

# Doctor Margaret Norris Patterson: First Woman Police Magistrate in Eastern Canada - Toronto - January 1922 to November 1934

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*On 4 January 1922, the government of E. C. Drury (United Farmers of Ontario) appointed Doctor Margaret Norris Patterson as the Junior Police Magistrate for the City of Toronto. Although women had previously served as magistrates in western Canada, Patterson's appointment was the first of its kind in eastern Canada.<sup>1</sup> It was the crowning achievement of a career which had already encompassed ten years of service as a medical missionary in India and another decade of volunteer social work in Dr. Patterson's adopted city of Toronto. The following is a short and unavoidably incomplete account of that career.<sup>2</sup>*

Margaret Rebecca Norris was born in 1876 on the family farm in Hibbert Township, Perth County, Ontario. Sarah and Robert Norris were Irish Protestants who farmed land which produced sufficient income to pay for the collegiate education of three of their six children. Margaret was educated in rural schools in Ontario prior to entering the Toronto Medical College for Women in 1895 at the age of twenty. Her medical degree was obtained in 1899 from the Woman's Medical

School of Northwestern University in Chicago.<sup>3</sup> After one year of internship in Detroit's Woman's Hospital, Margaret Norris volunteered as a medical missionary to India. She was employed by the Board of Missions of the Presbyterian Church of the United States and was sent to the Seward Memorial Hospital for Women in Allahabad, India, where she served from 1900 to 1906. She did further medical work in Ludhiana, India, from 1906 to 1910.

Missionary work, as a career for single women, was a late development of the whole overseas missions movement. Although Catholic missionaries arrived in India in the sixteenth century and Protestant missionaries followed in the late eighteenth century, the mission fields were initially considered an inappropriate place for women. Eventually, it was realized that male missionaries, who were limited to dealing only with Indian men, were failing to reach half of the population. Moreover, as teaching and medical service became part of missionary activity in the mid-nineteenth century, the need for trained—and preferably low paid—labourers in the field



*DR. MARGARET NORRIS PATTERSON,*  
circa 1918. (Archives of Ontario Picture Collec-  
tion No. S 17412), original 1 ½" x 2 ½."

became obvious. As early as 1876 Canadian Methodists were commenting:

There are many foreign fields of labour, in which the employment of intelligent Christian ladies as teachers and workers is recommended, both on the grounds of efficiency and economy.<sup>4</sup>

Unmarried women, properly trained and motivated, were cheaper to support than a missionary family and, unlike men, they were able to go into the native homes to reach women and children. Women with medical skills were particularly well received. Female missionary doctors then were the answer to the problem of Protestant denominations determined to provide medical and spiritual help to the women and children of India.

Foreign mission work was also the answer to the problems of the first generation of Canadian women doctors who had little real scope for independent work at home. As general practitioners, women doctors in North America tended to be confined to the treatment of women and children. A few female doctors worked successfully in the Public Health field or as "House Doctors" in hospitals especially for women and children, but all too often they married professional men and retired from active practice, perhaps turning their energies to social service and suffrage work.<sup>5</sup> Given the restricted environment at home, it is not surprising that many Canadian women doctors in the late nineteenth century went to India and China to serve their church and 'less fortunate' foreign sisters.<sup>6</sup> Margaret Norris, later Patterson, is a good example of what could be and was accomplished by many Canadian missionary doctors serving overseas.

When Dr. Norris volunteered as a medical missionary to India in 1900, she was following an already well established path. In 1899 the Western Division (Ontario and Western Canada) of the Women's Foreign Mission Society of

the Presbyterian Church in Canada was supporting seventeen missionary women in India and four more in China.<sup>7</sup> In 1900 there were 4,891 Canadian and American men and women overseas, 21% of the total missionaries in foreign missions. Ten years later, the numbers had increased to 7,219, 34% of the total overseas, most found in India and China. Women as missionaries were supported morally and financially by women at home who were gaining their first organizational experience in the women's mission societies.<sup>8</sup>

Norris worked at the Seward Memorial Hospital for Women from 1900 to 1906. In addition to her regular hospital work Dr. Norris was involved in a number of other activities. She attended secluded Hindu and Muslim women in their own homes on a private patient basis, and when bubonic plague struck Northern India in 1901, she organized open air plague hospitals, relief camps and inoculation stations at Allahabad. She was awarded the Kaiser-I-Hind Medal for her work.<sup>9</sup> During Lord Kitchener's investigation of the Indian Army (1903-1905), with particular emphasis on camp-followers, Dr. Margaret Norris served as one of his medical advisers. At this time she used her savings from private patient fees and her hospital salary to open a Rescue Home for camp-followers at Allahabad.<sup>10</sup> She served as an expert medical witness in cases involving women and children in the High Court at Allahabad, gaining an early introduction to women's legal and court problems,<sup>11</sup> and at one point she was also in charge of a Leper Asylum.<sup>12</sup>

The years in Allahabad (1900-1906) ended with Norris' marriage to John Patterson, a fellow Ontarian, who had worked as a Professor of Physics at the University of Allahabad from 1902 to 1904 and then as an Imperial Meteorologist for the Indian government. After their wedding early in 1906, the Pattersons left Allahabad for Ludhiana in the Punjab. There Margaret Patterson continued to work as a medical doctor and,

in addition, became an instructor of Obstetrics at the Ludhiana Christian Medical College for Women. She taught at Ludhiana from 1906 to 1910. A career in higher education was one of the advantages of medical work in foreign countries. Teaching positions in medical faculties were not open to women in Canada after the closure of the Ontario Women's Medical College in 1906 and university faculties did not accept married women as instructors until much later. While in Ludhiana Margaret Patterson lost her first born to the 'rigors of the Indian climate.' She kept busy by teaching, by doing hospital work and by writing a public school level textbook on physiology and hygiene in the Indian context.

In May 1910, the Pattersons returned to Canada due to John Patterson's ill health. They settled in Toronto where John found work in the Dominion Meteorological Service. Dr. Patterson did not practice as a medical doctor in Ontario, but she was by no means inactive.<sup>13</sup> In addition to caring for her husband and one surviving child, she became deeply involved in the activities of a number of Toronto area women's volunteer groups.<sup>14</sup> Patterson's experience in India and her religious values would make her open to the reform currents which convulsed church and society in the early twentieth century.<sup>15</sup> Middle class Ontario citizens at the time perceived that their society faced a number of major social problems. As identified by women these problems included: 'feble-mindedness,' especially in potential mothers, the use and abuse of alcohol, social diseases and prostitution. To a lesser extent, women also worried about domestic relations, juvenile crime and the lack of respectable lodgings and recreation facilities for women and girls. Since many of these problems resulted in women and girls coming into open court, the judicial system became a focus of interest for women's reform groups.<sup>16</sup>

In 1910, the Toronto Local Council of Women and the National Council of Women sponsored a survey of the courts in Toronto with emphasis

on the treatment of women and girls. Several Toronto women attended the open Police Court every day over a period of months and then presented a report to the Board of Police Commissioners. One of those women was Dr. Margaret Patterson.<sup>17</sup> The reason for their concern was later expressed by the National Council of Women:

Whereas, in the present practice of law, women offenders are arrested by men, tried by men, before men, and

Whereas, in many cases disastrous results follow, which easily might have been averted by contact with women officials, and

Whereas, the Standing Committee of the National Council of Women on Equal Moral Standards is of the opinion that the ideals, for which it stands would be more quickly attained if three agencies were more generally available, namely the Woman's Court, Woman Magistrate, and Policewoman,

Therefore, this Committee recommends that the National Council of Women advocate the establishment of these valuable moral agencies in every community where they do not already exist.<sup>18</sup>

The Toronto City Council authorized the city's first Police Women and a separate court for women in January 1913. The members of the Toronto Local Council of Women were pleased that the Women's Court was created but they were disappointed that the first magistrate was a man.<sup>19</sup> Despite the appointment of a male presiding officer, the new Women's Court was a decided improvement on the old open court system. It admitted only those who were actually concerned with its cases. To satisfy the need for a 'public' court process, the Local Council of Women started a system whereby women went to court everyday as witnesses to the fairness of the Women's Court proceedings. Often these

women offered a 'helping hand' to the women and girls who appeared in court.

With the beginning of World War One, Patterson's activities were temporarily re-directed. In common with many social service oriented women she put most of her time into war activities. She firmly believed that women could and should help with the war effort:

I think there are a great many of us who would be willing to take a man's place in any line that is necessary and there are a great many things we can do if the men only give us places in which to work, and we can, by showing our united determination to let nothing, absolutely nothing, interfere with attaining our object, win that victory for which we are all longing.<sup>20</sup>

She lectured to trainees of the St. John's Ambulance Brigade and eventually became Lady Division Surgeon in 1919. From 1914 to 1919 she gave summer lectures to from 25 to 36 Women's Institute groups. She spoke mainly on practical subjects such as emergency first aid, home care of the sick and Red Cross work and wrote articles for the Women's Institutes Annual Reports on the same subjects. In 1916 Patterson was in charge of the nursing at a convalescent hospital for soldiers returned from Europe. All through the war years she gave lectures to substantial numbers of Red Cross workers. On the national level she served from 1914 to 1921 as Convenor of the National Council of Women's Standing Committee on Equal Moral Standards and Prevention of Traffic in Women.<sup>21</sup>

As the First World War was drawing to a close, a Pandemic of Influenza struck with dire consequences. Canada suffered severely, losing 30,000 to the disease and its complications; in addition, at least one sixth of the population was infected to one degree or another. Ontario saw nearly 9,000 dead and 300,000 diagnosed cases of the 'flu' from July to December of 1918.<sup>22</sup> Since the

medical profession was as severely affected as the general population, volunteer help was desperately needed. In this exigency prominent medical men and women, senior officers of the women's groups, social service officers and other interested parties organized The Ontario Emergency Volunteer Health Auxillary. Dr. Margaret Patterson agreed to give a special course to young women volunteers in committee rooms at Queen's Park.<sup>23</sup> Her lectures were designed to train volunteers how to treat people in their own homes thereby taking the strain off the overburdened hospitals. The government made arrangements to have the lectures reported via the telegraph system all across the province, reprinted by the local press in outlying communities and printed in pamphlet form. Surviving records indicate about 250 women attended Patterson's course.<sup>24</sup> After completing their course they were given a special pin and the title 'Sisters of Service,' a title suggested by Dr. Patterson.

The war over, women's groups in Toronto continued to press for the appointment of a woman magistrate to the bench of the Women's Court. They eventually received a favourable hearing from the 'Farmer-Labour' government of E. C. Drury which had been elected in 1919. The result was the appointment of Patterson as the 'Junior Police Magistrate' for Toronto on January 4, 1922,<sup>25</sup> the actual nomination decided by the Toronto Local Council of Women.

The Local Council met on December 13, 1921 to decide on their nominee. There were three official candidates ready to present themselves. A Mrs. Sinclair sent a letter asking for support but it was simply tabled at the meeting and ignored. The actual candidates were Charlotte Whitton, Mrs. O'Sullivan and Dr. Margaret Patterson. Mrs. O'Sullivan was a prominent member of the Local Council of Women. Miss Whitton was just beginning her spectacular career as a professional social worker in Ontario. The minutes of the December 13th meeting provide little information as to exactly how or why Dr. Patterson

was chosen as the nominee for the position.<sup>26</sup> Newspaper accounts after the actual appointment indicate that Dr. Patterson was probably supported by the executives of the Local Council of Women, by the Big Sister's Association and the Women's Christian Temperance Union. In general terms, she was the first choice of the more social service oriented groups within the Local Council rather than the patriotic and literary groups. She was also supported by locally prominent women such as Dr. Augusta Stowe Gullen and Mrs. Sidney Small.<sup>27</sup>

The officers of several Toronto women's groups saw Patterson's appointment as a victory. Mrs. R. G. Smythe, president of the Toronto Local Council of Women commented to the newspapers that:

We worked for the appointment of a woman magistrate, we recommended the appointment of Dr. Margaret Patterson and now we certainly will stand behind her.<sup>28</sup>

Mrs. Fred C. Ward, president of the Women's Christian Temperance Union told the same reporter:

We believe that Dr. Margaret Patterson is the right woman in the right place. We'll back her up and help in any way we are able.<sup>29</sup>

Dr. Augusta Stowe Gullen, herself one of the earliest women doctors and the daughter of the pioneer suffrage leader in Canada, commented:

I am pleased because I feel Doctor Patterson to be so eminently fitted for the position. It is so necessary to have a woman to work among the women and children who come within the jurisdiction of the court, but more necessary that it should be the right sort of woman.<sup>30</sup>

The general attitude to Dr. Patterson's appointment was summed up shortly after she started on the bench:

Toronto has been fortunate in claiming many energetic welfare workers but it would be difficult to find among them a woman with a greater will to serve or keener insight into the social and moral complexities of modern life than Dr. Patterson.<sup>31</sup>

Patterson's own comments on the appointment were of a somewhat different tone: "I told my husband that it was not a medical person they want but a chiropractor, because the work is largely one of making adjustments."<sup>32</sup> She told reporters on 5 January, 1922, the day her appointment was announced that:

I should like to see it (the court) as a sort of social readjustment bureau. I believe that its function should be to prevent and correct wrong, rather than to distribute punishment.<sup>33</sup>

In the summer of 1922 she continued the medical metaphors when describing her court:

Crime is but a symptom of some maladjustment, physical, mental or social, and we can never hope to do away with crime by punishment alone. It can only be cured by removing the causes producing it.<sup>34</sup>

Despite the enthusiasm over her appointment, Patterson faced the usual bureaucratic problems. A dispute between the City of Toronto and the provincial government erupted over her salary. She was a provincial appointee but she was to be paid by the city. The Order-in-Council stated that she was to be paid \$3500.00 per year. The City Council was determined that she would be paid \$3200.00 which was the maximum that their By-laws would allow.<sup>35</sup> The second problem was a lack of court room and office space which delayed her first day on the bench until 5

March, 1922. Doctor Patterson initially held court in the lower level of the now 'Old City Hall' of Toronto. The room had already been described as inadequate for the purpose but Patterson made no direct complaint to the City. Instead she asked the Local Council of Women to work quietly behind the scenes to see if something could be done.<sup>36</sup>

In the years immediately prior to Patterson's appointment there had been an average of more than 2,000 cases a year in which women were accused of a crime and many more cases in which they were the victims.<sup>37</sup> As the new magistrate for the Toronto Women's Police Court, Patterson would be dealing with all the cases involving women, whether as offender or victim. Magistrate Patterson came to her position determined to bring about a few changes.

One of her earliest actions was to attempt to reach an understanding with the newspaper reporters who sat in the court each day.

I hope that I shall be able to come to an agreement with the police court reporters and that we'll be able to play fair with each other. There are many cases which should not be described to the public especially in the joking way they are at present. It tends to make people regard crime with levity and it stamps the people who appear in court with criminal labels which many of them never lose because their neighbours never forget.<sup>38</sup>

Aware of how cruel people could be, especially when they only heard or read part of the story, she waged a losing battle to raise the level of male-biased court reporting. Margaret Patterson also brought new ideas on the treatment of those women who came before her in the court. In many ways she was ahead of her time. She saw some domestic problems as rooted in the position of women in the marriage.

As long as the wife and mother is regarded as non-productive in a commercial sense and dependant upon the charity of her husband for her food and clothes, to say nothing of any spending money she may receive, it is surely an unbusiness-like partnership. The wife is in partnership with her husband in the conservation if not the production of the wealth that supports the home, and as such is entitled to some part of the profits of that partnership. At his death she is entitled to one-third of his property, why not during his life.<sup>39</sup>

She believed that Ontario should have laws that gave greater economic security to married women and a right to the municipal vote on the basis of the husband's property if wives had none of their own.

Dr. Patterson was to see many of the most pressing problems of the first third of the twentieth century on her bench. Massive changes in living patterns in rural areas and lure of the Big City with its greater opportunities for jobs and meeting people, brought young people into Toronto at an alarming rate. Neither the migrants nor urban institutions were equipped to handle the problems that arose.<sup>40</sup> Many young women had no notion of where to find a job, no idea of even where they were going to sleep and often no friends or relatives to turn to for help. The lucky ones were met at the bus and train stations by volunteers from the Traveller's Aid Society and told where to find safe, respectable lodgings. They were also advised on how to look for work and which churches sponsored 'get-together rooms' for young women to make safe friends and relax in supervised surroundings.<sup>41</sup>

Patterson saw the unlucky or the unwary among these young 'travellers.' Most young women were brought into court under charges of vagrancy but a few were not that fortunate.<sup>42</sup> If the charge was simple vagrancy and the women had a home to go back to, she was ordered to

leave Toronto and stay away. The alternative was anything from 30 days to two years less a day in the local 'House of Refuge' or the Reformatory. If the charge was for an offense other than vagrancy then the sentence would not be so lenient. Dr. Patterson had a reputation in her own time and later as a magistrate who handed down 'stiff' penalties to the women and girls who faced her. A survey of her sentences indicates that her reputation for being somewhat harsher than her male counterparts in Toronto was, at least, partially true. Her sentences appear to be similar to those meted out by Police Magistrates in a number of cities and towns outside of Toronto, suggesting that she agreed with the prevailing norms of small-town Ontario.<sup>43</sup>

The Toronto Women's Police court saw mainly female defendants, but men were also present if the victim was female. Other than vagrancy, women were most often charged under categories designated: Drunk, Breaches of the Ontario Temperance Act/Ontario Liquor Control Act, Breaches of the Veneral Disease Act, Keeping a Common Bawdy House/House of Ill Fame, Inmate or Frequenter of same, Prostitution, Theft, Having Drugs, Neglect of Children and Bigamy. Men appeared in Women's Police Court on many of the above noted charges plus Indecent Assault/Exposure, Living on the Avails of Prostitution, Procuring, Carnal Knowledge/Seduction, Drunk and Assault on a female. Dr. Patterson tended to sentence men guilty of the latter group of charges to longer sentences than in other courts in Toronto, but, again, her sentences in these cases were similar to those of Police Magistrates across the province. Certain charges, such as Having Drugs, Indecent Assault and Carnal Knowledge were subject to long sentences from virtually all Police Magistrates.

In dealing with women defendants, Patterson usually did not convict on the first offense if she had any choice. First offenders were either released to their families or remanded for a few days to get a taste of jail and their possible future

and then released.<sup>44</sup> Sometimes women and girls were placed in the hands of the various social service organizations such as the Salvation Army or the Big Sisters Association. When dealing with prostitutes Dr. Patterson tended to hand down an indeterminate sentence (which could be any term up to two years less one day) in the hopes that the unannounced release date would enable the women to elude the pimp attempting to regain control over her. Male Police Magistrates in Toronto and other centres usually gave the woman a choice of jail for two to six months or a relatively small fine, usually less than \$25.00. Those who kept a Bawdy House, or the like, received a variety of sentences from Dr. Patterson, often ranging from three months or a fine to nine months without the option of a fine. On rare occasions an indeterminate sentence would be given to a Bawdy House keeper. The remaining Toronto Police Magistrates normally sentenced such women to two to three months or a fine, Rural Police Magistrates from six months to one year.

Women who faced Patterson on charges of "Having Drugs" could expect to receive a sentence of six months plus a fine of \$204.00 or an additional six months. Occasionally the sentence for possession of drugs was from nine to twelve months. Male Magistrates in Toronto and other centres handed down virtually identical sentences but would sometimes hand down a sentence of two years less a day. Bigamy by a woman was an offense which periodically appeared in the Toronto Women's court and other similar courts across the province. Patterson usually sentenced women to Indeterminate terms, but they generally did not serve the maximum period. Male Magistrates gave similar sentences. The offense was universally decried for women. Male offenders, however, received substantially lower sentences from Patterson (three to twelve months) and from the other Toronto and rural Magistrates.



Men who were charged with offenses against women and certain general moral offenses were tried in the Toronto Women's Police Court. The charges were Indecent Assault/Exposure, Living on the Avails of Prostitution, Procuring and Carnal Knowledge/Seduction. Patterson generally handed down sentences of six months to two years plus a fine for Indecent Assault. Men who were Living on the Avails were given terms from three to fifteen months, repeat offenders often were given two years less a day. A Carnal Knowledge conviction before Patterson often resulted in a sentence of twelve to twenty-four months. Men convicted of Procuring regularly received a three month sentence with no option of a fine. The male Police Magistrates of Toronto tended to give substantially lighter sentences for Living on the Avails and Procuring although they did give sentences similar to Dr. Patterson's for Indecent Assault and Carnal Knowledge.

Margaret Patterson reacted harshly to men who injured or used women and girls. In such cases she regularly gave sentences more severe than her male counterparts in Toronto but similar to sentences prevailing elsewhere in Ontario. Only when the crime was universally decried as in the case of bigamy did the sentences of Dr. Patterson generally compare with the remaining Toronto Magistrates. As she held a very high opinion of a woman's responsibilities to herself and society, Patterson also tended to be somewhat harsher with her own gender than male Magistrates were. Her stiffest sentences were reserved for those women who had failed in their responsibilities as wives and mothers.

Doctor Patterson saw two types of women on Vagrancy charges, the young ones who were new to the city and the elderly who were no longer able to care for themselves. Often elderly women had been in the care of the Salvation Army or similar organizations for a period of time but were unwilling or unable to abide by the 'house rules' and left. Patterson often found herself in the unpleasant position of having to send such

women to the 'Houses of Refuge' or the Concord Industrial Farm for Women (a jail farm) so that they could receive medical care, good food and a warm bed. This was particularly true when the winter months were approaching. Concord registers show many such women in their care.<sup>49</sup> It was a most unpopular sentence and one for which Patterson was occasionally severely criticized, but in such cases her concern was for life and limb rather than pride and freedom.

Another problem which brought many women into court was the use and abuse of alcohol. In 1921 the Toronto courts saw 381 women charged with liquor offenses including 'drunk.'<sup>46</sup> The Women's Court also saw its share of men brought up on liquor charges. The Ontario Temperance Act was passed in 1916 as a province-wide measure intended to curb the use of all alcoholic beverages but it was open to many abuses. Approximately 14% of the case load of the Women's Court involved liquor charges. The fines and sentences imposed were based upon whether it was a first, second or third conviction. Conviction on a third offense could be very expensive if the charge was 'liquor for sale in the home': a third conviction carried a \$500.00 fine and costs. It was not at all uncommon for women in need of money (often they had been deserted) to earn some semi-respectable money by selling liquor in their homes. Another method of making ends meet was to run a 'resort' in their homes (not quite 'houses of ill fame') where men could come to drink and carouse. The usual penalty for a conviction on a 'resort' charge was \$100 or 60 days and the loss of the liquor permit.

Prostitution was a major problem for most large cities in North America and Toronto was no exception. It was a generally held belief, by social workers, the general public, legal officials and Patterson, that the majority of prostitutes were both diseased and feeble-minded.<sup>47</sup> Many sources from the period quote the feeble-minded rate among prostitutes as 60% to 80%. According to the 1923 Provincial Board of Health Report

(Ontario), of the 167 new inmates in the Mercer Reformatory, 37% were found to have Syphilis and 41% to have Gonorrhoea, while a few were infected with both. There was provision in the Mercer Reformatory Act and the Female Refuges Act to detain all inmates found to have one of the communicable diseases, especially venereal diseases, and have them treated. The ruling provided that such inmates were to be detained until they were pronounced cured even if they had to be held after their sentences had expired.

Throughout her career on the bench, Patterson complained that there was no proper place to care for the mentally retarded. They could only be jailed or sent to the 'Houses of Refuge.' Neither of those institutions was capable of dealing properly with the 'feeble-minded' but they were all that was available. As early as 1917 she had been one of two 'Representative Women' on the executive of the Toronto Branch of the Provincial Association for the Care of the Feeble-minded. In April of 1922 when discussing the feeble-minded, she said:

It seems both cruel and unchristian to send a person with the mental age of nine out into the world and expect her to take care of an adult body and compete with those who are not labouring under such a handicap. Until our province will realize the economic as well as the moral benefit of proper farm colonies, with the cottage system of housing, where these people can be protected and have as far as possible useful lives, and where they are safe from themselves and no longer a menace to society -until this is done, our courts cannot be other than circumlocution offices.'<sup>48</sup>

On 5 January, 1923 she was dealing with a confused and possibly mentally retarded young woman in her court. Patterson was upset about this case and she lamented that:

The heartbreaking thing is that there is no place that looks after people of this kind. If we get half a dozen more of these cases perhaps we shall get some place for them.<sup>49</sup>

She did not like having to sentence the feeble-minded to the Industrial Farm or the Refuges but she was more or less powerless to do anything else with them once they had been convicted. Public opinion at the time was firmly convinced that the feeble-minded, especially women and girls, should be kept in some form of custodial care at least until they were past their fertile years. Significantly, Dr. Patterson did not suggest sterilization, an increasingly more widely accepted method of control of the mentally retarded, but suggested 'farm colony' segregation instead.<sup>50</sup>

The Women's Court also saw those who were being ill-treated at home. Patterson heard many cases of family disputes; husbands who mistreated their wives, cases of desertion by the husband, cases of desertion by the wife which sometimes resulted in bigamy charges. When such cases came into court Dr. Patterson tended to determine what should be done that was best for everyone, not just the husband. If it was obvious that spouses were better away from each other for a period of time or permanently, the verdict could be an order to the husband to stay away from home. The time of short term absences could be a few weeks, a few months, or even a year. If there were any children, the husband was ordered to pay the wife a specific sum each week.

Another problem which often found its way into Patterson's court was the problem of the run-away girl. There was considerable concern over girls leaving home especially those who were considered too young to work or take care of themselves. When a run-away was caught every effort was made to send her back home or, if that was not possible, to put her in the care of the Salvation Army. These girls were a somewhat different group than the young women

being picked-up as vagrants. Those charged as vagrants were generally 20 years old or more, the run-aways were teenagers. The courts were only too well aware of what could happen to adolescent women who were too trusting. The courts and service organizations, as well as the police, kept an open eye for any young women who might be run-aways and did everything in their power to send such women home.

A March 1929 *Chatelaine* article by Anne Elizabeth Wilson describes two types of run-aways, one from a good home and the other from a bad home and explains why each type runs away. Wilson also gives details of some of the methods used to trap such girls into 'White Slavery.' She had high praise for the Toronto Women's Court:

One of the greatest arguments used in bringing into being the Toronto Women's Police Court was the established fact that women brought into the publicity of the general court were noted and trailed by men who came to court for no other purpose. The privacy of the women's court has helped to overcome this to a great extent, but reports of sentences in the papers still furnish information utilized by men in locating girls for immoral traffic.

She was also very much in favour of Doctor Patterson:

Social workers are agreed that purveyors of vice more greatly fear coming before Toronto's woman police magistrate, than facing a month of ordinary sessions.

Despite criticism from the accused and the court reporters, public service groups were in complete support of Patterson's efforts on the bench, particularly during the early years. In a letter to Premier Ferguson on 14 November, 1924 (which may have been response to newspaper criticism of Dr. Patterson) the Child Welfare Council of Toronto said the following:

The consensus of opinion was, that Dr. Margaret Patterson was working very wisely and courageously, in spite of much opposition, and that she was accomplishing most of the changes that had been hoped for by socially minded people when they asked for her appointment. A resolution was passed unanimously commending her work and expressing most hearty support of her efforts to improve the Women's Court.<sup>51</sup>

This same letter also included comments made during the meeting of the council by such prominent people as Robert E. Mills, Director of the Toronto Children's Aid Society. A statement was read to the meeting that was sent in by Wm. Horkins, a Barrister who said:

I approve very highly of Magistrate Patterson's work in the Women's Court and I don't mind saying so to anyone. She is always willing to hear all sides of a case, she gets the whole thing before she makes up her mind, but when she does make it up there is no moving her. She sticks to her decisions; sometimes they are against you and sometimes they are the way you want, but it makes no difference. She does the fair thing. I handle forty percent of the cases in that court and I know. What she needs is to be let alone. She is doing good work.<sup>52</sup>

Patterson's attitudes on what should and should not be reported by the press continued to draw criticism. The preliminary hearing of a 'botched' abortion case was held in the Toronto Women's Court on 23 August, 1927. As the case would have to go to a higher court for a jury trial Patterson explained to the reporters that she could not allow the press into the hearing. The reporters complained bitterly about her actions arguing that other magistrates trying abortion cases allowed them into the court room.<sup>53</sup> It is significant that the one reporter actually present in the court that day took a different position at the time. When Patterson told him that he could

not stay in the court he commented "I would rather be outside than inside, Your Worship." She said she would tell him the result of the findings and he commented "Thank you, very much, that is all right."<sup>54</sup> Nevertheless, her actions had deprived the press of a potentially juicy story which they generally would have published with the names and considerable detail. Dr. Patterson's reputation with the Toronto Press Corps, already tarnished by her efforts to play down sensational reporting, continued to suffer.

Dr. Patterson would face two major problems in her last five years on the bench, both of which rested on her interpretation of the law. In 1928 she sentenced a man to three years in jail for 'procuring' and 'living off the avails of prostitution.' She took into consideration his past conduct and the result was a stiff sentence. Although the sentence was applauded by several social service groups in Toronto it was an unusual punishment for 'pimps' who were generally only fined. The sentence upon appeal was reversed by Chief Justice Mulock who freed the man because Patterson's verdict was 'unsupported by sufficient evidence.'<sup>55</sup> Following this decision, all the male offenders were removed from the docket of the Women's Court, obviously a form of censure for Dr. Patterson. Although the Women's Court was back to its usual mixed docket of men and women within a few months, Dr. Patterson's knuckles had been publicly rapped. In January of 1929 Patterson spoke to the National Council of Women on the workings of the law:

While it is absolutely necessary that every accused person be tried strictly according to the rules of evidence, the Individual as well as his crime should be carefully studied before sentence is pronounced. I do not believe that anyone can deal out even approximate justice, based only on the testimony developed in open court. The ramifications of the actual cause of any so-called

crime are too intricate to reduce to a legal formula.<sup>56</sup>

Despite the criticism leveled at Patterson in the Toronto newspapers she was supported by women's groups and by commentators in the recently founded *Chatelaine Magazine*, who took a different view of the law than Chief Justice Mulock.

In 1932 Patterson was again in the 'lime-light' because of a court decision. According to newspaper accounts Patterson sentenced a man to jail under the 'Master and Servant Act,' because he had failed to pay the wages of a workman who had completed the job he was hired to do. The case was placed before a Justice of the Peace and then before Dr. Patterson. Due to the very small amount of money that was involved (\$1.50) it was folly to send the man to jail. It is now impossible to even guess at what was on her mind when she passed sentence. The case was soon in the newspapers and was the subject of an investigation. Patterson was officially censured on October 19, 1932, some three months after the original case. She received a verbal 'dressing-down' from Attorney General Price.

For the next two years Dr. Patterson continued with her court activities much as she always had. She retired, or more accurately, was fired, from her position as a Police Magistrate on 21 November, 1934. The Hepburn administration, which was elected on 19 June, 1934 drastically revamped the judicial system in Ontario in August 1934, 'retiring' two-thirds of the Magistrates then on the bench as well as large numbers of Justices of the Peace.<sup>57</sup> The City of Toronto magistrates had initially been immune to the changes because they were paid by the city. However, on 21 November 1934, Patterson, while sitting on the bench, was handed a three line note to the effect that her services were no longer required.<sup>58</sup> Although the official announcement stated that she had been retired as a magistrate and named a Justice of the Peace, she flatly refused to accept

the appointment as a J.P. "As you have seen fit to dismiss me as a magistrate I decline to accept the position as a Justice of the Peace," she announced.<sup>59</sup>

In the first year of the Hepburn regime many people lost their jobs as a direct result of the premier's desire to cut government costs and to meet campaign promises. Doctor Margaret Patterson, a Drury appointee, was only one of many who faced unemployment. She chose at the age of fifty-nine to go gracefully into retirement after a long and useful career as a medical missionary, social worker and police magistrate.

Although she continued her voluntary activities, she eventually faded from the public eye with the passage of time. Her last few years were spent in a nursing home where she died in December 1962, at the age of eighty-eight. Now she is only remembered by those who are old enough to have lived in Toronto during her active years from 1910 to 1934 and few realize that she was the first woman Police Magistrate in Eastern Canada and the only one in Ontario.<sup>60</sup> Her career on the bench is an important one, if only as a measure of the feminist values which informed her decisions. Patterson was a woman of high principles who had a vision of what women should be. She was not a sentimentalist, few doctors are; she was an idealist who placed strong emphasis on women's potential and like other maternal feminists of her day stressed the responsibilities as well as the rights of women in the modern world:

I believe a girl's value to her country is infinitely greater than a boy's.

It is the women who gives a nation its vision, and a nation is great or small as it has a vision, a purpose, and a will to serve. Because, to women is given the privilege and also the responsibility of setting the moral standards throughout the world....<sup>62</sup>

She tried to live up to these standards and expected other women to do so as well. Female defendants quickly learned that Dr. Patterson was not impressed by 'fainting spells' (which often worked on other magistrates) or by the appearance of large 'broods' of children at sentencing time.<sup>61</sup> She recognized that the roots of an offense were as important as the actual crime in determining a sentence or conviction, and sometimes drew upon her overseas and medical experiences to reach fair decisions. Her methods went largely unnoticed due to the small size and relative unimportance of the Women's Court. Yet few courts in Canada at the time could boast an incumbent with such professional credentials and such a clear view of women's right both under and outside the law.

#### NOTES

1. The appointment of a woman as Police Magistrate in Ontario was facilitated by enabling legislation passed on 8 April 1921, as 'The Police Magistrates Amendment Act, 1921,' chap. 41, Section 4 (1&2).
2. Personal communication with a Patterson Grandson, confirmed that virtually all her personal and professional papers are gone.
3. Some sources indicate that Dr. Patterson also obtained a 'Master of Surgery Certificate' (C.M.) from Northwestern, but this cannot be confirmed by the university.
4. *Christian Guardian*, 6 September, 1876. (Hereafter C.G.)
5. Madge MacBeth, "Canadian Women in the Professions," *MacLean's Magazine*, March and May 1915.
6. Veronica Strong-Boag, 'Canada's Women Doctors: Feminism Constrained' in *A Not Unreasonable Claim*, ed. Linda Kealey (Toronto: The Women's Press, 1979); see also Charlotta Hacker, *Indomitable Lady Doctors*, (Toronto: Clarke, Irwin & Co., 1974); *Canadian Lancet*, October 1883, Toronto: p. 477.
7. Wendy Mitchinson, "Canadian Women and Church Missionary Societies," *Atlantis* (Spring, 1977), pp. 57-75.
8. R. Pierce Beaver, *American Missions in Bicentennial Perspective* (William Carey Library, 1977), pp. 367-72.
9. *Christian Guardian*, 15 December, 1920. The Kaiser-I-Hind Medal: "This very highly prized decoration was the last to be created by Queen Victoria and was instituted on 10 April, 1900. It is awarded in three classes, and although conferments are strictly confined to India, it may be awarded to any person regardless of sex, rank, race or occupation who had rendered service of such a character as to be considered to the advancement and public benefit of India." Arthur Jocelyn (Capt.), *Awards of Honour* (London: Adam and Charles Black, 1956), p. 120.
10. *Sunday World*, Toront, 5 March 1922.
11. *Toronto Star*, 5 January 1922.
12. Handbill dated 28 November, 1915, pasted into the *Minute Book* of the Toronto Local Council of Women for 16 December, 1915. These minute books are located in the Private Manuscripts Section of the Archives of Ontario. (Hereafter the

- Local Council of Women is noted at TLCW and the Archives of Ontario, as AO).
13. For whatever reason, Margaret Patterson did not practice in Ontario as a doctor. The Ontario College of Physicians and Surgeons checked their records from 1897 to 1950 but could find no entry for her.
  14. May Covington, ed., *Toronto Women's Directory*, 1917-1920 and Emily P. Weaver, ed., *The Canadian Woman's Annual and Social Service Directory*, 1915, both provide useful information on Toronto's Women's organizations and lists of their officers.
  15. Richard Allen, *Social Passion: Religion and Social Reform in Canada, 1914-1928* (Toronto: University of Toronto Press, 1971).
  16. The social concerns of women's groups are well articulated in Toronto newspapers from 1911 to 1925 as well as in *MacLean's* and *Chatelaine* magazines. See especially *Sunday World*, 5 March, 1922 and *Toronto Star*, 5 January 1922 as well as AO, *TLCW Minutes*, 1912-14.
  17. *TLCW Minutes*, 10 March, 1910. TLCW asked publically for a separate court (among other things) on 4 December, 1911 in *Toronto Globe*.
  18. *National Council of Women Yearbook*, 1919/20 Report of the Standing Committee for Equal Moral Standards and Prevention of Traffic in Women resolution. Also see *TLCW Minutes*, 11 December, 1928, AO.
  19. *Toronto City Council Minutes*, 13 January, 1913, item 65, p. 11. *TLCW Minutes* do not show that they offered their congratulations to the man appointed to the Women's Court bench. On other occasions they did congratulate men who received important appointments. The *National Council of Women Yearbook*, 1913, Report of the Committee on Equal Moral Standards and Prevention of Traffic in Women indicates their disappointment on the appointment of a man.
  20. AO, *Annual Report of the Women's Institutes (Ontario)*, 1918, Part 1, p. 30.
  21. *Toronto Women's Directory*, 1917-1920; AO *Annual Reports of the Women's Institutes (Ontario)*, for years 1914 through 1918, *Sunday World*, 5 March 1922.
  22. Janice P. Dickin McGinnis, 'The Impact of Epidemic Influenza in Canada, 1918-1919,' *Historical Papers* (Canadian Historical Association, 1977).
  23. *Toronto World*, 15 October, 1918.
  24. A copy of the pamphlet was located in AO Record Group 8, 1-1-A-1, Provincial Secretary, General Correspondence, Box 65, in McCullough Spanish Influenza File.
  25. The surviving records of E. C. Drury in the Archives of Ontario, R.G. 3, Premier and Cabinet Papers, give no indication of how or why Dr. Margaret Patterson was appointed. Her appointment is recorded in AO R.G. 3, Premier and Cabinet Office, Orders-in-Council, 1106 of 1922.
  26. AOI *TLCW Minutes*, 13 December 1921.
  27. *Toronto Star*, 5 & 6 January 1922.
  28. *Ibid*, 6 January 1922.
  29. *Ibid*.
  30. *Ibid*, 5 January 1922.
  31. *Toronto Globe*, 15 April 1922.
  32. *Toronto Star*, 5 January 1922.
  33. *Ibid*.
  34. AO, *Report of the Women's Institutes (Ontario)*, for 1922, 'Some Needs of the Country as Seen in the Court.'
  35. *Toronto Star*, 6 January, 1922 "Must Pay the Salary of Woman Magistrate." In November 1934 Dr. Patterson's net salary was \$3325.00. Also see *Toronto Telegram*, 23 November 1934.
  36. AO, *TLCW Minutes*, 10 May 1922.
  37. *Toronto Star*, 6 January 1922.
  38. *Ibid*, 5 January 1927.
  39. AO, *Report of the Women's Institutes (Ontario)* for 1922.
  40. Toronto almost tripled in population from 1900 to 1930, from 208,000 to 606,370.
  41. *MacLean's Magazine*, December 1914.
  42. *Toronto Star*, 1922 through 1935 for short printed accounts of court cases which included the names and sentences of the prisoners. From 1925 onward the columns were usually entitled 'Women's Court' or 'Women's Police Court.' These were paralleled by 'Men's Police Court' and 'County Police Court' columns.
  43. In order to obtain sentence comparisons a sample of cases was obtained from the Prison/Jail Registers for: AO, Mercer Reformatory, Concord Industrial Farm for Women, Toronto Jail, and the jails of Kitchener, London, Ottawa, Pembroke and St. Catharines from 1922 to 1935. All these registers are in R.G. 20.
  44. *Toronto Star*, 10 March, 1925; *Star Weekly*, 6, December 1924; *Chatelaine Magazine*, October 1935.
  45. AO, R.G. 20, E-13, Admissions Registers, Industrial Farm for Women at Concord, 1914-1935.
  46. Statistical Report of Crimes, Toronto City Council *Minutes*, Appendixes, Vol. 2, 1922.
  47. A selection of opinion regarding the feeble-minded can be seen in the following: F.E. Hodgins, *The Care and Control of the Mentally Defective and Feeble-minded*, and Ontario Royal Commission Report; *National Council of Women Annual Reports*, 1919, 1921; *Annual Reports of the Women's Institutes (Ontario)*, 1922; *The Prevalence of Venereal Diseases in Canada*, University of Toronto Press, 1917.
  48. *Toronto Globe*, 15 April 1922.
  49. *Toronto Star*, 5 January 1923.
  50. AO, F.E. Hodgins, *The Care and Control of the Mentally Defective and Feeble-minded*. The reports done for the Ontario government and the sources of those reports quoted, indicate that there was a near state of hysteria in some circles on the subject of the 'feeble-minded.' It should be noted that in the 1920's the feeble-minded category included not only those who had varying degrees of mental retardation but also those who were simply slow as well as the epileptic. Dr. C.K. Clarke (for whom the Clarke Institute of Psychiatry in Toronto was named) ran the Psychiatric Clinic at the Toronto General Hospital in this period. He maintained that his Clinic, in the period 1914 to 1918, examined 3,578 people, many of whom were sent by the courts. The results of tests were as follows: Morons - 862; Imbeciles - 818; Idiots - 114; Insane - 497; Epileptic - 75; Backward - 385; Cretin - 3; and Deaf and Defective - 7; and apparently Normal - 322. Clarke commented that most of those in the apparently normal group were simply victims of a bad environment. This set of figures, given by such an eminent professional figure and later used by Judge Hodgins in his official report to the Ontario government only made an already nervous public worse. Like Patterson, Judge Hodgins did not advocate sterilization as a method of control of the mentally retarded but suggested 'farm colony' segregation instead.
  51. AO, R.G. 3, Premier and Cabinet Office, General Correspondence, Child Welfare File, 1924. Letter dated 24 November 1924.
  52. *Ibid*.
  53. *Toronto Telegram*, 25 August 1927.
  54. AO, R.G. 22, Criminal Assize Case Files, York County, Walker 1927. Transcript of Women's Court Proceedings included in case file, pp. 1.

55. Anne Anderson Perry, 'Our Woman Magistrates,' *Chatelaine Magazine*, July 1929.
56. *Ibid*, pp. 41.
57. *Toronto Star*, 17 August 1934.
58. *Ibid*, 21 November 1934. Toronto City Council Minutes for 1934 don't mention Dr. Margaret Patterson by name, nor is there any indication of their opinion as to the dismissal of the magistrates. There are no surviving records of the Hepburn Administration in the Premier's Office or Attorney General's Office which deal with her dismissal.
59. *Ibid*, 7 December 1934.
60. Recording Office Cumulative Index to Great Seal Books examined from 1922 to 1972, no other female Police Magistrate was found. R.G. 53. AO.
61. *Christian Guardian*, 15 December, 1920; *Annual Report of Women's Institutes (Ontario)*, 1918, p. 29; *Ibid*, 1929, p. 74.
62. *Star Weekly*, 13 June 1931 and 6 December 1924.

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