

## Magistrate Emily Ferguson Murphy©

by Faye Reineberg Holt

In 1916 the Alberta government responded to lobbying and a shift in public opinion regarding women's roles by appointing prominent author and social activist Emily Ferguson Murphy as "Magistrate for the Province of Alberta with Jurisdiction in the City of Edmonton." The first woman magistrate in the British Empire, Murphy was confronted with the objection that she had no right to sit on the bench in her first days in court. In Calgary, the same scenario was enacted before Judge Alice Jamieson. Defence lawyers claimed that under the British North America Act (which was written using the pronoun "he") women were not legally persons but should be classified with children, criminals, and the insane. The ensuing dispute eventually would lead to the famous Persons Case appeal by Murphy, Henrietta Muir Edwards, Nellie McClung, Louise McKinney, and Irene Parlby to the British Privy Council. Today, Murphy is justifiably remembered for her role in that struggle and for her equally famous "Janey Canuck" books. Her career as a magistrate is less well known; however, it provides a fascinating glimpse into her character and social activism as she confronted a darker side of Edmonton in the early decades of the twentieth century.

Emily Ferguson Murphy's upbringing, religion, and experience predisposed her towards the social gospel movement. She was born in Cookstown, Ontario, on 14 March 1868. The daughter of an important landowner, she was not raised in a family of social activists, but her privileged childhood helped her to develop a sense of confidence and an understanding of politics that would serve her well in later years. One uncle was a cabinet minister while another uncle and her Irish grandfather had served as members of Parliament. When she was a youngster, Prime Minister Macdonald reportedly dined at her family's home. In belief, she embraced Christian values, cooperative endeavour, and the work ethic. Privileged members of society, like herself, had a duty to better the community and to educate the less fortunate. In personality, she was straightforward, determined, and pragmatic. Though widely read, her role in social reform movements would be pragmatic rather than philosophical. At eighteen, she married Arthur Murphy, an Anglican minister eleven years her senior. His success as an evangelist took them from rural Ontario to Europe. Then illness forced Arthur to make career changes. He moved his family to Swan River near the Saskatchewan-Manitoba border where they had purchased a timber limit and where he continued a part-time ministry....

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