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1039 Politics (1935)

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T. G. NORRIS PAPERS

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December 15th. 1933

Lieut. Colonel Fred Lister, C.M.G., D.S.O.
Camp Lister,
Near Creston, B.C.

Personal & Confidential

Dear Colonel Lister,

You will have noticed that Judge W.A. Macdonald is retiring from the Bench at the end of the year. Grote Stirling has written to Ottawa suggesting my appointment. I do not know how friendly you are with Esling. I do not know him very well. I have met him once or twice and he may remember me. If you know Esling well enough and feel so inclined, would you be willing to ask him to drop a line to the powers that be at Ottawa recommending my appointment. Sevens is the man who should take the matter up and Esling may feel inclined to write to both him and the Minister of Justice. The present Government has not made any judicial appointment from the Interior of British Columbia. Esling may know something of my work as a lawyer. If he doesn't, perhaps you can tell him. You know what my political affiliations are. If Esling writes he ought to be able to say something of my General work as counsel for the

-2-

Associated Growers, the B.C.F.G.A. and the fruit interests generally and as to my general experience.

As the appointment will be made very soon, if Esling is to write, the matter should be taken up with him at this time and he should be asked to write as soon as possible. If, for some reason, you cannot very well write to Esling do not bother about it and I will fully understand. It may be that Esling would not feel inclined to write. I have been long enough in the game to understand that for some reason you or he might object to writing. He, of course, would only do so as a favour to you.

You will probably remember that I have a respectable war service - 1915 to 1918 - wounded - Military Cross and Bar.

It may be that you would prefer to write to Stevens yourself rather than to endeavour to have Esling write. I leave the matter to your own discretion. You will know what to say.

Of course you will not mention the fact that I have written to you and I would be glad if you would treat the matter as confidential apart, of course, from such letter as you may wish to send to Esling or Stevens.

Please give my best to Guy Constable.
Yours sincerely,

TGN/L

August 3rd. 1932

Grote Stirling, Esq. M.P.,
KELOWNA B.C.

Dear Grote,

I enclose herewith three copies of the memorandum with reference to myself. In your letter accompanying the enclosed I would suggest that in addition to whatever remarks you care to make yourself you deal with my general standing in the District and ^{the} that reference could be made to Honourable R. I. Matland K.C., Harold B. Robertson K.C., both of Vancouver, and Senator G.H. Barnard of Victoria, as to my qualifications. You could also say that the Honourable M.A. MacPherson, Attorney General of Saskatchewan, John Barnett, now Deputy Minister of National Resources, Saskatchewan, (former Chairman Soldier Settlement Board of Canada) could say something as to such qualifications. You might further add that you think that Honourable Mr. Justice Duff might be willing to state that I knew what I was doing in my conduct of the Mack Appeal and that the Hon. A. Macdonald, Chief Justice of B.C., Hon. ^{Mr. Justice} W.A. Macdonald,

and Hon. Mr. Justice Denis Murphy have knowledge of
my ability.

I hope that I am not troubling you
unduly.

Yours faithfully,

TGN/L

April 7th. 1934

Grote Stirling, Esq. M.P.,
House of Commons,
OTTAWA.

My dear Grote,

Dr. Patterson was in here on Monday last to size up the political situation. In the light of what he said I am inclined to revise my views with regard to the holding of a convention. He feels that the condition in Vancouver is not settled to such an extent that it would be wise to hold the convention. He says that the "old sores are healing" but there is still danger of an out break if matters are hurried. He is most anxious that some effort should be made to get the younger men interested as the Liberals are making a great appeal to the youth of the country. Up to a point, I think that there is quite a lot in what he says. It was a holiday here when he arrived and he was able to see only J. W. Jones, Bud Weddell, Bob Morrison, D.K. Gordon and myself. Lysons was ill and Charles Gaddes was not in town. I told him that our people here were sold enough but that we were

continually being upset by the Vancouver situation. I think that he realises this. At the present time and in the absence of Stevens, he is the only person in British Columbia to whom our people can look for a lead.

Throughout the Interior there is general satisfaction in the introduction of the Marketing Act. The growers are somewhat incensed at the action of the Canadian Chamber of Commerce. They feel that the questionnaire which they have circulated is couched in such wording as to draw from the various Boards of Trade to whom it is sent, answers unfavourable to the Act. They see in the action of the Chamber of Commerce an effort by Danford-Evans, its President, to carry on his war against legislation for the farmers. There is a meeting here on Monday night about the matter.

There will be trouble with the grower-^{and} shippers who are headed by Joe Casorso, / Priddyham. Makovski has been employed by them. Their prominent people are old Galbraith, Howe, Gordon Robinson, Priddyham, Casorso and Rowcliffe -- reminiscent of John Bright's reference to the Cave of Adullam. Makovski has again dug up his clearing house idea, the hobby which he rode so hard the time the Produce Marketing Act was introduced. I do not imagine that he will get very far. The

Government will certain gain strength in the West on the marketing legislation. I do not know what the re-action in the East will be. The Grain brokers and their friends will of course be antagonistic.

As you have seen long since, the Crest-land case went against us. We are busy now trying to make them pay their own costs on the ground that they were part and parcel of the organization which was held to be illegal. As it may interest you I am sending you a copy of the main part of the judgment. The quotations from circulars, minutes, etc. and most of the historical part of the judgment has been left out. I do not want this back.

I heard that you had gone to Halifax for the holiday. I hope that you got a rest. My knowledge of Halifax is limited to about an hour upon my return from Overseas although some of my forebears lived there for many years.

I have been very busy lately and have been trying to clean off a lot of old work that got behind through my absence at the coast. Tomorrow I am sending forward to Topp a memorandum which I think ought to be of assistance to him on the Weeks case. I am feeling much more hopeful of it since I heard of Topp's views as communicated to me by you.

I was glad to hear about Mrs. Gay's

pension. It was well worth the effort on your part
and I know was badly needed. Drop me a line when you
get a little time.

Yours sincerely,

JGM/L.

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March 24th. 1934

Grote Stirling Esq. M.P.,
House of Commons,
OTTAWA.

My dear Grote,

I enclose a copy of Pattullo's "Special Powers Act". You will have noticed from the press reports that it has created quite a furor in the House at Victoria. It is most unfortunate that we have not in the opposition a man capable of dealing with it as it should be dealt with and of taking advantage of the opportunities for attack which the speeches of the Premier and the Attorney General offered -- the so patent attempt to make ammunition for the Dominion election. There is apparently no plan and the Premier and Sloan made it abundantly clear that they are almost hopeful that the Act will be disallowed at Ottawa so that they may have ground for an attack on the Dominion Government. If the Act is not disallowed, apparently it is the intention to carry the alms bowl to Ottawa forthwith and thereafter back again at frequent intervals. It is unfortunate that the day of the cartoonist is so nearly dead. A clever cartoonist could find plenty of

inspiration in Kipling's "Kim" - Pattullo and Sloan depicted as the "Lama" and his "Chief", Kim with their begging bowl.

I hope that the Act will not be disallowed as I feel that as soon as an attempt is made to operate under it, it will be attacked in the Courts. An adverse Court decision would save Ottawa a great deal of embarrassment.

I think that the Act is bad - as to its constitutionality - on several grounds - among them:

(1) The delegation by the Legislature of practically all its powers amounts to overriding the provisions of Section 92 of the B.N.A. Act which intended that the powers should be exercised by the Legislature with only such incidental delegation to the Executive as might be necessary to carry into execution the powers of legislation exercised by the Legislature. The B.N.A. Act certainly does not give the Legislature the right to divest itself of so many of its important powers in this wholesale way. The Executive is exactly what the term implies. It is not a law-making body. It has often been held that the right to make regulating laws does not give a power to make prohibitory laws. Similarly a power to make laws relating to the various classes of matters in Section 92 does not imply a power to the Legislature to divest itself of the power to make those laws.

(2) While there is power in the Legislature under Section 92 to make laws relating to each of the matters to which the

S.P.A. refers, there is no power in Section 92 to enact the S.P.A. itself. This may be only another way of expressing No.1. but I think that it is a little more than that. Statutes conferring powers are construed strictly. This applies to the B.N.A. Act as to other Statutes. Section 92 provides that the Legislatures may make laws in relation to the matters referred to in the S.P.A. It does not provide that they may make laws delegating their main powers to make laws.

More important still Section 92 does not provide that the Province may make such laws to meet an emergency such as is outlined in the preamble. Our scheme of confederation is such that each Province is dependent on the others. If for example the credit of one Province is ruined, the credit of the others and of the Dominion is effected. Under our scheme the Dominion and the other Provinces could never stand by and see one Province default on its obligations to any serious extent. If the emergency, which the Act outlines, exists, then the problem is no longer a Provincial matter but a national one.

As long ago as 1896 Lord Watson in one of the constitutional cases before the Privy Council stated in the judgment of the Court:

"Their Lordships do not doubt that some matters in their origin local and provincial might attain such dimensions as to affect the body politic of the Dominion and to justify the Canadian Parliament in passing laws for their regulation or abolition in the interest of the Dominion. But great caution must be observed in distinguishing between that which is local and provincial and therefore within the jurisdiction of

the Provincial Legislatures and that which has ceased to be merely local or provincial and has become matter of national concern in such sense as to bring it within the jurisdiction of the Parliament of Canada".

If the preamble to the S.P.A. is correct in its statement and if the Act itself divesting the Legislature of its power is necessary, then the matter has ceased to be merely local or provincial and has become a matter of national concern. It cannot be argued that the Act - so broad in its terms - is not to be read as depicting just such an emergency.

When I commenced this letter I did not intend to be so prolix but one thought led to another and I was really arguing the matter out for myself. I send it along in its present form as you may find it interesting.

I wired you today about weeks. If the Commission Counsel does not see fit to let me have the written argument I will send mine along and let him shoot at it even though such a course works a hardship on the respondent and is not the practice.

Kind regards,

Yours etc.,

TGN/L.

November 8th, 1933

P.H. Sheffield, Esq.,
MELBORN B.C.

Dear Mr. Sheffield,

I have your letter of November 6th. I am sorry that you took so seriously the pre-election discussion and speculation as to how you were going to vote. My conversation with Mr. CHARLESWORTH, to whom I presume you refer, was casual conversation on the train. We were in an atmosphere of politics as the Honourable Mr. T.D. PATULLO and Mr. J.W.de B. PARRIS K.C. were also travelling to Vancouver. It was the most natural thing in the world that I should discuss with Mr. CHARLESWORTH whom I have known for many years, the statement which I had heard that you were a supporter of the C.C.F.

Frankly, I have always stoutly maintained that it is the inalienable right of every individual, whether he is a civil servant or not, to follow the political line which most appeals to him without interference on the part of the higher command. Insofar as school teachers are concerned, I do not know why they should not participate in political discussion if they so wish. I was brought up in a family of school teachers at Victoria and they were all politically minded and politically interested. I am quite sure that they were none the less able to carry on their duties of their profession satisfactorily on that account.

Please let me assure you that I have not circulated any rumour as to your political leanings. Now you voted on election day is your own private business. With regard to the C.C.F. I am not one of those who are of the opinion that the C.C.F. Party intends civil war and revolution. They have a lot of zealots in their ranks who, if elected, usually tone down considerably

and become sane and normal individuals and more often than not, of great value in any legislature.

Upon reading your letter again, my feeling is that perhaps it would do you a whole lot of good if you did take a little more interest in political affairs without necessarily involving yourself as an ardent party man.

I have not had the pleasure of meeting you but anything that I have heard of you in connection with your work has been all to the good. Perhaps you will accept that as an expression of goodwill.

I may say that my friend Mr. Charlesworth, when I mentioned to him the matter referred to in your letter, at once questioned the suggestion that you were a C.O.F. supporter and there the matter ended. Honestly I do not see why you should not be a C.O.F. supporter if you wish.

Yours sincerely,

TGN/L

August 2nd, 1933

Hon. W.J. Bowser, K.C.,
1001 Terrace Avenue,
VICTORIA B.C.

PERSONAL & CONFIDENTIAL

Dear Sir,

When I received your letter of July 14th. Bob was away at the coast and I waited until his return before replying. Since he came back I have been away myself, off and on, and only now have had an opportunity of giving you my views on the matters with reference to which you wrote.

The situation is that Mr. Jones is in just about the same position that he was in four months ago except that I should think he has lost some strength because of the inaction of the Government. The people here feel that he should have come out flat-footed with some statement of his position. The only candidates definitely in the field in South Okanagan at present are J. W. Jones and Young Harris as a Liberal. In a straight fight between the two there is no doubt that Jones would be elected - not because of his own strength but because of the almost incredible folly shown by the Liberals in

nominating a man like Harris who, notwithstanding what claims to fame he may have as an analytical chemist, knows little or nothing about the practical affairs of everyday life. In a three-cornered fight - Liberal, C.C.F. and Jones, Jones will win. If there are four candidates in the field, Jones, C.C.F., Liberal and Non-Partisan - the result will depend largely on the candidate running as Non-Partisan. Unless a strong Non-Partisan candidate is nominated, the result would, I think, mean defeat for Jones, with the Liberal winning. It is just a little difficult to say what the effect of the C.C.F. will be in this election. Normally it would be expected that they would draw heavily from the Liberals but in this riding they are also drawing heavily from the Conservatives. Farmers, who are very much dissatisfied with Jones and his attitude on marketing matters, are voting C.C.F.

People generally are hard-up and fed up and not taking much interest in the political situation. I think it quite fair to say that Jones gained no strength on his recent trip here. His strength lies in the fact that his Liberal opponent is weak and that the opposition is likely to be divided. The election in this riding will be an election of candidates rather than of parties. If young Harris were to withdraw and the Liberals were to put a strong man in the field, he would undoubtedly win.

I have shown your letter to Bob and we were both much interested in your summary of the situation. I do not know what can be done with regard to the Non-Partisan candidate here. I do not think that Gordon, the Mayor, will run and just at present I know of no one else who would be strong enough to carry the riding unless some effort could be made to get out a strong farmer. To win, the candidate should be from Kelowna or District and neither Bob nor I can think of anybody who would fill the bill. The situation is simply that people are not interested. They have no faith in Jones - they have no faith in Harris. Some of them have been attending the C.C.F. meetings in the hope that they will hear something that will give them a lead.

If there are any further developments either Bob or I will write to you, but the situation now is not very much different from the situation as it was when you were here except of course that Harris has been nominated and the C.C.F. people have been active although they have nobody in line to run.

When Jones was here his Conservative Executive told him that he should announce himself as an Independent Candidate and stated that they would back him up if he did so. -- So far has the Conservative Party fallen!?

I think that it would strengthen your position throughout the country if some strong men at the coast were to announce themselves publicly as behind you. As you know, there is considerable political re-action on the Country Districts from Vancouver and Victoria.

I hope that things are going well

with you personally.

Yours sincerely,

TGN/L