



FIVE ALBERTA WOMEN

Through whose efforts women's right to be appointed to the Senate has been determined. Left to right: Mrs. R W McClung, Mrs. L. C. McKinney, Mrs. O. C. Edwards (portrait by W H. Best), Magistrate Emily Murphy, and the Honourable Irene Parlby.

Now That We Are Persons

By Nellie L. McClung

ON THE morning of October 18th, 1929, the women of Canada received a shock when they read their papers at breakfast. They read on the first page in bold black type that the Lords of the Privy Council had declared them to be Persons. That was not the shock. The shock came in the implication that they had not always been persons, and in the ensuing telephone conversations (delaying the dishes) there was much said in biting sarcasm of the honorable Lords' decision.

But therein the women of Canada, who indulged in these bitter remarks, were in error. Women were NOT persons in the full meaning of the word until this decision. We do not like it, but it is so. In 1867, the matter was dealt with in the famous Chorlton versus Ling's case in England, and an interpretation given as follows: "Women are persons in matters of pains and penalties! Women are not persons in matters of rights and privileges."

That is the pit from which we were digged, dear Ladies, by five elderly gentlemen, sitting in an unpretentious room in Downing Street—five wigless judges in ordinary dress, sitting at two mahogany tables piled high with books; while two attendants, in evening dress, tip-toed about the apartment pulling down more books from the well-stocked shelves. Facing the judges, Newton Wesley Rowell, our advocate, standing at a little reading desk, pleaded our case, and the honorable judges gave kindly heed to his arguments. And then Lord Sankey gave their decision, and it was all over! But this utterance has sounded around the world.

So, ladies, hang Lord Sankey's picture on the wall of the Community Rest Room, with Newton Wesley Rowell's beside it. And let these names, and the names of the other Lords of the Judicial Committee of the Privy Council of 1929, be kept in perpetual and grateful remembrance, Lord Darling, Lord Merrivale, Lord Tomlin and Sir Lancelot Sanderson.

The Supreme Court of Canada in deciding against us on the 24th day of April, 1928, did so on the ground that it was not the intention of those who formed the B.N.A. Act to include women. And there seems to be good reason to believe they had correctly interpreted the mind of those who framed the Act. They did not think of women at all, either favorably or unfavorably. Neither did they think of automobiles, nor aeroplanes, nor movies, nor electric washers, nor dictaphones, nor vacuum cleaners, nor stainless knives, nor radios, nor three-minute oatmeal. They did not know that the day was coming when women, equipped for life by higher education, liberated from drudgery by electrical and other labor-saving devices, would push back the horizon of their narrow lives, and take their place beside the men of the world. The framers of the British North American Act were statesmen, but they were not prophets.

However, it's all over. All that a decree can do for us has been done. But let no one think that a miracle has happened, and that sex-prejudice will flee

away like morning mists at sunrise. Prejudice dies hard, as well we know, and when belief runs back to antiquity, a ruling of even the Privy Council cannot dislodge it.

Women have been creatures of relationships, sex-relationships—She was someone's daughter, wife or mother. See what the Encyclopedia Britannica has to say: "The very word 'woman' (old English witman), etymologically meaning a wife, sums up a long history of dependence and subordination from which the women of to-day have only gradually emancipated themselves in such parts of the world as come under Western civilization." Even yet, this question is eagerly asked about a woman who achieves distinction in any department of life: Who is she? Where is her man? What does he think of her activities?

I REMEMBER very well, when I first began to speak in public, how carefully I was catechised on this subject. "Is your husband living?" Then still more searchingly: "is he—does he work?" And when we got better acquainted, more earnestly still came the question: "What does he think of—all this?"

Indeed, I remember a very sincere rebuke I received once from a man of learning who told me a married woman had no right to cherish any ambition apart from her husband. And H. G. Wells, in his book, "Marriage," labors the same teaching; Milton thundered it forth in Paradise Lost; and, in recent years, we got it in Hutchinson's "This Freedom."

Demosthenes, speaking for the men of Greece, outlined woman's sphere: "Mistresses we keep for our pleasure; concubines for daily attendance on our person; wives to bear us legitimate children, and to be our faithful housekeepers."

The Hindu law is very concise and clear: "By a girl, by a young woman, or even by an aged woman, nothing must be done independently, even in her own house. In childhood, a female must be subject to her father, in youth to her husband, and when her lord is dead to her sons. A woman must never be independent." Civilized or savage, the woman's place was much the same.

A missionary writes from West Africa: "One of the most baffling problems is that of the women. There is no place for them outside the harem; they have no status, being simply the creatures of men. A girl, unless betrothed by her guardian, lacks the protection of law. She can, if not attached to some man, be insulted or injured with impunity."

In Europe, before the Christian era, matters were not greatly different. Women were put to death for any sin against chastity, and the law was loudly praised by Tacitus, and he also spoke glowingly of the widows who committed suicide on their husbands' graves, and believed they did it joyously. Even Rudyard Kipling in his poem, "The Last Sultee," pictures the death of the bad old king who had spent his soul on a North-bred dancing girl, to the exclusion of his numerous legitimate wives. Yet, when he

lay dead, the Senior Wrangler among the wives called out her full Executive with the words:

*"See now that we die as our mothers died
In the bridal bed by our Master's side.
Out, women—to the fire!"*

I don't believe it! I know that it was the custom for widows to be burned on the funeral pyre—but I will never believe that they enjoyed doing it.

NOW THAT we are persons, I wonder if we will notice any difference. Will women cease to ask for confirmation of their stories or opinions from their nearest male relative?

Will women still give as an excuse, when they do not want to do something, "My husband will not let me!"

Will women ever grow to trust other women—will women doctors, dentists and lawyers receive their share of clients?

Will honorable bodies, such as the Board of Trade in this fair city of the Foothills, organized for mutual helpfulness and the welfare of the city, continue to bar from their membership women who own and operate their own business, pay their taxes, contribute to the well-being of the community in every way—I wonder about that too!

And what about the Church?

I will speak of the United Church of Canada only. Women have now the right to be members of the session and to attend as delegates the Conferences and the General Council. But not the right to be ordained, though, at the last General Council, a resolution, declaring there was no bar in reason or religion against such ordination, was passed unanimously.

It is a matter of humiliation that the Church has been the last to yield to women full rights; and I believe the women themselves are to blame for that. One of the leaders in the women's work of the church, defended her position that women must not be ordained, by saying that women must first "prove their place in the church." That shows how poverty-stricken she was for an argument. Our dullest opposer among the men could do better than that. He would drag out a sentence from Saint Paul, or something that had at least a tinkle of truth in it.

Now that we are persons, it would be well if we could rise to the heights of Saint Paul, the liberator, who once in a moment of great exaltation, and clearness of vision, thundered against the narrowness of his age by declaring that there was "neither Jew, nor Greek bond or free, male or female!"

And now that we are persons, and the secular authorities have removed the last barrier, it behooves us all to play the game fairly, cheerfully, honorably expecting no special privileges, nor favors, laying aside all narrowness, and prejudice, all cattiness and little meannesses to each other, remembering that the world (meaning the men of the world) are disposed to accept us at our own rating.

In the Supreme Court of Canada

In the Matter of a reference as to the meaning of the word "Persons" in Section 24 of The British North America Act, 1867.

PART I.

This is a Reference by the Governor-General in Council under the provisions of Section 60 of the Supreme Court Act, to ascertain the meaning of the word "Persons" in Section 24 of The British North America Act, 1867. This section provides:

- 10 "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; and, subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator.

The Petitioners are interested in the admission of women to the Senate of Canada. The Law Officers of the Crown have expressed the view that male persons only may be summoned to the Senate. The Petitioners contend that female persons may also be summoned under the provisions of The British North America Act, 1867, and this Reference has been made by the Governor-General in Council to ascertain the meaning of the word "Persons" in Section 24 of The British North America Act, 1867. The question submitted is—"Does the word 'Persons' in Section 24 of The British North America Act, 1867, include female persons?"

ARGUMENT.

1. There is nothing in the word "Persons" to suggest that it is limited to male persons. The word in its natural meaning is equally applicable to female persons and it is submitted it should be so interpreted.
2. The only limitation on the word "Persons" as used in Section 24 of The British North America Act, 1867, is the word "qualified", and for the meaning of "qualified" reference must be made to Section 23, which defines the qualifications of a Senator. While the masculine pronoun "He" is used in Section 23, the Interpretation Act in force in Great Britain at



Figure 3 - Nellie McClung, 1922 (APA, A13986)



Figure 4 - Membres de l'Assemblée législative de l'Alberta en 1926, incluant Nellie McClung, à l'extrémité gauche de la photo (APA, A3576)



Figure 5 - Portrait d'Irene Parlby comme ministre, après 1921
(APA, A3458)



Figure 6 - Emily Murphy, suffragiste et juge (APA, A3460)



Figure 7 - Henrietta Muir Edwards (APA, A3462)



Figure 8 - Louise C. McKinney, première femme élue à une assemblée législative britannique, en Alberta (APA, A3718)