THE WEDLOCK OF HEIR AND CROWN

Status, Allegiance, and the Indelible Bond of Natural Personhood

A Constitutional and Etymological Thesis

Compiled by the Point of Contact for CommonLawCanada.ca

Natural Person — Citoyen de Droit — Heir by Lineage — Ligeantia Naturalis — Province of Ontario

A.D. 2026

Preamble: What This Document Is

> **PODCAST NOTE:** Open with this preamble. Set the tone: this is not political commentary — it is a recovery of what the record already shows. The language is precise; the concepts are old; the conclusions are structural.

This document sets out a thesis that is both simple and radical: the relationship between the natural-born Heir and the Crown is not a contract. It is not a grant. It is not a licence. It is a status — constituted at birth, expressed in allegiance, answered in protection, and indissoluble by any unilateral act of Parliament.

The marriage metaphor employed throughout this thesis is not decorative. It is structurally precise. The Heir and the Crown are bound by a constitutive pledge — wedlock — whose obligations run to each other and neither of which may rewrite the terms of the bond without the consent of the other, or the judgment of a superior authority.

Every key term used herein — Heir, Crown, allegiance, protection, liberty, wedlock — carries an etymological architecture that encodes the argument. This thesis unpacks that architecture systematically and draws the constitutional conclusions that follow from it.

> *Liberty precedes statute. Constitutional silence on a pre-existing liberty neither creates nor extinguishes it.*

The reader is invited to approach this document not as an argument to be accepted or rejected, but as a map of what the record already shows. The thesis does not ask the law to do something new. It asks the law to remember what it has always said.

Part One: The Structural Logic of the Bond

I. What Marriage Actually Is

> **PODCAST NOTE:** Start Part One by grounding the audience in the correct definition of marriage — not the romantic one, but the legal and ontological one. This reframes the entire thesis from the outset.

The popular conception of marriage is sentimental: two people who choose each other, formalize the choice in ceremony, and can undo the choice if circumstances change. This is not wrong as far as it goes. But it misses the structural core of what marriage as a legal institution actually is.

Marriage at law is a status. Once constituted, it creates obligations that run between the parties independently of whether they, at any given moment, wish to perform them. A spouse owes duties of fidelity, support, and care not because he or she continuously consents to those duties, but because the status of being married entails them. The marriage does not need to be renewed each morning to remain valid. It does not dissolve simply because one party decides, unilaterally, that its terms are inconvenient.

More to the point: neither party can unilaterally redefine the terms of the marriage. A husband cannot simply declare, by legislative fiat internal to the household, that henceforth the wife's property belongs to him as a condition of her continued residence. He could not do so even if he called it "reasonable regulation." The terms of the bond are not his to unilaterally revise.

This is the structural logic that the Heir-Crown relationship shares with wedlock. The Crown owes the Heir protection. The Heir owes the Crown allegiance. Neither obligation is contingent on the other's present willingness to perform. Neither can be extinguished by the unilateral act of either party. And the Crown — as Parliament — cannot rewrite the terms of the bond it entered by the act of Confederation.

II. The Bond Is Status, Not Contract

> **PODCAST NOTE:** This section addresses the critical distinction: contract can be modified by mutual agreement; status cannot be dissolved by one party. Emphasize the non-negotiable nature of the Heir's position.

The distinction between status and contract is among the most foundational in common law jurisprudence. A contract is made by will; its terms can be renegotiated; it dissolves

when performance is complete or when both parties agree to terminate. A status is constituted by fact — birth, nationality, lineage — and its incidents attach by operation of law, not by the will of either party.

The Heir's position is one of status. It was not created by any statute. It was not granted by the Crown. It arose at birth, within the dominion of the Crown, as a consequence of the natural fact of being born to parents themselves within that dominion. The obligations that flow from this status — allegiance on the part of the Heir, protection on the part of the Crown — are not terms that either party negotiated. They are the incidents of the status itself.

Parliament, as an arm of the Crown, cannot dissolve the Crown's obligations to the Heir by enacting a statute that substitutes a licensed permission for what was previously a pre-existing liberty. To do so would be for the Crown to stand on both sides of the bond simultaneously — to be both the party bound by the obligation and the authority purporting to discharge that obligation unilaterally. This is structurally incoherent. A spouse cannot unilaterally obtain a divorce from herself.

MARRIAGE (Status)	HEIR–CROWN BOND (Status)
Constituted by ceremony / law — not continuous consent	Constituted by birth — not by licence or grant
Mutual obligations run to each other, not a third party	Allegiance and protection are bilateral — not conditional on statute
Neither party can unilaterally redefine the terms	Parliament cannot convert a liberty into a licensed permission
The bond precedes and survives any particular dispute	Pre-Confederation liberties precede and survive post-Confederation Acts
Dissolution requires consent of both, or superior authority	Extinguishment requires clear and plain expression — Sparrow standard
Spouse cannot be both party and judge of own divorce	Crown cannot be both bound party and authority discharging its own obligation

Part Two: The Etymological Architecture

> **PODCAST NOTE:** Part Two is the linguistic and philosophical core. Guide your audience through each root carefully. These are not academic footnotes — they are load-bearing pillars. The words encode the argument.

III. Wedlock — The Pledge That Constitutes

Etymology

The word *wedlock* derives from Old English *wedlāc*: two components fused into a single concept. The first, *wed*, means pledge or covenant — the spoken or enacted promise that binds. The second, *-lāc*, is a suffix denoting a practice, action, or state of being — from the Old English *lāc*, meaning gift, offering, or performance.

Wedlock is therefore not the ceremony, not the document, not the momentary act of exchange. It is the **ongoing state produced by the pledge** — the condition of being bound by a covenant that was entered into and has never been dissolved. The *-lāc* suffix is critical: it marks not an event but a *status*. You are in wedlock not because the ceremony is still occurring but because the state it produced has never been ended.

This maps precisely onto the Heir-Crown relationship. The pledge — ligeantia naturalis — was not made in a ceremony. It arose as the natural expression of the fact of birth within the dominion. It was never dissolved. The state it produced — the mutual obligation of allegiance and protection — therefore persists.

IV. Allegiance — The Free Bond

Etymology

Old French *ligeance*, from *lige* (liege), from Frankish **ledig* (free, unencumbered, at liberty). The *liege* relationship is not servitude. It is the bond of a **free person** who gives himself entirely and unconditionally to a lord — not under compulsion, but as the expression of his free nature as a member of the dominion.

The lord, in receiving that total loyalty, becomes **totally bound** to the person who gave it. Protection is not a favour. It is the lord's half of the liege bond — the obligation that mirrors and answers the allegiance. You cannot receive *liege* loyalty and withhold *liege* protection.

Ligeantia naturalis — natural allegiance — is the specific form that attaches by birth rather than by oath or act. It is the allegiance that arises not from a choice made at maturity but from the simple fact of having been born within the dominion. It cannot be renounced unilaterally, any more than a spouse can dissolve the marriage by simply declaring it void. It binds. And because it binds **both ways**, the Crown that receives natural allegiance is bound to render natural protection.

Protectio trahit subjectionem, subjectio protectionem.

Protection draws allegiance, and allegiance draws protection. — Coke

V. Heir — The One To Whom Something Is Owing

Etymology

Old French *heir*, Latin *heres*, from the PIE root **ghe-* (to be empty, to be lacking — and therefore **to need, to be owed**). The Heir is structurally *the one to whom something is owed* — not by gift, not by grace, not by discretion, but by the prior claim constituted through lineage.

This is not a trivial observation. The PIE root discloses the relational structure: an Heir is defined by a pre-existing entitlement that flows toward them from another. Inheritance is not a grant from the living to the living. It is the recognition of a prior claim that attaches by fact of lineage and becomes operative at the appointed moment.

Applied to the constitutional context: the Heir holds pre-existing liberties not because Parliament conferred them, not because a court recognized them in a particular case, but because they were **already his** by virtue of his lineage within the common law heritage. The Crown does not *give* the Heir his liberties. It *recognizes* what was already his — or it fails in its obligation.

VI. Crown — The Continuous Counterparty

Etymology

Latin *corona*, Greek *korōnē* (curved, bent — forming a circle, a continuous enclosure). The Crown as legal concept is not the monarch personally. It is the **continuous legal**

personality that persists through individual sovereigns — the institutional counterparty to the Heir that owes protection across time, regardless of which person sits the throne.

The continuity of the Crown is essential to the argument. Individual monarchs die. Parliaments are dissolved and re-elected. But the Crown — as the institutional entity that received the allegiance of the Heir and bound itself to protection — persists. It cannot shed its obligations by the expedient of changing personnel. The obligations travel with the institution, not the individual.

A Parliament elected in 1995 cannot discharge an obligation that the Crown entered into at Confederation — any more than a new board of directors can simply declare that their corporation's prior contractual obligations no longer apply. The corporate personality persists; so does the obligation.

VII. Protection — To Stand Before and Cover

Etymology

Latin *protegere*: *pro-* (before, in front of) + *tegere* (to cover, to shield). The Crown's duty of protection is to **stand in front of and cover** the Heir. Not to grant permissions for what the Heir already possesses. Not to license the Heir's exercise of pre-existing liberties. Not to condition enjoyment of natural rights on prior administrative approval.

The word protection describes an act directed outward — toward threats, toward dangers, toward the forces that would strip the Heir of what is his. When the Crown positions itself not as the shield between the Heir and external threat, but as the administrator of a licensing scheme that conditions the Heir's pre-existing liberties, it has inverted the relationship. It has moved from protector to gatekeeper. This is not a minor adjustment in tone. It is a structural inversion of the bond.

VIII. Liberty — Precedes the Statute

Etymology

Latin *libertas*, from *liber* (free, independent, not under compulsion). Liberty is not a permission slip. It is the baseline condition of the free person — the **absence of unlawful restraint**. A liberty does not need to be created by statute. Its absence, or its violation, can be caused by statute — but the liberty itself preceded the statute and does not depend on it.

The English Bill of Rights 1689 — carried to Confederation — did not create the right of Protestant subjects to keep arms for their defence. It declared a right that pre-existed it. The declaration was remedial: it was correcting a specific Stuart infringement. The right was not new at 1689. It was not new at Confederation. It is not new now.

The structural consequence is direct: *constitutional silence on a pre-existing liberty neither creates nor extinguishes it*. When Parliament enacted a licensing regime, it did not fill a vacuum. It overlaid an existing liberty with a conditional permission. The question is whether that overlay was lawfully effected — whether the pre-existing liberty was extinguished by clear and plain expression, as required by *Sparrow*, before the overlay was applied.

Part Three: The Ontological Architecture

> **PODCAST NOTE:** Part Three moves from linguistics to philosophy. This is where the thesis deepens. Explain to your audience that we are asking: what kind of thing is this bond? What is it made of? Why can it not be dissolved unilaterally?

IX. What Ontology Means Here

Ontology is the branch of philosophy concerned with the nature of being — what things are, at their most fundamental level, and what makes them what they are. To say that the Heir-Crown bond has an ontological foundation is to say that the bond is not merely legal in the positivist sense — not merely a rule enacted by a competent authority. It is grounded in the nature of the relationship itself.

Three ontological pillars support the thesis:

- The natural person as the primary bearer of rights, prior to any statutory creature — the person exists before the state acknowledges him, and his rights exist before the state enumerates them.
- The common law heritage as an inheritance, not a gift — the Heir receives what was already his; he does not receive what the Crown generously chooses to grant.
- The liberty as a natural fruit of the free person's condition — arising from his nature, not from external permission, just as the fruit of a tree arises from the tree's nature, not from the discretion of a passerby.

X. The Natural Person — Prior to the State

The common law distinguishes between natural persons and statutory creatures. A natural person is a human being — not a corporation, not a trust, not a statutory office. Natural persons exist prior to and independently of the legal instruments that may subsequently acknowledge or affect their rights. They are not created by statutes; they are recognized by them.

Statutory creatures — corporations, Crown agencies, licensed bodies — are different in kind. They exist because a statute created them. They have only the powers the statute

confers. They cannot claim rights that pre-exist their creation because they have no existence prior to their creation. Their entire being is statutory.

The Heir, as a natural person, is not a statutory creature. His liberties are not statutory grants. When Parliament purports to condition his exercise of a pre-existing liberty on prior administrative authorization, it is **treating a natural person as if he were a statutory creature** — as if he has only the powers that Parliament chose to license. This is not regulation. It is a category error with constitutional consequences.

XI. Heritage as Inheritance — The Roman Fructus Doctrine

Roman law distinguished between *fructus* (the natural fruits of a thing, arising from its nature) and *usus* (the use of a thing, which may be constrained by external conditions). The fruits of a tree belong to the owner of the tree — they are produced by the thing itself, not by any external act, and they cannot be taken from the owner without taking something that is fundamentally his.

The liberties of the Heir are fructus of his status as a natural person within the common law dominion. They arise from the Heir's nature — from what he is — not from any external grant. They cannot be taken from him without taking something that is fundamentally his.

The legislative history from 1689 through 1995 demonstrates *Parliament's implicit recognition* of this pre-existing liberty — regulation was always directed at the exercise, never at the existence, of the underlying right. The Crown cannot now retroactively recharacterize that record. If Parliament had always understood the liberty to be a licensed permission, it would have said so explicitly from the beginning. It did not. The silence speaks.

XII. The Inversion — When the Protector Becomes the Gatekeeper

The PAL regime, read against the ontological structure of the Heir-Crown bond, is not regulation of the exercise of a liberty. It is a prior authorization scheme — a requirement that the Heir obtain permission from the Crown before exercising what is already his.

This is not a fine distinction. Regulation of the exercise of a liberty acknowledges the liberty and manages its expression in a social context. Prior authorization denies the

liberty at the source and conditionally restores it to those who satisfy administrative criteria. The former is compatible with the pre-existing liberty. The latter is incompatible with it.

The Crown, in imposing a prior authorization regime on the Heir's exercise of a liberty that was never extinguished, has inverted the bond. It has moved from the position of protector — standing in front of and covering the Heir — to the position of gatekeeper, withholding what is already the Heir's unless he presents himself to an administrative officer and satisfies criteria that Parliament chose.

> *The Crown cannot be both the spouse and the magistrate granting itself a divorce. Where Parliament purports to substitute a licence for a pre-existing liberty, it is not legislating — it is attempting to rewrite the terms of the bond unilaterally.*

Part Four: The Latin Maxims as Structural Backbone

> **PODCAST NOTE:** Part Four is the philosophical and legal spine of the entire argument. Each maxim is a compressed statement of the thesis. Walk your audience through each one slowly. These are not decorations — they are conclusions.

XIII. Quod non habet principium non habet finem

Quod non habet principium non habet finem.

That which has no beginning has no end.

The liberty of the Heir to keep arms for his defence was not created by any statute. It pre-existed every relevant statute. It was recognized, regulated, and occasionally infringed — but never extinguished by clear and plain expression. It therefore has no statutory beginning — and, having no beginning, it has no statutory end. The PAL regime does not terminate what was never statutorily begun. It simply overlaid what remains.

XIV. Protectio trahit subjectionem, subjectio protectionem

Protectio trahit subjectionem, subjectio protectionem.

Protection draws allegiance, and allegiance draws protection. — Coke

The bilaterality of the bond is captured in a single maxim. The Crown that has received natural allegiance cannot withhold natural protection. And the Crown that withholds natural protection — that conditions the Heir's exercise of pre-existing liberties on prior administrative authorization — is not performing its half of the bond. The maxim does not create the obligation. It describes what the structure of the relationship already entails.

XV. Nemo potest plus juris ad alium transferre quam ipse habet

Nemo potest plus juris ad alium transferre quam ipse habet.

No one can transfer more right than they themselves possess.

Parliament derives its legislative authority from the Crown. The Crown derives its standing from the bond it entered with the Heir at Confederation. Parliament cannot legislate beyond what the Crown's position within the bond permits. The Crown is not absolute sovereign over the Heir's pre-existing liberties — it is the counterparty in a

constitutive bond. And a counterparty cannot unilaterally transfer to itself the rights of the other party.

XVI. Lex posterior derogat priori

Lex posterior derogat priori.

Later law repeals earlier law.

This maxim is the standard rule. But it applies to *laws*, not to pre-constitutional liberties. The pre-existing liberty of the Heir is not a law. It is a condition of his status. *Lex posterior* can abrogate a prior statute. It cannot, without clear and plain expression satisfying the *Sparrow* standard, extinguish a pre-constitutional liberty that was never created by statute in the first place.

XVII. Expressio unius est exclusio alterius

Expressio unius est exclusio alterius.

The expression of one thing is the exclusion of the other.

The legislative history from 1689 to 1995 consistently regulated the *exercise* of the liberty — never the liberty itself. Where Parliament chose to speak, it spoke about conditions, restrictions, and prohibitions on specific conduct. It never expressly stated that the underlying liberty ceased to exist, or that it was converted to a licensed permission. Under *expressio unius*: the consistent silence on extinguishment is the expression of non-extinguishment.

Part Five: The Constitutional Record

> **PODCAST NOTE:** Part Five grounds the abstract argument in the actual historical and constitutional record. This is where you show the audience that this is not theory — it is what the documents and cases actually say.

XVIII. The English Bill of Rights 1689 — Carried to Confederation

Article 7 of the English Bill of Rights 1689: *"That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law."* This provision was not the creation of a new right. It was the restoration and declaration of a right that had existed prior to the specific Stuart infringements it was correcting.

At Confederation, the common law of England — including the liberty declared in the 1689 Bill of Rights — became the common law of Canada. No clause of the Constitution Act, 1867 extinguished it. No clear and plain expression in the record of Confederation addressed it. It therefore arrived at Confederation intact.

XIX. The Legislative History — 1892 to 1995

The Canadian legislative record from the first Criminal Code (1892) through the Firearms Act (1995) is a consistent record of Parliament regulating the exercise of the liberty — not extinguishing the liberty itself. Licensing regimes targeted specific classes of persons (those with criminal histories, those adjudged dangerous). They imposed conditions on carriage and use. They were never predicated on the proposition that the underlying liberty did not exist, or that it required prior authorization to spring into existence.

The Firearms Act 1995 was the first legislation to impose a universal prior authorization regime — requiring all persons, regardless of any individual disqualifying characteristic, to obtain a licence before possessing a firearm. This was not an extension of prior regulatory logic. It was a structural inversion: from regulation of the exercise of an existing liberty, to prior authorization as the precondition of the liberty itself.

That inversion does not satisfy the *Sparrow* standard for extinguishment. There is no clear and plain expression in the 1995 Act that the underlying common law liberty was being terminated. The Act proceeded as if no such liberty existed — but the **assumption of non-existence is not the clear and plain expression of extinguishment** that the law requires.

XX. The Sparrow Standard

In *R. v. Sparrow* [1990] 1 SCR 1075, the Supreme Court of Canada established that pre-existing rights can only be extinguished by clear and plain legislative expression. Ambiguity does not suffice. Regulatory restriction does not suffice. The Crown must, in express and unambiguous terms, state that the pre-existing right is terminated.

The pre-existing common law liberty of the Heir was never extinguished by clear and plain expression. The Sparrow standard therefore requires that it be treated as still subsisting — and any legislative overlay that conditions its exercise on prior authorization must be measured against it.

XXI. The Kirpan Asymmetry — Exposure of the Inversion

In *Multani v. Commission scolaire Marguerite-Bourgeoys* [2006] 1 SCR 256, the Supreme Court of Canada held that a sharp instrument worn as a matter of religious identity was protected without requiring its bearer to obtain prior authorization from the state.

The asymmetry is constitutionally significant. A natural person carrying a sharp instrument as an expression of religious identity requires no licence. A natural person keeping arms as a natural fruit of his common law heritage — a liberty with a 336-year declared history — is required to obtain prior administrative authorization. The asymmetry is not a feature of the law. It is a deformation of it, produced by the inversion analyzed in this thesis. Correcting the deformation restores the bond to its proper form.

Part Six: Conclusions — The Bond That Cannot Be Severed

> **PODCAST NOTE:** Part Six is your closing argument. Bring the audience back to the central thesis with full force. The etymology, the ontology, the legal record, the maxims — all converge here.

XXII. Summary of the Thesis

The Heir and the Crown are bound in wedlock. The bond is structural, bilateral, and constitutive. Neither party entered it by choice; both entered it by the nature of what they are. The Heir's allegiance is natural, given by birth within the dominion. The Crown's protection is owed, demanded by the very bond that constitutes it as Crown.

The liberties of the Heir are the natural fruits of his status — they arise from what he is, not from what Parliament chose to grant. They pre-existed Confederation. They arrived at Confederation intact. They were never extinguished by clear and plain expression. They therefore remain.

The PAL regime, read against this structure, is not regulation of the exercise of a subsisting liberty. It is an attempt to substitute a licensed permission for a pre-existing liberty — to move the Heir from the position of a natural person holding what is already his, to the position of a statutory creature holding only what the administrative apparatus chose to authorize. This inversion is structurally incompatible with the bond.

XXIII. What the Record Shows

The record shows: (a) a pre-existing liberty, recognized in the 1689 Bill of Rights and carried to Confederation; (b) a consistent legislative history of regulation of the exercise of that liberty, never of its extinguishment; (c) a 1995 regime that inverted the structure without clear and plain expression of extinguishment; and (d) a *Sparrow* standard that requires clear and plain expression for extinguishment — which the record does not supply.

This is not an argument for any particular outcome. It is a map of what the record already shows. The record shows a pre-existing liberty that was never lawfully extinguished. The

bond that requires the Crown to protect the Heir in the enjoyment of that liberty has never been dissolved. The wedlock holds.

XXIV. The Final Maxim

Quod non habet principium non habet finem.

The liberty that was never statutorily created cannot be statutorily terminated without the clear and plain expression that has never been supplied. It had no statutory beginning. It has no statutory end.

The Heir remains married to the Crown. The Crown remains bound to the Heir. The bond was constituted by the nature of what each is — and the nature of what they are has not changed.

> *The Crown stands before the Heir — pro tegere — to cover and shield. It does not stand between the Heir and what is already his, demanding a licence as the price of entry.*

Appendix: Podcast Production Notes

PODCAST NOTE: This appendix is for the host / producer. It is not part of the substantive thesis but provides structural guidance for translating the document into audio.

Episode Structure Suggestion

The document divides naturally into three episodes of approximately 45 minutes each, or six episodes of approximately 20 minutes each. Suggested breakpoints:

- **Episode 1:** Preamble + Part One + Part Two (Sections I–VIII). The bond, the status, and the language.
- **Episode 2:** Part Three + Part Four (Sections IX–XVII). The ontology and the maxims.
- **Episode 3:** Part Five + Part Six (Sections XVIII–XXIV). The constitutional record and the conclusions.

Tone Guidance

- This is not political commentary and should not be presented as such. It is a recovery of what the record already shows.
- The language is precise. Resist the temptation to simplify the Latin maxims — translate them carefully and let them land.
- The etymological sections are dense. Consider slowing the pace when working through root structures — give the audience time to absorb each level of meaning.
- The table in Section II (the comparative structure of marriage and the Heir-Crown bond) is highly effective as a spoken comparison — present each row as a parallel, pausing between each.
- The block quotations throughout are strong candidates for standalone emphasis — pause before and after each one.

Key Terms to Define at First Use

- *Ligeantia naturalis* — natural allegiance arising from birth within the dominion, not from oath or act.
- *Citoyen de droit* — citizen of right, by inherited title — not an administratively granted status.
- *Sparrow* standard — the requirement of clear and plain legislative expression before a pre-existing right is extinguished.
- *Fructus* — the natural fruit of a thing, arising from its nature rather than from external permission.
- *PAL/RPAL* — Possession and Acquisition Licence / Restricted PAL, the licensing regime under the Firearms Act 1995.

Closing

The thesis is complete as a standalone document. It requires no external endorsement and advances no cause beyond the accurate description of what the record already shows. The conclusion — that a pre-existing liberty, never extinguished by clear and plain expression, subsists — follows directly from the premises. The premises follow directly from the record.

The Crown and the Heir are in wedlock. The bond holds.

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