

# Historica Canada Education Portal

## Emily Murphy

### Overview

This lesson is based on viewing the Emily Murphy biography from [The Canadians](#) series. Murphy was a mother, magistrate, author, reformer, and legislator. She is best remembered as one of the "Famous Five" who successfully took the "Persons Case," which advocated the recognition of women as persons in the eyes of the law, before the Supreme Court of Canada, and the British Privy Council.

### Aims

Studying the life of Emily Murphy will provide students an opportunity to learn about the status of women in Canada in the early twentieth century. In a variety of role-playing, researching and writing activities, students will delve into the details of the historic "Persons Case." Students will also explore the kinds of stereotypes about Canada that Murphy attempted to dispel.

### Background

Emily Ferguson Murphy (1868-1933) first became famous as a writer with the pen name of "Janey Canuck." She quickly emerged as a leader in the

fight for social reform, women's rights, and in the "votes for women" movement. She also led the struggle to have women recognized as "persons" in the eyes of the law. As her friend and fellow advocate Nellie McClung said, "Mrs. Murphy loved a fight and so far as I know, never turned her back on one."

In 1916, Murphy became the first woman magistrate in the British Empire. Instead of being welcomed by the Bar during her first day on the Bench in Edmonton, she was told by a lawyer that she had no right to be there because she was not, by legal definition, a person.

Perhaps the lawyer didn't know that Emily Murphy, who had made quite a name for herself writing under the by-line "Janey Canuck," was exactly the wrong person to accuse of not being a person. Her friend Nellie McClung had already told everybody that Emily loved a fight and now this ten-year fight would take Murphy all the way to the Privy Council in the House of Lords in London. And she won, overturning a Supreme Court of Canada decision that agreed with the Edmonton lawyer that women were not persons. Murphy's success ensured that her name would be remembered forever in the legal and social history of this country.

It must have been quite a surprise to Murphy to realize that when she was born in Cookstown, Ontario, in 1868 the Canadian Government and the British North America Act didn't consider her a person. She had gone through her childhood and womanhood, become a mother, an author, a reformer, legislator, and magistrate without being considered a "person." If Murphy was surprised, she wasn't alone for long. With four other Alberta women she set in motion the battle that became known as "The Persons Case." She based her argument on one simple premise: "All we want is to secure the chance to say 'We' instead of 'You' in affairs of State."

Murphy married an Anglican Minister when she was only 19 years old and moved with him to the wilds of Edmonton, Alberta, where she took on causes the way the CPR took on passengers. She fought for children's rights, and for women to be allowed to sit in courtrooms and not be told to leave because the judge considered some evidence would be damaging for the "delicate sex" to hear. She attacked the government for not doing enough about drug and alcohol abuse. She made them bring in legislation, which automatically gave widows a third of their husbands' estates.

She was political but she was also religious – although her husband claimed she knew only enough scripture to be dangerous. She was also tenacious. The ten-year battle in the "Persons" case was summed up, when it was all over, in typical Murphy style. "I know of no way of driving a nail other than hammering it."

## **Activities**

**Time Allowance:** 1 - 4 hours

### **Procedures:**

1. October 18 has been declared as National Persons Day in Canada in recognition of the victory awarded to the Famous Five on this day in 1929. In groups of two or three students, design and produce a poster advertising National Persons Day. Why is it celebrated? What does it commemorate? You may wish to allow your students to do some research on the Internet to see what activities have been planned in their own province and in Alberta, in particular, to mark this occasion.

2. As a part of the campaign for women's suffrage in Canada, a dramatic sketch was performed (led by Nellie McClung) in which all of the reasons that had been commonly used by men to deny women the vote were mocked by using the same reasons to deny men the vote. In groups of 4 or 5 have students write and perform their own versions of this skit. Encourage students to do further research into the reasons that men gave women for not allowing them to vote and the limits placed on women's roles in the political sphere to ensure that students clearly understand the impact that a play such as this one would have had during this time.

4. Hammering Battleaxe, or Compassionate Citizen? Organize a classroom debate to discuss the nature of Emily Murphy's character. The objective of this activity is for students to discuss Emily Murphy's many accomplishments and actions during her lifetime. Begin by asking your students to prepare for the debate by creating a timeline of Emily Murphy's milestones and achievements, and then organize these items into appropriate categories of significance. Further research may be required.

5. Emily Murphy began writing her series of Janey Canuck books to dispel the myths that many British citizens believed about Canadians. She also wanted to provide frank observations about the realities of life and living conditions in the 1890's that she encountered during her visit to England with her husband and family. These books were based on her writings in her diary that she maintained throughout her travels. What sorts of observations and myths about Canada in the 1990's would Emily Murphy use Janey Canuck to expose? Have students write journal entries, as though they were Murphy pretending that they are recording observations about a visit to their school or community. What do the

observations reveal about your community or school?

6. Set up a mock trial in your classroom to reenact the posing of the question by the Famous 5 to the Supreme Court of Canada or the British Privy Council. Assign groups of students to research both sides of the argument, as well as a group of students to discover what the findings of both proceedings were. As a wrap-up activity, have all students write two articles summarizing both trials as though they were recording the events for their local newspaper.

## **Resources**

[Emily Murphy Worksheet](#)

[Emily Murphy - The Canadian Encyclopedia](#)

[Emily Murphy's Famous Triumph - The Canadian Encyclopedia](#)

[The Status of Women - The Canadian Encyclopedia](#)

[Persons Case - The Canadian Encyclopedia](#)

[Famous 5 - The Canadian Encyclopedia](#)

James, Donna. *Emily Murphy*. Don Mills, ON: Fitzhenry & Whiteside, 1977.

Mander, Christine. *Emily Murphy: Rebel: First Magistrate in the British Empire*. Toronto: Simon & Pierre, 1985.

Sanders, Byrne Hope. *Emily Murphy, Crusader. Janey Canuck*. Toronto: Macmillan, 1945.

Sanders, Byrne Hope. *Famous Women: Carr, Hind, Gullen, Murphy*. Toronto: Clark, Irwin, 1958.

Alberta Government Publication. *Women are Persons! A Tribute to the Women of Canada and the 'Persons Case': Emily Murphy, Nellie McClung, Henrietta Edwards, Irene Parlby, Louise McKinley*. Edmonton: Alberta Women's Bureau, 1979

### [The Status of Women](#)

Emily Murphy Heritage Minute: