

RIGHTS OF WIDOWS IN HUSBANDS' WILLS BEFORE LEGISLATURE

Proposed Bill Would Provide Machinery in Cases of Injustice

SECOND READING GIVEN

The possibility of the Ontario Legislature appointing a committee to inquire into the rights of widows in the estates of their deceased husbands was suggested in the House yesterday afternoon, when an act respecting widows' rights came up for second reading.

The measure, it was felt, might be considered a radical one. At any rate, it was thought so involved that it should be gone into thoroughly. After considerable discussion the House, giving it second reading, passed it on to the Committee on Legal Bills, with the suggestion that if this committee thought that a further inquiry is needed a special body should be appointed to conduct an extended inquiry and to take evidence in the matter.

Similar Bill Last Year.

Second reading for this bill was moved by J. G. Lethbridge, Progressive member for West Middlesex. Mr. Lethbridge mentioned that the same bill had been introduced at the last session of the House by Harold Fisher, K.C., then Liberal member for West Ottawa, but that owing to the lateness of its introduction it had not been given the consideration to which he thought it was entitled.

Mr. Lethbridge stated the bill had much merit, and that it simply provided machinery whereby a widow who might consider herself unjustly dealt with in the terms of her deceased husband's will might appeal to the court for relief.

E. Proulx (Liberal, Prescott), while commending the measure, felt that it should go on to the Committee on Legal Bills.

Premier Ferguson stated that the Government had a sympathetic attitude toward the proposed legislation. But, said he, the measure might be considered a radical move, for it would practically give a court Judge power to make a new will, and he doubted if the Legislature would be wise in sanctioning such legislation.

Premier Is Sympathetic.

"It does seem anomalous and cruel that in our modern developments of commercial life personal estate has grown to be so much more important than realty," said he. "A man may will his entire estate, if all personalty, to whom he likes, regardless of the claims of wife and family. That, perhaps, should not be. I am not so much concerned with the family after they attain earning age, but a woman having married and assumed the responsibility of household care and of the rearing of a family, has deprived herself of her opportunity for earning and is perhaps handicapped seriously. She does that usually at the request of a man and he should be prepared to share that responsibility, and somebody should see to it that he carries out the contract fairly.

"I am told, however, that there are many women who do not deserve such consideration from their husbands, and that there are many women who accumulate most of their estate in their husband's lifetime. These are factors which should have the consideration of the court. There ought to be some provision in the law whereby a man who is contemplating a will of this kind, depriving his wife of a sufficient portion of the estate, could apply in his lifetime and get a declaration of some kind when all parties are living and can present the case. But when a man is dead, to say that a Judge can revise his judgment after he is dead and wipe out a solemn testamentary document, is rather a serious thing."

Question of Many Angles.

"I am inclined," he declared, "to give the whole subject serious consideration. There are so many angles to this situation. I would be glad to refer the bill to the Legal Committee."

Liberal Leader Sinclair felt that the legislation should be endorsed, but not without serious consideration.

Progressive Leader Raney took the stand that the House should discuss the matter thoroughly, so that the Legal Committee would have something to go on. He had, he said, received correspondence in the matter, letters from widows pleading for protection of their rights. One woman wrote: "I am a farmer's wife, 55 years old. I have been working on the farm for 35 years. When I sold fowl and butter I gave my husband the money. Now he says he will leave me my dowry, but the balance of his property is going to his brother's children."

Dowry rights, said Mr. Raney, went back to the Magna Charta. Then came a further protection of widows' rights in the Devolution of Estates Act. "Now," he said, referring to the proposed measure, "we should take this third step." It would protect women, he felt, against men's caprice.

Might Be Dangerous.

"In recent times," said Premier Ferguson, rising again, "I have been impressed by this idea that the old domestic relation that existed, the home as a unit of national life, the home atmosphere, are being undermined and disappearing. The modern tendency with boys and girls and women and men is to be independent. Without that old atmosphere this is a dangerous piece of legislation unless thoroughly safeguarded. The bill leaves wide-open power for a Judge—for a Judge's caprice—that a will may be changed. The whole matter should be carefully thought out and the factors laid down by the Legislature, not by a Judge."

He suggested that the House should do something to sense public opinion in the matter even if it meant that the legislation was held over for another year.

Raney Suggests Committee.

Mr. Raney then suggested that the Prime Minister appoint a small committee to inquire into the subject and report next session to the House.

"I don't think it is the sort of a bill to get much help that way," replied Mr. Ferguson, but he added that if the Legal Committee recommended such a move he would be in sympathy with it. Second reading was then given. The bill next comes up in the committee stage.

Amending Health Act.

An act to amend the Public Health Act, providing for the consolidation of existing statutes, and giving to the Minister power now vested in the Provincial Board of Health, was also given second reading. This measure also creates the position of Medical Inspector, which will be filled by Dr. McCullough, now Chief Medical Officer of Health of the Province; gives municipalities power to remove Medical Officers of Health and gives District Officers of Health control of the inspection of milk supplies.

Hon. Mr. Raney raised the objection that the authority of the Provincial Board of Health a non-partisan body, was now given to the Minister.

Premier Ferguson replied that since the board was organized its work has grown considerably, and this bill simply provided for a readjustment of the machinery of the department.

Psychiatric Hospitals.

When the amendment to the Psychiatric Hospitals Act came up for second reading A. R. Nesbitt (Conservative, Toronto, Bracondale) pointed out that the City of Toronto hoped the Government would give it protection in the matter of charges. Psychiatric hospitals were only to handle cases of residents in the municipality in which they were located. Yet non-Torontonians had been treated in the Toronto Psychiatric Hospital.

"Your own Magistrate sent them there," said Premier Ferguson. "Who would you suggest should pay?"

"In the case of Ontario towns they should pay," said Mr. Nesbitt. "It would be impossible to collect from cities or towns outside the Province."

The bill was given second reading. So also was the Government amendment to the Assessment Act, providing exemption from assessment for woodland areas.

Private Bills Passed.

The following private bills were passed in committee: Respecting the Township of East York; respecting the Village of Windermere; respecting the Township of Sandwich West; respecting the City of Hamilton; respecting the Corporation of the Village of Forest Hill; respecting the Town of Timmins; respecting the Town of Kapuskasing; respecting the City of Toronto; and respecting the Board of Management of the House of Refuge of the District of Thunder Bay.

Second reading was given to a bill respecting the Hamilton Street Railway Company, and to a bill to amend the Consolidated Municipal Act.

Will Co-operate in Jubilee.

When the proceedings opened Liberal Leader Sinclair inquired of the Government what steps it intended taking for the Diamond Jubilee celebration. Premier Ferguson replied that, since this was a Dominion-wide affair, the Ontario Government did not feel that it should initiate any separate action.

"Ontario," said he, "will co-operate with the Dominion Government organization that has the plans for the celebration in hand."