

Of British Columbia Suffragists and Barristers

Deux aspects de l'histoire des femmes de la Colombie britannique:
le travail des suffragettes de Victoria au début du siècle
et la lutte de Mabel French, première avocate de la province.

On the rare occasion that one hears of British Columbia women of historic importance, the name mentioned is invariably Emily Carr or possibly Ma Murray. Women's participation in the political/legal sphere is seldom discussed and almost no women, except for Judge Helen Macgill, have emerged as prominent figures. But West Coast feminists know that this picture is a far from accurate depiction of our past and hope that, through their research, the history will be corrected. For example, Nellie McClung lived in Victoria from 1933 until her death in 1951, and though a library in the city is named after her, few people actually realize who she is.

This article will discuss only two of the many aspects of women's history in B.C.: the work of activists in Victoria at the turn of the century, and Mabel French's fight to become the first woman lawyer in the province. The accomplishments of the Victoria activists indicate both the great number of women who first entered the political sphere as volunteers, and the importance of their unpaid labour. The account of Mabel French represents the opposite end of the spectrum — one woman's entrance into the male professional world.

The birth of the women's movement in B.C. involved a great number of women, and this article will point out a few recognizable faces among the nameless crowd. Their stories are quickly slipping

away and must be recorded before it is too late — as it already is for some of those strong faces in faded photographs, who will always remain anonymous.

First Suffrage Agitation

Each area of Canada has a suffrage tale which must be told so that its inhabitants can realize the local contributions that were made to this massive international effort. Though the importance of suffrage has been overplayed by male historians, who view it as women's only politically relevant accomplishment, it is crucial for several reasons. The suffrage campaign was the female population's challenge of the male political machine, and the problems to which these women addressed themselves were ones that we are still fighting to resolve today. Suffragists questioned the lack of legal rights for women and children, the quality of education, inequality of pay, and the plight of poor women and children.

Victoria witnessed a fairly militant campaign which began in 1871 when an American, Susan B. Anthony, was invited to give a series of lectures. The date of this event is significant because women only arrived in appreciable numbers in the pioneer city of Victoria in the 1860s; thus, they wasted no time in organizing themselves.

Maria Grant, née Pollard (?–1937), was

instrumental in arranging for Anthony's visit. Though Grant only arrived in Victoria from her native Quebec in 1867, she soon became the leading activist and organizer in the city, with suffrage and equal rights as her main cause. Her achievements included organizing the first Children's Aid home, presidency of the provincial Women's Christian Temperance Union (WCTU), co-founding several organizations for women such as the Local Council of Women, and leading a delegation which presented the first suffrage petition to the provincial government in 1883. She returned to the Legislature each session for more than 30 years with the same demands.

Municipal Vote

Victoria activists had to fight for the right to vote at three different levels: school board, provincial and municipal, with the latter being the most elusive. The story of Victoria municipal suffrage is fascinating but complex, as the vote was periodically granted and rescinded and was not finally settled until 1914. The first action came in January, 1875, when Silvestria Theodora Smith and two other women appeared at the polls and voted in a Victoria civic election, thereby upsetting tradition and making themselves the first women ever to vote in the city.¹

General interest in this issue was first



Maria Grant



Cecilia Spofford



Evelyn Keirstead Farris



Mabel Penery French



Margaret Jenkins

Roberta J. Pazdro

aroused in the 1880s, probably due to the efforts of Maria Grant. The cause gained momentum when two other women, Cecilia Spofford, née McNaughton (1859–1938), and Margaret Jenkins, née Townsend (1843–1923), took up the municipal cause (among others) at this time. Both women were active with the WCTU from the founding of the Victoria Branch in 1882. Spofford, sponsored by the WCTU, travelled throughout the province organizing temperance unions; she lobbied for social legislation such as the Mother's Pension Act, was active with the First Baptist Church, and founded a residence for homeless women and girls in Victoria. Jenkins arrived in Victoria in 1882 after living in Chile for over 10 years, and became the first woman in town to speak from a public platform.

The municipal suffrage effort attained an unexpected victory in 1906 due to an error made by the provincial government in amending the Municipal Elections Act so that it would include militia men. The amended act defined eligible voters as householders who paid taxes of \$2 or more a year, but neglected to specify the sex of the 'householder.' The full implications of this amendment were discovered by women in October, 1906, and the rush was on. It was reported in the *Victoria Daily Times* on October 30, 1906 that 83 women had been put on the voter's list, and that a further 1,088 requests had been filed by persons asking to be put on the list on the basis of having paid city taxes. Though this figure does not represent women alone, it certainly included many Victoria women who realized that paying a \$2-tax on the family dog would make them eligible voters! In the January, 1908 civic election, almost 500 women's names were on the voter's list — and certainly many, if not all, made full use of their right.

These women understood that this was a temporary victory, and Maria Grant quickly organized the WCTU to gather a petition of 1,000 names of Victoria residents opposing any action the government might take to exclude women from voting once again. Ignoring their request, Attorney-General W. J. Bowser introduced an amendment to the Municipal Elections Act to correct the oversight of the previous session, which was carried by a party vote.

School Board

The local WCTU was the force behind women attaining both the right to vote for school trustees and the right to run for election to the board. This dimension of suffrage was achieved with less of a fight than the civic or provincial vote, as the education of children was viewed as a natural extension of women's respon-

sibilities. In 1894, the first woman to run for the position of school trustee was elected. She was none other than Maria Grant, who served until the following year and was later re-elected from 1898 to 1900.

But it was Margaret Jenkins who really blossomed in this position when she was first elected in 1897, making her the third woman school trustee in Victoria. Education and the welfare of children became her primary cause, for which she fought until her retirement in 1919. One of the many reforms she instituted in the Victoria school system was a special class for retarded children which was established in 1912. In 1914 a school was named after her; it remains the only school in the city named after a woman.

Political Equality League

Though the WCTU and other groups had been leading the suffrage fight in Victoria, there was no organization dedicated solely to that cause until 1910, when the Political Equality League (PEL) was formed at the insistence of the Local Council of Women. The primary purpose of the League was education — accomplished by the distribution of literature to the public, study groups for women and the publication of a monthly magazine. In 1910, PEL members sponsored Emmeline Pankhurst's visit to Victoria to rouse all women to the cause. Their leader, and the first president of B.C.'s PEL (originally composed of two branches in Victoria and Vancouver) was Maria Grant. The greatest achievement of the League was making suffrage a cause of general interest after 1910.

The Champion

The League not only united and organized the Victoria suffragists; it also kept them informed of local and international suffrage news by the publication of the monthly magazine *The Champion* from 1912 to 1914.² Maria Grant and Cecilia Spofford served as co-editors of the periodical. Each edition of *The Champion* began with a statement of purpose of the PEL, declaring:

We intend to expose in every way possible to us, the dual standard existing for men and women, to demonstrate the evil resulting thereof and to force public recognition to the direct connection between this dual standard and the political disability of women.³

Distribution of *The Champion* was done through the WCTU and other affiliated groups. Individual readers were encouraged to help by the slogan 'When read, please hand to a friend' that appeared on

the cover of each issue. The June, 1913 edition announced that the Canadian Pacific News Department would begin taking 650 copies for the railway, and 100 for the magazine shops on their ferries between Vancouver Island and the mainland.

Local activities reported in the publication included petition drives, suffrage bazaars, a mock parliament and the visit of Barbara Wylie, the militant British suffragist, to Victoria. The most ambitious project reported in *The Champion* was a three-month tour of the province made at the end of 1912 by the secretary of PEL, Dorothy Davis, in order to organize the women of rural B.C. She made numerous stops and established at least 20 new branches of PEL throughout the province.⁴ The work she began must have continued, as the June, 1913 issue lists 36 branches of PEL in B.C.

The close of 1913 marked an important event in Victoria's history: Dorothy Davis split with PEL to form the second suffrage organization in the city. It was called the Women's Freedom Union, and was popularly known as the 'Go-Aheads.' As their name and their motto 'I shall arrive' imply, they were decidedly more action-oriented than the PEL, which remained focused on public education. This division was reported in *The Champion*, which declared: 'All suffragists are not moulded according to one pattern.'⁵ The two groups must have maintained amicable relations, as the first edition of *The Champion* in 1914 stated that it was now edited by Maria Grant and Dorothy Bishop (formerly Davis).

Unfortunately, the work of the PEL was slowed down, and the publication of *The Champion* was halted in 1914 because of the war effort.

After the Vote

A criticism frequently made of the suffrage movement is that after attainment of the vote, organizations disbanded and women simply returned to their homes. This statement is not generally substantiated, and certainly was not true of the Victoria activists. Cecilia Spofford continued her work with the WCTU home she had helped found, and remained active with the First Baptist Church. Margaret Jenkins remained a school trustee until her retirement. Maria Grant chose a whole new challenge for herself — religion. She became involved with the Victoria Unity Centre and was known as Reverend Maria Grant, speaker and Bible teacher.

Mabel French vs. The Law Society of B.C.

A contemporary event that appears to have passed unnoticed by the editors of

The Champion was the fight of one woman, Mabel Penery French, to become the first woman lawyer in B.C. The arguments put forward against French's admission to the bar uncannily foreshadow the arguments made during the Persons Case of 1929.

Fighting for the right to pursue her chosen profession in B.C. did not come unexpectedly to French, who had previously faced opposition from the New Brunswick Barristers' Society.⁶ French was the only woman in her class of 12 at the University of King's College Law School, then located in Saint John, N.B., where she obtained a Bachelor of Civil Law Degree in June, 1905. She applied for admission to the Barristers' Society of New Brunswick and was disqualified because of her sex. The decision was based on the interpretation of the word 'person' in the statute of the Barristers' Society which was taken to mean that only qualified men could apply. It was only after the Legislature passed a special act that Mabel French finally was allowed entry to the Society on April 21, 1906.

French enjoyed good standing as an attorney, solicitor and barrister of the Supreme Court of New Brunswick until June, 1910, when she moved to the West Coast. In May, 1911, she sent her application, along with supporting credentials, to the Law Society of British Columbia requesting admission and permission to write the upcoming exams at the end of June. In its 50 years of existence the Law Society had remained an all-male domain, and though there had been several inquiries from women before, none would prove as persistent as Mabel French!

The Law Society, which appears to have been staunchly opposed to women invading its ranks, simply ignored French's application. Foreseeing a fight, French engaged the services of the Vancouver law firm of Russell, Russell, and Hannington. Her application was followed by two frantic telegrams and a letter in which French explained that the action of withholding her papers from the Credentials Committee was in violation of the Rules of the Law Society. She further remarked that, due to this delay, she was forced to wait until December to write her exams.⁷

This series of missives finally elicited a response from the Law Society, which permitted French to present her case for admission in person at one of the Benchers' regular meetings. They, 'after consideration, decided on motion, that in their opinion there was no authority under the terms of the statute to enrol lady applicants for call and admission.'⁸ The Benchers clearly made their decision solely on the basis of French's sex, while ignoring her qualifications and the fact that their

governing statute outlined a procedure for the admission of barristers from other provinces.

French was undaunted. She applied by way of mandamus to the Supreme Court of British Columbia, where the decision of the Benchers was upheld by Mr. Justice Aulay Morrison. Her lawyer then took her case to the B.C. Court of Appeal, where Mr. Justice Irving confirmed the decision against French, stating: 'This fact that no woman has ever been admitted [to the Bar] in England, is conclusive that the word "person" in our own Act refers to a profession for men, and men alone.'⁹

Her case had aroused some public interest since June, 1911, and following the decision of the Appellate Court an article appeared in the *Vancouver Province* in which French mentioned that she viewed the current series of events as 'a sort of comedy.'¹⁰ The Benchers took a more serious view of the inconvenience caused them by French, and demanded that she pay the court costs incurred by both sides in the case.

Farris to the Rescue

There was little else that French could do on her own behalf — the next step would have to be taken by an outsider. Meanwhile, French continued to work at a Vancouver law firm where she prepared and researched cases though she could not argue them in court.

Oscar Bass, the Secretary of the Law Society originally responsible for withholding French's application, did make one half-hearted gesture on her behalf by writing a letter to the then Attorney-General, W.J. Bowser, suggesting an amendment to the Legal Professions Act. Bass must have known, however, that Bowser was likely to ignore the suggestion, as he was an opponent of women's rights.

But Bowser's attitudes were not a great enough deterrent for the energies of Evelyn Fenwick Farris (1878-1971), Vancouver activist and co-founder of the University Women's Club of Vancouver. One of her interests was law and she held honorary law degrees from Acadia University and the University of British Columbia. Around 1910, she encouraged the University Women's Club to investigate the legal status of women.

Mr. Hannington, of the law firm that handled French's case, knew of Farris' interest in law. At a bridge game, he informed her of French's plight and suggested that Farris might do something about it. Farris was catapulted into action and immediately went to see the Attorney-General on behalf of the University Women's Club. She informed Bowser in no uncertain terms that the Legal

Professions Act must be amended. Bowser, looking for an excuse, explained that there was no time to do this as the Legislature was to be prorogued in a few days. Farris persisted and Bowser finally agreed to introduce an amendment. The brief bill 'An Act to remove the Disability of women so far as relates to the Study and Practice of Law' was passed on February 17, 1912, the day the Legislature was adjourned.

French was finally able to write her exams in March, 1912; she achieved 52 per cent, an adequate score for successful admission. A possible last-ditch effort to exclude French occurred the same month, when the Law Society considered raising its admission fee from \$50 to \$500, but the move was protested by French's lawyer.

On April 1, 1912, almost six years to the day after her admission to the Barristers' Society of New Brunswick, French was admitted to the Law Society of British Columbia along with 20 men. After her admission, the Law Society finally agreed to pay the costs it had previously incurred in relation to Miss French.

Unfortunately, and despite many attempts, little further information can be unearthed about French except for the fact that she did practise law for some years in B.C. before moving to Seattle.

Information about the women who played an important role in B.C.'s past is scarce, and difficult to obtain. This article has briefly documented two fragments of women's history in B.C., and marks only the beginning of the monumental task that lies ahead — uncovering the role of women in all facets of B.C. history.⊙

NOTES

¹ Elizabeth L. Forbes, *Wild Roses at their Feet: Pioneer Women of Vancouver Island* (Vancouver, B.C.: Evergreen Press, 1971), p. 7.

² Copies of *The Champion* are held in the Provincial Archives of British Columbia.

³ *The Champion* 1, no. 1 (August 1912): p. 5.

⁴ One new branch of the PEL that was particularly active was located in Vernon, as we know from their reports published in *The Champion*. This branch requires more research.

⁵ *The Champion* 2, no. 12 (December, 1913): p. 4.

⁶ Very little is known about Mabel French before her move to B.C. If anyone in New Brunswick has done research on her, I would be very interested in learning about this work.

⁷ Law Society of British Columbia, Loose Correspondence, 1911-12. Held in the Provincial Archives of British Columbia.

⁸ Law Society of British Columbia, Benchers' Minute Book, 1903-18, p. 187. Held in the Provincial Archives of British Columbia.

⁹ 17 B.C.R. p. 1.

¹⁰ *Province*, January 20, 1912, p. 9.

This is a section from the British Council Privy Paper stating that women were now 'persons.'

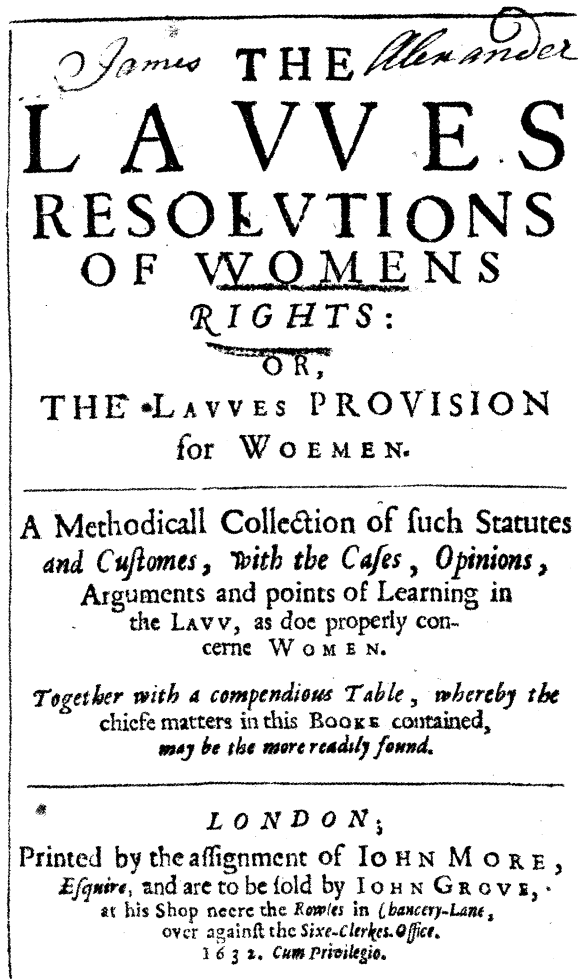
On the 29th August, 1927, the appellants petitioned the Governor-General in Council to refer to the Supreme Court certain questions touching the powers of the Governor-General to summon female persons to the Senate, and upon the 19th October, 1927, the Governor-General in Council referred to the Supreme Court the aforesaid question. The case was heard before Chief Justice Anglin, Mr. Justice Duff, Mr. Justice Mignault, Mr. Justice Lamont and Mr. Justice Smith, and upon the 24th April, 1928, the Court answered the question in the negative; the question being understood to be 'Are women eligible for appointment to the Senate of Canada.'

The Chief Justice, whose judgment was concurred in by Mr. Justice Lamont and Mr. Justice Smith, and substantially by Mr. Justice Mignault, came to this conclusion upon broad lines mainly because of the Common Law

disability of women to hold public office and from a consideration of various cases which had been decided under different statutes as to their right to vote for a member of Parliament.

Mr. Justice Duff, on the other hand, did not agree with this view. He came to the conclusion that women are not eligible for appointment to the Senate upon the narrower ground that upon a close examination of the British North America Act of 1867 the word 'persons' in section 24 is restricted to members of the male sex. The result therefore of the decision was that the Supreme Court was unanimously of opinion that the word 'persons' did not include female persons, and that women are not eligible to be summoned to the Senate.

Their Lordships are of opinion that the word 'persons' in section 24 *does* include women, and that women are eligible to be summoned to and become members of the Senate of Canada.



The title page from the Lavves resolutions of women's rights (1632).

Doris Lewis Rare Book Room, University of Waterloo Library. Submitted by Susan Bellingham