



For many years women suffered through life without any legal rights at all. Women were not even considered a person in the eyes of the law. In fact, in 1867, in the *British North America Act*, it stated: “Women are persons in matter of pain and penalties, but are not persons in matter of rights & privileges.”

In 1916, Emily Murphy, was appointed as the first woman police magistrate in Alberta. However, shortly thereafter, her appointment was challenged as she was not considered a person under the *BNA Act*. Emily of course fought this injustice and in 1917, the Supreme Court of Alberta ruled that women were in fact persons. With a small victory, Emily decided to continue forward. She put her name in for the Senate at the federal level. However, Sir Robert Borden, prime minister of Canada at the time, told her no. He said she could not sit on the Senate as she was not considered a person in the eyes of the law.

In 1927, Emily appealed to the Supreme Court of Canada for clarification. She and four other women, Nellie McCLung, Henrietta Muir Edwards, Irene Parlby, and Louise McKinney (now known as the Famous Five) signed a petition asking: “Does the word “persons” in Section 24 of the *British North America Act*, 1867, include female persons?”

On April 24, 1928, the Supreme Court of Canada answered “no”. And so, with the help of Canadian Prime Minister Mackenzie King, the Famous Five appealed the Supreme Court of Canada’s decision to the Judicial Committee of the Privy Council in England, the highest court of appeal for Canada. Their case would become known as the “Persons Case”.



Emily Murphy

On October 18, 1929, Lord Sankey (Lord Chancellor of the Privy Council) announced their decision: “YES”. The decision also said: “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 “persons” should include females, the obvious answer is, why should it not?”

In 1930, just four months after the Privy Councils decision on the Persons Case, Cairine Wilson was appointed to the Canadian Senate by Mackenzie King, thus ending a very long battle for women’s rights in the eyes of the law.

However, there are many battles to continue fighting to this day, some old, some new, and that is what BPW Canada is all about. We've created our mission, vision, values, principles and goals to continue working for a better world for women everywhere.