



the
famous
five

Five women living in Alberta

Emily Murphy, Henrietta Muir Edwards, Irene Parlby, Louise McKinney and Nellie McClung marched forward to change the status of women in this country. Five names now and forever known as the Famous Five.





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“Now That We Are Persons...”

— Nellie McClung



Canada is a country known for its strong laws and values regarding democratic rights and freedoms.

These ideals have developed over time, and it is only through the actions of strong and outspoken individuals that our nation has moved forward. Even the concept of personhood, which today seems to many a given right, has not always been a universality. For what does it mean to be a “person”?

Imagine a Canada where women were not considered “persons” under the law. Prior to October 18, 1929, this was the case. Five women living in Alberta – Emily Murphy, Henrietta Muir Edwards, Irene Parlby, Louise McKinney and Nellie McClung – marched forward to change the status of women in this country.

Five names now and forever known as the Famous Five

Each with individual hopes, aspirations, priorities and histories, all strived for social reform, working individually in their communities to bring about change and improvement. Their collective concerns included child welfare, prohibition, women’s suffrage and politics, to name a few. Thanks to the persistence and efforts of the Famous Five a future promising greater equality for women, upheld by legislated rights and protections, was born.

1 Henrietta Muir Edwards

Henrietta Muir Edwards and Ernest Gardiner, Clarence, Ontario, 1927. Glenbow Archives, image number NA-4035-129.

2 Nellie McClung

Nellie McClung and her son, Horace; Horace was born in 1906, date unknown. Royal BC Museum, BC Archives, image number B-06792.

3 Irene Parlby

United Farm Women of Alberta Board. L to R: Mrs. J.W. Field; Mrs. J. Dowler; Mrs. M.J. Sears; Mrs. O.S. Welch; Mrs. Maguire; Mrs. Charles Henderson.

L to R front row: Mrs. A.M. Postans; Mrs. J.F. Ross; Irene Parlby; Mrs. Paul Carr; Miss Mary W. Spiller, 1919. Glenbow Archives, image number NA-402-1.

4 Emily Murphy

Emily Murphy dressed as Irish Poet Tom Moore, 1926. City of Edmonton Archives, image number EA-10-2018.

5 Louise McKinney

Louise Crummy (later McKinney) and Sisters, Edith and Nellie, ca. 1885-1890. Glenbow Archives, image number NA-5395-1.

6 Nellie McClung

Formal portrait of Nellie McClung and R.W. McClung (members of Wesley United Church 1915-1924), date unknown.

Provincial Archives of Alberta, image number A15009.

7 Henrietta Muir Edwards

Henrietta Muir Edwards, date unknown.

8 Irene Parlby

Irene Marryat (later Parlby) age 22 or 23, ca. 1890. Glenbow Archives, image number NA-2204-11.



The Persons Case

On October 18, 1929, the Judicial Committee of the Privy Council ruled that women were indeed considered “persons” under section 24 of the *British North America Act, 1867 (BNA Act)*, as Canada’s primary constitutional document was then known,* and therefore could be appointed to the Senate. The journey leading to the Persons Case (Edwards v. A.G. Canada [1930]) began 13 years prior. As a police magistrate in Edmonton Emily Murphy often had her rulings challenged on the basis that she was a woman and therefore not legally a “person” under the *BNA Act*. In the early 1920s, when Murphy began campaigning for a Senate seat appointment, she and her supporters were once again met with resistance on the same grounds, this time by the federal government. Women had attained the right to vote in 1918 and were able to sit in the House of Commons as Members of Parliament; however, the *BNA Act*, unlike today’s Canadian Charter of Rights and Freedoms, did not prohibit discrimination. Murphy gathered four other women to assist her in moving the case forward: Henrietta Muir Edwards, Irene Parlby, Nellie McClung and Louise McKinney.

*The *BNA Act* is now known as the *Constitution Act, 1867*.

1 Irene Parlby

Irene and Walter Parlby, 1910.
Glenbow Archives, image number NA-2925-3.

2 Emily Murphy

The Murphy family, L to R: Arthur, Kathleen, Evelyn, Doris and Emily, 1901.
City of Edmonton Archives, image number EA-10-2016.

3 Nellie McClung and Emily Murphy

L to R: Nellie McClung, Mrs. R.R. Jamieson and Emily Murphy on the day the women’s suffrage bill was passed, January 1917.

Royal BC Museum, BC Archives, image Number B-06791.

4 Henrietta Edwards

Henrietta Muir Edwards, studio portrait (Montreal, Quebec), ca. 1870-1875.
Glenbow Archives, image number NA-4035-162.

5 Nellie McClung

Nellie McClung writing at her desk, ca. 1910-1918.
Glenbow Archives, image number NA-1641-1.

6 Irene Parlby

Irene Parlby, ca. 1910-1918.
Glenbow Archives, image number NA-273-1.

7 Emily Murphy

Edmonton Police Parade. L to R: Emily Murphy, A.G. Shute, J.R. Boyle, P. Anderson and A.G. Browning, 1923.
City of Edmonton Archives, image number EA-10-1993.

8 Louise McKinney

Louise McKinney, Calgary, date unknown.
City of Edmonton Archives, image number EA-10-1579.



WOMEN MAY SIT IN CANADA'S SENATE



The Famous Five shared the belief that women played an essential role in politics and that together they could build a better Canada. With this as their motivation in 1927, they petitioned the Supreme Court of Canada and asked the question: are women eligible for appointment to the Senate of Canada?

The court ruled that the *BNA Act* should be interpreted as it had been written in 1867. At that time women were not politically active or enfranchised, and the definition of "persons" only included men; thus, the court continued to deny women appointment to Canada's Senate.

The ruling was unacceptable to the Famous Five, so they took their question to the Judicial Committee of the Privy Council based in London, England, the highest court of appeal for Canada at the time. The five lords, headed by Lord Chancellor Sankey, interpreted the *BNA Act* progressively and overruled the Supreme Court's decision. Through their landmark decision they redefined the legal status of women, ending years of inequality that excluded women from public office. In announcing their decision in 1929, Lord Sankey proclaimed, "The exclusion of women from all public offices is a relic of days more barbarous than ours."



British Tommy and German Bride



The soldier who was with the British wife of a German on the Rhine is seen with his former bride, they will be held in the eyes of history as the 'British Tommy'.

Marriages in Most Cases Prove Happy Between British Soldiers And German Women, Reports Reveal

Such Alliances, However, Rare in Comparison With Number of Soldiers During British Occupation of Cologne There Were 800 Marriages, But Less Than 80 in Wiesbaden, Through ... Transp There for Four Years ...

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Privy Council Decides Case Submitted By Women Of Alberta

Judgment of Canadian Supreme Court is Overturned—Rules That Word "Persons" in Clause of British North America Act Includes Members of Both Sexes

Decision Pleases Premier King; Had Intended Amending B.N.A. Act if Appeal Had Failed

OTTAWA, Oct. 18.—(By Associated Press.)—On issuance of the decision of the judicial committee of the privy council that women were eligible to become members of the senate of Canada, Prime Minister King said that he was very pleased. He added that it had been the intention of the government, had the House been against the admission of women as members of the senate, to introduce an amendment to the British North America Act. The decision of the judicial committee, however, made this unnecessary. Although Mr. King did not discuss further, it is assumed here that since the amendment was prepared to go to the senate of amending the B. N. A. Act, it was considered to be the only way to give women equal status in the senate. There are the provinces in the senate, two from Ontario, one from Manitoba, and two from Quebec.

LONDON, Oct. 18.—Women are eligible to be summoned and become members of the senate of Canada. Their lordships of the judicial committee of the privy council rendered this decision today on the appeal by five representative women of Alberta against an adverse decision of the Canadian supreme court.

Contrary to the supreme court, the privy council today came to the conclusion that the word "persons" including members of both the male and female sex.

The appeal hinged upon the meaning to be placed on the word "persons" as contained in the clause of the British North America Act.

It is recalled that the legal position of women from the earliest times. Their disabilities, especially during the last century, were the subject of the most serious and persistent discrimination. It was not until the late nineteenth century that the legal disabilities of women were gradually removed. In the case of the British North America Act, the word "persons" was intended to include both sexes.

On the last point, Lord Sankey said that the decision of the privy council was a landmark in the history of the British North America Act.

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Emily Murphy

The Leader

“Whenever I don’t know whether to fight or not, I always fight.”

As an author Emily Murphy always made her opinions known and never backed down from a debate. After becoming the first female police magistrate in the British Empire in 1916, Emily Murphy’s rulings were often objected to or challenged as she was not legally a “person.”

Her ambition to become a member of the Senate was also denied on the same grounds. These roadblocks led Emily Murphy to gather four other women to challenge the *BNA Act* to include women in the definition.





Henrietta Muir Edwards

The Legal Mind

“This decision marks the abolition of sex in politics ... Personally, I do not care whether or not women ever sit in the Senate, but we fought for the privilege for them to do so. We sought to establish the personal individuality of women and this decision is the announcement of our victory.”

Henrietta Muir Edwards devoted her entire life to the legal progress of women and children’s rights in Canada. She established the Working Girls’ Association and co-founded the National Council of Women in 1875 and the Victorian Order of Nurses in 1897.

She was a natural choice for Emily Murphy to have on board to help with the legal aspects of the Persons Case. It could be said that the Persons Case was the culmination of Edwards’ life work, her goal ultimately to have women and children achieve fair legal status in Canada.





Irene Parlby

The Legislator

“If politics mean ... the effort to secure through legislative action better conditions of life for the people, greater opportunities for our children and other people’s children ... then it most assuredly is a woman’s job as much as it is a man’s job.”

Elected in 1921 as part of the United Farmers of Alberta government, Irene Parlby became the first female Cabinet Minister in Alberta. Often considered the Women’s Minister, much of the legislation introduced by Parlby focused on improving the lives of women and children. Her role in the Persons Case reinforced her significance as a trailblazer for and representative of Canadian women.





Louise McKinney

The Prohibitionist

“What, after all, is the purpose of woman’s life? The purpose of woman’s life is just the same as the purpose of man’s life: that she may make the best possible contribution to the generation in which she is living.”

Louise McKinney has the distinction, alongside Roberta MacAdams, of being one of the first two women elected to a Legislative Assembly in the British Empire. McKinney, whose lifelong work focused on temperance and prohibition, was a determined and unwavering force for her causes.

She played a crucial role in the passing of Alberta’s *Dower Act* in 1917, which helped forge a relationship between herself, Emily Murphy and Henrietta Muir Edwards, setting the foundation for their work together on the Persons Case.





Nellie McClung

The Activist

“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 America Act* were statesmen, but they were not prophets.”

Nellie McClung was a passionate advocate for suffrage and women’s rights in Canada. She started her career as a teacher and a writer and was a captivating public speaker. She was a large part of the women’s suffrage movement in Manitoba and Alberta and went on to become a Member of the Legislative Assembly of Alberta in 1921. As a close colleague and friend to Emily Murphy, McClung was an obvious choice to collaborate on the Persons Case.





Viscount John Sankey

“The word ‘person’ as above mentioned may include members of both sexes, and to those who ask why the word should include females, the obvious answer is why should it not.”

In what some would consider destiny or fate, the Persons Case was one of the first cases over which Lord Sankey presided on the Judicial Committee of the Privy Council in Britain, at that time the highest court of appeal for Canada. In many ways Sankey was just as much of a reformer as the five women who brought the case to his attention. He was innovative and a man ahead of his time; his belief that the *BNA Act* be interpreted not by the time that it was written, in 1867, but rather by present-day society was the first of its kind.

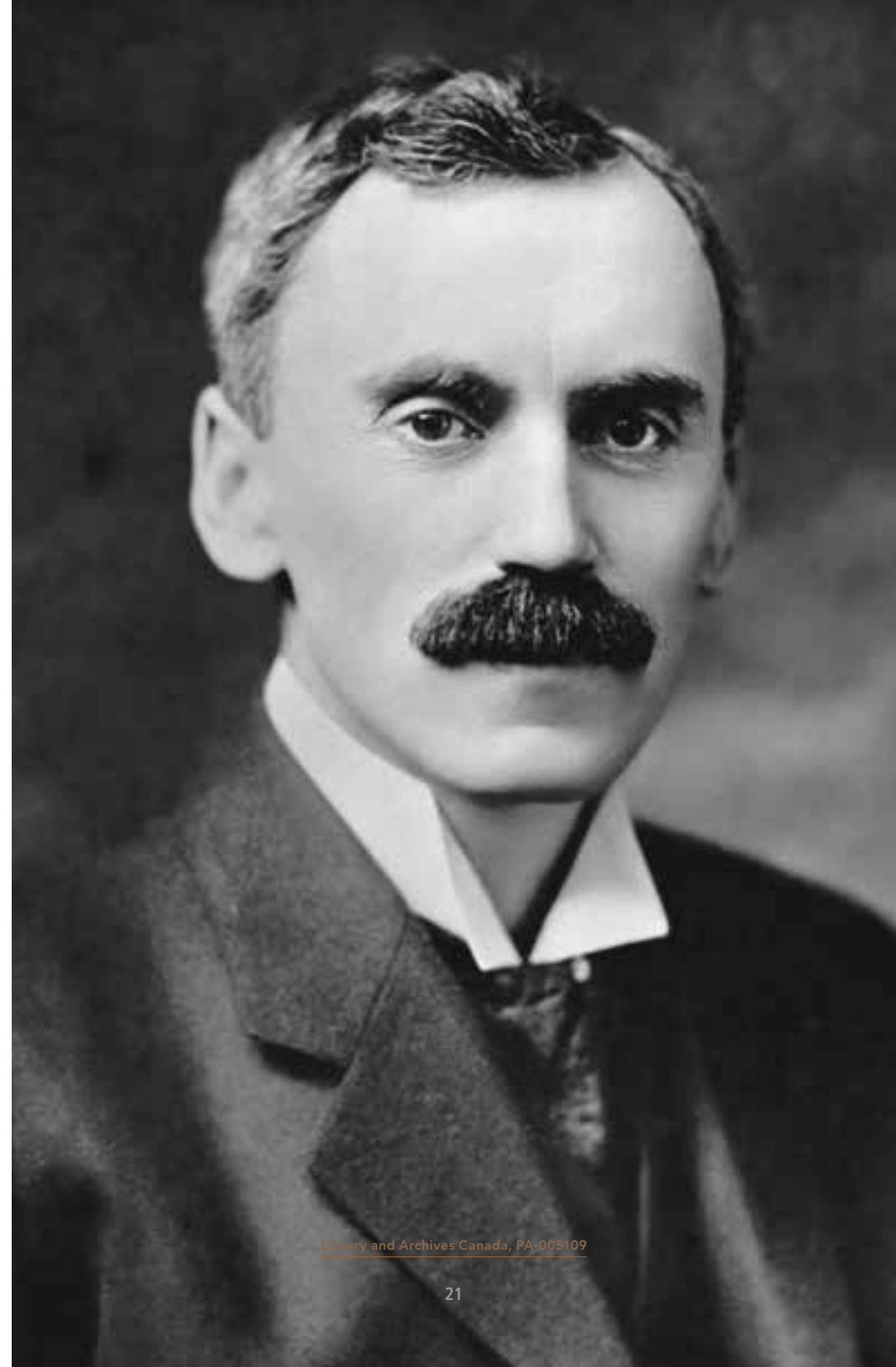




Newton Wesley Rowell

“Words may change over the course of a century.”

Newton Wesley Rowell was the lead lawyer in the Persons Case. Appearing regularly before the Supreme Court of Canada and the Judicial Committee of the Privy Council, he effectively argued for a change in the interpretation of the *BNA Act*. Declaring his support for the enfranchisement of women in 1912, he aligned himself with the values of the case, making him the best choice to represent the five women’s interests.



Women Celebrate Ruling Given by Privy Council

MONTREAL, Nov. 22.—Canadian women by the hundreds celebrated the fact that they are now "senators" eligible for appointment to the senate at a luncheon here Thursday. It was organized by the Montreal Women's Club to commemorate the recent decision of the Privy Council. Congratulations were received by letter and telegram from many leaders in the public life of Canada.

The last to the "famous five" women of Alberta who took the case to the supreme court of Canada and then to the Privy Council, was proposed by Mrs. John Scott, of Montreal, well-known leader of women's affairs. She said the important aspect of the decision was not that women were eligible for senate or legislative council appointment but that the principle of equality had been established.

Senator Raoul Dandurand, one of the chief speakers, said that the privy council decision had delighted him. He had been much impressed by women delegates to the league of nations, and assured his audience that any women appointed to the senate of Canada would be welcomed to the upper house.

Although none of the five women ever sat in the Senate, the ruling on the Persons Case by the Privy Council remains a landmark decision.

This case set the stage for further change over time, and to this day their fight continues to resonate with Canadians of all backgrounds who have ever been denied the basic rights of citizenship and equality.

The Famous Five also remind us that individuals can make a difference.

For each member of this group the case represented the culmination of years of work pertaining to women's rights. Since 1929 women have gained ever-increasing representation across all levels of government. In 1930 Cairine Wilson became the first female Senator in Canada; however, it wasn't until 50 years later, in 1979, that a woman from Alberta, Martha Bielish, was appointed to the Senate. The Famous Five are a true symbol not only of women's rights but also of the evolution of Canadian equality. They were posthumously appointed honorary Senators in 2009.



The tree motif featured throughout this exhibit honours the living tree doctrine and was inspired by the Lodgepole Pine, one of Alberta's provincial emblems.



