

With the Death of Law and Order in Caledonia can the Death of Democracy in Canada be far behind?

Being personally engaged since the very beginning of the land Extortion by a criminal element occupation of land in Caledonia, it is quite clear **Law and Order in Canada is dead.** Can Democracy be far behind?

This death was caused by Craig Ashbaugh, Marie Trainer, Tom Paterson, Buck Sloat, Tony Dalimonte, and Lorne Boyko, present members of the Haldimand Council, and Dalton McGuinty and Mr. Ramsey and his Liberal provincial government and the Federal government of Stephen Harper, Jim Prentice and Diane Findley who represents Caledonia.

They all face elections in the coming year and must all be voted out or become committed to the once great democracy of Canada or realise that death to Canada is nearby.

To identify death of something or someone is quite simple. The death of Law and Order in Caledonia can simply be identified here in Caledonia. The following Court document simply proves that the cause of death of Law and Order was the Haldimand Council from the very first day and that the Provincial and Federal government added the final nails to the coffin.

Read the attached court ruling of March 3, 2006. I have highlighted sections showing HALDIMAND COUNCIL was against HENCO HOMES in their attempt to get an INJUNCTION to remove the occupiers of the Douglas Estates. Craig Ashbaugh, Marie Trainer, Tom Paterson, Buck Sloat, Tony Dalimonte, and Lorne Boyko, all councillors of Haldimand Council, voted in favour of the OCCUPIERS even if the Council approved the Douglas Development along with the issuance of property deeds and rights. They failed from the very beginning to UPHOLD LAW AND ORDER, which caused the death of **LAW AND ORDER.**

In reading page six of the attached Court document HALDIMAND COUNCIL FAILED.

1. To pursue legally the Property Rights of Haldimand County and Henco Development
2. To pursue the public Civil Rights for use of public roads
3. To pursue legally that the contract of the OPP be upheld in the face of lawlessness that continues in Caledonia.
4. The Haldimand County failed to uphold it's own Bylaws
5. Breech of Contract of Council to the citizens of Haldimand County via their Civil and Property Rights and Contractual obligations.

SUPERIOR COURT OF JUSTICE

B E T W E E N :

HENCO INDUSTRIES LIMITED

Applicant

- and -

HAUDENOSAUNEE SIX NATIONS CONFEDERACY COUNCIL, JANIE JAMIESON,
DAWN SMITH, TOM DEER, or any agent or person acting under
their instructions, JOHN DOE, JANE DOE, and other persons
unknown, and THE CORPORATION OF HALDIMAND COUNTY

Respondents

R E A S O N S F O R R U L I N G

AS GIVEN BY THE HONOURABLE MR. JUSTICE B. MATHESON
on March 3, 2006, at CAYUGA, Ontario

APPEARANCES:

M. Bruder/M. Bordin

Counsel for the Applicant

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FRIDAY, MARCH 3, 2006

R E A S O N S F O R R U L I N G

5 MATHESON, J. (Orally):

10 This is a motion for an interim injunction
restraining the Respondents, other than the
Corporation of Haldimand County, and when I
refer to the Respondents I am talking about
everyone other than the Corporation of
Haldimand County.

15 This interim injunction is to remove any
barriers that may be located on the entrance to
the Plaintiff's property, to prevent the
Respondents from anyway intimidating people
from coming into the property, or leaving, or
hindering them, or in any way interfering with
their lawful rights as set out in the request
for the injunctions in the factum.

20 The Plaintiff is a developer who, from the
material filed, is the legal owner of the land
referred to in Schedule A in the motion record.
25 And that is evident from the certificate of
registration dated July the 26th, 2005 as
instrument number 287951. A plan of
subdivision was registered December 1, '05.
This would be after an agreement with the
30 Corporation of Haldimand County was entered
into. Prior to the plan of subdivision being

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signed the Six Nation Band Council was notified of the subdivision agreement, and no objections were heard from any source including the Six Nations Band Council. Work apparently was started by the Plaintiff on the lands in question. In fact, it constructed a model home which later became its field office or headquarters. And I am advised that the corporate documents of the Plaintiff are kept there.

The Plaintiff, Henco Industries Limited, sold lands to other people who would be building homes on the plan of subdivision. And in the agreement with Haldimand there would be the normal penalty clauses for non-performance or late performance. The Plaintiff is stating that because of the actions of the Respondents it has suffered damages to its financial credibility.

On or about the 28th day of February, 2006 it is alleged that the Respondent erected blockades and manned the entrances to the subdivision. Thus all construction has been stopped, and the Plaintiff does not have access to its corporate documents. Since the plan has been registered the roads in question on the plan of subdivision are deemed to be dedicated and owned by the Township of Haldimand.

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As indicated, the Plaintiff is asking for injunctive relief as set out in its motion. And it is without notice to the Respondents. The Superior Court of this Province, pursuant to Section 101 of the Courts of Justice Act may grant an interlockutory or mandatory injunction. The test for granting such an injunction is set out in R.J.R McDonald Inc. v. Canada. The citation of which is 1994, [1SCR] 311. And at Paragraph 35 of that decision the court states at Paragraph 4 of Paragraph 35:

"The test for granting of a stay are met in this case. One, there is a serious issue to be determined. Two, irreparable harm may result. And the balance of convenience will be taken into account."

This is modified to some degree if there are property rights. Mr. Justice Sharpe, in his book Injunctions and Specific Performance the loose leaf edition, last updated at November the 18th of last year, stated at Paragraph 4.1:

"Where the Plaintiff complains of an interference with property rights injunctive relief is strongly favoured. This is especially so in the case of direct infringement in the nature of trespass. It is also the case where the Plaintiff's cause of action lies in nuisance, although somewhat less

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categorically. The discretion in this area has crystallized to the point that in practical terms the conventional premises of common-law damages over equitable relief is reversed. Where property rights are concerned it is almost that damages are presumed inadequate and injunction to restrain continuation of the wrong is the usual remedy. However, as always with equity this must be understood to be a principle rather than a rule. And as will be seen, many factors are taken into account."

Justice Sharpe went on to say in the same book at Paragraph 4.610, and I quote:

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"Under our system of law property rights are sacrosanct. For that reason the rules that generally apply to injunctions do not always apply in cases such as this. The balance of convenience and other matters may have to take second place to the sanctity of property rights in matters of trespass."

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In this particular case it is alleged that there may be in fact criminal activity. The blockades and people manning them may be intimidating others and preventing them from doing their legal duties or rights. And in the case of MacMillan-Bloedel v. Simpson, which is cited at 1996, 2 SCR [1048], and I am quoting from Paragraph 20:

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"Where criminal conduct affects property rights the person so affected may invoke the equitable jurisdiction of the court to obtain an injunction prohibiting the conduct."

And there is reference from Mr. Justice Sharpe's book. And Mr. Justice Sharpe cites the following passage from Boyce v. Paddington Borough Council, 1903 1 Chancery Reports [109] at Page 114, and I quote:

"A Plaintiff can sue without joining the Attorney General in two cases. First, where the interference with the public right is such that some private right of his is at the same time interfered with. Example, where an obstruction is so placed at a highway that the owner of premises abutting upon the highway is especially affected by reason that the obstruction interferes with his private right to access his premises to and from the highway. And secondly, where no private right is interfered with, but the Plaintiff in respect of his public right suffers special damages peculiar to himself from the interference of the public right."

In this particular case one can apply the R.J.R McDonald test as modified by the property rights of the Plaintiff as follows:

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There is a serious issue to be tried. The Respondent and those acting pursuant to their orders are, and these are the issues that have been raised in this motion, and obviously the allegations have not been proven in court, but it is alleged they are preventing the Plaintiff and his contractual parties from carrying out a lawful pursuit.

Two, challenging the property rights of the Plaintiff without the Respondent challenging those rights in court. And I note that one must remember that at this time no one on behalf of the Respondents have taken any steps to ensure their rights in a court of law.

Thirdly, there is an interference with the public's right, as well as the Plaintiff's, to use a public highway.

Four, there appears to be some intimidation.

Five, there is, or appears to be a breach of the bylaws.

And six, inducing a breach of contract. And by that it is alleged by the Plaintiff that if the Plaintiff is unable to fulfill its legal duties under the subdivision agreement there may be penalties. And the Plaintiff may not be able

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to honour its contracts with any of the subcontractors or with any potential purchaser of the lots on this subdivision.

5 In my opinion, from the information presented to me in the affidavits there would be irreparable harm if an injunction were not granted. And if this blockading continued the subdivision agreement would in all most likely terms be breached and there would be lawsuits, and the Plaintiff could lose a substantial investment in the property.

10 The Respondents could and should, if they believe they have a legal right, bring an action in court. It is interesting that the Six Nation Band Council, who I am advised is the legal power of the First Nations in this area, has not taken issue with the right of the Plaintiff to develop its subdivision in the lands in question.

15 On the balance of convenience it is appropriate to grant an interim injunction. One would, if these three concerns were not enough, look at the property rights of the Plaintiff that would be affected. And as stated, the Respondent could bring an application in court if they believe there was a wrong.

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30 Therefore, there will be an injunction granted.

Craig Ashbaugh, Marie Trainer, Lorne Boyko, Tony Dalimonte, and Tom Patterson engaged the Caledonia Alliance with their central Committee of Ralph Lumis, chairman of the largest Credit Union in Caledonia, Ken Hewitt, a Financial Advisor, Jason Clarke, an 8000 acre landowner in Haldimand to continually assure the death of LAW AND ORDER in Haldimand County and Canada.

The Citizens of Haldimand County can personally thank these people for the death of LAW AND ORDER.

These individuals have never PURSUED ANY LEGAL ACTIONS TO ASSURE PROPERTY RIGHTS, CIVIL RIGHTS of the Citizens of CALEDONIA and in fact wilfully stopped any such actions.

Even mass media, the Toronto SUN, on November 5 (see below), realised that death occurred in Caledonia and ALL LEVELS OF GOVERNMENT CLAIMED THEY ARE NOT RESPONSIBLE.

CAN the DEATH of CANADIAN DEMOCRACY be far behind?

An impossible mission?

Apparently, no one is responsible for resolving the Caledonia standoff

Nov. 5, 2006
Mr. Goldsten
Toronto Sun

In honour of the DVD release of Mission Impossible 3 last week ...

Your mission, should you decide to accept it, is to find out who is responsible for maintaining law and order in Caledonia and ending the ongoing native occupation there over a land claim dispute.

As always, should you or any member of your team be caught or killed, the Secretary will disavow any knowledge of your actions.

Here's all we know so far:

n David Ramsay, Ontario Minister of Natural Resources and Minister Responsible for Aboriginal Affairs, is not responsible for what is going on in Caledonia because if he was, he'd be the Minister Responsible for Aboriginal Affairs AND the Minister of Natural Resources, silly.

n Monte Kwinter, Ontario Minister of Community Safety and Correctional Services -- what used to be known as the province's "top cop" -- is not responsible for what is going on in Caledonia because Caledonia is not a "community". It is a "town".

n Michael Bryant, Ontario Attorney General, is not responsible for what is going on in Caledonia because he is way too busy enforcing his pit bull ban. Besides, why would the province's chief justice officer be concerned about anything that's been going on in Caledonia for the past umpteen months?

n Dalton McGuinty, Premier of Ontario, is not responsible for what is going on in Caledonia because Caledonia is not "in Ontario". It is "near Hamilton." Further, McGuinty apparently has no idea what the Ontario Provincial Police are doing in Caledonia. If anyone tries to tell him what the OPP are doing in Caledonia, he covers his ears with both hands and jumps up and down shouting: "NOT LISTENING! NOT LISTENING! CAN'T MAKE ME! NYEH, NYEH, NYEH, NYEH, NYEH!" This is known as Ipperwash Syndrome.

n Former Ontario Provincial Police commissioner Gwen Boniface is not responsible for what is going on in Caledonia because if she was, she wouldn't be serving on a three-member panel overseeing Ireland's national police force, now would she? Further, if she was responsible for anything that was going on in Caledonia, when she was the OPP Commissioner, surely she would have said something about it at the time, right?

An interlocutor?

- Jim Prentice, Federal Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and Non-Status Indians, is not responsible for what is going on in Caledonia because nobody can figure out what an "interlocutor" is.

- Vic Toews, Federal Minister of Justice and Attorney General of Canada, is not responsible for what is going on in Caledonia because why would the Federal Minister of Justice and Attorney General of Canada be concerned about boring stuff like the rule of law?

- Stephen Harper, Prime Minister of Canada, is not responsible for what is going on in Caledonia because if his Indian Affairs Minister and Interlocutor for Metis and Non-Status Indians is not responsible for what is going on in Caledonia, and neither is his Minister of Justice and Attorney General, how could he possibly be involved?

Finally, a bit of good news. While we have not spoken to him, our sources tell us that newly-appointed OPP Commissioner Julian Fantino would like to know just who is responsible for settling the native land claim in Caledonia while he's trying to maintain law and order there.

You may wish to contact him.

If you do find out who is responsible for what is going on in Caledonia, please let us know ASAP, as obviously we have no freakin' idea.

This tape will self-destruct, along with the credibility of the provincial and federal governments, in five seconds. Good luck!