

Farm Women's Clubs

Dower in Manitoba

From Canada Law Journal

WHILE the question of improving the rights of women by giving them a larger and more equitable share in the estates of their husbands has recently been receiving some study in Ontario, practical steps in that direction have been taken in Manitoba by the passing of an act, known as "The Dower Act," which came into force on September 1, 1918.

The title of the act may be somewhat misleading. Heretofore there has been no dower in Manitoba, and the title of the new act may create the impression that dower, as understood at common law, has been introduced. That, however, is not the case. The act does not define dower, and the word "dower" is not even used except in the title. What meaning is to be given to it is a mere matter of inference.

Wife Better Protected

The main points of the act may be summarized as follows:—

1. A widow is to have a life estate in the homestead of her deceased husband.

As defined in the act the homestead is a dwelling house occupied by the owner as home and the land used in conjunction therewith, limited to about one acre in a city, town or village, and to 320 acres in rural districts.

The home cannot be changed without the written consent of the wife.

2. The husband cannot, sell, mortgage, or otherwise dispose of the homestead without the consent in writing of his wife. She must acknowledge, apart from him, that she has executed the necessary consent of her own free will and accord, and without any compulsion on the part of her husband.

3. If the homestead is sold under power of sale in a mortgage, or under legal process of any kind, the wife is entitled to receive one-half of the surplus realized over and above the amount required to satisfy the claim of the mortgagor, encumbrancer or other person entitled to share in the proceeds in priority to the interest of the wife.

4. Notwithstanding any testamentary disposition a husband may make, his widow is entitled to one-third of all his property, both real and personal (including the homestead), after all debts, funeral and testamentary expenses have been paid. This is in addition to her life estate in the homestead.

Husband Has Equity

5. Where a married woman owns the homestead, her husband is to have the same interest therein as is granted by the act to a married woman, and his consent to any disposition thereof by her shall be required in like manner, and every married man shall, upon the death of his wife, have the same interest in her estate generally, as is by the act given to a married woman in her husband's estate.

6. Where the wife of the owner of a homestead has been living apart from him for two years or more, or if she is a lunatic or of unsound mind, a county court judge has power to dispense with the concurrence of such wife in a disposition of the homestead. Under similar circumstances the concurrence of a husband may be dispensed with where his wife desires to sell a homestead which she owns.

7. A wife who has left her husband with the intention of living apart from him shall thereby forfeit her interest in his estate unless she obtains an order from a county court judge to the contrary. The same rule applies in the

case of a husband who has left his wife.

From the above summary it will be seen that under the new act the wife's rights in her husband's property are greater than common law, or under the existing law in England, or Ontario, and the husband's rights in his wife's estate are also greater. While their vested interests in the property of each other have been thus extended, their power of disposition by will has been cut down; and, hereafter, they will be permitted to dispose by will of two-thirds only of their respective properties, subject to a life estate in the homestead, to which the surviving spouse is entitled. It will be noted, however, that in the matter of dispositions inter vivos the husband is less restricted than at common law, for he is to be at liberty to dispose of all his real estate except the homestead, without his wife joining to bar her dower.



U.F.W.A. Members at Granum, Alta.

The act will make conveyancing more troublesome in Manitoba, where heretofore husband or wife could dispose of real estate without the concurrence of the other. It will henceforth be necessary in the case of every transfer or mortgage to obtain evidence that the transferor or mortgagor is unmarried or that the property in question is not a homestead; otherwise the consent in writing of the wife or husband, as the case may be, must be obtained.—C. F. Ritchie, Toronto.

The Winter's Work

The winter season is rapidly approaching. Harvest will soon be over and probably by the time you read this the U.F.W.A. locals will be getting ready for the winter's work. Some, of course, have their programs drawn up for the entire year, but a great many others I know have not. Some seem to have considerable difficulty in finding suitable topics for discussion, and in order that we may help the latter, the Central office is going to try to send out short articles each month on subjects which we think should be of general interest to women. Some of these articles will be written by our directors or members; others will be clippings from papers.

You are not, of course, obliged to take up any of these subjects should you not desire to do so; they are merely sent out in the hope that they may be of assistance to some of the locals at least, in providing material for debate and discussion. This month, amongst others, we are sending you a paper on "Homesteads for Women," which was specially written at the request of the Central office, by our director, Mrs. Jean Stevens, of Craigmyle, who is a strong advocate in favor of same. It is a subject in which every woman should be interested, and one which I hope will be thoroughly discussed from every point of view.

We want each of our locals to do their very utmost to make their meetings as interesting as possible this winter, and in order to do so, each member will have to do her share; it must not all be left to one or two willing workers. I think you will agree that one takes at least double the interest

in an organization when one feels that she is really doing something to make a success of that organization and in so doing is taking her place in the ranks of progressive workers who are striving to bring about ideal conditions in this fair Dominion of ours.

Trusting that each member will put her shoulder to the wheel and help us to make 1918 the most successful year which the organization has yet seen, and by so doing, lend us her aid in strengthening the farmers' organizations and making them a still more powerful influence for good in our country.—Mary W. Spiller.

Webb Homemakers

The October meeting of the club was held at the home of Mrs. A. C. McDonald, with an attendance of 20 members. After roll call the minutes of the previous meeting were read and adopted.

There were 22 pair of socks brought to the meeting, a committee was appointed to pack and send same, Saturday, October 5, to the boys overseas. A motion was made that the club send each boy a Christmas cake, some time before next meeting.

A special meeting was held, October 10, at the home of Mrs. H. C. Thierman, to do sewing for some girls whose mother had died recently. A goodly winter supply of clothing was made, for which we thank all who helped so generously. It was proposed that a dance be given. Committees were chosen to secure the hall and good music. The remnants received were distributed, to be made into useful articles to be sold at our bazaar.

District Meetings

Now that the days of the fall district meetings are near at hand the locals should plan on having some of their women members be ready to represent them. There may, possibly, be some districts which need stirring up to the fact that a definite part of the program should aim to interest the women. If you have not heard what your district intends to do in this matter make it a point to let the president or the secretary of the district understand that it will mean much to the success of the meeting by drawing a larger crowd to have some speaker for the women's work. It may be possible that a speaker on the provincial laws concerning women, on organization of farm women, or the explanation of the farm women's movement could be obtained.

Club Briefs

Manitoba women should take special note of the notice of the announcement of the conference of women to be held in Winnipeg, December 10, 11 and 12. This has been postponed from November 20 to 22, on account of the epidemic of Spanish Influenza. By that time the ban on public meetings will probably be lifted and there will be no danger in holding public meetings. Each local society should see that they have their delegate appointed to attend this important meeting of Manitoba women.

The club that is alive to its importance will be training its members in the expression of thought. The great need of the day is to get the best thought expressed in our own way.

The article on the Dower Law, which appears on this page, should be carefully discussed by Farm Women's Clubs throughout the West.

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