

LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
7TH COUNCIL, 48TH SESSION

TABLED DOCUMENT NO. 9-48

TABLED ON JANUARY 24, 1973

Young Women's Christian Association of Canada, Yellowknife, N.W.T.

T D 9-48

Tabled on Jan 24, 1973

January 23, 1973.

Mr. T. H. Batters, Councillor,
Council of the Northwest Territories,
Yellowknife, NWT

Dear Mr. Batters:

Re: Motion No. 5-48 - Dower and Curtesy Rights

As a matter of interest and assistance to you in dealing with the above motion in Council, noted below are excerpts from the Royal Commission on the Status of Women in Canada Report, together with an outline of the work being undertaken by the Government Relationships Committee of the Yellowknife YMCA.

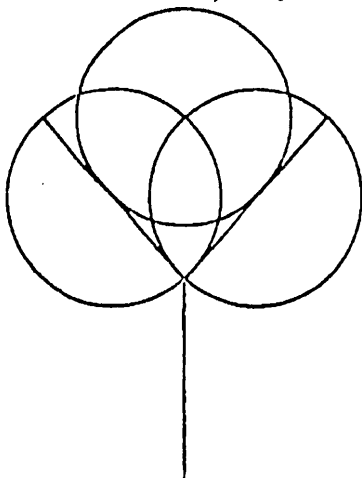
Firstly, as Dower Rights are most limited, the terms of reference of our Committee were broadened under the heading "Community Property in Marriage", the desired end being to implement RCSW Recommendation No. 107, namely:

"Legislation in order to recognize the concept of equal partnership in marriage so that the contribution of each spouse to the marriage partnership may be acknowledged and that, upon dissolution of the marriage, each will have a right to an equal share in the assets accumulated during the marriage otherwise than by gift or inheritance received by either spouse from outside sources."

The research being pursued by this Committee includes study of existing provincial legislation, namely: Testators' Family Maintenance Act, Family Relations Act, Married Women's Property Act, Protection of Children, Equal Guardianship of Infants Act, Dower Act, Land Titles Act, Companies Act; as well as legal publications such as "The Law of Divorce in Canada" W. Kent Power and Canadian Law Reports.

Legislation - Community Property in Marriage

Based on the intent of Recommendation RCSW No. 107 that upon marriage, any acquisition of a real, personal or corporate nature should be owned on an equal basis by both partners of a marriage, therefore:



Real Property (Federal Land Titles Act) it be mandatory that any real property acquired after marriage to be registered in the name of both partners of the marriage or show just cause, such as: purchase price of real property realized from inherited monies.

Personal Property - mandatory that

- negotiable securities be registered in both names
- any sell or purchase orders be signed by both partners
- all goods, chattels, furniture, fixtures, equipment be considered as jointly owned.

Companies Act - mandatory that


in all non-public companies, both partners of a marriage shall have an equal number of company or partnership shares (e.g.: if a member holds 14 of a firms shares, if that member is married, such shares shall be jointly owned by husband and wife or seven be held in the name of each).

Legislation - The Child

Care
Custody
Control

This Committee would be pleased to co-operate and to participate when Council undertakes the study of this subject.

Yours very truly,


Alison J. McAteer, Chairman
Government Relationships Committee
Yellowknife YWCA