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UNITED STATES DEPARTMENT OF LABOR

MAURICE J. TOBIN, Secretary

WOMEN'S BUREAU

FRIEDA S. MILLER, Director

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The Legal Status of Women in the
United States of America

January 1, 1948

REPORT FOR

ARIZONA

*Individual State material, constituting part of a
compilation to show the present legal status of
women in the United States of America*



BULLETIN OF THE WOMEN'S BUREAU, No. 157-2 (Revised)

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THE LEGAL STATUS OF WOMEN IN THE UNITED STATES OF AMERICA

In response to continuing domestic and international needs, the Women's Bureau has prepared a revised edition of its 1938 report on the legal status of women in the United States of America.

The revised report is based on an examination of the Constitutions, official statutes, and significant decisions of courts of last resort of the Federal Government and the several States, as well as pertinent law texts of recognized authority.

This pamphlet presents a digest of the material compiled for a single State, which has been incorporated in the complete report.

LETTER OF TRANSMITTAL

UNITED STATES DEPARTMENT OF LABOR,
WOMEN'S BUREAU,
Washington, October 14, 1948.

SIR: I have the honor to transmit to you a revised report on the legal status of women in Arizona. This is one of 54 separate reports constituting a survey of the laws of the 48 States, the District of Columbia, the territories of Alaska, Hawaii, and Puerto Rico, and the United States possessions, the Canal Zone and Virgin Islands.

The original report for each jurisdiction represents a thorough search of statutes and decisions of appellate courts construing its statutes or establishing its judicial policy. Revision covers important changes by legislative action.

The study was made by Sara Louise Buchanan, Attorney on the Women's Bureau staff, member of the bars of the Supreme Court of the United States and of the Mississippi Supreme Court. Valuable assistance was given in the preparation of the report by Mary Loretta Sullivan, Associate Economist, and Elizabeth Batson, Editorial Assistant, both of the Bureau staff.

Respectfully submitted.

FRIEDA S. MILLER, *Director.*

Hon. MAURICE J. TOBIN,
Secretary of Labor.

REPORT ON THE PROCEEDINGS

of the Board of Directors of the Federal Reserve Bank of St. Louis

The Board of Directors of the Federal Reserve Bank of St. Louis has the honor to acknowledge the receipt of the report of the Board of Directors of the Federal Reserve Bank of St. Louis for the year ending December 31, 1914. The report contains a full and complete statement of the affairs of the Bank, and the Board is pleased to find that the same are in a satisfactory condition. The Board also has the honor to acknowledge the receipt of the report of the Board of Directors of the Federal Reserve Bank of St. Louis for the year ending December 31, 1914. The report contains a full and complete statement of the affairs of the Bank, and the Board is pleased to find that the same are in a satisfactory condition.

Very respectfully,
James W. McLaughlin, Director

John M. McLaughlin, Secretary

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THE LEGAL STATUS OF WOMEN IN THE UNITED STATES OF AMERICA

INTRODUCTION

Any conclusion bearing on woman's status under the laws of the United States of America must take into account the common law, on which the fabric of the Nation's jurisprudence is woven.

The common-law rules of property sprang from various causes, notably tradition, military or economic exigency, natural male dominance, and the social status of women. Shifts in these have effected an almost complete overturn in laws governing the property owned by a woman prior to her marriage and that coming into her individual ownership after her marriage, by gift, inheritance, will, or accumulation from her premarital possessions.

In general, it has been the rule that where specific statutes abrogating common-law principles have not been enacted, the common law applies. In the century just past, many of the old common-law injustices to women have been removed by statute. The largest remaining area to be reformed to the present-day trend lies in the matter of ownership and control of property acquired by the cooperative efforts of husband and wife after marriage.

The material considered centers largely around the woman in the marriage relation, since the legal status of the unmarried woman is practically identical with that of the unmarried man, with the exception of the discrimination in some States which bars women from jury duty; or of distinctions, such as variance between men and women in the statutory age of majority or age of consent to marriage.

ARIZONA

SOURCES

Constitution of Arizona.
Annotated Code, 1939.
Session Laws, 1945, 1947.
Arizona Reports.
Pacific Reporter.

EXPLANATORY NOTE

References to the State Constitution are indicated by parenthetical insertions of article numbers following the abbreviation Const., as (Const., art. VII, sec. 2), placed after the related subject matter.

Code section references likewise are in parentheses, thus (sec. 1-103).

Session laws are referred to by year of enactment and chapter number, as (1945, ch. 50).

Case citations, definitely construing statutes or declaring judicial policy in the absence of express statutory provision, are indicated by numerical footnote references, and appear immediately after the related paragraphs. Cases showing historical development of a statute or policy are followed by the abbreviation (Hist.).

Subject headings are preceded by numbers, which remain constant for their respective topics through the entire State series. Cross references among topics employ these numbers for brevity, as "See Number 6," which refers to the subject heading "Separate Earnings of Married Woman—Ownership and Control."

ARIZONA

A.—CIVIL RIGHTS

I.—CONTRACTS AND PROPERTY

1. Age of Majority.

Twenty-one years is the age of majority for any person. A minor is any person under that age (sec. 1-103). But see also Number 10.

2. Contractual Powers of Minors.

A minor's contracts generally are voidable, also conveyances of property, by rule of common law. He is liable, to the extent of a reasonable price, for necessities supplied, suitable to his station in life and actual requirements (sec. 52-502).

Under the workmen's compensation act, a minor is considered of full age for the protection of his rights if he is working at an age and at an occupation legally permitted. No other person has any cause of action or right to compensation for an injury to such minor, except that in the event of the award of a lump sum of compensation, such sum must be paid to the legally appointed guardian of such minor (sec. 56-974).

See also Number 5.

Every person who has been lawfully married, even though a minor, may dispose of his or her property by will as prescribed by law (sec. 41-101). See also Number 10.

3. Property Exemptions from Seizure for Debt—Respective Rights of Men and Women.

Every person who is the head of a family residing within the State may hold as a homestead, exempt from attachment, execution and forced sale, real property selected by him or her in one compact body, not exceeding \$4,000 in value (sec. 24-501). The formal claim, as prescribed by statute, may be made by either husband, or wife, or by any unmarried person who is the head of a family. If selected from separate property of wife, she must join with husband in making claim (sec. 24-502).

To constitute a "family" within the meaning of this statute, there must be (1) a social status, (2) a head who has a right, at least in a limited way, to direct and control those gathered into the household, (3) this head must be obligated either legally or morally to support the other members, and (4) there must be at least partial dependence of the other members for this support.¹

Liberal exemptions of personal property "from execution, attachment, or sale on any process issued from any court" are allowed to debtors (sec. 24-601). A specific provision exempts "all money received by or payable to a surviving wife or child upon the life of a deceased husband or father, not exceeding \$10,000" (sec. 24-601).

¹ *Lobban v. Vander Vries Realty & Mtg. Co.* (1936), 48 Ariz. 180, 185; 60 Pac. (2d) 933.

4. Property of Married Woman Owned at Marriage—Ownership After Marriage.

See Number 9.

5. Contractual Powers of Married Women.

Married women 21 years of age or over have the same legal rights as men of the age of 21 years or over, except the right to make contracts binding the common property of the husband and wife, and are subject to the same legal liabilities as adult men (sec. 63-303).

Married women may sell, mortgage, convey or bequeath their separate property as if they were unmarried (sec. 63-303). The husband is not required to join in a conveyance of the wife's separate property (sec. 71-409).

See Numbers 9 and 10.

6. Separate Earnings of Married Woman—Ownership and Control.

While husband and wife are living together, the wife's earnings belong to the community property (sec. 63-301), and any action to recover them must be brought by the husband, or by the husband and wife jointly.

If the wife is living separate and apart from the husband, her earnings are separate property (sec. 63-302), and she may sue in her own name for them (secs. 63-302, 21-516).

7. Liability of Married Woman for Family Necessaries.

A married woman may contract debts for necessaries for herself and children upon the credit of her husband; and for a debt so incurred, she and her husband must be sued jointly. Under execution to satisfy the debt, the court must order a levy first upon the common property of the spouses, second upon the separate property of the husband, and third upon the separate property of the wife (secs. 63-305, 21-516).

8. Formal Procedure Required for a Married Woman to Engage in a Separate Business.

No court proceeding is necessary for a married woman to engage in a separate business with her separate funds (secs. 63-302, 63-303). She has the right to contract her services without restriction.¹

¹ *Garner v. Thoman* (1913), 15 Ariz. 38, 46; 135 Pac. 724.

9. Married Woman's Separate Property—Control During Marriage—Liability for Husband's Debts.

All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, as also the increase, rents, issues and profits therefrom, are her separate property. The earnings and accumulations of the wife and of her minor children in her custody while she has lived or may live separate and apart from her husband, are the separate property of the wife (sec. 63-302). A married woman has the sole and exclusive control of her separate property. It may be sold, mortgaged, conveyed or bequeathed by her as if unmarried, and it is not liable for the debts or obligations of the husband (sec. 63-303). Nor is it liable for the prenuptial debts of the husband (sec. 63-304). As to liability of wife's separate property for necessaries, see Number 7.

10. Property Acquired After Marriage Through Cooperative Efforts of Spouses—Ownership and Control.

Excepting property acquired by gift, devise or descent, or that earned by the wife and her minor children while living separate and apart from her husband, all property acquired by either husband or wife during the marriage is their community property. During the marriage, personal property may be disposed of by the husband only (sec. 63-301). He has full control, except he cannot by will dispose of the wife's share, or dispose of it with intent to defraud her rights.^{1 2}

A conveyance or encumbrance of the community property must be executed and acknowledged by both the husband and wife. The one exception to this is unpatented mining claims, which may be conveyed or encumbered by the one having the title or rights of possession without the joinder of the other (sec. 71-409).

Lawfully married men and women 18 years old or over possess all property and estate rights and liabilities concerning real or personal community property which they could have at 21 years of age (1947, ch. 107).

It is of interest to note from the *La Tourette case* cited above, the following comments by the court upon the reasons for the law as it stands:

The law makes no distinction between the husband and wife in respect to the right each has in the community property. It gives the husband no higher or better title than it gives the wife. It recognizes a marital community wherein both are equal. Its policy plainly expressed is to give the wife in this marital community an equal dignity, and make her an equal factor in the matrimonial gains. * * * It recognizes that the wife in her station is as much an agency in the acquisition as the husband, and is entitled to just as great an interest. * * * It is true that during the coverture the personal property belonging to the community may be disposed of by the husband only. * * *

The law, in giving this power to the husband during coverture to dispose of the personal property, does not do this in recognition of any higher or superior right that he has therein, but because the law considers it expedient and necessary in business transactions affecting the personalty to have an agent of the community with power to act. So it has clothed the husband with this agency, deeming him the best qualified for the purpose, but limiting such agency to the personalty and during the period of coverture.³

Regarding the character of the wife's community interest the court observes, in the same opinion:

Upon the dissolution of the community by death, the wife does not inherit her share of the common property, but with the death of the husband the management and control of the statutory agent or trustee ceases. The wife acquires not her share for that was already hers, but in addition to her share she acquires the right of management, control, and disposition of that share.⁴

For disposition of community property upon death of one spouse, see Number 15.

Community property is liable for the community debts contracted by the husband during marriage unless specially excepted by law (sec. 63-304), and for debts for necessaries contracted by the wife upon the credit of her husband (sec. 63-305). Any debt incurred during coverture is presumed to be a community debt, and it is upon those asserting to the contrary to prove their contention.⁵

All property acquired by spouses during the marriage is presumed to be community property until otherwise proved, if a question is raised as to the ownership. This presumption of the law may be

overcome by proving that the property was acquired by separate funds of either spouse or that they intended it to be separate property.⁶

The community property system was established by the act of December 30, 1865.⁷

¹ *Cristy v. Hudgens* (1922), 23 Ariz. 339, 348; 203 Pac. 929.

² *La Tourette v. La Tourette* (1914), 15 Ariz. 200, 206; 137 Pac. 426; Ann. Cases 1915B, 70. (Hist.)

³ *La Tourette*, supra, p. 205.

⁴ *La Tourette*, supra, p. 208.

⁵ *Cosper v. The Valley Bank* (1925), 28 Ariz. 373, 382; 237 Pac. 175.

⁶ *Lovin v. Woodward* (1935), 45 Ariz. 103, 110; 40 Pac. (2d) 102.

⁷ *Blackman v. Blackman* (1935), 45 Ariz. 374, 382; 43 Pac. (2d) 1011. (Hist.)

11. Damages Recovered for Injury by Strangers to a Married Woman's Person, Property, or Character—Ownership and Control.

Except in a suit between herself and her husband, or an action concerning her separate property, a married woman must sue or be sued jointly with her husband in any action to which she is a party. If husband and wife be sued together, the wife may defend in her own right (sec. 21-516).

Another exception, allowed by the court, is that where a wife sustained personal injuries while living separate and apart from her husband and earning a living for herself and children, the claim for the injuries was held to be her separate estate, for which she might sue without joining the husband as a party.¹ Note Number 6.

¹ *City of Phoenix v. Dickson* (1932), 40 Ariz. 403; 12 Pac. (2d) 618.

12. Action to Recover Damages for Willful or Negligent Injuries to the Person or Property of One Spouse by the Other—Respective Rights of Husband and Wife.

In the absence of a specific statute changing the common-law rule, that rule prevails, and neither spouse can sue the other for a personal tort committed by one against the other (sec. 1-106).

The wife has a right of action against her husband for conversion to his own use of her separate property.¹

¹ *Eshom v. Eshom* (1916), 18 Ariz. 170, 174; 157 Pac. 974.

13. Competency of Spouses to Testify For or Against Each Other.

In civil actions, neither spouse may testify for or against the other without his or her consent; nor can either, without the consent of the other, testify as to any communications made by one to the other during the marriage except in divorce or civil action between them or a criminal action or proceeding as provided in the penal code; or in an action by either against another person for alienation of affections of the other spouse, or in an action for damages against another person for adultery committed by either husband or wife (sec. 23-103).

Similar rules apply in criminal suits (secs. 44-2701, 44-2702); but either spouse may testify against the other without his or her consent in criminal actions between the spouses, or in an action against the husband for abandonment or failure to support his family. Either may at his or her own request, but not otherwise, be examined as a witness for or against the other in a prosecution for bigamy or adultery, committed by either husband or wife, or for rape, seduction, or the crime against nature, or any similar offense, committed by the husband (sec. 44-2702).

14. Disposition of Separate Property by Will—Extent of Married Woman's Right.

A married woman may make testamentary disposition of her separate property as if she were single (sec. 63-303). Neither spouse may dispose of more than one-half the community property by will,¹ but each has testamentary disposition of his or her one-half of such estate (sec. 39-109).²

¹ *Nowland v. Vinyard* (1934), 43 Ariz. 27, 32; 29 Pac. (2d) 139.

² *Blackman v. Blackman* (1935), 45 Ariz. 374, 384; 43 Pac. (2d) 1011. (Hist.)

15. Estate of Deceased Husband or Wife—Share of Surviving Spouse.

By statutory provisions, married persons have two distinct and well-defined property rights. The first is the separate property of each of the spouses and the second is the community property belonging to both.¹

The separate property of any person dying intestate and leaving a wife or husband is distributed as follows: (1) If a child or children or their descendants are living, the surviving spouse takes one-third of the personal estate, and an estate for life in one-third of the real property; (2) if there are no children or descendants, the surviving spouse takes the entire personal estate and one-half the real property outright, or if the deceased leaves neither father nor mother, the surviving husband or wife is entitled to the whole estate (sec. 39-102).

Upon the death of a husband or wife, one-half of the community property goes to the surviving spouse; the other half is subject to disposition by the decedent's will. If not disposed of by will, and if no descendants survive, the living spouse takes this portion also. The community estate passes charged with the debts against it (sec. 39-109).

See Number 3 as to homestead.

See Numbers 9 and 10 for definitions of separate and community property.

¹ *La Tourette v. La Tourette* (1914), 15 Ariz. 200, 205; 137 Pac. 426; Ann. Cases, 1915B, 70. (Hist.)

16. Provision for the Surviving Spouse During Administration of the Estate.

Until letters of administration are granted and an inventory of the estate is filed, the widow or minor children of a deceased person may remain in possession of the homestead, the family wearing apparel, and all the household furniture of the decedent. The widow or minor children are entitled also to a reasonable provision for their support, to be allowed by the court (sec. 38-901).

After the inventory is returned, the court may set apart for the use of the surviving husband or wife, or in case of his or her death to the decedent's minor children, all the property exempt from execution, including the homestead, properly declared (sec. 38-902).

Further necessary allowance for the support of the widow and children, or either, according to their circumstances, may be made by the court during the progress of the settlement of the estate. This allowance is a preferred charge upon the estate, together with funeral charges and administration expenses. In the discretion of the court it may take effect from the death of the decedent (sec. 38-903). Property so set apart, if decedent left no minor children, becomes the property of the surviving spouse; or if minor children

survive, one-half the property belongs to the surviving spouse and the other half to the children (sec. 38-904). If a homestead is so set apart, and it was declared from the community property by either or both spouses, it vests absolutely in the survivor of them; if declared from the separate property of either, it vests in his or her heirs, subject to the power of the court to assign it for a limited period to the decedent's family (sec. 38-906).

Personal estates not exceeding \$300 in value may be summarily distributed (sec. 38-1901).

A surviving husband or wife may, without securing letters of administration, collect wages due deceased spouse to an amount not exceeding \$300 (sec. 38-2003).

If, upon return of the inventory, it is shown that the entire estate, exclusive of the amount of liens and the one-half interest of the surviving spouse in the community property, does not exceed \$2,000, the court may assign to the surviving spouse, or if none, then to the minor children, the whole estate, subject to debts and encumbrances, and the title vests absolutely in such survivors. It is provided, however, that if the surviving spouse has separate property, exclusive of his one-half of community property, equal to the property to be set aside, the whole property, other than his one-half of the homestead, goes to the minor children (sec. 38-905).

17. Disinheritance of Husband or Wife by Will of Deceased Spouse—Survivor's Alternative.

The equitable doctrine of election may be invoked when the spouse's will makes provision for the survivor by express terms in lieu of his or her proprietary right, or the enjoyment of the proprietary right is incompatible with the donation under the will.¹

See Number 14.

¹ *La Tourette v. La Tourette* (1914), 15 Ariz. 200, 212; 137 Pac. 426; Ann. Cases 1915B, 70. (Hist.)

II.—MARRIAGE AND DIVORCE

18. Age of Consent to Marriage—Men and Women.

Males under 18, or females under 16 years of age, are forbidden to marry. But if either party, though under age, is, or is about to become, the parent of a child, he or she may intermarry with the other parent, upon consent of the minor's parent or guardian having custody of him or her, and the approval of any superior court judge in the State, unless such marriage is prohibited by racial restrictions (sec. 63-102).

Unless the male is 21, and the female 18 years of age, a license to marry must not be issued without the consent of the parents of the party under age. The father's consent is deemed sufficient, except when the parents are living apart and then the consent must be given by the one who has custody of the minor (sec. 63-104).

If the license clerk issues a license to marry to an applicant under the age designated, without the parental consent in writing, it is a misdemeanor (sec. 63-109).

19. Validity of Common-Law Marriage.

A marriage may not be contracted by agreement without marriage ceremony, and no marriage contracted within the State is valid unless a license is issued and the marriage solemnized as provided by statute (sec. 63-111).

20. Health Certificate Requisites Prior to Issuance of Marriage License—Men and Women.

No certificate of health is required of any applicant for license to marry.

21. Interstate Cooperation in Marriage Law Enforcement.

The provisions of the Uniform Marriage and Divorce Act have been adopted in part. Marriages valid by the laws of the place where contracted are valid in this State; provided, that marriages solemnized elsewhere when the parties intend to reside in this State have the same legal consequences and effect as if solemnized in this State, and parties residing in this State cannot evade its laws as to marriage by solemnizing the marriage ceremony elsewhere (sec. 63-108). But this statute does not make void any marriage solemnized in another jurisdiction to avoid the marriage restrictions of Arizona law; it is general in its terms, and carries no penalty for violation.¹

¹ *Horton v. Horton* (1921), 22 Ariz. 490; 198 Pac. 1105.

22. Grounds for Marriage Annulment—Respective Availability to Man or Woman.

The superior courts may dissolve a marriage, and may decree the marriage to be null and void, where the cause alleged proves to be an impediment rendering the contract void (sec. 27-801).

23. Grounds for Divorce—Respective Availability to Spouses.

An absolute divorce may be granted the aggrieved party on any of the following grounds: (1) Adultery; (2) physical incompetence continuing from marriage to commencement of suit; (3) conviction of a felony, followed by sentence to imprisonment; (4) willful desertion for 1 year immediately preceding suit; (5) habitual intemperance; (6) excesses, cruel treatment or outrages, by personal violence or other means; (7) premarital conviction of felony or infamous crime, unknown to the other at marriage; (8) failure for 5 years to live or cohabit together as husband and wife.

A wife may be granted a total divorce when the husband has neglected for the period of 1 year to provide her with common necessities, though having the ability to do so; or if his failure to provide for her has been by reason of idleness, profligacy, or dissipation.

The husband is entitled to an absolute divorce when the wife at marriage was pregnant by a man other than the husband, and without the husband's knowledge at the marriage (sec. 27-802).

Neither party to the marriage may remarry until 1 year has elapsed after the divorce decree is rendered, or until the proceedings are finally terminated, if reopened within the year (sec. 27-807).

III.—PARENTS AND CHILDREN

24. Services and Earnings of Minor Children—Parents' Respective Rights.

Earnings of minor children become part of the community estate, and are subject to the control and disposition of the husband (secs. 63-301, 63-302).

25. Guardianship of Minor Children—Parents' Respective Rights.

When it is necessary to appoint a guardian of a child under 14 years of age, the court must designate the father or the mother, if found competent to serve as guardian (sec. 42-102). In a contest between parents, neither is entitled to the custody or guardianship as a matter of right, and the court must be guided in its action by the best interest of the child in respect to its temporal, mental, and moral welfare. Other things being equal, if the child is of tender years its custody will be awarded to the mother; if it is of an age to require education and preparation for labor or business, it will be given to the father. Of two persons equally entitled to the custody in other respects, preference is given: First to a parent; then to one indicated by the wish of a deceased parent; then to one who already stands in the position of a trustee of a fund to be applied to a child's support; and, lastly, to a relative (sec. 42-112).

26. Appointment of Testamentary Guardian for Minor Children—Parents' Respective Rights.

A guardian of the person or estate, or both, of a child born in wedlock may be appointed by will or by deed, executed by the father, with the mother's written consent, or by either parent if the other is dead or incapable of consent. If the child is born out of wedlock, the mother is empowered to make such an appointment. In any case, the appointment takes effect upon the death of the parent making it (sec. 42-110).

27. Inheritance from an Intestate Child—Parents' Respective Rights.

When a person dies intestate as to any distributable property, leaving neither spouse nor descendants, but surviving parents, the parents inherit the property in equal portions. If only one parent survives, the estate is divided into two equal portions, one of which the surviving parent takes, the other passing to the decedent's brothers and sisters and their descendants. If only the parent survives, he or she takes the entire estate (sec. 39-101). If spouse and parents survive, but no descendants, the parents inherit one-half of intestate's real property, in the manner described above.

28. Support of Children Born Out of Wedlock—Parents' Respective Responsibility.

Bastardy proceedings to fix the responsibility of the natural father of a child born or to be born out of wedlock are provided by statute, and the person adjudged to be the father is charged by the court with the child's maintenance until its majority is attained. The amount and manner of payment, with costs of the proceeding, are fixed by order of the court. Bond for performance of the order, and for payment of all expenses incurred by the county for the birth expense of the child and its care and support to the time bond is given, is

required. Commitment to jail is mandatory, upon failure of the father to give bond (secs. 27-405 to 27-410). For cumulative provision, see Number 29.

29. Inheritance from Child Born Out of Wedlock—Mother's Right.

The statute declares every child born of natural parents to be the legitimate child of such parents, entitled to support and education as if born in lawful wedlock, and having the right to inherit from its natural parents and "their kindred heir, lineal and collateral, in the same manner as children born in lawful wedlock" (sec. 27-401). This law applies to children born out of wedlock since the effective date of the act, March 17, 1921, and has for its object "the substitution of paternal responsibility * * * for paternal irresponsibility as heretofore existing," as well as to legitimize the child, making it the heir of its parents.¹

The statute is silent as to the right of the mother or the father to inherit from the child born out of wedlock, and in the absence of a judicial interpretation of this act in conjunction with the law of descent and distribution, together with the common-law rule that limits the heirs of such a child to its descendants, no positive conclusion can be stated at this time.

¹ *Estate of Silva* (1927), 32 Ariz. 573; 261 Pac. 40.

B.—POLITICAL RIGHTS

30. Domicile of Married Women.

The common-law rule governs, and the domicile of the husband is that of the wife, for general purposes.

A married woman is to be sued in the county where her husband resides, unless they are living separate and apart (sec. 21-101).

Every citizen of the United States, of the age of 21 years or over, a resident of the State for 1 year next preceding the election, and of the county and precinct in which he claims the right to vote for 30 days, is deemed an elector, if other qualifications are met (sec. 55-201). The word "citizen" includes both sexes (Const., art. VII, sec. 2).

31. Public Office—Eligibility of Women.

The right of citizens of the United States to hold office must not be denied or abridged on account of sex by the State or any of its political subdivisions or municipalities, and the right to hold office is extended to and conferred upon males and females alike (Const., art. VII, sec. 2).

32. Jury Service—Eligibility of Women.

Women are eligible for all jury duty; but they are not compelled to serve (1945, ch. 50).

