

11011- 88th. Avenue
Edmonton, July 26th. 1928

W. Stuart Edwards, K.C.
Deputy Minister of Justice,
Ottawa. Ontario.



C.1044
Reference to the admission of women
to the Senate of Canada.

Dear Sir:

For your information I am enclosing you a copy of an appeal to His Excellency the Governor General in Council in the above matter, requesting that he may be pleased to refer to the Judicial Committee of the Privy Council an appeal from the decision of the Supreme Court of Canada delivered on April 24th. 1928.

I am also enclosing a copy of the letter which I addressed to my co-petitioners in requesting them to sign with me, in order that our position in the matter may be clear to you.

From a close study of the several judgments of the Honorable the Supreme Court of Canada, it is apparent that their conclusions have been based upon things extraneous, or upon matters or circumstances not found within the British North America Act itself.

The question submitted and which your Government insisted upon was whether or no the word "person" meant a female person.

We contend that by virtue of the Imperial Interpretation Act passed prior to the British North America Act the word "person" must be construed as including both sexes, no contrary intent being shown.

Any question which might arise as to the qualification of a Senator is a matter for the Senate to deal with, this being specifically set forth in the Act.

The question the learned Judges of the Supreme Court of Canada submitted to themselves was whether, being untrammelled by the Interpretation Act as to the word "person", they could look at matters or circumstances outside the Act and, from these, gather the meaning of the word "qualified" as used by the Imperial Legislature.

In other words, what they discussed was the meaning of the word "qualified" as applied to the word "person". This is not and was not the point at issue so that, accordingly, our question remains unanswered both in fact and effect.

For these and other reasons, some of which are set forth in the copy of the letter to my co-petitioners, and here enclosed, we as interested parties within the meaning of Section 60 of the Supreme Court Act of Canada, have respectfully made petition to His Excellency the Governor-General in Council that he may be graciously pleased to make reference in this respect to the Judicial Committee of the Privy Council.

On behalf of the petitioners

I have the honor to be

Sir,

Your obedient servant,

Ernie F. Murphy
