges; it is recognized by them—found in the accumulated practice of the community and declared in the enclosed space of the court.

Lawful (Old English *lahful*) is the condition of being in correspondence with what has been laid down. *Unlawful* (Latin *illegitimus*: not in right relation to the gathered law) is the condition of having departed from it. The critical constitutional application is that unlawfulness is not the exclusive property of the subject. The state can act unlawfully. A regime can be unlawful. An act of Parliament that contradicts the constitutional order it was enacted within is unlawful in the etymological sense: it is out of correspondence with what was laid down. The form of law is not the substance of law. The substance is correspondence with what was laid down.

Void ab initio (Latin: empty from the beginning) names the condition of an instrument that never began—that entered the world with no constitutional authority, no lawful basis, no valid chain of origination. A void *ab initio* instrument is distinguished from a *voidable* one: the voidable instrument had a beginning and was subsequently rendered void; the void *ab initio* instrument never existed in the constitutional sense. The maxim *quod non habet principium non habet finem* (what has no lawful beginning has no lawful end) is the temporal expression of this principle. One hundred and thirty-seven years of operation under a void instrument is one hundred and thirty-seven years of operation under nothing. Duration does not fill the void.

PART IV — THE LIBERTY AND ITS ATTRIBUTES

Chapter 7: Freedom, Property, and the Natural Fruits

Free and *freedom* derive from Proto-Indo-European **priyos*: dear, beloved, one's own. The core meaning is not absence of constraint but belonging to oneself. The opposite of free in the original sense is not *constrained* but *enslaved*: belonging to another. Freedom (Old English *-dom*: condition, domain) is the condition of being one's own. A licensing regime that conditions the exercise of self-owned liberty on prior authorization denies the ontological premise—that the person belongs to themselves at all.

Property (Latin *proprietas*, from *proprius*: one's own) is what belongs to the person. *Private* (Latin *privatus*: set apart for one's own use) names what is withdrawn from public access. *Private property* is the compound: what belongs to the person and is set apart for their own use. The constitutional protection of private property is the protection of the boundary between the person's domain and the state's reach.

Natural fruits (Latin *fructus naturales*) are what the living productive order yields of its own nature—distinguished from *civil fruits* (what the legal arrangement generates) and from *income* (what comes in from external sources). The distinction is constitutionally decisive: a regime that treats natural fruits as income has mischaracterized what the person produces by their own nature as what the person receives from outside. The natural fruits belong to the *auctor* by virtue of the originating act; income belongs to the recipient by virtue of the transaction.

Birthright (the compound of *birth* and *right*) is the right that attaches at birth—the straight-line claim the person holds from the moment they enter the constitutional order, not by application, not by grant, but by the operation of the living order upon the fact of their arrival. A birthright cannot be converted into an administrative entitlement without clear and plain legislative intent to extinguish it, because the right does not trace to the legislature. It traces to the birth. *Nemo dat quod non habet*: the state cannot give itself authority over a right it did not produce.

Chapter 8: The Home, the Soil, and the Jurisdictional Boundary

Home (Old English *hām*: the dwelling, the place of rest and safety), *soil* (Latin *solum*: the ground, the base upon which all standing occurs), *land* (Proto-Germanic **landą*: the open ground), and *territory* (Latin *territorium*: the land attached to a town) form a graduated series from the most intimate to the most public sphere. The home is the constitutional sanctuary—the place where the person exercises their liberty in its most private form. It is not a licensable space. It is not a regulable zone. It is the place the constitutional order was built to protect against the instruments of power that would enter it without cause.

Jurisdiction (Latin *jurisdictio*: the speaking of the right, from *jus* + *dicere*) is the authority to declare what the law is within a defined domain. It is bounded by its own definition: where the right does not reach, the speaking of the right has no force. The private home stands at the boundary of the state's jurisdiction in the deepest

etymological sense. The state's *jus dicere* stops at the threshold unless specific, articulable cause permits entry. A regime that claims standing authority to inspect the Heir's home—without individualized suspicion, without judicial authorization—has claimed jurisdiction over a domain the constitutional order has always placed beyond its ordinary reach.

PART V — THE TEMPORAL LINEAGE AND THE HIGHER ORDERING PRINCIPLE

Chapter 9: The Calendar as Constitutional Instrument

The definitions of *day* (Proto-Indo-European *d^heg^{wh}-: to burn; and *dyeu-: to shine, the root that gives *deus*), *A.D.* (*Anno Domini*: in the year of the Lord), *B.C.* (Before Christ), *the Son*, *the Father*, and *F.D.* (*Fidei Defensor*) form a temporal-lineage cluster. The calendar is identified as a constitutional instrument—not a convention of convenience but the means by which the constitutional order qualifies each day, stamps it with its *Anno Domini* designation, and marks it as belonging to the temporal lineage of the tradition from which the order derives.

Every instrument the state enacts bears a date expressed in *Anno Domini*. Every statute, every order in council, every judgment—including the judgments of the Supreme Court—is dated within the temporal lineage the calendar defines. The state that dates its instruments in *Anno Domini* cannot simultaneously deny the tradition from which the calendar derives, because the date is the tradition's mark upon the instrument.

The definition of *atheism* (Greek *atheos*: without the higher ordering principle) completes this cluster. The analysis does not address atheism as a matter of personal belief but as a structural question: the constitutional order rests upon the premise that something precedes the state—that the state is not the highest thing. The preamble of the Constitution Act, 1982 recognizes the supremacy of God alongside the rule of law. If the state is the highest thing, then the state is the source of every right it recognizes, and what the state gives the state may take. The tradition begins from the opposite premise: something creates the days, something sustains the living order, and the person stands between the higher order above and the state below.

Chapter 10: De Jure, De Facto, and the Morrow

De jure (Latin: of the right, from the law, by the oath) names the condition of existing as a matter of normative necessity, independent of whether any particular act has given it practical expression. *De facto* (Latin: of the deed, from what has been done) names the condition of existing because an act produced it. The licensing regime exists *de facto*—it was enacted, it operates, its fees are collected. The question the analysis poses is whether it exists *de jure*: whether it exists of the right, from the law, by the oath the constitutional order made to itself.

Morrow (Old English *morgen*: the next day, the threshold between dark and light) names the day not yet come. The state cannot guarantee the morrow. The duty of the Heir—the militia tradition, the defence of the constitutional order against internal threat—exists precisely because the state cannot guarantee tomorrow's safety. A state that disarms the persons upon whom it depends for the defence of tomorrow has made itself dependent upon those it has disabled.

Death (Proto-Indo-European *dheu-: to pass away) is the horizon against which the entire tradition is measured. The tradition transmits because persons die. Death is

what makes the tradition necessary—the limit against which the lineage must cross if the inheritance is to continue. By interposing a licensing regime between the generation that holds and the generation that inherits, the state placed an instrument across the threshold that death makes urgent. Every generation that passed without transmitting the tradition fully represents a crossing at which the thread thinned.

PART VI — THE MECHANISMS OF ENCROACHMENT

Chapter 11: Inversion

Inversion (Latin *inversio*, from *invertere*: to turn against) is the central mechanism this treatise identifies. Inversion is not destruction or abolition. The inverted thing continues to exist; its components remain present; its form may appear unchanged. But its operative direction has been reversed—and a thing that operates in the reverse of its constituted direction serves the opposite purpose. Inversion is more dangerous than destruction: a destroyed thing is visibly absent; an inverted thing is visibly present while accomplishing the opposite of what the original was built to do.

The analysis traces nine specific inversions accomplished by the licensing regime:

First, the relationship between the Creator and the created: the state—a created thing—claims authority over the Heir whose existence it did not cause. Second, the relationship between the *Auctor* and the work: the state claims the standing of originating cause over property and natural fruits it did not originate. Third, the relationship between the King and the kin: the one who proceeds from the people treats the people as proceeding from the Crown's permission. Fourth, the relationship between Liberty and the person: the condition of self-ownership has been replaced by the condition of licence-holding. Fifth, the relationship between the Master and the servant: the Crown, which owes protection, has become the apparatus demanding compliance. Sixth, the relationship between Law and the instrument: what was laid down by free persons is contradicted by the statute that purports to carry it. Seventh, the relationship between public safety and the free person: the wholeness of the people is injured by the instrument that claims to preserve it. Eighth, the relationship between the Home and the state: the place the constitutional order was built to protect is the place the regime claims standing authority to enter. Ninth, the relationship between the tradition's language and its meaning: the very words that carry the constitutional tradition—*liberty*, *allegiance*, *right*, *free*, *property*, *law*—are the intellectual property of the heritage from which they originate. These words are not neutral instruments available for any construction. They carry the tradition they came from. They *are* the tradition in linguistic form. To use those words to build a construction (*construere*) that denies the tradition they carry is to use the inheritance against the inheritor—the vocabulary of freedom deployed to administer unfreedom. The form of the tradition is preserved while its substance is reversed. The words remain. The meaning is inverted. In doing so, the statutory creatures—instruments that owe their existence to the very tradition whose language they appropriate—have engaged in intellectual property theft and cultural appropriation, knowingly using the vocabulary of the heritage to deny the heritage itself. The common law has always recognized the right of the originating cause in its intellectual work: *auctoris est opus*. The constitutional vocabulary—*liberty*, *allegiance*, *right*, *law*, *free*, *property*—is the intellectual output of the common law heritage, developed, refined, transmitted, and inherited over centuries by the community of free persons whose gathered knowledge *is* the common law. The common law *is* itself the intellectual property of the people who laid it down. The statutory creatures did not develop these words. They inherited them—through the tradition they were created within. To use them

against the tradition is to use what does not belong to them, for a purpose the heritage never authorized. The constitutional texts themselves—the *Constitution Act, 1867*, the *Charter*, the statutes enacted thereunder—are held under Crown copyright. The Crown *is* the custodian of the original. Counterfeit—from Old French *contrefait*, *contre* (against) + *fait* (made)—is a thing made against the original, bearing the appearance of the authentic while operating in opposition to its substance. A regime that uses the constitutional vocabulary to administer the negation of the constitutional substance has the character of a counterfeit: the Crown's own copyrighted language, deployed by the Crown's own instruments, to produce a simulacrum of constitutional order that *is* the inversion of it. The custodian of the original has produced the counterfeit. At common law, counterfeiting the King's coin was treason—not mere fraud—because the coin bore the sovereign's image, and to counterfeit it was to attack the sovereign's authority by producing a false version of the sovereign's instrument. The constitutional vocabulary bears the Crown's authority in the same manner: the words are stamped with the sovereign's image, coined in the sovereign's name, and circulated as the currency of the constitutional order. To counterfeit that currency—to produce a regime that bears the image of the constitutional order while operating against its substance—is to place a false sovereign where the true one stands. It interposes a mediator where the bond *is* unmediated. The Heir's allegiance runs to the Crown—not to a counterfeit of it. Where the image *is* false, the coin *is* void, and the obligation it purports to impose *is* without force.

Chapter 12: Silence, Prejudice, and Epistemic Deprivation

Silence (Latin *silēre*: to let drop, to let fall) is identified as the most effective instrument the encroachment deployed. The state did not merely regulate the instruments of the liberty; it regulated the knowledge of the liberty itself—not by prohibition but by omission. The tradition was allowed to fall silent. It was not refuted. It was simply not spoken.

A sequence of epistemic definitions traces the consequences of that silence. *Prejudice* (Latin *praejudicium*: the judgment rendered before the hearing) names the constitutional pre-judgment at the foundation of the regime: that the Heir is a danger, that the person who possesses lawfully acquired property is presumptively a threat. *Blind* (Proto-Indo-European **bhlendh-*: to dim, to blur) names the condition of not seeing what is present. *Ignorance* (Latin *ignorare*: to fail to recognize what is available to be recognized) names the institutional failure—distinguished from *nescience* (the simple absence of knowledge where the thing was never available). The maxim *ignorantia juris non excusat* applies to the state with the same force it applies to the subject.

Poverty (Latin *paupertas*: the diminishment of the capacity to produce) is employed in the specific sense of poverty of knowledge—the epistemic condition of a people progressively separated from the tradition that would have supplied their understanding of their own constitutional standing. That poverty was not natural; it was manufactured. *Defilement* (Middle English *defoulen*: to trample until made foul) names the condition produced by the passage of successive instruments over the

inherited liberty. *Deprivation* (Latin *deprivare*: to strip thoroughly of what is one's own) names the end condition of the entire sequence: property taken, natural fruits diverted, standing displaced, knowledge severed, understanding reduced, and the recognition that any of this occurred itself removed.

The definition of *knowingly* (Latin *sciemment*, from *scire*: to know by having cut through) establishes the epistemic consequence of the conveyance itself. Once the tradition is conveyed, the state knows the pre-Confederation liberty exists, knows the natural allegiance doctrine applies, knows the distinction between the Heir and the Administratively Granted Citizen. Every subsequent act of the state in relation to the Heir's inherited liberty is taken *knowingly—sciemment*, in the manner of one who has been shown the law and acts contrary to it.

Chapter 13: The Veil, the Shield, and Institutional Concealment

The definitions of *veil* (Latin *vēlum*: a covering, a curtain), *lifting the veil*, *piercing the veil*, *shield* (Old English *scield*: the thing placed between the person and the force directed at them), and *piercing the shield* provide the remedial vocabulary for institutional concealment. The veil is the institutional surface maintained while the substance behind it is replaced. Lifting it reveals the acts behind the covering. Piercing the shield reaches the persons whose acts produced the injury and whose liability has been absorbed by the administrative apparatus they stood behind.

The definitions of *conspiracy* (Latin *conspirare*: to breathe together), *co-conspirators*, and *dissolution of the office* extend the analysis to the institutional actors. Conspiracy in its etymological sense—the shared breath, the common exhalation in the same direction—does not require a meeting of minds in the criminal sense. It requires only that the actors breathed together toward a common effect. *Dissolution of the office* names the consequence when the person holding a constitutional office acts outside the authority the office confers: the act dissolves the office-holder from the office's protection and exposes the personal liability the office was meant to contain.

Chapter 13A: Schism and the Severance of Constitutional Tradition

Schism (Greek *σχίσμα*, from *σχίζειν*: to split, to cleave; from Proto-Indo-European **skei-d-*: to cut, to separate) names the formal rupture within a body that shares a common origin, where the chain of transmission is severed while both sides claim continuity with the original. *Schismatic* (Late Latin *schismaticus*, from Greek *σχισματικός*) is the adjective: having the character of construing a schism. It characterizes not the result but the nature of the act—an act that, by what it does, severs the actor from the tradition the actor claims to carry.

The concept is received from ecclesiastical tradition, where it names the most consequential form of institutional rupture—distinguished from heresy, which is an error in doctrine. The distinction is structurally precise. A heretic gets the substance wrong: the doctrine is misunderstood, misapplied, or contradicted. A schismatic breaks the chain of transmission: the doctrine may remain formally intact, but the continuity of the tradition through which it was carried has been severed. One can be doctrinally orthodox and still schismatic if one has cut oneself off from the authority

through which the doctrine was transmitted. The form is preserved. The chain is broken.

The constitutional application is direct. The *Constitution Act, 1867* imports a tradition through its preamble—"a Constitution similar in Principle to that of the United Kingdom." That importation is not decorative. It is structural. The tradition is load-bearing: it supplies the principles upon which the constitutional order stands, the common law liberties the order inherited, and the reciprocal allegiance bond between the Crown and the natural-born subject. A constitution that imports a tradition does not merely reference it. It incorporates a living body of principle as part of the operative constitutional framework. The tradition becomes constitutive of the order.

A schism in a tradition-bearing constitutional order occurs when the legislative or executive arm acts in a way that severs continuity with the embedded tradition while still claiming the authority that flows from it. The state continues to invoke the constitutional instrument. It continues to date its enactments in *Anno Domini*. It continues to exercise the Crown's prerogative. But the substance of the tradition that the instrument incorporated has been abandoned. The authority depends on the tradition, but the exercise of that authority contradicts it. This is the paradox of the schismatic state: it derives its legitimacy from the very thing it has departed from.

Schism is structurally distinct from amendment and from evolution. A tradition can develop—the common law does this organically—without rupture, so long as each step maintains a recognizable continuity with what came before. The common law grows by accretion, by the gradual extension of principle to new circumstances, by the judicial recognition of what the community has come to settle as normative. That is not schism. That is the tradition in its living operation. Schism occurs when the break is sharp enough that the new position and the inherited position cannot both be true simultaneously. One side has departed. The question becomes which side retains the legitimate claim to the original.

The licensing regime is schismatic in precisely this sense. Parliament did not argue that the inherited liberty of the natural-born subject had never existed. It did not confront the tradition, engage with its substance, or extinguish the liberty in clear and plain language as the *Sparrow* standard requires. It simply proceeded as though the liberty did not exist—substituting a licensing regime for the inherited standing without ever naming what it displaced. The tradition was not refuted. It was abandoned. The constitutional person was not addressed. They were overwritten. That is not heresy. It is schism. The doctrine was not engaged and found wanting. The chain of transmission was severed and the severance was concealed by the silence traced in Chapter 12.

The schism concept clarifies the burden question. In a tradition-bearing constitutional order, the party that has departed from the tradition bears the burden of justifying the departure—not the party that asserts continuity. The Heir who says "this liberty was always mine" is standing on the tradition. The Crown that says "we replaced it with a licence" is the one who moved. The Heir need not prove that the tradition exists; it is embedded in the constitutional instrument itself. The Crown must prove that the departure was lawful—that the schism was authorized by clear and plain legislative

intent, that the chain of transmission was severed with constitutional warrant, that the foundational law permitted its own abandonment. That burden has never been discharged, because the departure was never acknowledged.

The relationship between schism, silence, and inversion is architecturally complete. Inversion (Chapter 11) names the operative mechanism: the direction of the constitutional relationship was reversed. Silence (Chapter 12) names the concealment: the tradition was allowed to fall silent so that the rupture would not be recognized. Schism names what inversion and silence together produced: a formal severance of the statutory state from the constitutional tradition it claims to operate under—a severance accomplished not by confrontation but by abandonment, not by refutation but by omission, and sustained not by argument but by the progressive epistemic deprivation of the people from whom the tradition was withheld. The veil and the shield (Chapter 13) are the instruments by which the schism was maintained once accomplished. Together, these four chapters trace the complete anatomy of the encroachment: a constitutional tradition was inverted in its operative direction, the inversion was concealed by silence, the concealment produced a schism between the statutory state and the constitutional order, and the schism was maintained behind institutional surfaces that preserved the appearance of continuity while the substance had departed.

PART VII — THE HEIR, THE FAMILY, AND THE TRADITION

Chapter 14: The Identity of the Heir

Heir (Latin *heres*: the one who receives what the departed leaves behind) and *heritage* (Latin *hereditare*: to receive by inheritance) share a common root. The Heir is the one who stands at the receiving end of what the lineage carries forward. *Lineage* (Old French *linage*, from *ligne*, from Latin *linea*: thread, from *linum*: linen fibre) is the thread of descent—the continuous fibre running from ancestor to descendant. *Genealogy* (Greek *genea* + *logos*: the account of the begetting) is the disciplined tracing of the generative chain.

The Heir is defined as a Canadian citizen whose constitutional personhood within the inherited liberty traces through natural allegiance, whether by birth within the constitutional order or through a lineage that carried that allegiance forward. The Heir is distinguished from the *Citizen by Statute* (the Administratively Granted Citizen), whose connection to the constitutional order is granted rather than inherited. Both hold full citizenship. Both enjoy Charter protection. The distinction is not one of rank but of constitutional character—a distinction in the *origin* of the right, not in its *dignity*.

Chapter 15: Family, Tradition, and Intergenerational Transmission

Family (Latin *familia*: the household) is the constitutional unit of passage—the structure through which the tradition transmits from one generation to the next. *Tradition* (Latin *traditio*, from *tradere*: to hand across, to deliver, to give over) is the act of giving-across—the handing of the inheritance from the departing generation to the receiving one. The tradition is not a static body of knowledge; it is a living act of transmission, repeated in each generation, carried by the family hand to hand.

The epistemic sequence of *knowledge* (Proto-Indo-European **gno-*: the practice of knowing, the ongoing activity of recognition), *understanding* (Old English *understandan*: to stand among, to perceive from within), *wise* (Proto-Indo-European **weid-*: to see, to know by having seen), and *wisdom* (the domain of the one who has seen—the condition of carrying perception as judgment) traces the tradition's epistemic progression. Wisdom cannot be licensed. It cannot be administered. It is produced only by the conditions the tradition itself provides: the seeing, the tasting, the standing among, the living practice transmitted through the family across generations.

The definitions of *hell* (Proto-Indo-European **kel-*: to cover, to conceal) and *heaven* (the open place, the realm of visibility and unconcealment) provide the directional vocabulary. The tradition seeks to travel from concealment toward openness—from the condition in which the inheritance is hidden beneath successive layers of statutory instrument toward the condition in which the Heir knows what they hold and the family transmits without obstruction.

PART VIII — THE HISTORICAL ENCROACHMENT

Chapter 16: The Baseline and the Stages of Inversion

On 30 June 1893—the last day before the Criminal Code, 1892 came into force—every natural-born British subject in the settled provinces of Canada stood in the full, unencumbered enjoyment of the inherited liberty. No certificate was required. No registration existed. No authorization was sought or owed. That is the constitutional baseline against which every subsequent instrument is measured.

The 1892 Code confirmed the baseline rather than displacing it. Parliament conditioned only the public carriage of pistols, and even then only for those without cause to fear assault. The self-defence exemption is constitutionally revealing: it is an exemption, not a licence. An exemption acknowledges what already belongs to the individual.

In 1913, Parliament conditioned acquisition and carriage by non-British subjects—aliens. By drawing the line at the category of British subject, Parliament identified the Heir as the holder of the liberty and the alien as the proper object of restriction. At this moment, Parliament still drew the constitutional distinction.

In 1934, Parliament committed the foundational inversion. Handgun registration was rushed through in ten days under RCMP administration. Three constitutionally distinct classes—the alien, the naturalized subject, and the natural-born British subject—were subsumed into a single registration regime. The constitutionally correct instrument was directed at the first two classes. It reached all three. The constitutional person became invisible to the statutory instrument.

The inversion was accomplished in stages. In 1977, the Firearms Acquisition Certificate conditioned acquisition itself: the Heir’s application of their own productive capacity to the purchase of property became contingent on state permission. In 1995, the Firearms Act subjected ongoing private possession to continuous prior authorization enforced through the criminal law—the decisive inversion. The natural person was placed under a licensed actor whose continued possession exists only by permission and expires on administrative non-renewal. Most recently, amendments under C-21 extended the regime to magazines—accessories instrumentally necessary to the exercise of the right.

Chapter 17: Arms, Public Order, and the Duty of Defence

Arms and *firearms* are not interchangeable. Arms (Latin *arma*) is the constitutional term encompassing all instruments of defence within the tradition. Firearms (*armes à feu*) is the statutory subset. The distinction matters because the tradition protects the broader category; the statute regulates the narrower one.

Public order and *public safety* (Latin *ordo publicus* and *securitas publica*) are the stated objectives of the licensing regime. *Peace* (Latin *pax*: the condition established by agreement, the order that follows settlement) is the constitutional objective. The analysis draws a distinction between fear-driven instruments applied to a wrong class

and targeted instruments directed at articulable risk. Fear is not a constitutional instrument; it is a psychological condition. It does not identify a harm, establish a causal connection, or rise to the justification required to encroach upon a recognized liberty.

The duty of allegiance is bounded in its character. It is the duty of the citizen-defender —to protect the constitutional order against internal threats, insurrection, and the breakdown of civil society. It is not the duty of the soldier. The standing army exists for the projection of state power, including on foreign soil. The Heir cannot be recast as a soldier and the state may not invoke the allegiance argument to conscript the Heir into foreign service.

PART IX — THE INSTITUTIONS OF REMEDY

Chapter 18: The Court, the Officers, and the Parties

Court (Latin *cohors*: the enclosed space) is the enclosed space within which the law is spoken—the place set apart for the act of judgment. *Judge* (Latin *judex*: the one who speaks the right, from *jus* + *dicere*) is the person constituted to speak the right within the enclosed space. The *Supreme Court* is the compound of *supremus* (that above which nothing may stand) and *cohors* (the enclosed space): the highest enclosed space, the place from which the final speaking of the right proceeds.

The definitions of *appellant* (the one who calls upon), *respondent* (the one who answers), and *intervener* (the one who comes between, from Latin *intervenire*: to enter into the space where two forces meet) locate each party within a constitutional proceeding. The Intervener does not come between as a disruptor; they come between as a bridge—placing before the record what the existing parties have not placed, connecting what would otherwise remain disconnected.

The definitions of *attorney* (one turned to act for another), *lawyer* (one learned in what was laid down), *bailiff* (the one entrusted with the yard), *sheriff* (the shire-reeve: the guardian of the local domain), and *clerk* (the keeper of the record) trace the institutional officers of the court system, each bound by the etymological limits of their office.

Chapter 19: Injury, Remedy, and Restitution

Injury (Latin *injuria*: that which is contrary to the right), *damages* (Old French *damage*, from Latin *damnum*: loss), and *restitution* (Latin *restitutio*: the act of re-standing, of placing back in the position from which one was displaced) form the remedial vocabulary. Restitution is not compensation for loss. It is the reversal of the displacement—the re-standing of what was caused to fall.

Theft (Old English *thīefth*: the act of taking what belongs to another without right), *unjust enrichment* (the retention of value derived from the property or labour of another without lawful basis), and *recompense* (Latin *compensare*: to weigh together, to restore the balance the injury destroyed) complete the chain from injury to remedy.

Six heads of relief follow from the doctrinal architecture. *First*: restitution of all fees unlawfully collected, adjusted to present value with compound interest. *Second*: compensation for all property taken under colour of law—firearms seized, accessories prohibited, property rendered unsaleable by reclassification. *Third*: reimbursement of all fines imposed for administrative non-compliance with a void instrument. *Fourth*: expungement of all criminal records imposed for the exercise of the inherited liberty. *Fifth*: immunity from prosecution for any act constituting the lawful exercise of the inherited liberty. *Sixth*: conversion of existing PAL and RPAL licences into a new instrument evidencing Heir status—unmistakably distinct from any administrative licence, distinguishing right from permission on its face.

PART X — THE INSTRUMENTS OF OPPRESSION

Chapter 20: Surveillance, Trespass, and Compulsion

Surveillance (French: *sur-* [over] + *veiller* [to watch]: the act of watching from above) and *spying* (Old French *espier*: to watch from concealment) are distinguished by the position of the watcher. Surveillance watches openly from above. Spying watches covertly from concealment. Both operate within the licensing regime: the inspection provisions constitute surveillance; the information-gathering provisions, operating through compelled disclosure, constitute the functional equivalent of spying by administrative mechanism.

Trespass (Old French *trespas*: a passing beyond, a crossing of the boundary) names the entry into a domain one has no right to enter. *Tread* (Old English *tredan*: to step upon, to press with the weight of the foot) names the physical act of pressing upon what lies beneath. The inspection of the Heir's home under the Firearms Act—without judicial authorization, without individualized suspicion, under standing statutory authority—is a trespass in the etymological sense and an analogue to the entry condemned in *Entick v. Carrington* (1765).

Molestation (Latin *molestatio*: the act of troubling, disturbing, pressing upon) names the ongoing condition of being troubled by the continuous burden of compliance. *Duress* (Old French *duresse*: hardship, from Latin *duritia*: harshness) names the compulsion applied to the will—the condition of having no meaningful alternative. *Threat* and *intimidation* (Latin *intimidare*: to make afraid, to drive fear into) name the instruments by which the compulsion is maintained: the criminal law standing behind every administrative requirement, making the Heir's non-compliance a criminal act rather than an administrative default.

Use of force names the terminal expression of the state's claim. The regime's enforcement provisions empower officers to seize property, to enter premises, and to arrest persons who exercise the inherited liberty without administrative permission. The force is not hypothetical. It is the ultimate instrument the regime deploys when all other mechanisms of compulsion have been exhausted.

PART XI — THE CONSTITUTIONAL IDENTITY OF CANADA

Chapter 21: British, French, Canadian

The definitions of *British* (Latin *Britannicus*), *French* (from the Franks: the free people, etymologically from **frankaz*: free), and *Canadian* (from the St. Lawrence Iroquoian *kanata*: village, settlement, the place where people dwell together) trace the three constitutional identities the order inherited at Confederation. Each carries a substantive meaning beyond mere geographical designation.

People (Latin *populus*: the assembled multitude of free persons) and *loyalty* (Old French *loial*, from Latin *legalis*: in accordance with the law) complete the identity vocabulary. Loyalty derives from *lex*—law. The Heir who has borne the burden of the encroachment, complied with every instrument however constitutionally unauthorized, and contested the encroachment through the proper constitutional channel of the Court is the embodiment of fidelity to the legal order. To characterize the Heir as a danger is to accuse the loyalist class of disloyalty—an accusation the record contradicts.

Chapter 22: Bondage, the Occupant, and the Usurper

Bondage (from Old Norse *bóndi*: originally a free cultivator, transformed through Norman French legal usage into the bond-serf) names the etymological inversion that is itself the argument. The free cultivator became the bound labourer. The same word that named freedom came to name its opposite. That linguistic inversion is the precise analogue of the constitutional injury traced throughout.

Occupation (Latin *occupare*: to seize, to take hold of) and *usurper* (Latin *usurpare*: to take by use what belongs to another) name the condition and the actor. The licensing regime occupies the constitutional space the inherited liberty once filled and exercises within that space an authority it did not originate. *Trespass*, *traitor* (Latin *traditor*: the one who hands over what was entrusted to them—the inversion of *traditio*), and *seditionist* (Latin *seditio*: the going-apart, the separation from the unified body) complete the vocabulary of institutional betrayal.

Double cross names the specific form of betrayal: one who marks the Heir’s name with one cross to signal trust and then marks it with a second to betray that trust. The constitutional application is the regime that marks the Heir with the cross of the licence to signal recognition and then uses the same mark as the instrument of subjection.

PART XII — CONCLUSION

The definitions traced in this treatise disclose a closed constitutional loop: freedom precedes allegiance, for only a free person has a self to bind; allegiance sustains the constitution, for the constitutional order stands together because free persons within it are in active relationship with the order that recognizes their freedom; and the constitution guarantees the freedom that makes allegiance possible. Break any link and the structure collapses into something else—not a constitutional order of free persons but a licensing state of permission-holders who obey rather than swear, who comply rather than serve, and who hold by grant what they were born holding by right.

The licensing regime breaks the first link. It does not regulate a free person's exercise of liberty. It reconstitutes the person as a statutory creature and calls it administration. The word for that is *substitution*—from *sub* (under) and *statuere* (to place): to place something under, in the position of another. The regime has placed a licensed actor in the constitutional position of the Heir and called the substitution equivalent. It is not equivalent. The substitution is the injury. The restoration is the remedy.

The Heirs have complied—not from concession, but from the loyalty that traces to its root in *lex*. They have remained on the right side of the law even when the law has been wrongly drawn against them. That compliance was not consent. It was the conduct of the loyalist who remains lawful even while the instrument that claims to carry the law has departed from it.

The Heirs accept regulation within the constitutional framework. They do not seek disorder. They seek the reversal of the inversion—the turning back of what was turned against them. They seek restoration to the standing they have always held: trusted loyalists, unpaid defenders of the Crown, answerable to the law for what they do—not for who they are.

End of Treatise

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