

# Women of British Columbia

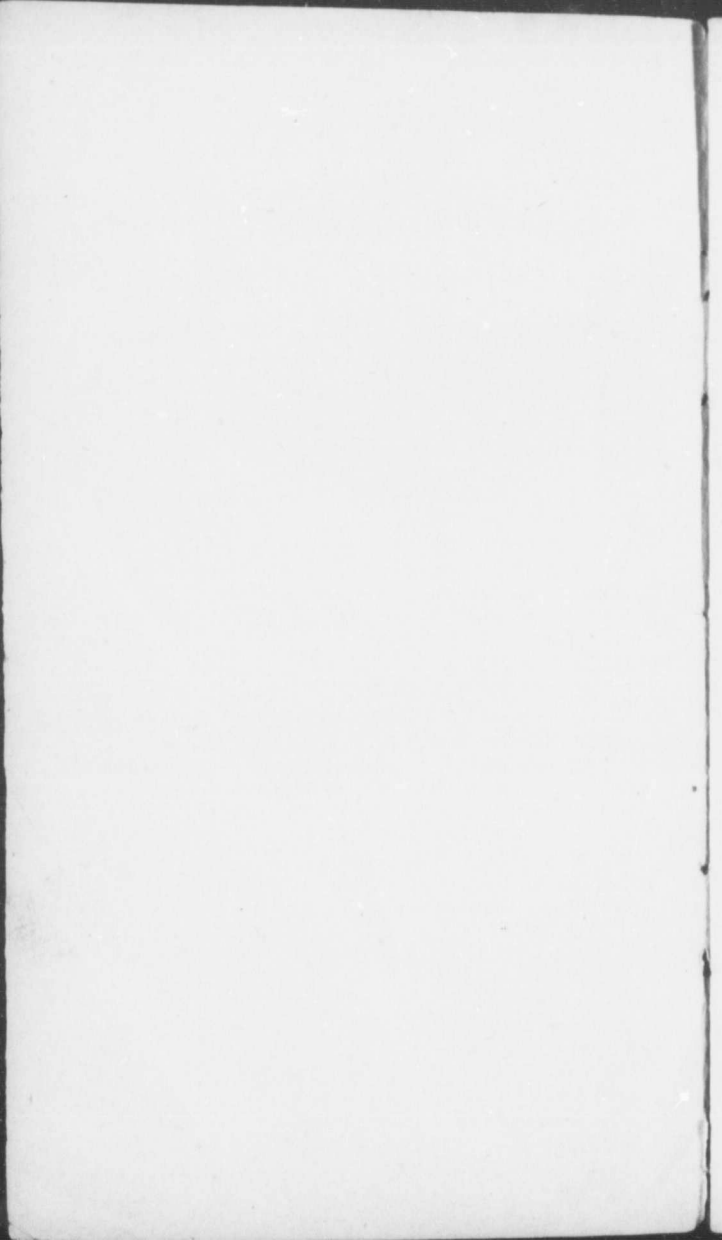
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Read the Record of the  
Oliver Government on  
Matters in which You  
are Vitally Interested.

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# Domestic Legislation in British Columbia

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**T**HE MEASURE of a nation's civilization is not its material welfare or prosperity, but the care and protection given its weaker members. The real ideals of the state are expressed in its domestic legislation.

The true mind of the statesmen of a community is unerringly revealed in the laws which they advocate and enact.

That state in which the view of the father alone is represented, and the mind and heart of the mother is not given effective utterance through the ballot, may not hope to lead in the march of civilization. It is as true of the nation as it is of the home, that its highest ideals can only be reached where both the mother and the father play their full part.

Before 1917 the women of British Columbia had no voice in the making of the laws of their province. For twenty-five years they had worked, suffered, endured calumny, scorn and contempt in an effort to secure the ballot. The married mother and her child frequently suffered bitter and cruel wrongs under unjust laws which they were helpless to change, and against which they could make no effective protest. For many years women, both organized and unorganized, protested and appealed for a just recognition of the right of the married mother to share equally with the father in the guardianship of their child. While the unmarried mother, the coming of whose child was a burden and disgrace, was given its custody, the child of the married mother belonged exclusively to the father during his lifetime. He could will away from her the child unborn at the

time of his death. Only mothers can realize the pain and sorrow such a law often wrought.

Boys and girls of twelve and fourteen could be legally married with the consent of the father, or of the guardian appointed by him. The mother's consent was not necessary.

Under the misnamed Dower Act the husband, whose wife, perhaps, had worked long and faithfully by his side to gather together their little savings, could by his will deprive her of everything and leave her penniless and dependent in her old age.

If the father and husband deserted he was free from obligation to provide for his family and wife if she had sufficient means to support them. Yet he was the guardian of the children, with a right to their earnings for his or his creditors' benefit, unless the mother was able to obtain a court order giving them to her for the support of the children.

## OUR NEW LAWS

Within the last four years, under the Oliver Government, many of these old laws belonging to the dark ages have been wiped out. From being one of the most backward of our provinces, with laws on our statute books dating from the days of the Romans and the early British sovereigns, today British Columbia is leading in domestic legislation. Until 1917 no material changes were made looking to better conditions for our women and children. Since then women of other provinces lift their eyes with hope to British Columbia as they see their ideals crystallizing and taking shape in legislation of the highest and noblest type. For years the daughters, wives and mothers of British Columbia lived and suffered under laws perhaps intended at the time of their enactment to serve a good purpose, suited only to a world of men and an age of force—a world in which women had no place—but cruelly ill-adapted to modern conditions.

So much legislation of vital interest to women and children has been enacted within the last four years that it is only possible to give the gist of the Acts.

## THE FRANCHISE

When the new Government came into power in 1917 it brought with it the extension of the franchise to women and a full recognition of their rights to citizenship. The Provincial Election Act, Chap. 23, 1917, conferred upon women not only the franchise, but also the right to sit as members of the Legislative Assembly. Thus, with the introduction of a direct Government measure, preceded by the repeal of the Suffrage Referendum Act, the validity of which had been questioned by some legal authorities, ended a long, hard struggle of twenty-five years.

Since then the municipal franchise has been extended and women given the right to sit as mayors, aldermen, reeves and councillors. In certain municipal districts they may qualify as voters upon tendering two dollars in lieu of the "direct tax" required of men similarly placed.

In rural districts husband and wife may qualify on each other's property in school trustee elections. Many rural women have felt keenly that since the farm usually stood in the husband's name they, who were so deeply interested in the education of their children, had no voice in school matters. Now both father and mother may vote.

## EQUAL GUARDIANSHIP OF INFANTS

One of the vexed questions in British Columbia for years has been the inequality of mothers in the matter of guardianship of minor children. This inequality originally existed because of the danger likely to arise from an Indian wife of a white man claiming a right which she was not capable of exercising intelligently.

Although social conditions had changed, making such circumstances unlikely because of the discontinuance of the practice of marriage with Indian women, the laws relating to women's disabilities remained unchanged until May, 1917, when "The Equal Guardianship of Infants Act," Chap. 17, 1917, was enacted by the Liberal administration. By this legislation all disabilities of married women with respect to the guardianship

of their minor children were removed, and it was further provided that husband and wife living together are joint guardians of their minor children, with equal powers, rights and duties, and there is no paramount right to either in connection therewith. In the case of parents living apart voluntarily, the guardianship of infant children may be arranged by agreement in writing between them. Failing such agreement, application may be made by either party to the courts for an adjudication as to the guardianship.

### CHILD WELFARE

For the protection of the children of the Province a splendid group of laws has been enacted, including the creation of a separate department in the Attorney-General's office for their administration. Under this group come the Juvenile Court Act, Chap. 20, 1918; the Infants Act Amendment Act, Chap. 36, 1918; the Industrial School Amendment Act, Chap. 35, 1918; the Industrial Home for Girls Amendment Act, Chap. 29, 1917; the Industrial Home for Girls Amendment Act, Chap. 34, 1918; the Mothers' Pensions Act, Chap. 61, 1920; the Adoption of Children Act, Chap. 2, 1920. In the Infants Act the definition of "neglected child" has been so enlarged as to afford much greater protection. It now includes children begging or pretending to sell, running away from home, living with immoral parents or in immoral homes, or being permitted to grow up "without salutary parental control." The same Act provides for the creation of a provincial superintendent and department of neglected children. The age to which such protection may be extended is raised to eighteen years. Any reputable citizen may call the attention of the probation officers or lodge the complaint with the Provincial Superintendent that there is a neglected child who needs protection. (Chap. 36, 1918.)

Along this same line is the care of delinquent children. The Juvenile Court Act and the Industrial Schools Act have both been definitely extended to deal with all cases coming under the

Infants Act and the Industrial Schools Act (both boys and girls). The age at which girls may be sent to the Industrial School has been raised to eighteen. This does not mean that all delinquent girls up to this age should be sent there, but if in the opinion of the magistrate there is any likelihood of reform the erring girl, though over sixteen, may be committed there rather than to the Provincial Jail. (Chap. 29, 1917.)

Until recently child offenders, where there was no Juvenile Court and Detention Home, had to be taken in the police court, but among the new sections of the Juvenile Court Act are those providing that upon written request of the Attorney-General any person may act in any specified case as a Judge of the Juvenile Court, and any house or home be declared by him to be a detention home. The Judge may ask some person to act as a voluntary probation officer. Thus in a day may be created the whole machinery of a Juvenile Court, giving the child the full benefit of being dealt with, under the Juvenile Delinquents Act, not as a criminal, but as an "erring and misguided child, needing encouragement," as the Act states. After the case is decided the machinery may vanish as quickly as it came into existence. So today no child need be tried in a police court of British Columbia if its older fellow-citizens will but interest themselves sufficiently to communicate with the Attorney-General's Department. The Act provides also for the appointment of women as Judges. (Chap. 20, 1918.)

Under the amendments to the Industrial Schools Act the charge of "incurability," so often thrown as a cloak of charity over the childish delinquent, may now be laid by probation officers, forcing weak or immoral parents to come under the jurisdiction of the Juvenile Court in order that the erring or misguided child may be protected as a "ward of the Court."

Investigation has shown that over 50 per cent. of the boys in the Industrial School are mentally deficient, and it has been decided to establish an institution for these feeble-minded children at Essondale, where they will be given vocational

training and proper care, and removal from contact with those who may be more or less criminally inclined.

## MOTHERS' PENSIONS ACT

The object of this Act is to provide children with home life and care of a suitable character, and to keep them out of institutions when the father, the bread-winner, has died or become incapacitated, either from physical or mental disability.

Until the passing of this Act, if a man were incapacitated from any permanent mental or physical disability his wife and children would not be entitled under any law of the Province to receive any financial consideration to maintain the home. The same was true if a worker died from any disease; there was no provision made for the care of his widow and his family.

The necessity of helping the worthy mother who is earning a living to bring up her children in the way they should go, and the cruel and painful consequences of separating her from her children, have received due consideration in one of the broadest Mothers' Pensions Acts in existence. Under this Act pensions may be given the mother for herself and her children under sixteen if she is—

- (a) A widow; or
- (b) A married woman whose husband is an inmate of a penal institution or public hospital for insane; or
- (c) A woman whose husband is unable to support his family by reason of sickness or accident arising while his wife was residing in this Province; or
- (d) A deserted wife; or
- (e) Any other person whose case, in the opinion of the Superintendent, is a proper one for assistance under the provisions of this Act.

This pension, the highest in the world, is safeguarded by the paramount principle that it must be for the best interests of the child that the mother should have the custody of it, and that she



is a fit and proper person. She must be a British subject and have resided for at least eighteen months in British Columbia, have a child or children under sixteen and be without the necessary means to support them. (Chap. 61, 1920.)

Let us consider the various alternatives that, prior to the passing of this Act, presented themselves to an indigent mother with a family. First, she could place her children in an institution, and, with all due respect to the good work which many of the institutions are doing, the consensus of opinion among social workers is that the poorest home, if moral, is better for the children than residence in the best-conducted institution in the country. Secondly, she could give her children away for adoption or to friends. Thirdly, she could endeavor to keep the family together by eking out a miserable existence by casual labor. It is not fair to ask a woman who, through no fault of her own, is placed in an unfortunate position, to try to bring up a family under these conditions. It is bad for the children, because they are allowed to run out on the streets and get into bad habits through the lack of parental control which they otherwise would have. Fourthly, she could resort to doubtful modes of living in order to provide the necessaries of life for herself and her children. Now, any of the above alternatives are not very desirable, and are not in the interests of the children, mother or state.

The Mothers' Pensions Act will in future preclude the possibility of a widowed mother with small children having to face any of the above situations.

### THE ADOPTION ACT

The rights of the adopted child are safeguarded by the Adoption Act, Chap. 2, 1920. The place in the family of such child is definitely established, with due share in the inheritance. Herein are checked some of those evils which arose under the former haphazard method. Many adopted children, owing to the ignorance of the adoptive parents as to their real status, upon the death of their protectors found themselves thrust

into the world penniless and helpless. Formal application to the Court must be made by those wishing to adopt a child, and in the case of those over twelve years of age the child's own consent is required. (Chap. 2, 1920.)

## MARRIAGE

Until 1919 British Columbia had no legislation safeguarding the age of marriage. Children of twelve and fourteen, or even younger, if the father or the guardian appointed by him gave consent, could be legally wedded. The age was not fixed by any statute of British Columbia, for, despite the urging of the mothers of the Province, the statutes remained blank. Therefore recourse was necessary to British law under Section 25 of the British Columbia Marriage Act. While some legal authorities held that it did not lie in the power of a province to specifically raise the age of marriage, other provinces found no difficulty in solving the problem by fixing an age below which it is unlawful to issue a licence or solemnize a marriage.

In 1919 the Government of British Columbia followed the same course and raised the age of both sexes to sixteen. Thus a law which was received as a legacy from the old Roman code was wiped off the statutes. The mother's consent is also now required, and the marriage of parents legitimizes the child born before wedlock — this is retroactive. (Chap. 52, 1919.)

## PROTECTION OF WIVES

Another legal millstone was sunk deep in the sea by the repeal of the former Deserted Wives Maintenance Act. An entirely new Act was framed in 1919. Under this the wife may sue for non-support without being compelled to live apart from the husband. The complaint may be lodged either where the husband resides or where the cause arose. The charge may be lodged by officers or public charities or by the wife in writing, or proceedings may be begun by the Attorney-General. The husband and wife are compellable

witnesses on the question of support. Orders may be registered against land and wages garnisheed. Relief and support are obtained not only for the deserted wife, but for the children of the family. (Chap. 19, 1919.)

In line with Mothers' Pensions and the Maintenance of Deserted Wives is a group of Acts protecting widows from injustice and deprivation under the wills of their husbands, whether intentional or otherwise. By an amendment of the Administration Act a new and more equitable apportionment of personal estate has been made for the benefit of the wife. Under this the widow of the intestate is given half the personal property and the children the other half.

Where there are no children or legal representatives of them the whole of the surplusage goes to the wife. If there be no wife the whole is to be equally divided among the children. If there be neither wife nor children the surplusage goes to the next-of-kin and their legal representatives. The mother takes equally with the father (hitherto the father inherited to the exclusion of the mother). In no case are representatives to be permitted among collaterals after the brothers' and sisters' children. This wipes out those unjust enactments which preferred the father to the exclusion of the mother, and included relatives remote in degree. (Chap. 1, 1919.)

The wife's share in the family estate receives just and generous recognition in an Act passed during the session of 1920. The Testator's Family Maintenance Act belongs to that new fine school of law-making which is content to enunciate a just and right principle, leaving each case to be decided upon its own merits. This Act establishes the rightful claim of a wife and children to adequate maintenance before any other gifts or bequests. No person may die leaving a will without making adequate provision for the proper maintenance and support of either husband or wife or children. If such will be made the Court may order such provision for the same as the Court thinks adequate, just and equitable in the circumstances. This provision may consist of a lump sum

or periodical or other payment. Application for benefit of the Act must be made within six months. While this is a great stride forward, it is only a proper recognition of the claim of the family upon the family estate. (Chap. 94, 1920.)

## WOMEN IN INDUSTRY

One of the most notable features of 1918 was the Minimum Wage Act, which provides that women workers shall not be paid less than a living wage. While to some this may appear radical, no real or lasting prosperity can be founded upon the exploitation of the actual or potential mother of the race.

The Act is administered by a Board of three, one of whom must be a woman, and the members receive no salary as such. The Board is empowered to call for payrolls and other information from employers, and if the wages are found inadequate may call a public meeting of all interested and request a conference to make a recommendation as to the proper wages. (Chap. 56, 1918.)

At the next session the Board was given powers to deal with hours and conditions, as well as wages. One of the most valuable protective sections is that which permits any employee who has been paid less than the legal minimum to collect the difference between it and the wage she received. This Act, initiated as a Government measure by the Hon. J. W. de B. Farris, Attorney-General, was piloted through the Legislature by Mrs. Ralph Smith, M.L.A. (Chap. 61, 1919.)

As a result of the investigations and decisions of this Board, girls working in stores for miserable wages, in some cases as low as \$4 a week, can now be paid not less than \$12.75 a week. In laundries and cleaning and dyeing establishments also, following the advice of a committee appointed at a general meeting in Vancouver, the minimum wage was fixed at \$13.50 a week, or \$2.28 in excess of the average then being paid.

In 1919 further extensions were made. For public housekeeping a minimum wage of \$14 a week was struck, with overtime pay when more than 48 hours were worked, emergencies not to

entail more than four hours' overtime in each week. In office occupations the minimum is \$15; in manufacturing industries, \$14; personal service occupations, \$14.25; telephone and telegraph workers, \$15; fishing industry, \$15.50; fruit and vegetable industry, \$14. In all these industries a 48-hour week is stipulated, with a marginal number of hours allowed for overtime, for which an excess scale of pay is provided.

Provision is made for the employment of women who are physically defective, female apprentices and girls under eighteen years of age, at rates of wages and conditions of labor to be determined by the Board.

## PUBLIC HEALTH

A definite effort to check the ravages of venereal disease is put forth in the Venereal Disease Act, 1919. Under this Act venereal disease is reportable, and provision is made for the examination of those detained in jails, reformatories, etc. Treatment is furnished and all hospitals receiving Provincial Aid are required to make provision for the giving of such treatment. Secrecy is required from all officials in order to protect those needing treatment. The sale and advertising of drugs, medicine and appliances is prohibited, and only legally qualified physicians permitted to administer treatment. Penalties are imposed upon those who, knowing they are diseased, impart it to others. Treatment for venereal disease of prisoners and those under detention, which has long been advocated, is now a reality, under the new Act. (Chap. 88, 1919.)

## REGISTRATION OF NURSES

The protection long sought by the graduate nurses, not only for themselves, but for the benefit of the public, was given by the Nurses' Registration Act. Only graduated nurses are permitted now to append the letters R.N. after their names, and a uniform course of hospital training is established. The British Columbia Act had the endorsement of the Medical Association of British Columbia. (Chap. 65, 1918.)

## RURAL NURSING AND HEALTH CENTRES

For many years it has been felt that many lives have been endangered and sometimes sacrificed on account of the lack of knowledge of the most elementary principles of home nursing and rural hygiene and sanitation.

Contagious diseases have been spread, typhoid has become epidemic, and other similar diseases have become prevalent, due to the lack of knowledge of the means of preventing these diseases. In no cases, however, was there so great need for skilled nursing and intelligent advice as in the home of the expectant mother in the isolated districts. The Government realized this great need, but the financial situation of the Province four years ago was a stumbling block to the inauguration of new policies involving financial expenditure. Circumstances, however, favored us in this matter. At the conclusion of peace the Red Cross, which had done such noble service during the war, became interested in national health. They had several million dollars of unexpended funds at their disposal and they were induced to devote their activities to work of this nature. The Victorian Order of Nurses, that has done so much for district nursing in this Province, was also interested, so that today we have under the Provincial Health Department these organizations expending their money and giving their services in the interest of this great humanitarian and national work.

(1) The Red Cross supplied the funds for training nurses in rural nursing at the University.

(2) The Victorian Order of Nurses gave the practical training to these nurses in the field in connection with the Rural Health Centre at Saanich.

(3) The Provincial Government assists Saanich in a financial way by a grant of some \$1,500 to repay that community for the added expenditure required for carrying on the work of training.

Ten nurses have already been trained and will be sent to the various parts of the Province where

their services are required and where the community is willing to assist to pay for such service.

As time goes on this work will be enlarged until the ideal of "a trained rural nurse at the disposal of every rural district in the Province" will be realized.

This nurse (a) will do the "follow-up" work in connection with the work of the medical inspection of schools; (b) will give advice to young mothers regarding the feeding and care of their children; (c) will give information regarding the spread of contagious and infectious diseases, and in emergencies and epidemics will assist the local doctors at outlying and isolated points.

### NURSES AND SOLDIERS' WIVES

In the numerous measures enacted for the benefit and relief of soldiers, military nurses, soldiers' wives and dependents have received due recognition with the soldiers themselves. They are included in the War Relief Acts, which prohibited civil action during the war and a certain period after. (War Relief Act, Chap. 75, 1917.)

Nurses and soldiers' widows are also included in the benefits conferred by the Soldiers' Land Act and the Soldiers' Homestead Act. Military nurses receive the benefit given the members of the allied forces in the Mining Act. (Chap. 80, 1917; Chap. 81, 1917.)

### WIDOWS OF CIVIL SERVANTS

Under the Civil Service Act, upon the death of any person who has been at least two years in the service the widow or dependents may be paid a sum equal to three months' salary. (Chap. 9, 1917.)

### EDUCATION OF CHILDREN

Several important changes have been made in the Public School Act. One of the most wide-reaching of these is the right to consolidate two or more schools in order to establish central graded schools, and in such case requiring school

trustees to provide for the transportation of those children too far from school to walk, the Government agreeing to contribute half the cost. The interchange of pupils is also authorized, the purpose of all these amendments being to build up a stronger and better system in country and rural districts by unifying the educational needs and centres.

The extension of manual training, domestic science, commercial and high schools in rural and municipal districts is made possible, the Government undertaking to pay a certain percentage of the initial cost. Also husband and wife may qualify on each other's property in rural districts, thus allowing both the father and mother to vote upon educational matters.

Another amendment provides that advanced courses may be given in physical training, gymnastics, or cadet instruction, and where the teachers' whole time is devoted to these subjects the Government will give the usual per capita grant. (Chap. 74, 1918.)

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The Oliver Government has more beneficial social and domestic legislation to its credit than has any or all previous Governments of British Columbia, and more than has been passed in the same length of time by any other province in the Dominion.

Liberal candidates, therefore, have no hesitation in asking for the support of the women of British Columbia, which may be given in the full assurance that under the Liberal Government women will always receive the consideration which is their right and which has not been given by previous administrations.

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**Vote for Liberal Candidates and Safe, Sane,  
Progressive Government.**

**Election December 1st, 1920.**

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