

# Champion Of Women In Public Life Judge Kinnear Has Record Of 'First'

By LLOYD LOCKHART

CAYUGA, ONT.

OF the 133 county and district court judges in Canada, one is a woman. She is Helen Alice Kinnear, who now approaches her 10th anniversary as dispenser of justice in Ontario's Haldimand county.

When Judge Kinnear took over her high office in June, 1943, it marked a milestone in jurisprudence not only for Canada but for the British Commonwealth. It added to her long list of "firsts"—"firsts," incidentally, which she does not like to emphasize.

"I probably was the first county court judge 10 years ago," she points out. "But since then, I've been told, a woman named Dorothy Dix is in charge of a court in England. Her court may be as high as mine. I must get in touch with her some day. She and I would have many things in common."

Miss Kinnear is the No. 1 citizen of Cayuga, a quiet, orderly village, population 750, which fits snugly into the rural richness of the Niagara peninsula. As county court judge, her duties are manifold, and while her public utterances have toned down since she was active in politics, there is one subject she still discusses with fervor.

Judge Kinnear has always been a champion of women in public life. There isn't much more women can do that they haven't done already and Miss Kinnear has been cheering their progress every step of the way.

Looking at the world today, Judge Kinnear says the struggle is over; the battle is won. "The time has passed when it is necessary or wise to talk about woman's rights," she notes with satisfaction. "There is no position in public life to which modern women may not aspire in Canada. They don't waste time worrying about their status because they have shown they can meet the challenge."

On her desk was a newspaper which mentioned that 29 women had just been elected to municipal offices in Ontario.

"In medicine," she said, "the Women's College hospital in Toronto is a sample of what women have done. And in law, the best test is to look at the list of women who now serve as Queen's Counsel—about 15 in the province. My own appointment as King's Counsel in 1934 created a furore—in fact, there was more fuss about my 'taking silk' than there was about my appointment as county court judge nine years later. There has been a constant movement in the right direction."

Judge Kinnear is a precise woman with traces of gray hair (she is 58) and a cheerful disposition. She weighs the pros and cons of every question, which probably accounts for her emphasizing that marriage is still the No. 1 calling for her sex.

"Marriage is a career, and I doubt whether anything could equal the satisfaction a woman has in bringing up a family and seeing her children succeed," she said.

Since 1947, Judge Kinnear has presided over the juvenile court of Haldimand county, and her latest honor lies in being named to lead the newly formed Juvenile and Family Court association. This organization has a membership of 46 juvenile court judges scattered through the province. It aims at improving the operation of these courts with special stress on a stabilization feature for children who brush against the law.

"We hope to see the Juvenile Court act proclaimed in all sections," she pointed out. "As it stands at present, some counties have juvenile courts while others have not. Youngsters who live 50 feet apart may be treated differently for committing the same offence. One may appear in open police court while the other has protection from a closed juvenile court."

She believes emphatically in probation for first offenders, not just for youngsters under 15, but for adults. She holds the theory that each dog rates one bite, and that jail often does more harm than good.

"I should like to see a more general application in the higher courts of probation," she

said. "The mental anguish a first offender endures between the time he is apprehended and the time of his trial seems to me to be more punishment than any prison term he may be given."

"The fact that there are prisons and reform schools is more of a deterrent to a first offender who has been given a second chance than it will be if he has been sent there and has experienced life within its walls. Society, in my opinion, is not taking much of a risk in allowing probation, for the accused must have a surety who will pledge his property against the accused's good behavior and if the accused breaks his probation he is brought back to court to be sentenced."

According to Judge Kinnear, probation for first offenders—with exceptions for dangerous criminals—could bring a saving to the country.

"Canada has fallen behind England, because in Canada the public keeps crying for revenge," she said. "Our penalties are heavier than in England, where probations have been developed to a fine degree. The cost of maintaining their criminal institutions is petty compared to ours."

Judge Kinnear is the granddaughter of the man who nominated William Lyon Mackenzie to represent Haldimand county in the legislature of Upper Canada. In fact, she was born in the town where she now presides, but while her father was a lawyer, her first intention was to become a school teacher.

"I had two brothers and a sister and I was the only one to choose law," she remembered. "A friend and I both decided to go to Osgoode Hall one summer after we finished university. My father didn't think it was a good idea. By the time I convinced him, I found my friend had changed her mind."

She won a scholarship her first year and graduated with honors in 1920. "At no time was I ever discriminated against," she made it clear. "There were seven women taking law at the same time. I was not a pioneer."

Prior to 1943, she was a strong Liberal, holding numerous offices, including the vice-presidency of the Ontario Women's Liberal association. In 1941 she was nominated for the federal riding of Welland, but she stepped aside in favor of Hon. Humphrey Mitchell.

When Helen Kinnear accepted her judgeship in 1943, 17 women lawyers were present for the ceremony. Whether she realized it or not, she had carried the torch for her sex.

In 1937 she wrote: "Canadian women live under conditions today which could not have been imagined by English women a century ago. We are free to own property, to earn our own living, to vote and, if we can carry an election, to sit in parliament. The change is so complete that curiosity is excited not as to what spheres women may enter, but as to what few they may not attain."

In 1953, there is one dream Judge Kinnear still hopes to see realized:

"I would like to see a woman sitting on the Supreme Court of Canada, not because she is a woman, but because she has the ability to do the job."

As a judge, this quiet-spoken crusader has made a special study of laws pertaining to women and children. She believes some archaic statutes should be corrected, particularly section three of the Married Women's Property act whereby a wife is entitled to whatever she earns as long as her husband does not own a proprietary interest in the source thereof.

"This means that a wife who runs a boarding house which the husband owns has no legal right to what she makes from her boarders," Judge Kinnear pointed out. "We should remember that a woman gives up her income and economic independence when she marries. This is the root of much marital strife."

Judge Kinnear's ability on the bench is best proved by the low number of appeals against her decisions. Crown Attorney Harrison Arrell, who has worked under six judges in Haldimand, considers her the best. "She has the logic of a man and the intuition of a woman," was his bouquet.



**WITH THE PAST**—This old log home, now occupied by Leslie Rowntree, is believed to be one of the oldest in Haldimand County, if not in all this part of Ontario. It stands beside the county road between Hagersville and Nelles' Corners, two miles from the latter place, and is thought to have been built by an early settler, perhaps 150 years ago.

## Pioneers Had Crude Weapons For Fighting Darkness

Have you sometimes at summer camp or cottage found yourself in a heavily wooded area beside some lonely lake where you were cut off from the benefits of electricity? As the sun dipped below the horizon a thick velvety darkness enveloped the scene. You hurried inside to light a coal-oil lamp and how inadequate that seemed! Perhaps, later, lying awake in bed you looked out the window to find that it was too dark outside to show outlines of trees. How welcome the full light of the moon as for a few nights it increased in splendour; but how much more numerous were the black nights than the moonlit ones.

### Mountain Dark Not Long Ago

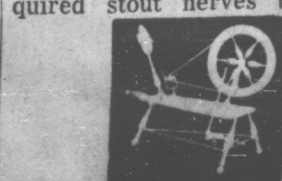
Hamilton Mountain was rather a dark place to travel about in at night not so very long ago, before the city began to climb the hill. Our parties, church socials and concerts were timed to coincide with the full of the moon, which more often than not disappointed us by going under thick clouds. Then we resorted to lantern light. The man walking ahead with the lantern was the only one who benefited; those following found themselves stumbling in deep and more uncertain shadows.

Then there came a time when we considered quite modern when the city below the hill sent out such a brilliant electric glow that it rimmed our northern horizon with light even on darkest nights. A glow on the east, erry, marked the sit of Buffalo and another smaller glow to the west indicated that our friendly neighbour, Toronto, was not too far away.

Let there be light! was the cry of the Canadian pioneers and their struggle from candle-light to full electrification makes a thrilling chapter in our local history. Nothing to relieve that velvety pall of night but the tallow or wax

candle — unless it might be a pine knot torch. And the forest pressed in so closely with perhaps the unfriendly Indian keeping an eye on the isolated cabin with the shuffling bear on the woodland path and the cruel lynx in the trees. It was a matter of concern when a child got lost near nightfall, when the cows didn't find their way home to the barnyard, and the anxious mother could only breathe a sigh of relief when the last member of the family was in for the night when the door was shut and the wood fire built up to cast a glow strong enough to counteract the shadows lurking in the corners of the log cabin.

Yes the light from the open fireplace was all the light many pioneer families had on first arrival in this country. And let us not forget that Abe Lincoln got his early education sprawled on the floor before the blazing logs. The darkness if you removed from that hearth was thick, impenetrable, and it required stout nerves to endure



it. The pioneers solved the problem as far as they could be going to bed right after supper and rising at the crack of dawn, thus using every hour of daylight; but with large families of small children, including crawling

babies, that method didn't always work.

Live coals buried underneath the ashes of the fireplace had to hold the fire over till the next day. If the coals went dead some one had to run to the home of a neighbour to "borrow" a new fire. Every family owned a flint and steel and knew how to start fire from punk, but it was easier to borrow. And in every dooryard was kept a pile of pitchy pine knots to be carried if the woods at night. Other settlers kept a supply of rush lights. These were the common cat-tail rushes soaked in grease. Fishing for success in the spring the men would be smoked brown as Indians from the smoky pine-light jack commonly used. The it clothes gave off an odour which was a mixture of sweat, smoke and fish.

### Age Of Candles Followed Rushes

Then came the age of candles, wax for company, tallow for common use. The candle had many years of popularity, longer than most of us imagine, for we read of fancy dress balls, even occasions of royal visits, where the scene was pleasantly illuminated by the use of masses of candles cleverly grouped. An early account states that at a church meeting held in the Niagara Peninsula, young Egerton Ryerson, the boy preacher, gave his discourse by the light of a single candle fastened to the wall by the aid of a jack-knife. No wonder they read each verse of the hymn aloud before singing it; and the organist, if they were lucky enough to possess a small wheezy organ, must have played by memory, it being impossible to read the notes. What a good chance for the sons of toil to sleep off their weariness from following the plough all day, as the voice of the preacher droned on and on in the semidarkness! What a chance for the young people to hold hands in the back seats.

In most farm houses there was an ample supply of tallow and fat from the carcasses of

animals. The housewife ran the melted fat into candle moulds through which strings of twine had been run to serve as a centre for lighting. "Tallow matches" were being talked of and used by the most adventuresome, but were held in horror by the common people who kept to the use of spills and bits of twisted paper. They were considered very dangerous, as was also kerosene, which was first known as "burning fluid".

To "feed up" and "bed down" the stock in the barns was a difficult process at nightfall or after. Therefore a sort of crude lantern had to be invented which could be carried about by hand. At best these were considered very dangerous contraptions, and so they were when it is remembered how closely they came in contact with the hay and straw with which the barn was packed. The first idea of a lantern went no further than to carry a tallow candle protected from the currents of air by some sort of screen. The first lanterns had an outer covering of horned lenses scraped to transparency; hence the name "lantern". Later came a protecting screen of perforated tin. Then came the idea of a glass cover and the "chimney". Even after the



was introduced, the lantern was considered a dangerous thing to carry around straw stacks and hay ricks. The lantern was in common use for many years on Ontario farms, and doubtless it accounted for many a conflagration in the rural areas. With the help of a kicking cow, it has been blamed for the great Chicago fire.

The first lamps using oil were introduced into Ontario about the middle of the last century. They consisted of a brass bowl containing about a cup of fish oil. They had two annoying

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