

# Quasi- Feudal System of Alberta & Canada

In 1816 a book was published by Charles Watkins, of the middle temple, Esq., Barrister at Law, entitled “A Treatise on Copyholds”. This book describes how the feudal system works and upon great reflection I could only find a single conclusion; Alberta, Canada and most likely every other jurisdiction in the world, which also includes the US, is currently and has always operated under a Feudal type system despite assurances from officials for over 150 years that feudalism was abolished in the mid 19<sup>th</sup> century.

I know that is a big claim to make. The purpose of this paper is to go through some of the key points that I found in the book and reflect on the significance of those points in how they relate to what we currently see today. I will also highlight current and past court cases that also support my comparison which brings a lot of support to what I currently see. I am only touching the surface and suggest you do your own research.

A Feudal system was used since the medieval period. The people would swear homage to a Lord in exchange the Lord would protect them from external forces. The Lord was granted land by the King and in turn the Lord would grant a ‘copyhold’ to the vassal. The copyhold is essentially the right to hold the land, farm it, etc and in exchange the vassal either paid services or fees to the Lord for that privilege. If you want to learn more about this system, I highly recommend that you read the book. “A Treatise on Copyholds” can be found on Google Books.

The land that was held by the Lord is called a ‘Manor’ and as such he was the ‘Lord of the Manor’. The Manor must consist of a demesnes and services. A demesnes is defined as ‘Land attached to a manor and retained for the owner’s own use’.

In 1882 the Supreme Court of Canada ruled in the case *Holman v. Green*, 6 SCR 707;

**‘Therefore at the date of the admission of *Prince Edward Island* "into the Union" pursuant to the provisions of the 146th section of the *British North America Act*, the land in question formed part of the demesne lands of the Crown belonging to that province.’**

This is key to understanding how property taxes, licensing and such work in our current society. All of which I will touch upon in this document. Suffice it to say, the land has been attached to a manor and retained for the Crown’s own use. Because the Manor has been created the Manor must maintain books (roll, aka Tax Roll) to keep track of all the agreements, fees and services due to the Manor.

I was stunned when I found a ruling by the Court of Queen’s Bench of Alberta in *N.P. v. LDS Adoption Services*, 2006 ABQB 78

The *parens patriae* jurisdiction is but an aspect of the ancient jurisdiction of the Sovereign the origins of which are described in W. Holdsworth, *A History of English Law*, vol. I, 7<sup>th</sup> ed. (London: Methuen & Co., 1956) pp. 33-34:

The Norman kings always regarded themselves as the successors of Edward the Confessor. They were lawful kings of the English; and, as such, they were entitled to

exercise those powers of government which men believed were put into their hands for the preservation of peace, the protection of the weak, and the maintenance of justice. Because they were kings they had powers which transcended the powers of a mere feudal suzerain. No doubt these powers were vague. But, because they were vague, they were of the greatest value to kings who were in a position to exploit them to the uttermost, firstly because they were in effect conquerors, and secondly because they were men of exceptional ability and force of character. It was by the help of these prerogative powers, which were regarded as inherent in the office of king, and as belonging to them as the successors to Edward the Confessor, that the Norman and Angevin kings so developed the powers of the feudal Curia Regis that they made it the most efficient organ of centralized government that existed in Western Europe.

The notion of the king as the fount of justice was not invented by the Norman kings. See *I Kings*, c. 3, v. 16-28 the last verse of which is, "And all Israel heard of the judgment which the king had judged; and they feared the king: for they saw that the wisdom of God was in him, to do judgment."

When we speak of the Supreme Court of British Columbia as a court of inherent jurisdiction we are really saying that for all purposes of administering justice the judges are exercising all the ancient rights, powers, duties and privileges of the Sovereign. Hence the locution "Her Majesty's Judges".

It turns out that 'Custom' is a key foundational principle behind the force of Law being exercised on this land. The book 'A Treatise of Copyhold' speaks at length about custom. Custom by definition is 'A usage which by continuance has acquired the force of a law or right, esp. the special usage of a locality, trade, society, or the like.' (Source: Oxford Unabridged Dictionary 1958) Because the feudal system in one way or another has been functional since the medieval days, it has become a 'custom' and is the primary basis for the claim that the Crown and the courts have over the people. Custom has the full force and effect of law and they use it! The custom of the Manor is the law form at work within the Manor. Wikipedia has a good write up about the law of custom; [http://en.wikipedia.org/wiki/Custom\\_%28law%29](http://en.wikipedia.org/wiki/Custom_%28law%29)

In the 1985 BC Supreme Court ruling; *Mia v. Medical Services Commission of British Columbia*, 1985 CanLII 148 (BC SC) we find more evidence of the feudal system and in particular the freeman;

"The freemen held their land from the lord of the manor, but they generally gave him rent instead of servile labor. They might have three or four times as much land as the ordinary serf, and sometimes they hired laborers to assist them. Unlike the serfs, they could move to another manor if they saw fit, and without the lord's permission could marry their daughters outside the manor or send their sons to study for the clergy. They could take part in the activity of the hundred and shire courts; later they could carry their grievances to the royal courts and serve as jurors, vote for members of Parliament, and sometimes even sit in the House of Commons." (my underlining)

Although the Normans purported to abolish the status of thralls or slaves by making them into serfs, this was largely cosmetic because the serfs remained tied to the land of their lord's manor. Although all of the four kinds of freehold tenure mentioned above could be held by freemen, the majority of the population were villeins or serfs

living on the manors and they held land, if at all, by copyhold rather than freehold tenure. Ridley, at p. 36, points out:

"The copyholders were normally required to work in the fields of the lord of the manor, or sometimes to perform other services for him, in the same way as freehold tenants; but unlike the freeholders, who were free to leave if they wished and to try to make a better bargain for other land with other lords, the villein copy-holders were compelled by law to continue working on the same plot of land for the lord or for any of the lord's successors who acquired the land." (my underlining)

Gradually freemen lost their special status and they became almost indistinguishable from the larger class of serfs. The title "freeman" eventually became honorific only.

Thus economic servitude, or at least restricted freedom, continued in England through the system of landholding, and the majority of the population for many centuries after the Conquest were tenants in freehold or copyhold in socage. Real economic freedom arose only when the tenant could pay rent instead of service and thereby have the opportunity to move away from the manor to which he was tied so as to improve himself and his family.

Please notice that a freeman can vote, serve jury duty, use the royal courts to resolve grievances and even sit in the House of Commons. These are all actions that are performed within the Feudal system. I am stunned. I also am of the opinion that it does not matter if you are free to move or not. Having to pay somebody else rent is tantamount to slavery, especially if you have no choice in the matter. In modern times, whether you own land or not, everyone is paying rent in one form or another. The disturbing part of this is that it does not matter if that is right or wrong.

According to the book 'A Treatise of Copyhold', 'If a person be Lord de facto it is enough: for whether he be Lord by right or wrong'. It is custom that protects the judges too. The same book goes on to speak of judges by saying;

'So the law is not very curious in examining the imperfections of the steward's person, nor the unlawfulness of his authority; for be he an infant, or non compos mentis, an idiot, or lunatic, an outlaw, or an excommunicate, yet what things soever he performs as incident to his place, can never be avoided for any such disability, because he performs them as a judge, or at least as custom's instrument; and for his authority, though it prove but counterfeit if it come to exact trial, yet it in appearance or outward show it seems current, that is sufficient.'

What I realized by reading this book is that the Manor is responsible for the establishment of the courts and as such the authority comes from the Lord of the Manor and based on custom, it does not matter if the judge is competent or not, in the end it is sufficient. Again, custom has been applied in the courts and custom is what protects the courts and justifies their behaviors.

Our participation in the current Quasi-Feudal system comes when we participate in the system. Chapter 3 of the book 'A Treatise of Copyhold' states: 'A copyholder being in consideration of law but a tenant at will, he had no interest which he could transfer to

another; he would only relinquish his own right to the premises.’ You see, it is our own free will that we participate in this and when we do, we are considered a tenant. If you doubt this, just take a look at your land title document for any property that you ‘own’. It is often said that a Fee Simple title is the highest form of ownership but that is only true in a Feudal system. The land was Granted by the King, all of which can be verified by looking up the Land Grants and Letters Patents for the Land on which you currently reside. The title, which is stored with the Roll of the Manor, now called Land Titles stipulates that you are a Tenant and that you do not have any rights to Mines and Minerals. In fact you only own the surface of the soil. That is discussed in great detail in the Feudal system. A Fee Simple is a Feudal grant from the Lord of the Manor. It is prudent to have the declarations enrolled in the books of the manor that it may be preserved to avoid fraud. A Separate deed may be required to declare such trusts.

Services may be in the order of serving in the King’s army down to paying rent, depending on the level of vassal. As you read above, there are different levels of Feudal tenants. As such, Fees for a Fee Simple title of the vassal / Copyholder is due to the Lord of the Manor when demanded or upon a specific schedule. Property taxes fall under this as a fee duty to the Lord of the Manor. The fines payable to the Lord by the copyholder are 1<sup>st</sup> class due on change of the Lord, 2<sup>nd</sup> change of the tenant and 3<sup>rd</sup>, license to empower the tenant to do certain acts. Yes that is correct! Licensing is a Feudal system to grant a privilege or right to the tenant to do certain things, like driving, practice medicine, build homes, fish, hunt, have guns, etc. When the tenant swears his fealty to the Lord, the same phrase is used that we hear often during a marriage ceremony; ‘to have and to hold’. I believe it is very possible that even our marriage ceremonies are a Feudal oath and that the Lord of the Manor is the third party in the arrangement.

I believe there are ways of getting out of a Feudal system such that we have today. You see, the Feudal system is governed by Custom, so if you are not in the Manor or copyhold you are therefore not in the custom. The book talks about a few ways to get out of the Manor or copyhold. One is to go into open court and disclaim to being a tenant and declare no service and refuse to render service. That act is an act of forfeiture and as such you will loose your copyhold and no longer be a tenant to the Manor. But you are free. I think there is a better way and this is the approach I will be taking. If our systems of government are based on the foundation of custom, then it may be a very simple matter of finding and accepting a custom that is much older and more ancient than any of the customs that the King or Lord uses. In fact, lawyers are starting to recognize that there is a fundamental flaw in the power of the crown. In a paper written in 2005 by the lawyer John Borrows, entitled “Crown and Aboriginal Occupations of Land: A History and Comparison”, John wrote:

Over the last couple of days as I’ve listened to the Elders, I have begun to understand that what I’ve learned about Aboriginal peoples and their situation in Canada has largely come from written sources, from books, and there are a lot of things that were embedded in my legal education that I haven’t overcome. The most important one, I think, is that law school indoctrinated me with the belief that the Crown is all powerful, and I think that’s a real problem, because I think legal education [has] a tendency to regard the Crown almost in the way that the First Nations people regard the Creator—as being the source of all things.

The Crown being perceived as being the ‘source of all things’ is a fallacy and is only rooted in custom and ignorance. In fact the Legislative Assembly of Alberta and the Parliament of Canada are in fact only tenants themselves to the Lord of the Manor, that being unknown and of grave concern to me. In the feudal system, the new tenant receives the rod, or other symbol of possession; and pays his fine; and is sworn to fealty. If you look at the ceremonies of the Legislative Assembly of Alberta for example you will see the rod in the form of a Mace and all members swear an oath. The Legislative Assembly of Alberta then uses their authority granted to them by the Crown to subdivide their copyhold in order to have sub-tenants, you and I.



It is my opinion that people are so fooled into thinking that the Crown is the source of all things, like expressed by John Borrows above, that we have been blinded by a deeper, longer serving custom that is timeless and divine, that being the **custom of the Creator.**

Another Custom currently being used by all nations of the world is the “Law of Nations”. In 1758, Emmerich de Vattel wrote a series of books on the topic, which can be found here; <http://www.lonang.com/exlibris/vattel/>.

Reading Book 1, Chapter 7 he writes:

**“WE have said that an independent nation, which, without becoming a member of another state, has voluntarily rendered itself dependent on, or subject to it, in order to obtain protection, ...”**

**It appears that submission and protection are yet another form of Feudal slavery. The good news is that goes on to say:**

**‘... is released from its engagements as soon as that protection fails, even though the failure happen through the inability of the protector.’**

de Vattel also suggests:

**“The state is obliged to defend and preserve all its members; and the prince owes the same assistance to his subjects. If, therefore, the state or the prince refuses or neglects to succor a body of people who are exposed to imminent danger, the latter, being thus abandoned, become perfectly free to provide for their own safety and preservation in whatever manner they find most convenient, without paying the least regard to those who, by abandoning them, have been the first to fail in their duty.”**

It too seems to follow the Feudal system and is founded on custom as well. However, the **Creators custom far exceeds anything that has been created by Man.** I surmise that accepting his custom, which was demonstrated beautifully by all First nations People on Earth is an example of how we can break free from the Feudal Systems all countries find themselves in order to find true freedom. No taxes, fees, services, courts, Manors, taxes, bailiffs, licenses, tenants, rent, rods, mortgages, permission, applications, conquest or force, all of which are founded on a Feudal system.

I must conclude by the behavior of specific people of this world, those who are the Lords and those who control industry, media, banking, food, politics, etc are all guilty of inducing mankind into slavery. As such everyone is under attack and the state has failed in their obligation to protect the people and in fact has abandoned them in favor participating in the agenda of those individuals. As such, the people are in imminent danger and are now free to provide for their own safety. The imminent danger is in regard to the world wide collapse of the financial system, tyranny of the governments, control of every aspect of life by the corporations and the fraud perpetrated by all the governments of the world to place the people into involuntary servitude. Force, no matter how small, always results in involuntary servitude.

The solution is, in my belief, to accept the Creators Custom, govern the self as he expressed in 1 Samuel 8 in the Holy Bible. Be the King or Queen you were born to be. Be the Lord of your domain and establish the domicile. These are important steps to make for it is written;

‘These have one mind, and shall give their power and strength unto the beast. These shall make war with the Lamb, and the Lamb shall overcome them: for he is Lord of lords, and King of kings: and they that are with him [are] called, and chosen, and faithful.’ Rev 17:13-14

‘Thy will be done in earth as it is in heaven’ – Matthew 6:10

‘The Kingdom of God is within you’ – Luke 17:21

"Ye have been bought with a price; be not ye the servants of men." – 1 Cor 7:23

‘I AM the way, the truth, and the life’ – John 14:6

‘And ye shall know the truth, and the truth shall make you free’ – John 8:32

I claim my most divine and ancient Custom and Right to have the Creator be my one and only King and Lord and as such I accept my rightful inheritance to be king and lord of my domicile as per THE original Grant granted to me by the Creator in Geneses 1:26 and I accept my responsibility to be a responsible steward of the Earth for the Crown has abandoned its responsibility. I accept that as steward I am responsible for the health and well being of my body and the Earth so that it may provide for my family and all other Men and Womb-Man on this earth for as long as God desires. I declare peace as I no longer desire to Feud (bitter and lasting hostility) with my fellow man.

Peace to you all. May the Lord bless you with prosperity, peace, joy, happiness and all that your heart desires.

