

A Woman on the Bench

by

Emily F. Murphy

(Janey Canuck)

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A WOMAN ON THE BENCH

My Experiences as a Magistrate of the
Woman's Court

By EMILY F. MURPHY

(JANEY CANUCK)

EDITOR'S NOTE.—*In the Canadian West many great reforms have come—and many more are coming—through the work of far-sighted and energetic women. Scattered all through the West are women who have the vision to see what is needed to better conditions and the courage to get out and fight for what they want. Mrs. Murphy, of Edmonton, better known by her pen name of Janey Canuck, is one of the leaders among them, and it was fitting that she should have assumed the arduous task of putting into practice one of the reforms initiated—the establishment of courts for women. Mrs. Murphy has written two articles for MACLEAN'S, telling of her experiences in this very successful experiment.*

My appointment to the office I now hold happened like this.

When our family came to live in Alberta, the first Parliament of the Province was then in session, and as yet we had no laws relating to the property rights of women, or for the protection of children. Presently, I was agitating for both but found the work rather uphill for, at that time, a woman was laughed at and considered “kinda queer” who made her way into legislative halls with requests for women's rights. The farmers' wives who had come from the older provinces, or from other countries, were especially interested in the matter of dower and wrote many letters concerning the matter. It was one of these who, concluding that no woman could work from impersonal motives, wrote me an epistle of commendation, concluding it with these words: “Go on, Mrs. Murphy; God bless you; I have a troublesome husband, too.”



It was my privilege at this period to work with the late Mr. R. B. Chadwick, the Superintendent of the Government Department of Neglected

Children, on the provisions of a bill known as The Children's Protection Act, which, with the Juvenile Delinquents' Act of the Criminal Code of Canada, are the two Statutes governing our Provincial Juvenile Courts.

Never dreaming that I could ultimately be called upon to administer these Acts myself, still I followed them closely and eagerly awaited their amendments.

Sometimes, I would slip quietly into the back seat of the Juvenile Court or the District Court and listen to the cases being heard and, now and then, I even ventured into the sacred precincts of the Supreme Court.

Without being priggish or pedantic, I can truthfully claim that the pros and cons of the legal arguments I heard in these different courts were of greater pleasure to me than my visits to the theatre or horse-ring, much as I appreciate the latter.

This probably arose from the fact that I am descended from two families which have produced many eminent jurists, and that I have inherited a legal cast of mind. At any rate, three of my brothers have been called to the Bar and one to the Supreme Court.

And there was my great-grandfather, the Honorable John Hunter Gowan, who, as a Justice of the Peace in Wexford County, Ireland, ever showed himself to be a man of essentially practical genius, although it must be admitted that pliancy of conviction was not a notable quality of his make-up.

On one occasion, as an exemplification of his devotion to judicial duties, fine horsemanship, and super-eminent skill as a swordsman, he put his hunting cob over an eight-barred gate and, without dismounting, cut the head off a rebel outlaw with one sweep of his blade.

How I Was Appointed

But I was telling how I came to be appointed to the office of Police Magistrate, when led away to talk of other matters.



One night, in Edmonton, a score of women—or maybe it was two score—were arrested by the police in “a round-up” and charged with being common prostitutes or night-walkers, contrary to section 238, clause (i), of the Criminal Code. These women included clerks, stenographers, maid-servants, housewives, and some vagrants who unquestionably came under the description used in the code. Rumor had it that “stool pigeons” had been used to gain evidence, and that the women had been plied with intoxicants prior to their arrest. Later, it was found that these rumors were without foundation and that the arrests were regular in every way.

On the morning of the trial, two women from the Laws Committee of the Local Council of Women attended the guardroom of the Royal North West Mounted Police with the purpose of hearing the evidence.

Except the girl-prisoner in the dock, they were the only women in the room. Seeing them, the Counsel for the Crown asked the Magistrate to request the women to withdraw from the Court as the cases were unfit to be heard in a mixed audience. The women stated they came as representatives of a committee on law pertaining to the protection of women and children, and earnestly desired to remain. They were then informed that decent

women, such as they appeared to be, could have no desire to hear the evidence in these cases.

The bluff worked, for, after all, nothing so frightens a woman as to be told that her actions are unladylike. This has proven to be the most excellent gag and deterrent of all the ages.

Wishing to discuss the matter with someone who could in all likelihood be interested, the disconcerted, angry delegates called me over the telephone and asked me if they should return to court.

I advised them to agree with the magistrate that such cases should not be heard in a mixed audience, and to forthwith apply to the Government, respectfully urging that a court be established for the City of Edmonton in which women offenders might be tried by a woman in the presence of women.

I Make the Application

The women stayed away from the Court, but insisted that I do the applying to and urging of the Government myself.

For several days I shirked the task and then, blue with funk, and without the solace that comes from even one companion, I tackled the Honorable, the Attorney General.

In using this word “tackled,” I have written with inaccuracy for, to my high amazement, no tackling was required. On stating what had occurred, and what were our desires, the Minister agreed immediately to the establishment of such a Court.

“When are you ready to be sworn in, Mrs. Murphy?” he calmly asked; “the Governor-in-Council meet next week and your appointment as Police Magistrate will, doubtless, be ratified.”

“Ah! Ah! Yes! No!—well, that is to say, I’m not ready at all,” said I in one gasping breath. “I never thought of this; I don’t know anything; I have too much work at home; and my people won’t let me.”

In truth, I urged all the objections I had ever learned from female slackers, but the Minister only laughed and said: “Let me know in a week.”

After concluding that I dare accept, and that I dare not, for half a dozen times, I decided to consult some trusted women-friends, for it seemed that I was forcing myself along a hard and unaccustomed trail which might end in a slough.

Besides, I was afraid of the nastiness of sex-peddary that would have to be considered, even before a court largely made up of women.

In the days when I was a juvenile, it was not considered good form to mention an animal of the opposite sex by name, therefore, equines and bovines were all of one sex to me. Indeed, once at the age of ten, I was filled with the utmost chagrin because the adults of the house gave way to convulsions of laughter over a poem I had composed about a dairy-maid and “the large, kind oxen which she milks.”

I have always been embarrassed because of this faulty education and while I could write upon matters relating to sexual problems, I found it difficult to speak upon them even to my own children.

“Should a woman keep courthouse?” This was the question I asked of my friends.

“Of course she should,” replied one who was a church deaconess. “There were women magistrates in the Roman Empire, and why not in the British? Deborah, too, was a Judge in Israel, and held her court under a palm-tree between Ramah and Bethel.”

“Keeping courthouse is not a man’s job, nor a woman’s job,” answered a nursing-sister; “it is a job for one who knows how.”

Every Mother a Magistrate

A woman with a family,” answered the mother of six children, “can keep courthouse better than a man, in that she has performed such work for years in the management of her family. In training her boys and girls, she has had to do with false pretenses, assault, incitement to breach of peace, cruelty to animals, cheating at play, loitering, obstruction to justice, misappropriation, false evidence, trespass, forcible entry, idle and disorderly persons, and many other offences of an anti-social character.”

“Even when they are the victims of law, they become more expert in its applications than men,” said a school teacher. “Now there was Catalina, *The Spanish Military Nun*, who when she stood on the scaffold awaiting execution, was so disgusted with the knot the executioner was tying around her throat, that she took it out of his hand and showed him the proper method.”

“But how can I keep courthouse when I am trying to be a writer?” asked I of another writer.

“The interruption and not the task may hold the angel,” she replied.

“Poof!” she said further, “We’ll disown you if you decline the position. Listen to this! will you?” and here she pulled a book from off her shelf—“It is the enlightened acknowledgment of one male person: ‘Women have succeeded as doctors and lawyers; it is as magistrates they will give the full measure of their intellectual clarity, precision, and undeviating, equilateral sense of justice. We shall have a larger and finer administration of justice in our courts when some of our sputtering, male-gowned judges are replaced by clear-minded, logic-ruled women. And you know it as well as I do’.”

. . . . Shortly afterwards, I was sworn in as Police Magistrate for the city of Edmonton, and Judge of the Juvenile Court. A year later, I received a commission as Police Magistrate in and for the Province of Alberta.

Provincial Jurisdiction

This was found necessary because it sometimes happens that an offence which starts at Peace River may be concluded at Edmonton, and it is necessary for the magistrate to hear what happened at both places. Or a woman may be sent in from Athabasca by a Justice of the Peace who thinks it would be wiser to have her story told in a Woman’s Court and in another place, so that she may not be eternally ear-marked, and that she may get a fresh start. One such case which occurred during the war illustrates this point and, incidentally, includes a love tale.

A young woman was sent in from a far northern village charged with false pretenses and impersonation. She had lived for six years with a homesteader who had gone overseas without marrying her, or providing for her maintenance. Later, she made an affidavit that she was his wife in order that she might get a separation allowance.

I found that she had not impersonated the man’s wife in that he had no wife; nor was it false pretenses in that she received no money. The charge should have been one of perjury.

As soon as the evidence was concluded, a crippled man in khaki stood up and asked permission to speak. “You’ll be after mindin’, Your Worship,” said he, “how once you came to see us boys in the military hospital that is forninst your house, an’ it was myself as told you that I had three hundred and twinty acres of land, but that no girl would have me now as I had a wooden leg. You’ll be after mindin’, beggin’ y’pardon, Your Ledyship, as how you laughed an’ said, ‘Sure an’ Dennis I’ll have to find you a girl myself.’”

“Deed-an’-deed, I didn’t like to be bothering you about it, but havin’ found this one myself a fortnight yisterday, mebbe Your Lddyship would be after standin’ to your word an’ tellin’ her she’s got to marry me right away if she gets off.”

A glance at the prisoner showed her winking heavily at the Court, and pulling her face into wry grimaces meant to be indicative of her unwillingness.

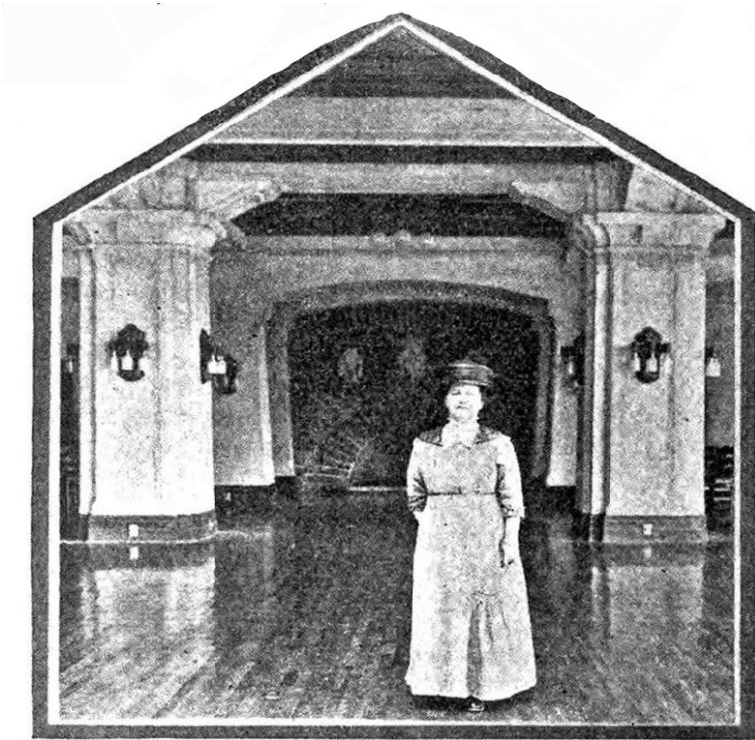
I accordingly instructed the bold-hearted wooer that such a finding was impossible under the provisions of the Code, but if they come to my office afterwards I would see what could be done.

What was done? Ah! there’s no sense in telling everything one knows. Besides it was Provincial Magistrates we were talking about.

It was only this month that two travelling Provincial Magistrates were appointed, whose work will do much to relieve the congestion at Edmonton, and at the same time will enable them to send in any girl that requires a fresh chance to the Woman’s Court.

My First Day in Court

My first day in Court was as pleasant an experience as running a rapids without a guide. Besides, the lawyers and police officials looked so accustomed and so terribly sophisticated. Indeed, I have never seen brass buttons so bright and menacing as on this particular day.



Presently, all the men became embarrassed and started to stammer over their manner of addressing me. One said “Your Worship”; another “Your Honor”; a negro said “Your Majesty,” and the rest said “Sir.”

The unintelligible jargon known as “the Information and Complaint,” was rattled off by the Clerk of the Court to a red-faced type whose chiffon evening dress was hanging in tatters from her shoulders, it having been torn off her by a dog the night before while she was intoxicated on one of the city’s main thoroughfares.

The police matron told how, on searching her, she found a quantity of whiskey concealed in a baby’s bottle. The constable who made the arrest explains to the Court that the bottle, being flat, it has the supreme advantage of presenting no unseemly contour. He also explains that the liquor is known as “squirrel” whiskey and is of a highly intoxicating character; that it is made locally, and tastes like a mixture of benzine and soap.

The accused tells that as she was walking along quietly, “this Bobby fellow” came right up behind her and pinched her.

“Constable, did you pinch the lady?” asked I. “It was most unbecoming conduct in an officer.”

After a prodigious side-wink at the police “boys,” he explains that he merely arrested her.

In her own defence, the lady would have the Court understand that she had never been arrested before, but how she escaped is still a mystery to the Court, because from whatever viewpoint she may be considered, she appears to be a most suitable subject.

Is a Woman a Person?

The next case is also for a breach of the Liquor Act, a number of bottles of beer and alcohol being produced as exhibits. Before his client pleads, Counsel for the Defense gets to his feet and objects to my jurisdiction as a magistrate. On being requested to state his objection, he argues that I am not “a person” within the meaning of the Statutes. His argument takes up quite ten minutes and, in the end, is duly noted, whereupon the hearing of the case proceeds.

Now, I had always known I was not *persona grata* but I had an idea I was still a person, in spite of the ancient disabilities on the statute books. At any rate, knowing my commission to be in order, I decided not to worry about the objection, being gratefully sensible of the fact that it devolved upon the Government to show that I *was* a person.

Here was a pretty kettle of fish! The so-called “woman’s rights” had suddenly been shifted onto masculine shoulders with an unescapable onus of responsibility.

On every subsequent case, this man, who is the most popular criminal lawyer in the city, persisted in raising the objection, while I persisted in hearing the whole argument, the thing appealing to my fancy immensely. Other barristers caught up the objection, and we had a merry time of it. He was a poor fellow, indeed, who could not put a new aspect on the argument. Several months later, when Mrs. Alice Jamieson was appointed Police Magistrate, with jurisdiction for the City of Calgary, the question was argued, and she was declared to be “a person” within the meaning of the statutes. Since then, the wicked have ceased from troubling and the weary are at rest.

Difficulties in Keeping Courthouse

ell! hardly at rest, for from the start, I have found my position as keeper of the courthouse to be an arduous task, and often a painful one. In the court, one learns sad things; terrible things that may not be written down on paper, and that many would fear to rend. Or again, one feels as if she had just seen all the tables of the law broken, and that nothing can ever again thrive which is good or pure.

The first woman I sent to jail went insane and was transferred to an asylum where she committed suicide. She left four little children whose father had deserted them.

Why did I send her then?

Because under the Liquor Act, when a person has been convicted, the magistrate is not allowed to suspend sentence. On visiting the asylum to inquire into the affair, the Superintendent told me that the woman had several strongly settled delusions, and was probably insane when I committed her.

It was Tolstoy who said, "There is no law for fools," but yet we know there is. The recidivist, or "repeater," is almost invariably a person in whose brain the steering apparatus is lacking. He has no mind-rudder, and though an adult in stature, he is but a child in mental capacity.

The magistrate does not sleep so easefully if she have misgivings concerning the irresponsible unfit whom she sends to prison when these should probably be placed under custodial care of a different kind. When scientific penology is further advanced, I have a hardy hope that all judges and magistrates, before passing judgment on any criminals, will have accurate reports on their condition, from hospital and psychopathic clinics.

Fits of Vapors

Like the average housekeeper, the courthouse keeper has oftentimes to pacify hysterics, or what our ancestors more properly called "Fits of vapors." It is astonishing what a commotion a really bad woman can make when hardly pushed on her cross-examination by a male inquisitor, or when she has been pronounced guilty by the court.

These hysterics, however, where the woman's court is concerned, are becoming rarer events. The defendants are getting to know that nothing can be gained from hysterics, romance, or any appeal that arises from mere femininity.

In thus educating the class it aims to reach, I take it, that our court-keeping is justifying its existence.

The woman who strives to hold the tears back; whose face quivers under the stress of her emotions, or who restrains herself, except for the tell-tale crimson that spreads itself in patches on her throat and face, is usually a pretty good sort in spite of her lapse from virtue, and is seldom irreclaimably bad.

Indeed, strange as it may appear, tears are more nearly close to the surface where men are under pressure. This particularly applies when their protective instinct has been appealed to. A man will break horribly when told of the tragedy that has come into the life of his girl-child. Than this, life has no sadder happening.

A son, whose mother has become insane, or a young husband, whose wife has wandered off into the bad lands of the underworld, is filled with an amazement of sorrow and finds his consolation in tears.

Rules of Evidence

Another difficulty of the courthouse keeper relates to the rules of evidence. Having mastered these herself, and having learned how to apply them, she finds that very few defendants know anything of the Canada Evidence Act, or of Phipson, and, as a consequence, are unable to tell the facts concerning their own case.

“That is not evidence,” someone will shout at the witness, who has just started to tell us all about it. “We don’t care in the least what you thought.”

The witness looks cowed, but, catching his breath, makes another attempt, only to be more sharply reprimanded. “It doesn’t make any difference what your wife said, stick to the evidence, or sit down.”

If the courthouse keeper is wise, and even ordinarily humane, and if she wants to elicit the facts of the case, she will shortly explain to the witness what is admissible as evidence and help him quietly over the rough places. It takes time, of course, also patience, but it should surely be done. There is little doubt that many innocent persons are convicted of offences because they have not known how to tell their story. It is high time a change was made in this regard, and that we humanize our courts, making them easier and more tolerable for the people. We are fairly safe in saying that the Courts of Summary Jurisdiction, unfortunately designated “police courts,” have lagged far behind every modern institution in changing their spirit and procedure to meet the needs of the day and generation.

It must not be concluded, however, that all the witnesses are needing assistance, for such is far from being true. Some are so wily and experienced

that the wariest officials are deceived by them. This is especially the case with witnesses from Central and Southern Europe, although the English-speaking proportion is by no means a negligible one.

With the majority of these, the truth only means what they think advisable to say and later, when forced to tell the truth, it is still because it is advisable.

When driven into a corner, they will say they do not understand, or suddenly they find themselves unable to speak English.

Sometimes a witness will pretend to be stupid, thus evading the questions, and hoping you may “give her up” like the proverbial puzzle. Or noticing one of these witnesses thinking deeply before making reply, you naturally conclude that she is considering her answer carefully in order that she may tell only the truth, whereas she is actually studying how to evade telling it. Or, perhaps, her position more closely approximates that witness in a certain famous trial who said, “I didn’t tell the whole truth to the judge, I told him selected truths.”

The Perjurer

Just here our reader is probably saying, “This can never be rectified, for the liar and perjurer are with us always.”

I am not one who holds with this theory. We used to think the same about slavery and smallpox, to say nothing of the impossibility of allowing the public to select their own books from the shelves in the public library, or their groceries off the counters in the stores. We know now that every evil can be enormously lessened, if not eradicated, and that, on the whole, the public may be trusted.

It is comparatively unusual for boys and girls to tell lies in the Juvenile courts, because it has been explained to them that it is better to tell the Judge the whole truth whatever the result may be, and, in this, they are not misguided.

At any rate, having observed and placed this depravity, and having considered the possibility of rectifying it, we should not lie down on the job.

It may be argued that the code provides for the punishment of perjury, but, for some reason or other, the hardest offence to prove is perjury. It is probably for this reason that a case of perjury is seldom preferred. Maybe, after all, that poetess was right who defined the Criminal Code as:

“That clumsy thing

That measures mountains with a three-foot rule,
And plumbs the ocean with a pudding-string—
The little, brittle code.”

Besides, how can we expect people to realize the sanctity of an oath when they do not appreciate the sanctity of the Book known as Holy Writ? Many of them have never read it, and have not even a copy in their possession. Others do not know who or what the Deity is except as a name that is used in a profane expression. The term, “So help me God,” can, therefore, mean nothing to them. It is passing strange that our Governments should not allow the children to learn of God in one of their institutions—the school, but should expect them to know of Him in their other institution known as the court. The whole system of law is based on the teachings of Christianity, and, therefore, if the youths are not taught the Bible, they should be taught the code. At present, they are taught neither, so that the result is disastrous, and must prove to be increasingly so.

Anyone, whether a professing Christian or not, must be driven to this conclusion—that is to say, if we use an oath in our courts, we must instruct our people somewhere or somehow as to the nature of its sacred and binding obligation.

Another difficulty which confronts the courthouse keeper is that of ignorance and stupidity. Sooner or later, the stupid man or woman will get into trouble and rise to the dignity of “a defendant.”

Not long ago, a woman in Edmonton lifted a valiseful of dainty blouses and lingerie from the Hudson’s Bay Company stores, and thought that the payment of a fine in lieu of imprisonment entitled her to have the goods and was deeply aggrieved when an order was made restoring these to the company.

The incident, however, is not peculiar, for Boswell tells of one Bet Flint, a prostitute, who stole a counterpane.

The Chief-Justice of Old Bailey, “who loved a wench,” summed up favorably, so that the charge was dismissed. Bet remarked, “*Now that the counterpane is my own*, I shall make a petticoat of it.”

Having laughed at Bet’s ignorance, we might look into the underlying causative factors and enquire whether she had not inherited an heredity of incapacity from generations of untaught, underfed, loutish clodpates—that

she was the natural fruit of the family-tree, rather than a sudden, perverse, wrong-headed criminal.

Truly, when we see such a plentiful absence of sense on the part of those classes who have had the advantage of colleges and “ancestors,” we can hardly wonder at the folly of the ignorant poor.

It is against this ignorance the courthouse keeper must wage an eternal battle, and it is to these unfortunates that a wise sympathy and unflagging patience must be shown, just as it is to the ignorant, erring child of any household. When my heart is well I am persuaded that this will yet be the way of it.

“Women’s Court” a Misnomer

As the first woman to keep a courthouse in Canada, I found out a queer thing which was that, strictly speaking, there could be no such thing as “a woman’s court” or “a man’s court,” owing to the fact that in certain offences both sexes were charged conjointly, or were parties thereto. This most frequently occurs in cases which relate to opium joints and disorderly houses. It is the practice, therefore, in our province that where the primary charge is against a woman and the subsidiary ones against men, the case is heard in the Women’s Court, and vice versa, where the primary charge is against a man and the subsidiary against women, the case goes to the Men’s Court. As most of the disorderly house keepers are women, and the majority of “found-ins” are men, this explains why the sexes are fairly evenly divided as to numbers in the summing up of the year’s convictions.

As the Women’s Court is conducted with more privacy, and as names are seldom mentioned in the papers, the males frequently prefer to appear here. Women who are charged singly for any offence, always appear in their own court. There are several advantages in this, the primary one being that each woman gets a chance to make good if she wants to take it.

While we do not always fail, I must own that where the older woman is concerned, she does not readily respond. She may be moved to tears, and may promise better things, but the experiences she has lived through have registered themselves on her nerves and fibre until she seems powerless to help herself. Her will is weakened; her moral nature broken down, and she has become an exile from her common humanity. Such a woman is a derelict on the ocean of life, “a wrecker,” and a treacherous troll of whom an old-time writer said, she “has cast down many wounded; yea, many strong men have been slain by her.”

When we have industrial homes for the many wayward girls who appear in court—places where they shall be taught three R's and suitable trades—we shall have done a great deal to solve the problem of delinquency. At present we keep them shut up, but teach them almost nothing. It is not wise to take a year out of a girl's life and then turn her out on the street—purer in mind and healthier in body—it is true, but no more capable of maintaining herself than before incarceration. Where is the use of telling a girl to be good when we all know that goodness is largely a by-product of efficiency?

In talking to the girls, and enquiring into their habits, where feeble-mindedness was not a causative factor, I have found the bad girl to be the ignorant, lazy one, who has not been taught to use her hands.

The industrial side of redemptive work is one which requires close and urgent attention on the part of all interested women. Much good work has been done in the past to reclaim the wayward girl, but, after all, the struggles in life are not so much between the good and the bad as between the good and the better. The best way a woman magistrate, or any other woman, can be a savior is not to stoop and save, but to stand by the girl and let her save herself.

If you are looking for an easy job, or one that is calculated to make friends for you, do not be a Police Magistrate.

There being two sides to every case, and the magistrate having to find in favor of one, it is wholly clear that the fifty per centum which represent the other side, whether as plaintiff, defendants, counsel, witnesses, or listeners must go away displeased, or even angry.

Women, in particular, because of their hitherto more secluded lives, are unused to taking reproof in public, and are apt to harbor bitterness.

Because they are of the same sex, the majority expect sympathy and defence from a woman magistrate rather than justice, and are surprised and chagrined that she should "side with" a man on any occasion. This is especially true in cases where indocile women assault their husbands. "He's able to take care of himself, he is," they'll say, whereas a man who is being beaten by his wife is probably the most ludicrous, the most helpless, and—yes, one of the most pitiable objects in the world. If he strikes back, he knows that the result is likely to be serious, and so he must either stand up under the beating or dodge as best he may.

In Northern Alberta, a woman quarreled with her husband over the titles of their farm and, to corroborate her argument, hit him with a stick. Since her childhood she had been blind in her right eye, and wore glasses to save her left one.

When in his rage, her husband hit back, by some awful miscalculation, the blow was landed on the lens of the left eye crushing the glass into her eyeball, forever destroying her vision.

May God, the Pitier, forgive old Philip for this, in that he will never forgive himself!

The offence of husband-beating may be one that is peculiar to the North where the average woman is more vital, more big and unafraid than in the South but, for a certainty, it is not altogether unknown in Alberta.

Having always held it as a cardinal principle that the distinguishing mark of a really fine woman is loyalty to her own sex, it often disturbs me in these cases of sex-antagonisms to see that my value both as a woman and as a magistrate is falling cent by cent, and that presently it will go below par.

Indeed, one woman from the British Isles who had beaten her mentally afflicted husband with a chair rung, and who was bound over to keep the peace, threatened to start a petition to have me officially disqualified as it was quite evident to her that I was “no woman’s magistrate.”

Another female designated by the police as “a snowbird”—that is to say one who snuffs a preparation of cocaine known as snow—threatened to shoot me, because of a severe sentence imposed upon her. I might have been frightened by this had I not found, on looking up the matter, that the killing of magistrates is really quite a rare occurrence. Indeed, the only case I could find happened in England when, in the year 1678, a magistrate was found dead in a ditch at the foot of Primrose Hill, a sword having been run through his body.

That magistrates were no more appreciated in those times, is evidenced by a writer of the day having described this murder as the finest piece of art in the seventeenth century.

Then, too, the woman magistrate suffers at the hands of her female admirers, in that they frequently use her as a kind of fearsome bogey to scare their employers, their husbands, or their icemen. They threaten also to “squeal” on their associates in wrong-doing, and frequently do squeal, usually by means of an anonymous letter or by telephone.

This procedure is not calculated to enhance the magistrate's popularity with the males of the community, so that it is just as well at the beginning of your career to make up your mind to a very considerable amount of resentment from both sexes.

So far as I can recall, the only person who seems to befriend the woman magistrate is the counsel for the defence, who so frequently refers to your wisdom, your well-known fairness, and your ability to digest evidence, hoping you may flatly fall for his pleasant "butter," and so acquit his client. Do I fall for it? Ho! Ho! my curious friends, do you think I'd be after telling if I did?

Speaking of Counsel for the defence, once a barrister pleaded that I should look leniently upon his client and not with the unsympathetic eyes which a woman of the higher class so often turns upon a woman of the lower class.

The request startled me. Was I doing this? Is it true that the over-worked woman of the so-called "lower class," subjected to temptations at an earlier age, becomes more liable to these than the over-fed, idle, and over-developed woman who is reared in more comfortable surroundings?

Should a magistrate rule that each class has its specific soul, or is it true, on the contrary, that

"The Colonel's lady and Judy O'Grady
Are sisters under the skin?"

In my mind, the question is still unsettled, in that I am forced to change my conclusions from day to day in order that justice may not seem to fail. After all, nothing is easier to upset than a conclusion, unless it be a canoe.

There is one distinct benefit, however, in being a police magistrate in a woman's court: you are saved from the risk of stagnancy. You will have the distinction too—albeit a graceless one—of having persecuted more perfectly pure, unoffending ladies than any other woman in your city.

TRANSCRIBER NOTES

Mis-spelled words and printer errors have been corrected. Where multiple spellings occur, majority use has been employed.

Punctuation has been maintained except where obvious printer errors occur.

Some photographs have been enhanced to be more legible.

A cover was created for this ebook which is placed in the public domain.

[The end of *A Woman On the Bench* by Emily Murphy]