

To His Excellency the Right Honourable Edward Richard Schreyer, Chancellor and principal Companion of Our Order of Canada, Chancellor and Commander of Our Order of Military Merit upon whom We have conferred Our Canadian Forces' Decoration, Governor General and Commander-in-Chief of Canada.

May it please Your Excellency:

We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada, in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

She said: Honourable senators, as I rise in this chamber on the occasion of my very first address to this body, in connection with the introduction of this motion, I feel compelled to note that my mere presence here today as a recent Senate appointee reflects something of a momentous occasion in the annals of this house. However, please allow me quickly to explain such a remark, lest you think the effect of this appointment has been to alter my sense of propriety.

I am indeed highly honoured to have been asked to serve in such a prestigious body as the Senate of Canada, and I am cognizant of the extensive traditions associated with this chamber. The significant contribution to the governing and understanding of this nation made both by senators present today and by your predecessors serves as an appropriate testimony to the conscientious and vibrant fashion in which senators have approached their functions. As a lifelong resident of a rural community in Alberta, I feel very humble in the presence of such an assembly of talent and expertise. May I simply say that my fondest hope is that in the framework of Senate activity I, also, will be able to make a worthwhile contribution, so as not to disappoint anyone in my discharging of the public responsibility which has been placed upon me.

Yet I am able to repeat, without any fear of appearing to indulge in self-aggrandisement, that my mere presence as a newly appointed member of this body reflects an occasion of real import. In making this assessment I refer to the final determination, in 1929, of the Judicial Committee of the Privy Council of, specifically, the case of *Henrietta Muir Edwards and others v. the Attorney-General for Canada*. This decision of the Privy Council, on appeal from the Supreme Court of Canada, is popularly known as the "persons" case, and represents a landmark decision in which Lord Sankey concluded, in his majority judgment, that women were indeed persons within the meaning of the British North America Act. As a result, women became eligible for appointment to this body, the Senate of Canada.

In its era this was a most remarkable step forward for the women of the nation. Accordingly, in a representative rather than in an individual fashion, my appointment is noteworthy inasmuch as it comes during this fiftieth anniversary year of the 1929 "persons" decision, which we are currently celebrating, the precise date of which falls on October 18.

[Senator Bielish.]

The "persons" decision, in addition to providing a notable breakthrough for Canadian women as they strove towards equality in the most general sense, also serves as an excellent historic reference point. In an attempt to assess the degree of progress achieved, we can compare the era prior to the rendering of the "persons" decision with the era following it, which has continued to the present day. It hardly need be said that at the time of the passage of the British North America Act, in 1867, the rights and privileges independently retained by women were far fewer than those held by their male counterparts. It was the traditional position of the common law that women could not hold public office, and it was this circumstance which caused interpretative concerns for the Supreme Court of Canada when it considered the *Edwards* case some 61 years later.

The precise point in question concerned section 24 of the British North America Act, which provided that:

The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate;

The Supreme Court of Canada concluded that the legislative intent of this section could not have been to include women within the group of qualified persons, since at that time we did not permit any but those of the male population to hold public office. Fortunately, the five Alberta petitioners who had sponsored this constitutional reference, spearheaded by Emily Murphy in association with Henrietta Muir Edwards, Nellie McClung, Louise C. McKinney, and Irene Parby, chose to pursue the matter to the ultimate court of appeal, the Judicial Committee of the Privy Council. It was this latter body which decided that women were in fact contemplated as being within that group of potentially qualified persons, and thus helped to usher in a new era with regard to the social and political advancement of Canadian women.

Lord Sankey, in his inspired judgment, reflected that:

The exclusion of women from all public offices is a relic of days more barbarous than ours,

Lord Sankey chose not to be bound by earlier customs no longer relevant, and, instead, adopted the "living tree" approach to the interpretation. We would undoubtedly all agree that his approach was a very suitable technique.

I have referred to the decision in such depth only partially so as to associate my own appointment with the fiftieth anniversary of this determination. In a very much broader and more important sense the "persons" case and the circumstances in which it arose, are of real assistance as we focus upon the tremendous strides made by the women of this country in subsequent decades.

● (1640)

While it is vitally important to look ahead and contemplate further necessary advances, I consider it equally important that Canadian women have a sense of where they were and that they be able to document the significant advances which have been made. With particular reference to the "persons" case, it opened a door, both literally and figuratively, for the