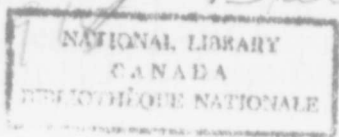


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SUPPLEMENT

**DAUGHTERS, WIVES AND MOTHERS  
IN BRITISH COLUMBIA**

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Amendments to the Act relating to the disability of women to practise law, the Infant Act (Guardianship of Children), Maintenance of Deserted Wives, Trustees on District Municipality Public School Boards, and the Married Women's Property Act were passed by the Provincial Legislatures of 1912, 1913, 1914, 1915. These and various other amendments the women's organizations urged while they opposed the passage of the two disqualifying amendments viz; District Municipality School Trustees, and Municipal "Householders."

**WOMEN AS LAWYERS.**

Until February 27th, 1912, women could not practice law in British Columbia. Upon that date an Act was passed enabling women to

1915 study law, and to be called and admitted 'as solicitors and barristers.—See law, II Appendix.

#### WOMEN AS PUBLIC SCHOOL TRUSTEES.

On March 4th, 1914, the word "male" was struck out in the qualifications necessary for school trustees in district municipalities. This right of which women had been deprived by the amendment in 1913, is now restored to them.—Daughters, Wives and Mothers, Chap. 8, p. 32, Appendix p. 60, also II Appendix.

#### GUARDIANSHIP OF CHILDREN.

An amendment giving the mother the right to the guardianship of her children if the father is a lunatic, or living out of the Province, was passed the 27th February, 1914, but with important limitations. As the Act now stands if the father lives permanently out of the Province and the mother resides permanently in the Province, or if the father is a lunatic, and if he has not previously appointed some other guardian, the mother may become the guardian of her child.

The natural right of the mother does not hold against the legal right of the father during his lifetime to appoint some one else guardian, or against the rights and powers of any such guardian appointed by the father.

From the mother's point of view the father's right to appoint guardians under such circumstances particularly in the last case, may easily lead to painful situations. Insanity is frequently preceded by a border state of strange unreasonable and unreasoning prejudice directed against those usually nearest and dearest. During such period and before coming within the meaning of the "Lunacy Act" a mentally ill-balanced father may deprive the mother of the guardianship of her children. After he is admittedly insane there is apparently no means of undoing his act unless the guardian is so obviously unfitted that the mother may prove the fact to the satisfaction of the court.

The minor mother, on March 4th, 1915, was granted the same right to appoint by will a provisional guardian to act after her death as is possessed by the mother of full age (twenty-one). The mother's nominee may act only if the Court is satisfied that the father is unfitted to be the sole guardian. This right to make a valid will appointing guardians had been specially granted the minor father in 1913.—Daughters, Wives and Mothers, Chap. 3, p. 12, Appendix p. 38, also II Appendix.

#### THE WIFE'S FINANCIAL POSITION.

On the same date the repeal was secured of the clumsy procedure called "protection

orders" which formerly was the only method by which a deserted or neglected wife could protect the wages and earnings of her minor children from the father or his creditors. Instead of these "orders" a clause has been inserted by which when the father neglects or refuses to support his family the wages and earnings of the wife and the minor children living with her or in custody, become her separate estate.

The section of the "Deserted Wives' Maintenance Act" by which a deserting father was freed from all financial responsibility for the support of his family if the mother had means of her own, was repealed March 4th, 1915. At the request of the women's societies a clause has been substituted by which the financial responsibility rests equally upon both parents.—Daughters, Wives and Mothers, Chap. 6, p. 26, Appendix p. 55, also II Appendix.

#### WOMEN AS MUNICIPAL VOTERS.

For all municipalities not having special charters the Municipal Elections Act fixes the qualifications of voters and candidates for office. By this women may qualify on property on equal conditions with men, but on March 4th, 1915, the Legislature amended this Act so that no person may qualify as a "householder" on municipal bills for gas, elec-

tric light or telephone. This excludes all but road tax as the "direct tax paid to the municipality" upon which the "householder" may qualify. It is unnecessary to explain that no person could expect to qualify upon gas, electric light or telephone bills unless the municipality owned the plant as in Vernon, Prince Rupert, etc.

It was suggested that since men over sixty and those in the active militia are exempt from road tax yet may qualify as "householders" the same provision might be made for women of that age and military nurses. This was not granted.

Since women are not liable and may not pay road tax they are practically debarred from qualifying as "householders."—II Appendix.

#### WOMEN AS JUDGMENT DEBTORS.

That a married woman is not a judgment debtor within the meaning of section 147 of the County Courts Act, has been held in British Columbia and supported by English decisions. If she contracts a personal debt of less than one thousand dollars she may be sued in the county courts where the procedure for such cases is well defined, and if the sum amounts to at least one hundred dollars judg-

ment may be registered against her separate property and the same ordered sold to satisfy the debt.

If a man owes money and a judgment is secured against him the Court may order him to make certain payments and if he disobeys imprison him for contempt of court. The judgment against the man is a personal obligation, but in the case of a married woman the judgment is restricted to her separate estate, it is not, as in the case of a man a personal matter—she is not personally liable.

If she has contracted a debt (not for necessities supposed to be supplied by the husband) the creditor may apply to a judge for leave to examine her as to whether she has property of her own. If she is found to have any and the judgment is obtained, it may be registered against the property and the same ordered to be sold if the judgment is for at least one hundred dollars. Real estate cannot be sold for less amount.

If a married woman refuses to appear in response to an examination order regularly taken out and served, it lies in the discretion of the court whether she shall be committed for contempt of court or not. But this would be for refusing to attend examination—not for refusing to pay the debt. County Courts

deal with personal debts not exceeding \$1,000. Larger amounts are entered in the Supreme Court.

Exemption from judgment summons does not apply to widows and spinsters, but to married women only and is founded on the theory that by marriage a woman sinks or loses her identity in that of her husband.—II Appendix.

#### WOMEN AS SUBJECTS OF THE EMPIRE.

Under the new Naturalization Act as first passed in Canada 12th June, 1914, the widow or divorced wife of a British subject who had repudiated his nationality and become an alien, could not after his death, or after the divorce resume her British nationality, except by re-marriage with a British subject. She became subject to the law of the country to which her husband had transferred his allegiance. This is a Dominion Act.

If a British subject chose to change his nationality the wife lost her British nationality despite herself, and at the same time the benefit of the British Married Women's Property Act, etc., etc.

The wife of an alien is always an alien, and the wife of a British subject is always a British subject, said the Act.

The breaking out of war and ensuing conditions probably made evident the advisability of the amendments passed 22nd August, 1914:

“Under these a British woman whose husband purposes changing his nationality has been given the right to retain her British nationality upon making a declaration to that effect.

“The widow or divorced wife now may regain her nationality without compliance with the ‘residence’ clause. The alien spinster or widow may become naturalized.”—(His Honour Judge Grant to the University Women’s Club).

But men and women do not stand on an equal footing in this matter, for while an alien man may become a British subject his wife alone may not do so either with or without her husband’s consent. If an alien man becomes a British subject his wife must also—she cannot retain her foreign nationality.

The father taking out naturalization papers may name his minor children and they also acquire his new nationality. At twenty-one they may repudiate it if they so desire. But an alien widow with minor children who be-



comes a British subject and wishes to confer the same benefit upon her minor children has had no similar provision made for her case. If she marries a British subject while she becomes a British subject the children of her former marriage retain the alien nationality of her former husband.

The fact that the wife follows the husband's nationality, sometimes creates remarkable situations, as witness the newly married wife born of a family Canadian for many generations, interned with her German husband in Eastern Canada.—II Appendix.

II. APPENDIX TO  
DAUGHTERS, WIVES AND MOTHERS

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WOMEN AS LAWYERS.

LAWS.

Act to Remove the Disability of Women so far as it Relates to the Study and Practice of the Law.—S. B. C., 1912, Chap. 18, Sec. 1.

1. Notwithstanding any law, regulation, by-law, or custom to the contrary, women shall be admitted to the study of the law, and shall be called and admitted as barristers and solicitors, upon the same terms and subject to the like conditions and regulations as men.

WOMEN AS PUBLIC SCHOOL TRUSTEES.

Schools Act, S. B. C., 1914, Chap. 68, Sec. 3  
Daughters, Wives and Mothers, Chap. 8.

(1.) In a district or township municipality school district, any person being a British subject of the full age of twenty-one years actually residing within the district, etc., etc.

GUARDIANSHIP OF CHILDREN

(Chap 3, Daughters, Wives and Mothers), Infants' Act, S. B. C., 1914, Chap. 36, Sec. 2 (b).

If there be no father, or if the father be a lunatic within the meaning of Sec. 2 of the "Lunacy Act,"

or be permanently residing out of the Province, to the mother, if she is permanently residing in the Province.

Sec. 3. Provided that in case no guardian has been lawfully appointed by the father under this subsection, and the father is a lunatic within the meaning of section 2 of the 'Lunacy Act' or is permanently residing out of the Province, the mother, if permanently residing in the province, shall be the guardian of the infant.

Chap. 31, 1915:

2. Section 5 of chapter 107 of the "Revised Statutes of British Columbia, 1911," being the "Infants Act," as re-enacted by section 3 of chapter 31 of the Statutes of 1913, is hereby amended by inserting therein after the word "infant," in the first line of subsection (2), the words "though not herself of the age of twenty-one years"; and by inserting therein after the word "infant," in the first line of subsection (5), the words "though not herself of the age of twenty-one years."

#### WIFE'S FINANCIAL POSITION.

(Chap. 6. Daughters, Wives and Mothers).

#### LAWS.

Married Women's Property Act, S. B. C., 1915  
Chap. 41.

2. Section 24 of chapter 152 of the "Revised Statutes of British Columbia, 1911," being the "Married Women's Property Act," is hereby re-

pealed, and the following is enacted in lieu thereof:—

24. Any married woman having a decree for alimony against her husband, or any married woman who lives apart from her husband, having been obliged to leave him from cruelty or other cause which by law justifies her leaving him and renders him liable for her support, or any married woman whose husband is a lunatic with or without lucid intervals, or any married woman whose husband is undergoing sentence of imprisonment in the Provincial Penitentiary, or in any gaol for a criminal offence or any married woman whose husband from habitual drunkenness, profligacy, or other cause neglects or refuses to provide for her support and that of his family, or any married woman whose husband has never been in this Province, or any woman who is deserted or abandoned by her husband, shall have as her separate property her own earnings and wages, and the earnings and wages of her minor children living with her or in her custody."

3. Sections 25, 26, 27, 28, and 29 of said chapter 152 are hereby repealed.

#### **DESERTED WIVES' MAINTENANCE ACT.**

**S. B. C., 1915, Chap. 67.**

2. Section 3 of chapter 242 of the "Revised Statutes of British Columbia, 1911," being the

"Deserted Wives' Maintenance Act," is hereby amended by striking out clause (a) thereof.

3. Section 5 of said chapter 242, as amended by chapter 83 of the Statutes of 1914, is hereby amended by adding thereto the following subsection:—

(4.) In case the wife is possessed, in her own right, of separate property sufficient for the comfortable maintenance of herself and of the infant children (if any), no order shall be made under this section for the payment to her of any sum in excess of one-half of the amount necessary for the maintenance of the infant children. For the purposes of this section, where the husband and the wife are each possessed of means sufficient for the maintenance of their infant children, the obligations of the husband and the wife to contribute towards such maintenance shall be equal.

#### WOMEN AS MUNICIPAL VOTERS.

S. B. C., 1915, Municipal Elections Act, Chap. 21,  
Sec. 2.

"Householder" shall extend to and include any person of the full age of twenty-one years (1) who occupies within the municipality a dwelling, tenement, hotel, or boarding-house, or any portion of a dwelling, tenement, hotel, or boarding-house, and (2) has been a resident in the municipality from the first day of January of the current year, and has (3) unless exempt by the provisions of sub-

section (167) of section 54 of the Municipal Act (Active members of the Militia, and men over sixty) paid to the municipality direct all rates, taxes, and assessments which are not chargeable on land, and are due by such person to the municipality for the current year, to an amount of not less than two dollars, exclusive of water, electric light, gas, and telephone rates or taxes and license fees for dogs.

#### WOMEN AS JUDGMENT DEBTORS.

Greenshields vs. Reeves, B. C. Reports, 1909, Vol. 15—Grant, Co. J.

“I hold that a married woman against whom a judgment has been obtained does not come within the meaning of the words ‘judgment debtor’ as used in rule 147 of the County Court Act and cannot be proceeded against by way of judgment summons. Marginal rule 447, subsection (d) makes this rule expressly applicable to married women against whom a judgment has been obtained restricted to their separate property.

#### WOMEN AS SUBJECTS OF THE EMPIRE.

Naturalization Act, S. C. 5 Geo. V., 1914, Chap. 44.  
National Status of Married Women and Infant Children.

10. The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien.

3. Except as provided by this section, a certificate of naturalization shall not be granted to any person under disability.

(d) The expression "disability" means the status of being a married woman, or a minor, lunatic, or idiot.

5. Where an alien obtains a certificate of naturalization, the Secretary of State of Canada may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make a declaration of alienage, and shall thereupon cease to be a British subject.

Sec. 12. (1) Provided that where a widow who is a British subject marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.

2. Any child who has so ceased to be a British subject may within one year after attaining his majority make a declaration that he wishes to assume British nationality, and shall thereupon again become a British subject.

An Act to Amend The Naturalization Act, 1914.  
(Assented to 2nd August, 1914.)

1. Subsection 5 of section 2 of The Naturalization Act, 1914, chapter 44 of the statutes of 1914, is repealed and the following is substituted therefor:—

5. In the case of a woman who was a British subject previously to her marriage to an alien and whose husband has died, or whose marriage has been dissolved, the requirements of this section as to residence shall not apply, and the Secretary of State may, in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years' residence or five years' service has not been within the last eight years before the application.

2. Section 10 of the said Act is amended by adding thereto the following proviso:—

Provided that where a man ceases during the continuance of his marriage to be a British subject, it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject.