

BRIEF
by the Monarchist League of Canada
Robert Finch, Dominion Chairman

submitted to
THE HOUSE OF COMMONS COMMITTEE ON JUSTICE AND HUMAN RIGHTS
Re: Bill C-51
in respect of the proposed deletion of Clause 413 of the *Criminal Code*

October 25, 2017

The Monarchist League of Canada appreciates the invitation of the Committee to participate in the consideration of a particular aspect of Bill C-51; that is, the proposed deletion of Clause 413 of the current *Criminal Code*, hereinafter referred to as “the Code.”

Section 413 of the Code reads as follows:

Every one who falsely represents that goods are made by a person holding a royal warrant, or for the service of Her Majesty, a member of the Royal Family or a public department is guilty of an offence punishable on summary conviction.

During the 47 years during which the League has existed, we have not been made aware, nor been asked for media comment, in respect of any prosecution under this Clause. Indeed, we have little experience even of the sort of harmless infraction which it presumably contemplates.

We have run into are examples that could be construed as a claim that the goods in question “are made for the service of Her Majesty...” but where the material facts are not themselves false, and where we cannot conceive of any Crown Prosecutor preferring a charge, to wit:

- a reputable Canadian winery stated that it had supplied a wine to Buckingham Palace for the enjoyment of The Queen - that it was possibly on her bedside table;
- a tea supplier stated its special Jubilee blend was forwarded to the Palace and greatly appreciated, or words to that effect;
- any number of businesses and enterprises style themselves “Royal” - the great number of which have no thought of violating the law by claiming the patronage contemplated by the Code. They simply see “royal” as synonymous with “excellent” - and certainly do not go through, nor are probably even aware of the rightly somewhat-arduous official process for such a distinction to be obtained via the Department of Canadian Heritage which, rarely, results in the approval of the request.

There is also the wider issue of faux-Armorials and past claims to various Royal and Vice-Regal association, which is partly treated though not the main object of an article entitled “Royal

Warrants of Appointment” by the Outaouais Herald Emeritus, Auguste Vachon, of the Canadian Heraldic Authority, and published online at <http://heraldicscienceheraldique.com/royal-warrants-of-appointment.html>

The Constitutional Monarchy is precious to Canada, our Queen being the embodiment of the Canadian State, and, in our polity, the ultimate source of Authority with a capital “A.” One of the strengths of the Monarchy is the ability of that institution to reflect the realities both of the times and of the diverse Realms within the Commonwealth. A prime example of that reality - we know how this Committee’s predecessor played a great role in the achievement - is that Canada joined the other Realms in amending the Succession to the Throne so as to be gender-neutral.

On the more social and less legalistic level of moving with the times, one might refer to The Queen’s decision early in her Reign to abolish the presentation at Court of debutantes wearing ostrich feathers in their hair! More recently, one thinks of the bows and curtses expected of yesteryear, but now by The Queen’s own instruction, entirely optional. The Crown is the stronger in Canada because it is not seen as archaic in respect to the now-inconceivable first practice of yore; and because those who do bow and curtsy - such as our Governor General and Prime Minister - choose to do so based on respect and affection for their and our beloved monarch.

In relation to non-Constitutional matters based on custom, and affection and honour, respect for the Sovereign and the institution of Monarchy cannot be enforced effectively by legislation in the year 2017. In fact, any such prosecution might be misrepresented, and certainly misunderstood.

The way to enforce the admirable purpose of the Code’s current Section 413 is for Rideau Hall, Canadian Heritage, the Canadian Heraldic Authority, the Lieutenant Governors and organizations such as our own to share with our fellow Canadians the distinctive features of the Maple Monarchy, and to encourage our fellow citizens to accord it the same courtesy one would in one’s routine life by not making false claims about it in respect of one’s business or other pursuits. If necessary, Canadian Heritage may wish to provide guidance or, exceptionally, expose to the public any abuse, for those rare egregious cases where there may seem to be deliberate misrepresentation.

Plato wrote that: *Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws.*

Confident that the existing provision does not address a significant problem and that Canadians generally demonstrate respect for Monarch and Crown without the need for legislation or threat of punishment, we see no reason to oppose the removal of this section of the *Criminal Code*.