

## XXII. ABOLITION OF COMMON LAW COURTS AND IMPOSITION OF STATUTE COURTS WITHOUT PUBLIC CONSENT

### Ministries and Officials Involved:

- **Department of Justice Canada** – Oversaw the reorganization of courts and authorized the shift to statute-based proceedings, systematically excluding common law remedies and jury rights.
  - **Privy Council Office** – Advised the Prime Minister and Cabinet on the legal strategy to phase out inherent jurisdiction courts.
  - **Ministry of the Attorney General (Ontario and other provinces)** – Directed implementation of statute-based court procedures at the provincial level, displacing federal section 96 judges in many trial courts.
  - **Chief Justices of Provincial Courts** – Participated in judicial administration that substituted common law courts with regulatory courts under provincial control.
  - **Legislative Assemblies and Federal Parliament** – Failed to hold open debate or seek public referendum on the dismantling of constitutional court structures.
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### Backstory – The Quiet Coup Against Our Judicial Foundations

In the decades following World War II, Canada underwent a subtle but sweeping transformation of its justice system — not through open legislative reform or constitutional amendment, but through executive orders, administrative directives, and bureaucratic creep.

The courts of inherent jurisdiction — built on centuries of English common law tradition, authorized under **section 96 of the Constitution Act, 1867**, and supported by the **Canadian Bill of Rights** — were quietly sidelined. In their place, statutory courts were imposed: tribunals and administrative bodies lacking full judicial independence, and judges without federal appointment, dispensing policies and codes instead of lawful judgment.

This shift, known to insiders as the “**statutory replacement model**,” was never debated in Parliament. No referendum was held. No public consent was sought. Instead, ministries and bureaucrats restructured the justice system by stealth — rewriting rules of court, **limiting access to jury trials**, and conditioning the public to believe that administrative tribunals and summary proceedings were the norm.

What was lost was profound:

- The common law right to face your accuser.
- The jury trial guarantee for serious allegations.
- The inherent jurisdiction of courts to review government misconduct.
- The ability to raise **fundamental rights-based arguments** under the **Canadian Bill of Rights** in the courtroom.

This transfer of power to **bastard courts** has led to a collapse of due process:

● As held in *King v. Conroy (1902)*, even **summary conviction criminal charges** require access to a jury or the judicial ruling is invalid.

● In *Campbell Motors Ltd. v. Gordon*, it was reaffirmed that **inalienable rights are recognized and enforceable under common law**, which has now been rendered unusable in these provincial statute courts.

● Today, **98% of all criminal cases** are heard in these **provincial statute courts**, where:

- **Juries are unavailable**, even in cases involving serious rights violations such as the charges from the Truckers Convoy under an illegal invocation of the Emergency Act.
- **Fundamental rights arguments under the Canadian Bill of Rights are not permitted or recognized.**

These courts operate **outside the framework of section 96**, and their legitimacy is highly questionable. Canadians are being funneled into a justice system that is not accountable to the Constitution, has no jury oversight, and forbids the use of our fundamental statutory rights in defense.

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## Criminal and Civil Liability

### Criminal Liability:

- Fraud on the public by misrepresenting administrative courts as having constitutional authority (**s. 380(1)(a)** Criminal Code).
- Conspiracy to defraud the government or the public (**s. 465(1)(c) and (d)**) by knowingly restructuring courts to evade judicial review and jury rights.
- Breach of public trust by judges and ministers acting contrary to **section 96** and common law traditions.

### Civil Liability:

- Negligent misrepresentation by legal officers and ministries failing to disclose that citizens were being diverted into non-constitutional courts.
  - **Tort of abuse of public office** – for knowingly displacing lawful courts to favor government enforcement bodies and minimize public resistance.
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### Remedy Sought by the Grand Jury:

- **Immediate reinstatement** of common law superior courts under **section 96** for all criminal and civil matters involving government actors or serious penalties.
- Full recognition of the **Canadian Bill of Rights** as the superior controlling statute over all judicial proceedings.
- **Public inquiry with subpoena power** into the origin, authorization, and implementation of administrative/statute court systems that displace section 96 courts.
- **Civil compensation** to all litigants who were denied jury trials or misled into inferior proceedings without full disclosure of rights.