

Canadian Flag

phase of the matter I submit that the many assertions made in this chamber and elsewhere that we do not have a distinctive Canadian flag at the present time do not stand the test of careful examination. In this connection I would ask the house to note that it is not what I say but it is what the order in council says, and the order in council of 1945 sets out the authority.

It is a well known principle of law that usage, consent and possession over the years bring about a degree of moral and even legal claim. Twenty years is the period with regard to the law of ownership by possession. We have had this order in council in effect since 1945, 19 years, and we find that in that same order in council the year 1924 was mentioned as well. So we have the order in council of 1945 authorizing the use of the Canadian red ensign and using the words "wherever place or occasion may make it desirable to fly a distinctive Canadian flag". It places the label "distinctive" upon the Canadian red ensign without any question. There is no doubt about it.

But this government is not prepared to take the judgment of Right Hon. Mackenzie King, the leader of the Liberal party in 1945 and the leader of this country for many years. They are not willing to accept that. They say we have no distinctive flag, and with that I do not agree. I might also refer to the remarks of the hon. member for Calgary North last night who quoted from *Hansard* of 1904, 60 years ago, to show that at that time they were talking about the Canadian red ensign flying from the flagpole on top of this building. Yet the government still tries to deny that the Canadian red ensign is the distinctive flag of Canada.

Because the order in council is not long I am going to quote it. The order in council with respect to the Canadian red ensign is P.C. 5888 and reads as follows:

Order in council re use of Canadian red ensign
P.C. 5888

At the Government House at Ottawa

Wednesday, the 5th day of September, 1945

Present:

His Excellency the Governor General in council:

Whereas the Right Honourable W. L. Mackenzie King, the Prime Minister, reports that by order in council P.C. 134 of January 26th, 1924, authority is given for displaying the red ensign with the shield of the coat of arms of Canada in the fly (commonly known as "the Canadian red ensign") on suitable occasions from all buildings owned or occupied by the Canadian government and situated without Canada;

That the Canadian red ensign was employed by Canadian forces during the present war; and

That, until such time as action is taken by parliament for the formal adoption of a national flag—

Some hon. Members: Hear, hear.

Mr. Flemming (Victoria-Carleton): I continue:

—it is desirable to authorize the flying of the Canadian red ensign on federal government buildings within as well as without Canada, and to remove any doubt as to the propriety of flying the Canadian red ensign wherever place or occasion may make it desirable to fly a distinctive Canadian flag.

Now applaud that if you want to.

Therefore, His Excellency the Governor General in council, on the recommendation of the Prime Minister, is pleased to order and doth hereby order that the red ensign with the shield of the coat of arms of Canada in the fly (hereinafter referred to as the "Canadian red ensign") may be flown from buildings owned or occupied by the federal government within and without Canada.

Now, Mr. Speaker, I submit that the first duty of this government in presenting this resolution to this house is to rescind that order in council before they introduce any other resolution which in effect discards and destroys the flag authorized by the order in council of a Liberal government and recognizes the Canadian flag since 1945 by order of a committee of parliament known as the cabinet. In 1964 the Liberal cabinet does not even bother to rescind that order in council passed by another Liberal government in 1945. Apparently they wish to ignore that fact, Mr. Speaker.

I submit that the resolution standing in the name of the Prime Minister is incomplete. It would appear to me that it should have a preamble to this effect: "Whereas the Prime Minister and government have decided to disregard, discard and destroy the Canadian red ensign which has been recognized as the distinctive flag of Canada for many years, formalized by order in council of September 5, 1945 as the distinctive Canadian flag, now therefore be it resolved"—then the resolution standing in the name of the Prime Minister could have followed.

The amendment to this resolution is one which everyone who wishes to be equitable, reasonable and patriotic should support. It recognizes the principle of democracy; it recognizes the right of all Canadians to have a voice in the selection of a national flag. It recognizes the need for union, unity and united action. It recognizes concern for the destiny of Canada. What could be more important? What could be more appropriate?

Now I leave this particular phase of the question, and I refer to the resolution which