

Canadian Flag

[Text]

Mr. Speaker: Would the hon. member put this question on the order paper.

CANADIAN FLAG

OFFICIAL ESTABLISHMENT OF NEW DESIGN—
RETENTION FOR CERTAIN PURPOSES
OF UNION JACK

On the order: Government orders:

May 28—the following proposed resolution:—

That the government be authorized to take such steps as may be necessary to establish officially as the flag of Canada a flag embodying the emblem proclaimed by His Majesty King George V on November 21, 1921—three maple leaves conjoined on one stem—in the colours red and white then designated for Canada, the red leaves occupying a field of white between vertical sections of blue on the edges of the flag and also to provide that the royal union flag, generally known as the union jack, may continue to be flown as a symbol of Canadian membership in the commonwealth of nations and our allegiance to the crown—The Prime Minister.

Mr. Stanley Knowles (Winnipeg North Centre): Mr. Speaker, before you put to the house the question which is contained in government order No. 44, I wish to raise a point of order. My point of order relates to the form in which this motion is laid before us. Initially may I draw your attention to standing order 50, which reads as follows:

Whenever Mr. Speaker is of opinion that a motion offered to the house is contrary to the rules and privileges of parliament, he shall apprise the house thereof immediately, before putting the question thereon, and quote the standing order or authority applicable to the case.

This standing order is spelled out a little more fully in Bourinot's fourth edition at page 297—of course it is an old standing order—where he says:

If a motion be out of order, the Speaker will call attention to the irregularity, and refuse to put it to the house under the forty sixth rule. "Whenever the Speaker is of opinion that a motion offered to the house is contrary to the rules and privileges of parliament, he shall apprise the house thereof immediately, before putting the question thereon, and quote the rule or authority applicable to the case."

Consequently, if on reading the motion, he detects an irregularity, he will at once apprise the house of the fact without waiting to have a point of order raised.

It is not my contention that the resolution offered in the name of the Prime Minister is contrary to the rules of this house, but it is my contention that the form of it is contrary to the privileges of parliament; indeed, that the form of it denies an ancient right and privilege of parliament. I raise this point of order now before the debate starts at all, not insisting that there be a

ruling today but because I feel that if we do not raise the point of order now we might be told later on in the debate that we were too late. As I say, it will not be a matter of concern to me if a ruling is delayed, provided such a delay does not prejudice our right to have the point considered which I wish to lay before the house.

I have said that in my view the form in which the motion is presented to us offends against an ancient right and privilege of parliament. I find this ancient right and privilege spelled out in at least six authorities, Redlich, May, Campion, Todd, Bourinot and Beauchesne. Three of these are authorities who wrote on the practices of the parliament of the United Kingdom, and the latter three are Canadian. May I, Mr. Speaker, without reading all of them draw attention to two or three of these authorities and to the way they put the point. I drew this sentence to the attention of the Prime Minister a week ago last Friday on orders of the day. It is found on page 298 of Bourinot's fourth edition:

A motion which contains two or more distinct propositions may be divided so that the sense of the house may be taken on each separately.

I should also like to draw the attention of the house to citation 200, subparagraph 4 of Beauchesne's fourth edition. I shall read it again just to make the point that it is in Beauchesne, even though it is in exactly the same words that I have just read from Bourinot. It reads:

A motion which contains two or more distinct propositions may be divided so that the sense of the house may be taken on each separately.

I mentioned Todd, the Canadian authority. He puts it this way:

If a question contains more parts than one it may be divided into two or more questions by the order or with the consent of the house.

An hon. Member: What is the reference?

Mr. Knowles: That is the reference to Todd, who wrote in about 1840 on the practices of the legislature of Upper Canada.

An hon. Member: What page?

Mr. Knowles: I am sorry, I have not the page; I will get that for you later, Mr. Speaker; the book is in the library. Likewise I would draw attention to May's thirteenth edition, page 278, where this appears:

The ancient rule that when a complicated question is proposed to the house, the house may order such question to be divided, is observed in the following manner.

I feel that having read that sentence, Mr. Speaker, I must read the ones that follow,