

# BRING IT TOGETHER

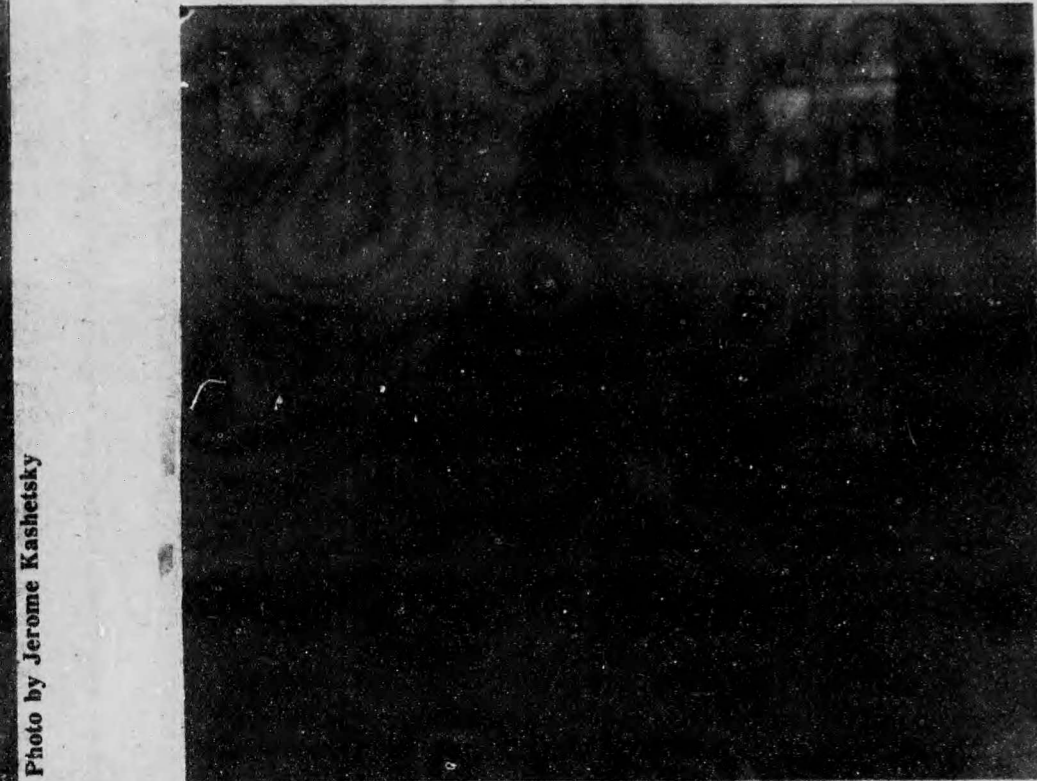


Photo by Jerome Kashetsky

Photo by Ron Ward

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on many factors:

(a) She may commence proceedings in a Provincial High Court claiming alimony and interim alimony.

(b) She may institute proceedings pursuant to the Deserted Wives' and Children's Maintenance Act in the Family Court.

(c) Where the circumstances warrant it, she may lay an information under S. 197(1) of the

Criminal Code in the hope of obtaining an order for maintenance.

Section 197(1) of the Criminal Code states that: Everyone is under a legal duty ... as a husband, to provide necessaries of life for his wife. Common law wives are given some measure of protection under Section 197(4) (a) by virtue of an evidentiary rule. Section 199 of the Code could also be interpreted for the benefit of the common law wife.

Numerous provincial statutes deal with child maintenance and support:

The Children's Maintenance Act is a little-used Act and is primarily aimed at punishing parents for failure to look after their children. It states that "every parent shall maintain and educate his child or children under the age of 16 years of age and in full-time attendance at an educational institution."

In all of these Statutes, reference is made to the "wife", not a "common law wife." Supposing you live with a man for ten years and he dies. What claims have you against his estate? What if during those years he was married to someone else but did not get a divorce? And what about the children born during such a relationship?

The case of Lazarenko and Borowsky, which was heard by the Supreme Court of Canada, dealt with the situation where,

after receiving nothing in a will, a common law wife tried to establish a contractual relationship with the deceased in the sense that she claimed she was entitled to compensation on a quantum merit basis for "house-keeping services" performed for him. Such a contract however, in the eyes of the Court, was based upon an immoral consideration; i.e. illicit cohabitation and was, therefore, void as being contrary to public policy.

You can readily see that, just with a brief reference to some of the legislation, wives have several legal means of obtaining support from their husbands during the course of their marriage, assuming of course, they themselves are not guilty of adultery or desertion. Theoretically, of course, it may not really matter whether a husband commits adultery in the sense that he may have to pay the bills anyway, but in the case of the wife the situation is much different.

The rights and protection of a common law wife, as compared to a woman who has gone through the prescribed form of marriage ceremony, are practically non-existent. There are, however, some statutes which do give some recognition to the common law wife.

The Canada Pension Plan provides that you may be deemed to be the surviving spouse of a contributor if you can establish that you have been residing with, been maintained and been publicly represented by the contributor as the spouse of the contributor. Under the Criminal Code of Canada, a man who has cohabited with a woman or has in any way recognized her as being his wife is prima facie evidence

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## ARE YOU READY?

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chological tension reflects itself in the straining of relationships between man and woman and child and within each as each is confronted with the feeling of guilt. An abortion, while providing a solution to the problem of an unwanted pregnancy, may also create tensions within and between the man and woman involved. Surely, it is therefore within the interests of both to make use of some kind of reliable contraception in order to prevent these kinds of situations from arising.

No one method of birth control is ideal for every couple. There are a number of different medically approved birth control methods that work well when used regularly and are inexpensive. Some methods, such as the condom, foams, creams, and jellies can be obtained without a doctor's prescription. However, methods such as oral contraceptives, intrauterine devices [IUD's], and the diaphragm which are available only with a doctor's examination and prescription usually afford better protection against pregnancy.

she will always remember you...

While she's sitting in the doctor's office, scared, waiting for the results of the test, she'll remember you.

When he tells her that she is pregnant, asks about her plans for pre-natal care and delivery, she'll remember you then.

While she waits out the pregnancy in some other city...

Or tries frantically to find the money for an abortion...

Or faces the disbelief and anger of her parents...

Or lives from day to day with the sick heaviness of an unwanted, unplanned pregnancy — she'll remember you.

She'll remember all the things you talked about, all the things you said, but that you didn't talk about contraception.

She'll remember your long conversations about love, honesty, the new morality, personal freedom. She'll remember that you, or she, talked about marriage, but that you're not ready yet [not now, and for God's sake, not to her]. She may

remember that you coaxed, argued, or threatened.

Any honest, responsible relationship that includes sex also includes contraception and this means that both of you go to a physician or clinic for medically supervised assistance. If she's too embarrassed, too shy, too insecure to get contraceptives, you have only one honest choice. You wait or you get another girl. If you're the one who's too embarrassed [you don't really know her well enough to discuss it?] why don't you just wait a few years until you grow up.

But don't talk to her about love, honesty, or personal freedom. Without a decision on contraception, that kind of talk is a coward's lie.

When she's signing the relinquishment papers for her baby [your baby], or while she's waiting for her abortion, she'll remember that lie.

If you know that you'll always be remembered, is that what you want to be remembered for?

From the Queen's Journal