

"The word persons includes members of the male and female sex." THE BRITISH PRIVY COUNCIL, ON HEARING APPEAL FROM THE SUPREME COURT OF CANADA, 1929.

Emily Murphy



On July 1, 1916, Judge Emily Murphy, having heard her first case and found the prisoner at the bar guilty, was abruptly challenged by the prisoner's attorney, Eardley Jackson, who said she had no authority to pass sentence.

"You are not even a person," he said, and when Judge Murphy urged him to develop his argument, he noted that under a British common law decision of 1876, women were "persons in matters of pains and penalties but not in matters of rights or privileges." Being a magistrate was clearly a privilege.

The Provincial Supreme Court denied Mr. Jackson's appeal, and women were legally "persons," at least in Alberta. But the principle had not been established anywhere else in Canada. Judge Murphy decided that she would first establish it nationally and then insist that a woman be appointed — as a person — to the Canadian Senate.

She found Section 60 of the Supreme Court Act, which said that if five interested persons petitioned the Government for a ruling on a constitutional point, the Government would have to respond. She lined up the five — herself, Nellie McClung, Louise McKinney, Henrietta Muir Edwards and Dr. Irene Parlby.

In March, 1928, the Supreme Court of Canada took the "person" question under consideration. Five long weeks later they ruled resoundingly that "women, children, criminals and idiots" were not legally "persons." The five appealed to the British Privy Council, then Canada's court of last resort. Nineteen months later, on Oct. 18, 1929, Lord Sankey announced on behalf of the Council, that women were persons indeed.

The time had come to name a woman senator and the assumption was that it would be Judge

Murphy. It wasn't. Prime Minister Mackenzie King appointed Mrs. Cairine Wilson, who had campaigned vigorously for him in the past. When told of the appointment, Mrs. Murphy said, "Cairine Wilson is a good woman," and she never mentioned the matter again.

Judge Rejeanne Laberge-Colas, of Montréal, is the first woman to sit on Canada's Supreme Court. She has a law degree from the University of Montréal, a Ph.D. in civil rights and is founder and president of the Women's Federation of Québec. She is a member of the Public Security Commission on Montréal, the Board of Directors, University of Montréal and the Board of Childhood and Youth for the Province of Québec. A contralto member of the Bach Choir, she has sung in London, Paris, Brussels and Montréal.



Flora MacDonald, a Member of Parliament from Kingston and the Islands, has won a reputation of being consistently ahead of the pack — she was among the first to be alarmed about food prices. She is a Progressive Conservative and considered a politician of great potential.