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that you are lawfully married and thus he must provide you with the necessities of life.

Perhaps the legal tragedy when we think of our present laws, is the almost total lack of recognition given children born out of wedlock, children stigmatized with the word "illegitimate".

Basically an illegitimate child is not entitled to share in the estate of its father if the father has died without making a will or where the father has made a will leaving nothing specifically to that child, since the term children in a will infers legitimate children only. In a far-reaching decision released on January 3rd, 1973 by Mr. Justice Pennell of the Supreme Court of Ontario, His Lordship, despite considerable law to the contrary, awarded certain proceeds of an estate to an illegitimate child. He made specific reference to Dr. P. W. Hogg, who stated in September 1972 issue of the Canadian Bar Review that "Attitudes to illegitimacy have changed. We no longer attempt to visit the sins of the father on the children. We no longer believe that recognition of the claims of illegitimate children will encourage immorality ... and these changes are abundantly reflected in the statutes of every jurisdiction ... which place illegitimate children for many

purposes on an equal footing with legitimate children." An illegitimate child may be entitled to share in its mother's estate provided that she did not leave any legitimate issue surviving her. We do not ask to be born and as a consequence, why should the product, that is, the child, of two individuals who do not or cannot marry, suffer? Section 14 of the Family Law Reform Act of 1969 in England should certainly be introduced as law in this Province. It states that if either parent of an illegitimate child dies without making a will, the illegitimate child is entitled to take any interest he would have been entitled to if he had been born legitimate. Parents have a responsibility to children that they have caused to come into the world.

In general, there are many actions between a husband and wife which, if they occurred between those in a common law relationship, would have different results. In contract law, it is presumed that in dealings between close family members there is no intention to create legal relations. With a husband and wife there are certain property rights such as that of dower and curtesy. Many of our criminal laws and rules of evidence make special provisions concerning crimes which are not crimes if committed between a husband and wife (for example,

you cannot be convicted of raping your wife or guilty of stealing from your spouse as long as you are living together) while under Section 4(3) of the Canada Evidence Act, "no husband is compellable to disclose any communication made to him by his wife during marriage, and no wife is compellable to disclose any communication made to her by her husband during their marriage."

A wife can sue her husband for damages caused to her own property. Thus, if you are a passenger in a car driven by your boyfriend you may be able to sue him for personal injuries. If he is your husband, you cannot. You cannot sue him if he kicks you, but you can if he kicks your dog since the dog is your own property.

If, as a result of a motor vehicle accident, a wife is injured, a husband has a right of action for loss of consortium which is founded on his right to society and services for his wife and is related to the old action for loss of service that a Master has in respect of his servant. A wife does not have a similar right of action and neither party would have such a right in a common law relationship. It would seem that common law wives are not yet considered servants of their mates.

Other areas where it may be of some advantage not to marry is if you wish to go into business as partners, since if both partners

happen to be husband and wife, they cannot divide the profits and pay income tax on their respective share. Everything is considered income in the hands of the husband. Also, in some cases with respect to companies, a man cannot deduct his secretary as an office expense if she happens to be his wife. There are also many cases on the other side of the coin where the Minister of National Revenue has not allowed a taxpayer to deduct his spouse for income tax purposes if she happens to be his common law wife.

If you like to spend money it might be better to be "married" since a wife is considered to be an agent of her husband and she can pledge his credit to purchase necessities, food, clothing etc., as long as, of course, she has not committed adultery or deserted her husband.

Since a common law wife has very little legal protection, her occasional sexual relationships with men other than her common law husband have less devastating results than affairs in which a marriage contract is violated.

It should certainly be appropriate in view of the ever-increasing common law relationships that our laws reflect the changes in attitude of our society. As Mr. Justice Co:tozo stated, "The inn that shelters for the night is not the journey's end. The law, like the traveller, must be ready for tomorrow."

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