

Emily Murphy, the Famous Five & The Persons Case

- ☞ The Persons Case underlined the inequality women still faced during this time.
- ☞ In 1916, Emily Murphy (born in Cookstown, Ontario) was appointed to an Albertan court as the first female judge in the British Empire.
- ☞ A lawyer in her courtroom challenged her right to judge any case because she was a woman. He said that no woman was a “person” in the eyes of the law. Murphy was supported by the Supreme Court of Alberta, but the issue did not go away.
- ☞ Over the years women’s groups asked the Governor General (as the representative of the Crown) to recommend a woman for the Senate (Canada’s Upper House). The British North America Act (the Act that created Canada) stated that qualified “persons” could sit in the Senate.
- ☞ In August 1927 Emily Murphy, Henrietta Edwards, Louise McKinney, Irene Parlby, and Nellie McClung formally asked the governor general if “persons” in Canadian law included women.
- ☞ In April 1928 the Supreme Court of Canada decided – after a daylong debate – that women were not considered persons.
- ☞ Emily Murphy and her supporters, nicknamed “The Famous Five” took their case, with the approval of Prime Minister Mackenzie King, to the highest court in the British Empire: the Judicial Committee of the Privy Council in London, England.
- ☞ On October 18th, 1929, the Privy Council ruled that women were indeed “persons” and could serve in the Canadian Senate. Lord Sankey, Lord Chancellor of Great Britain, announced the decision:

“The exclusion of women from all public offices is a relic of days more barbarous than ours. And to those who would ask why the word ‘person’ should include females, the obvious answer is, why should it not?”

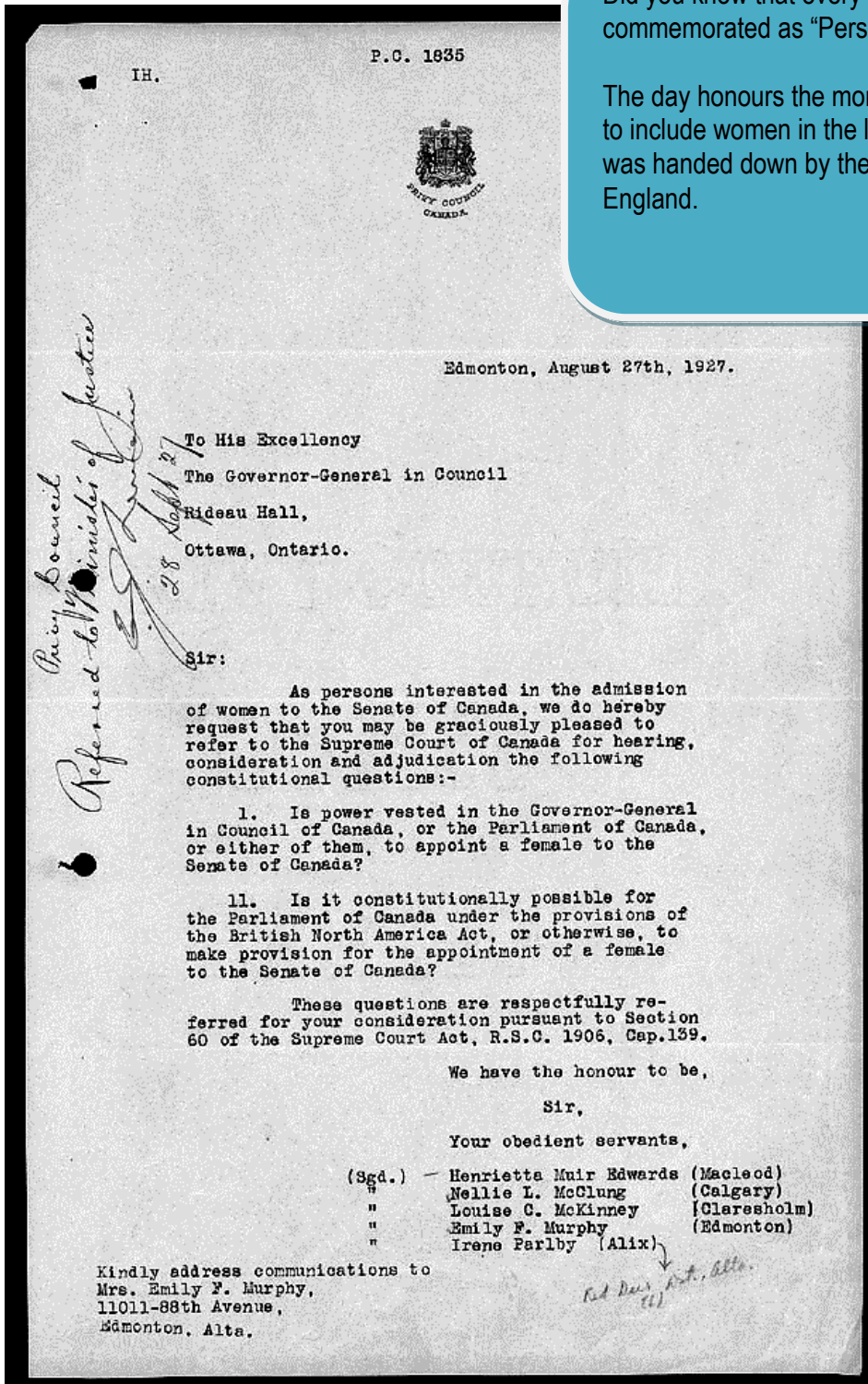


☞ In 1930 Cairine Reay Mackay Wilson became the first woman to be appointed to the Canadian Senate, serving until 1962.

☞ Emily Murphy died, of diabetes, in Edmonton, October 17th, 1933, at the age of 65.

Did you know that every October 18th in Canada is commemorated as "Persons Day"?

The day honours the moment the historic decision to include women in the legal definition of "persons" was handed down by the Privy Council in London, England.



Letter sent by the "Famous Five" asking the Governor General if Canadian law allowed women to be appointed to the Senate.

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