

= John Hugill =

John William Hugill ( October 3 , 1881 ? January 13 , 1971 ) was a Canadian lawyer and politician who served as Attorney General of the province of Alberta from 1935 until 1937 . Born in England , he came to Canada and studied law before setting up a practice in Calgary . He became a prominent resident of that city , and served two years on its city council . In the early 1930s , he was one of the few prominent and respectable Calgarians to support William Aberhart 's Social Credit League . He ran as a candidate for it in the 1935 provincial election and , when it won , was named Attorney General by Aberhart .

Hugill 's time as Member of the Legislative Assembly ( MLA ) was dominated by differences of opinion with Aberhart . Hugill did not believe that social credit could be legally implemented by a provincial government and did not support the government 's attempts to do so . When asked by Lieutenant Governor John Campbell Bowen whether he considered three of the government 's acts to be constitutional , he replied honestly that he did not ; this prompted Aberhart to request his resignation . Thereafter Hugill was an outspoken opponent of the Aberhart government , though he did not seek re @-@ election in the 1940 election . He retired from the practice of law in 1949 , and died in 1971 .

= = Early life = =

John Hugill was born in West Hartlepool , Yorkshire , October 3 , 1881 . He studied at the City of London School before immigrating to Canada in 1896 . Settling in Nova Scotia , he attended King 's Collegiate School to complete his matriculation , after which he attended King 's College , from which he earned a Bachelor of Civil Law and later a Doctor of Civil Law . Beginning in 1898 , he worked for Furness @-@ Withy & Company , Limited , a steamship operator , in Canada and England . From 1904 until 1907 he was a political agent in London , after which he returned to Canada to read law in the Calgary office of future Prime Minister of Canada R. B. Bennett . He was called to the bars of Alberta and Saskatchewan in 1910 , and subsequently earned a Bachelor of Laws from the University of Manitoba .

After being called to the bar , Hugill worked for several years as a lawyer for the Canadian Pacific Railway . In 1920 , he opened his own practice in Calgary , and was made King 's Counsel in July 1921 . On July 10 , 1913 , he married Eelen Cameron Templeton , with whom he would have three children .

Hugill was active in Calgary society , and specifically with the Anglican Church of Canada , the Masons , the Calgary Board of Trade , the Calgary Ranchmen 's Club , the Calgary Polo Club , the Calgary Golf & Country Club , and the Calgary branch of Canadian Authors . He was also a major in the Calgary Highlanders . Outside of Calgary , he was a member of the Edmonton Club and London 's British Empire Club . His hobbies included golf , polo , and big game hunting . He was also held a lifetime membership in the Alpine Club , which he was awarded for reaching the summit of Mount Stephen . Hugill was consul to Sweden and vice consul to the Netherlands for fifteen years .

= = Political career = =

Hugill served as Calgary alderman from 1921 ? 1923 . During this term , he was twice acting Mayor of Calgary . One of these occasions included a visit to Calgary by Julian Byng , 1st Viscount Byng of Vimy , the Governor General .

In the early 1930s , Hugill was one of the few members of Calgary 's social and business elite to support William Aberhart 's burgeoning Social Credit League . Despite this , he was not an adherent of social credit monetary theories , but joined Social Credit because he viewed it as a vehicle of reform . He was also concerned about the constitutionality of a provincial government legislating on banking and monetary issues , as was advocated by many Social Crediters , and sought ( and , by his account , received ) assurances from Aberhart that no such legislation would be forthcoming from a Social Credit government . Athabasca University historian Alvin Finkel suggest that Hugill 's

initial support of Social Credit was opportunistic , and not born of any belief in its rightness .

If Hugill 's allegiance to Social Credit was incongruous , his allegiance to Aberhart was even more so . Aberhart , a radio evangelist , did not share Hugill 's taste for fine wines , cigars , or flippant humour . Hugill , for his part , objected to Aberhart 's belief in the occult , and in particular to his practice of numerology . About his eventual presence in cabinet , McGill University 's J. R. Mallory said " one can imagine the discomfort of an experienced barrister ... moderate in his political views and absorbed principally in his departmental duties , confronted by a cabinet of hot gossellers , presided over by the Messianic Mr. Aberhart . "

= = = Election as MLA = = =

Whatever the surface incompatibilities between Hugill and the Social Credit movement , in the runup to the 1935 provincial election Aberhart found his team lacking both mainstream respectability and legal expertise , and so recruited Hugill to run as a Social Credit candidate in Calgary . During the campaign , Hugill attracted attention by refusing ( on Aberhart 's instructions , and like other Social Credit candidates ) to accept questions from the floor at political meetings . The Calgary Albertan took note of this practice , commenting " it must be rather irritating for a gentleman like J. W. Hugill , a practitioner at the bar and a King 's Counsel withal , skilled and experienced in the art of debate , not to be free to make use of it " .

On August 22 , Hugill was elected one of Calgary 's six Members of the Legislative Assembly ( MLAs ) . On the initial ballot count he was in fifth place of twenty candidates , but after the redistribution of votes in accordance with the single transferable vote system in use in Calgary at the time , he fell to sixth place , and was not elected until the eighteenth and final count . Aberhart named him Attorney General several days later , and he was sworn in with the rest of Aberhart 's cabinet on September 3 , 1935 .

= = = Attorney General = = =

Hugill 's service as Attorney General was brief and eventful . Three days after their swearing @-@ in , he and Aberhart embarked for Ottawa to meet with Bennett , now prime minister , and seek a federal loan to prevent Alberta from defaulting on its bond and payroll obligations . Despite needing C \$ 18 million , they secured only \$ 2 @. @ 25 million from Bennett . They then set out for Detroit to meet with Henry Ford ? who had financed many of his projects without involving banks , Social Credit 's sworn enemies ? but , on their arrival , discovered that he was away at his summer home . Returning home still in need of funding , Aberhart authorized Hugill to negotiate for the services of Robert J. Magor , a Montreal financier who had successfully assisted the government of Newfoundland in emerging from dire financial straits . Magor 's acceptance of a \$ 600 per month appointment raised the ire of Social Crediters loyal to C. H. Douglas , the originator of social credit , and of Douglas himself , who saw Magor as a tool of eastern financial interests and Hugill as their man inside the government .

Magor 's financial advice led to the government tabling a very conservative 1936 budget that was decidedly not in keeping with social credit ideals . Partly in response to the situation , British social creditor John Hargrave visited Alberta to advise the government on how it might implement social credit . At a cabinet meeting with Hargrave present , Hugill expressed that the Canadian Constitution did not give to the provinces sufficient powers to implement social credit , and that doing so would necessitate the use of the federal power over banking and currency . Hargrave , referring to Social Credit 's election promises to implement social credit , responded , " surely the public ought to be told " . After the meeting , Hargrave ? by his account , at Aberhart 's request ? prepared an eleven @-@ point plan on implementing social credit in Alberta ; Aberhart rejected it , but the Social Credit caucus invited Hargrave to explain it . That meeting featured the following exchange between Hugill and Hargrave :

Hugill : You realise , Mr. Hargrave , that this scheme you are putting forward would not be legal ?

Hargrave : I am not interested in legal arguments. Hugill : What would you do if your legislation was

disallowed and your parliament dissolved ?

Hargrave : There is only one way in which such a government could be " dissolved " , and that is by sending in troops to throw it out , physically , neck and crop , down the steps of this parliament house . Does the Attorney @-@ General suggest that any authority anywhere in Ottawa or elsewhere would , in those circumstances , march troops into Alberta ?

Much of the caucus , frustrated by the government 's failure to implement social credit or even take tangible steps towards doing so , sided with Hargrave , and Hugill 's cabinet colleagues did not come to his defense . Hargrave 's presentation to Social Credit MLAs precipitated the 1937 Social Credit backbenchers ' revolt , in which much of the Social Credit caucus threatened to bring down the government over its failure to introduce social credit . The revolt was muted with the creation of the Social Credit Board , which was to oversee the introduction of social credit .

The first legislation recommended by the Social Credit Board included the Credit of Alberta Regulation Act , which provided for provincial licensing and supervision of banks , the Bank Employees Civil Rights Act , which prohibited unlicensed banks and their employees from instigating legal proceedings , and the Judicature Act , which prohibited challenges to the constitutionality of Alberta legislation . Hugill did not believe that the acts were within the province 's legislative competence , but avoided saying so publicly . In response to a question posed in the legislature on the province 's authority over banking , he said that he could not conclusively answer such an academic question , but referred the questioner to the British North America Act , 1867 . In a caucus meeting , in response to a request from Aberhart that he " [ assure ] us that he feels in a position on every count to recommend that the Lieutenant @-@ Governor gives his assent to every Social Credit Measure " , Hugill was more open in his beliefs .

On August 6 , 1937 , after the three acts were approved by the legislature , John Campbell Bowen , Lieutenant Governor of Alberta requested a meeting with Aberhart and Hugill before he granted royal assent to the legislation . He asked Hugill whether he considered the bills constitutional , and Hugill replied in the negative . Aberhart immediately said that he would take personal responsibility for the legislation 's constitutionality , and Bowen granted assent . In journalist John Barr 's telling , as Aberhart and Hugill left the meeting the premier said " your resignation is accepted , Hugill " , while according to Elliott and Miller he said only " you know what this means , don 't you ? " Whatever the words used , Hugill resigned later that afternoon .

Historians have debated the propriety of Hugill 's actions in undercutting his own government 's legislation . Elliott and Miller believe that he could have refused to answer Bowen 's question , but that by not doing so he " obeyed the letter of the Alberta law that set out his duties " . They see his cabinet duties conflicting with his responsibility as a legal adviser , and that by giving Bowen his honest opinion he was upholding the oath he took as a barrister . Mallory disagrees , citing rules dating from 1882 stating that the Lieutenant Governor should use ? or consider using ? his powers of reservation only as a Dominion officer , and never on the advice of his ministers , including the Attorney General . He speculates that neither Bowen nor Hugill was aware of this rule , and criticizes the federal government for not monitoring the situation and advising Bowen as to the proper use of his power of reservation .

= = = Post @-@ resignation = = =

Having left the government , Hugill also left the Social Credit caucus , and served the rest of his term as an independent . He joined the People 's League , a collection of all mainstream elements opposed to Aberhart which ran nominally independent candidates in the 1940 and 1944 elections , and denounced Aberhart 's government as a " tyrannical dictatorship " and the premier as the most sadistic man he had ever met .

One of Hugill 's last acts as Attorney General had been attending a Toronto meeting of the Canadian Bar Association . In response to Hugill 's comments about his government , Aberhart refused reimbursement of Hugill 's expenses from that trip . Later , when Aberhart received word that Ryerson Press was going to publish an expose of his government authored by Hugill , he threatened to cancel Ryerson 's contracts to print Alberta 's school textbooks unless the company

reconsidered . The expose was not published .

= = Later life = =

Hugill did not seek re @-@ election at the conclusion of his term in 1940 , and returned to practicing law in Edmonton and Calgary . During the Second World War , he served on the mobilization board . He retired to Victoria in 1949 , the year after the death of his wife , and died there in 1971 .