

1911-4

*Points in the Laws
of British Columbia
regarding the Legal
Status of Women*

This pamphlet was written
by Mrs C.R. Townley in
1911 when she was pres-
ident of Vancouver
Branch, Political Equality
League. She did not use
her name as ^{she} felt it
might be less effective if
people knew it had been
written by a woman.

ISSUED BY

The Vancouver Branch

OF THE

British Columbia Political Equality League

Also on page 13 is report of
first woman's suffrage con-
vention held in Vancouver
May 5-1911. See also Page 19

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X The British Columbia Political Equality League is an organization of men and women who, convinced of the fairness and wisdom of allowing to men and women equally a voice in the government of their country are working with the object of obtaining for the women of this province a like municipal and parliamentary franchise as that now enjoyed by men. It was formed in the early months of this year (1911). It is a Provincial Society having local branches.

The temporary headquarters of the Vancouver Branch of the Political Equality League is 1433 Barclay Street, Vancouver, B.C.

Mrs. James Macauley is Hon. President, Mrs. C. R. Townley, President. Vice-Presidents are Mrs. J. H. MacGill, Mrs. McClelland, Mrs. Wm. F. MacDonald and Mrs. W. A. McConkey. Recording Secretary, Mrs. Paterson, Corresponding Secretary, Mrs. Feast, and Treasurer, Mrs. F. Paterson. Mrs. Lucas Hunt, Dr. Belle Wilson, Miss Cleremont and Miss Laverock are members of the Executive Committee. The fee for active membership is \$1.00, associate membership \$2.00, life membership \$15.00.

There is nothing of the "suffragette" in the sane and quiet movement that is taking place in our midst. It is rather the gradual outcome of thought and education amongst an admittedly intelligent, observant and progressive people.

With regard to any change, there are always a few narrow and determinedly prejudiced persons of both sexes who refuse to look into a question on

Anti executive.

its merits—who apparently prefer not to inform themselves lest they should be convinced, but they grow fewer daily. It is the experience of the Political Equality League that the majority of men are not opposed to suffrage for women, and that practically all our loyal women are united in the desire for a voice in the government of the country they love.

It is admitted in high places that a concerted effort on the part of our women is all that is needful to gain for them from a reasonable and broad-minded government the boon they ask.

United action in this matter can be taken by those interested in the movement identifying themselves with the Political Equality League.

Application for membership, accompanied by fee, may be sent to the Treasurer, 1433 Barclay St. when tickets of membership will be issued.

Points in the Laws of British Columbia Regarding Legal Status of Women

The British system of law is admittedly the best and fairest in the world. Yet times and circumstances of life change, and even in law there is evolution. Constant amendments to existing laws go on. Sometimes a step backward is taken, more often a forward movement. The general principle in our laws is based on justice to all.

The intention manifestly is while protecting the state, to provide security and freedom of person and possessions.

It is, however, an age of progress. Ideals of life advance. What may have been intended to fit certain conditions possibly, no longer is applicable and requires readjusting.

In our own province there are in existence certain laws that are not suited to the social progress of this day and generation, and yet that remain unchanged.

Some of these are of vital interest as intimately touching family life and the solidity of the home. They bear upon the legal status of women, the protection and care of children, property rights and the distribution of estates.

British Columbia is largely settled by those coming from other provinces of Canada, as well as by immigrants from abroad. Those not versed in legal matters are apt

to fancy laws are alike throughout the Dominion. Criminal, or public law, is, of course, under Federal jurisdiction; but laws of property, status, and civil rights are provincial matters.

A wider knowledge of some of the laws of this province seems so desirable to many men and women, that this brief synopsis of them is presented. There is no idea of offering the pamphlet as a legal guide, for the more one studies law the more clearly one realizes that a little law—like a little learning—is a dangerous thing to act upon. A person desiring to have his or her interests legally guarded should consult a qualified lawyer. The sole aim of this article is to interest British Columbia men and women in the laws that control their affairs. The statements herein can be verified by reference to the provincial statutes. (At present the government of B. C. is preparing a revision and consolidation of all provincial statutes to date. This, when completed, may be consulted readily.)

A wife is not entitled to dower in any land in the ownership of her husband. He may sell it, or give it away without consulting her. It is his absolutely. He may dispose of it by his will as he sees fit. They may have settled on land, or earned the property by working together, or the wife's money may have helped buy it—but he may leave her penniless if he so desire. If he should die *without* a will, the widow has a one-third interest for life in all real estate owned by him at his death (provided

the deeds are not made out—as they often are—in a form that bars all possible dower).

If a widow and children survive, the widow gets the use of one-third of the real estate for life, the child or children inherit two-thirds—and at her death the mother's portion. If there are no children, one-half of a man's estate goes to his widow, the other half goes to his own people—however remote the relationship. If no next of kin can be found, it may go to the Crown. In no case does that remaining half come to the widow by provision of law.

If a wife die leaving no will, her estate goes in like proportion to husband and children, but if there are no children and no next of kin on her side, the entire estate comes to him by pure operation of law.

If an unmarried son or daughter die without a will leaving father, mother, brothers, and sisters, the father inherits all, the mother nothing—unless the property came through the mother, when she inherits a life interest in it. At her death it is equally divided amongst the brothers and sisters or their descendants. If there are none of these, the mother inherits.

A minor (under 21 years of age) cannot legally make a will.

It is of course the part of wisdom for every man and every woman to make a will. But many a young married man working to provide a home and comforts for his wife, may not realize how badly off she might be left should he die without making a will. Many a daughter whose

earnings now assist in keeping the home together, and who is putting by a little perhaps in some investment, does not know that if she died her father would inherit all, to the exclusion of the mother.

With regard to guardianship of children:

The father has sole authority in the education and disposition of the child, although the mother is equally responsible with the father for the maintenance of the child.

The father has the right to arrange by will the guardianship and education of his child (even if unborn), till it shall be twenty-one years of age. No matter how unsuitable she may find this to be, the widow must abide by it. The mother may, however, petition the court for the care of the child until seven years of age if other guardian has been appointed by the father, and after it is seven years old to have the right of access (go to see) to it.

These privileges are usually graciously granted her—but they are privileges, not rights. A mother has no right of possession in her legitimate child.

By going to law it is often possible to modify or rearrange matters. It is said. "There is always a remedy in equity." But often this is no remedy, because of the expense entailed.

The consent of parents and guardians is necessary to the marriage of minors of either sex under twenty-one years of age—but the consent of the mother is not needed if the father (or guardian appointed by will of father) gives consent.

A girl of twelve years of age, or a boy of fourteen years of age, may be legally married in this province.

In the case of a deserted wife: The husband has the right to come and collect the earnings of their minor children. The wife may obtain an order of protection from the court to prevent this. But the very woman who needs this most, often is ignorant or so situated by reason of distance or family cares, that she cannot readily take the necessary steps.

The husband also may collect and use his wife's wages, under certain circumstances.

These laws may well make men think. They are naturally of special interest to women—in whose lives "children" and "home" are the very watchwords of existence.

Though the home is popularly regarded as woman's sphere in life, her children as her especial care and interest, it would seem that, in reality the very roof may be sold over her head, the children she has borne be taken from her, and her little daughter of twelve years of age given in marriage without the mother's consent.

Cases influenced by these conditions come to the notice of every philanthropic society daily. Wives and families that might have been provided for, are left destitute. Worthless husbands subdue their wives to their wishes by threatening to take their children away.

Young girls who could be protected and provided for until sixteen years old, at least, are, under the guise of

marriage so situated that they cannot be removed from their surroundings.

The government has been approached at various times by women of the province with requests for amendments to these laws. It is not that men are against alterations, but that they have so many other political interests at heart—and these things do not restrict their personal liberty and legal status, as they do that of women.

At last session, through the local branch of the National Council of Women, and the University Women's Club—in all representing many thousand women of our province—the Attorney-General was petitioned to bring in measures providing for dower (most of the other provinces of Canada have it), and a fairer law of inheritance. It was asked that the father and mother be declared equally guardians of their children, and that in case of the death of the father the mother might naturally come into the sole guardianship, instead of having to petition the court as now. That the father might not be able to will the child away from her. That the consent of both parents be necessary to the marriage of children under age—but if only one parent refused, the minor might petition the court. It was asked that a deserted wife might have a right to the earnings of her minor children without having to go to the court for a protection order. It was asked that no marriage might be solemnized where the man (?) or woman (?) is under sixteen years of age.

These requests seemed reasonable. Not one was granted by parliament in any particular—nor even

seriously considered. The pretence of a dower bill that was brought in in the waning hours of the session, though arousing violent opposition in the case of one or two members, furnished much merriment to the House, and the discussion was treated by the newspaper reporters with a facetiousness that was intended to make most amusing reading. By way of joke the bill was even allowed to pass the second reading—with full understanding that it could not be passed. To quote the parliamentary report in a Vancouver daily:

“Mr. Bowser’s bill to amend the Dower Act went to the waste-paper basket unwept, unhonored and unsung, the only real mourners being the Attorney-General and Mr. MacGowan. Several members who voted for the second reading of this bill on Tuesday evening did so with full knowledge that it could not be passed in view of time limitations. They desired to make themselves solid with a certain feminine element that has been active in urging the passage of this law, and no doubt many of the ladies who were so pleased when the bill received its second reading, will be wondering how they have been euchred out of what they have been considering practically won.”

Comment is not needed.

It will be noticed also that the matter of dower was the only request taken up by the men. Being a matter of dollars and cents, it apparently appealed to the mind masculine as having some vestige of practical reasonableness in it. The other requests (in reality of much greater

moment to women) were looked upon evidently as mere foolish sentiment, and as such not worthy of any consideration.

This is the point of view of politicians. But men whose mothers, wives or sisters were instrumental in bringing forward these matters, were not pleased with the belittling attitude of the government, and the derision of the press. Our women were intelligent enough to recognize at last the real value of their present influence with parliament, and that the dignity of citizenship alone will make their wishes to carry weight in legislative halls.

Ours is a progressive country. The men of British Columbia are, in the main, broad-minded as its wide-flung area—sufficiently free from prejudice and old world trammels to consider with dispassionate common-sense and freedom from arrogant egotism, the possibility of advanced legislation along national lines. They know too well the worth, comradeship, and good judgment of the women who have stood by them in their efforts to build up homes in a new land—who have their interests and prosperity at heart—to deny them (if they want it) the voice in their country's welfare that is eagerly pressed upon fresh-coming, ignorant foreigners as soon as possible by politicians. In Australia where women have the franchise, there is admittedly the best domestic legislation in the world.

This is, moreover, a country, a nation in the making. With us there are not the time-honored institutions, the deep-grown prejudices, the strongly-marked and long-

accepted social differences and conditions of life that mark an older land, to be overturned, uprooted or re-adjusted. In this new land we should scarcely feel the change. There would be more Canadian born voters, a more solid and harmonious people, consulting together and working side by side for the best interests of the home, the community, the nation.

The present turmoil and upheaval in social conditions in Great Britain point to the fact that women the world over have awakened to their responsibilities as an integral part of a nation. It is becoming clear to the most dense opponent of the measure, that not much longer can they be denied the citizenship for which they plead.

Why should *our* land be disgraced by unseemly wrangling?—the outcome of an attitude of mind on man's part, that is a remnant of the stone age and unworthy a place in the modern civilization and education of the world.

The steadily growing number of men who desire an equal political standing for men and women (not, of course, that women wish to be declared eligible for office, but that they should have a voice in the choice of the men who represent the public), is a remarkable feature of the day in British Columbia. And what is most notable is the utter absence of that spirit of determined aggressiveness on one side, and of intolerance and opposition on the other, that has brought ridicule upon the movement in other places.

Here the question is recognized as one of such entirely different proportions—even compared with Eastern

Canada itself—that preconceived ideas do not apply. It is felt that when our women unite in making it clearly known that they desire the franchise, there will be no difficulty in obtaining it.

Meantime the rapid growth of the British Columbia Political Equality League, an organization of men and women who are working towards this end, shows the hold the subject has upon the public mind.

On the occasion of a public meeting held in O'Brien Hall, Vancouver, on the evening of May 5th, Mayor Taylor of this city presided, and the large audience received the speakers with enthusiasm. It may be of interest to those who were not present, and possibly did not see an adequate report, to read the account of this meeting given in the Vancouver "World" of May 5th—which is here appended.

was it May 6th?

FIRST SUFFRAGE CONVENTION HELD IN VANCOUVER

Mayor Taylor Presides Over Public Meeting Called by
Political Equality League.

MANY BRIGHT SPEECHES

Logical and Forceful Demands for Right to Assist in Coun-
try's Government.

O'Brien Hall was well filled last night for the public meeting on the occasion of the first convention of the British Columbia Political Equality League, and much enthusiasm greeted the speakers of the evening. His Worship the Mayor acted as chairman, and others upon the platform were Mrs. Gordon Grant and Mrs. Bromley-Jubb, of Victoria, Mrs. Lashley Hall, Mrs. C. R. Townley, Mrs. MacAuley, Senator Cottrell of Washington, and Mr. J. N. Ellis.

His Worship Mayor Taylor said that as chairman of the meeting he was not supposed to take up much of the time available for speech-making, but he felt that he should say he considered the chairmanship of the first convention of the British Columbia Political Equality League was a position of honor such as any man might covet. He believed in woman suffrage. (Applause.) He believed in woman suffrage because years ago as a boy he could remember the teachings of his mother, who, raising a family and supporting them and paying taxes on a little piece of property, figured out, perhaps crudely, that she was treated unjustly, because, although she was raising a family and paying taxes, she had no right or voice in civic affairs. This fact was impressed upon him in early life, so that, as far back as he could remember, he had been a woman suffragist. (Applause.)

Another circumstance which contributed to the views he held of the political rights of women was that he was brought up in a small city where the environment was such as to direct his thought along the same line. The University of Michigan, in Ann Arbor, was the first university in the United States to open its doors to young ladies as well as to young men—(applause)—and he did not think that from that day to this any of the faculty had regretted that they put the young women of the state on the same footing, as far as education was concerned, with the young men. (Applause.)

The work of the organization which had been projected in the city today, he said, would bear fruit for many years to come. He believed that it was going to have a greater bearing upon the political affairs of British Columbia than any other movement which had originated within recent years. He believed that this was going to be a red-letter week in the history of British Columbia politics. Although the members of the League had gathered together to consider ways and means of propaganda work, there was no doubt that they had studied the question thoroughly and were enthusiastic in the movement. Their enthusiasm would spread to the friends until they had attained that which they all sought, namely, the same political rights and privileges for women in British Columbia as for men. (Applause.)

Government by the People.

Sometimes opponents of the movement asked, why should women vote? A great many arguments might be advanced why women should vote. After all, it was the women who were charged with the upbringing of the citizens of the future, and they should have something to say in the framing of the laws under which the citizens were required to live. They should have something to say in the administration of the affairs of the city; for the responsibility was greater upon them than upon the men. After all, what was the government? Essentially, the government was the people, but at present the people were not the government, because only a small proportion of the people voted for the election of the government. If the women were given the franchise, not only in civic but in provincial and Dominion affairs, we should have government of the people, for the people and by the people—

truly representative government. The women of British Columbia had a great fight to make for their rights, but he believed that the men of British Columbia were broad-minded enough—the larger proportion of them, at all events—to assist the women along the lines on which they were fighting. (Applause.)

We in British Columbia considered we were broad-minded and somewhat radical in views, and perhaps so we were. He thought we should be radical in the direction in which this League was leading. Men should feel that they had pleasure in giving to the members of their families, to their sisters and their wives, the same political privileges as they enjoyed themselves; for no one doubted that the women could cast a vote as intelligently as the men could—perhaps, in a great many cases, more intelligently. (Laughter and applause.) The tendency of women voting would be to raise the standard of political life. This had proved to be a fact in every country in which the franchise had been extended to women. Here in British Columbia our legislators gathered year after year in Victoria, not for the purpose of advancing new ideas, political and social, in the direction of greater freedom for the citizens, but for the purpose of developing transportation and railway lines, putting dollars in the pockets of corporations, instead of turning them to the advantage of the community. This was one reason, he said, why they wanted the women, not only to vote, but—those who aspired to such things—to become members of the provincial and civic bodies. (Applause.) We wanted new ideas in our legislatures, something to aim at besides taking the natural wealth out of the country. We wanted our legislators to realize that if British Columbia was to be possessed of a happy and contented people, they must conserve not only the natural resources of the province, but its youth; and in order to conserve the youth of British Columbia, the women must be allowed the same rights in voting as the men. (Applause.)

A Disgraceful Act.

There had been an effort made at Victoria to change the Dower Act. In no other province of the Dominion was there such disgraceful legislation as the Dower Act which was on the statute books at Victoria. It was time that it ceased to be. A bill was introduced this year dealing with

the subject, and it was allowed to go through to the second reading. Then, since the time was short, it was dropped. The politicians would say, of course, that next time they would bring in a better bill. They would never do so until women demanded the right to vote. Until that was done, the Dower Act would not be amended. (Applause.)

He had not intended to speak at length on this question, but he had had it in mind for many years, and this was the first opportunity he had had of speaking on it to a public audience. He repeated the assurance that he was in hearty sympathy with the work of the League, and whatever he could do, in his small way, in civic affairs towards advancing it, he was going to do. Anything he could do through the columns of the newspaper he represented to help on the propaganda work he was ready and willing to do. (Applause.)

He trusted that the ladies who had the work in hand would not hesitate to call upon himself or upon those associated with him for such assistance as they could render, and it would be freely given at all times. (Loud applause.)

Welcome Extended.

Mrs. Macaulay, in a brief speech, extended a welcome to the representatives from Victoria, and spoke of the work which women can do, both at home and, when they get the vote, in public life. She considered it highly important that women should take an interest in the politics and destiny of our country, so that they might educate their sons and daughters in the duties of citizenship. As women must abide by the laws equally with men, they should have a voice in the choosing of legislators.

Mrs. Bromley-Jubb then expressed her pleasure in taking part in the convention as a delegate from Victoria and in the welcome accorded. She expressed the opinion that women were now coming into their own, and the tide of progress in that direction could not be stayed any more than a man might say to the sea, "Thus far and no farther." Woman's scope was no longer bounded by her pots and pans and the four walls of a kitchen, and it was a libel on motherhood to say that an intelligent interest in civic and political affairs would make her a less devoted mother or wife.

In a short but comprehensive speech Mr. J. N. Ellis gave his reasons for believing in the extension of the franchise to women, stating first the requirements for voters in British Columbia and the Dominion, and expressing as his opinion that although women might fulfill the requirements in every intellectual way, yet they could not vote, while many men whom he doubted if they would pass under a proper enforcement of the law, voted.

Mrs. Gordon Grant spoke of the difference between conditions of now and even fifty years ago. Women in British Columbia have got tired of going to the legislature and asking for amendments to the laws concerning them and being put off with polite assurances of consideration, which were forgotten as soon as the last "Good afternoon" had been spoken. In order to get needed legislation, they must have the vote.

Senator Cottrell then dealt with the subject of women's suffrage in Washington and generally, in a stirring and well-received speech. He said that at the present time it would not be difficult to get anyone in Washington with political aspirations to speak favorably on the subject; due, doubtless, to what he might call the "band-wagon" tendency. But he could truthfully lay claim to the honor of being one of the earliest advocates of the equal vote in that State, and had championed the cause for twenty-five years. He related wittily the incidents of the campaign to get the question through the Washington houses and before the people, for which he had worked; and further told of how the women themselves had worked earnestly and in a womanly manner throughout the State up to the time the polls were closed, charming and gracious women canvassing for votes even at approaches to the polls. He said that his mother had polled her first vote at the age of seventy-five, and he considered it a matter of pride. You could not now, he declared, find a politician in Washington who would not aver he had voted for women's suffrage. He related the story of the recent civic campaign for cleaner municipal government in Seattle, and quoted the defeated "liberal administration" as saying: "The women did it." He also stated that the women had proven themselves quite equal to using the supposedly-complicated Australian ballot. He closed by stating emphatically that every argument for popular government

and suffrage for men is an argument for suffrage for women. Every sound reason against women voting would be an argument against men voting. And the suffrage was needed for both sexes to develop through use the best instincts and intellectual gifts of humanity in the exercise of self-government. Faculties disused will atrophy. Man must govern himself, or forget how to do so. The same applied to women. Moreover, in every state and country where women had the vote, they had used it well and to uplift the community. Senator Cottrell's speech was punctuated with much laughter and applause.

Mrs. Lashley Hall moved a vote of thanks to the Mayor and the ladies and gentlemen who had spoken, and Mrs. Townley seconded this, in a short but witty speech, in which she remarked that although the women of British Columbia did not propose to use militant methods, it might be said that English women had been driven to them by forty years' of rebuffs and indifference. She had observed that Mayor Taylor at least had received the delegation which approached him on the subject with much friendliness and no visible symptoms of alarm.

The vote of thanks was unanimously accorded to the speakers, and the meeting dismissed.



MARRIED WOMEN MAY VOTE IN THE CITY OF VANCOUVER.

Hitherto in Vancouver, spinsters and widows with proper qualifications might vote at municipal elections but married women had no vote—though their husbands might qualify upon the wife's property.

Upon representation by the Local Branch of the National Council of Women of the manifest unfairness of these regulations, the City Council, in December 1910, unanimously passed a resolution favoring an amendment to the city charter, allowing married women the same voting privileges as men.

This amendment to the charter was made at the last session of the legislature, and this year ¹⁹¹¹ every woman (maid, wife, or widow), of the full age ^A of twenty-one, who owns property in her own right within the city limits, and is entered on the voters' list as the owner of this property, is qualified to vote at elections for Mayor and Aldermen, and for money by-laws.

Any woman who has an equity in property to the value of \$300, and whose name is on the list, is entitled to a vote, including money by-laws.

Any woman who is a tenant of real property that is assessed at the value of \$300 is entitled to vote.

Where real property is leased, rented or occupied jointly by two or more persons and is assessed at an amount sufficient, if equally divided between them, to give a quali-

fication to each, then each shall be entitled to be entered on the voters' list and vote in respect of such qualification, otherwise no one shall be entitled to vote in respect of such property.

The City Clerk, will receive applications of those wishing to be placed on the list, from the first of August to September the thirtieth. Blank forms of application may be obtained at any time at the City Clerk's office in the City Hall.

Men sometimes assert that if women had the vote they would not make use of it. Let our women show by taking care that their names are placed on the voters' list at once, and by the interest they take in municipal elections, that they appreciate and are ready to use what privileges are theirs—and are prepared to value further concessions.

The desirability of having his wife's name on the voters' list will occur, however, to every intelligent married man who takes an interest in his city, and desires to see carried through, municipal measures that appeal to himself and his wife.



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