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The Legal Status of Women in the United States of America

REPORT FOR
CONNECTICUT
as of January 1, 1957

The report for Connecticut was prepared by James H. Dale with the assistance of James H. Dale, Assistant Director, Division of State Affairs, Division of the Director of Women's Labor Law and Civil and Political Status of the Women's Bureau, U.S. Department of Labor.



WOMEN'S BUREAU BULLETIN 157-6 (Revised)

UNITED STATES DEPARTMENT OF LABOR

JAMES P. MITCHELL, *Secretary*

WOMEN'S BUREAU

Mrs. ALICE K. LEOPOLD, *Director*

The Legal Status of Women
in the
United States of America

REPORT FOR
CONNECTICUT
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The report for Connecticut was prepared by Laura H. Dale with the assistance of Laura H. Harris, under the general direction of Alice A. Morrison of the Division of Women's Labor Law and Civil and Political Status of the Women's Bureau, U. S. Department of Labor.

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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, and "natural male dominance." Economic and social advances in the position of women in the United States have brought about marked changes in the laws governing property and family rights and political status.

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 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.

The United States Summary of the Legal Status of Women in the United States of America, Bulletin 157, has been brought up to date as of January 1, 1953. Information in the Summary is compiled from the reports for each of the 48 States and the District of Columbia.

SOURCES

Constitution of Connecticut
General Statutes of Connecticut, Revision of 1949
Supplement to General Statutes, 1955
Connecticut Reports
Atlantic Reporter

EXPLANATORY NOTE

This pamphlet, Bulletin 157-6, presents a digest of the Constitution and statutory provisions affecting the legal status of women in the State of Connecticut. It includes pertinent statutory changes enacted in that State up to January 1, 1957, and supersedes the previous report and addendum for Connecticut.

References to the State Constitution are indicated by parenthetical insertions of article and section numbers following the abbreviation "Const.," as "(Const., art. 6, sec. 4)," placed after the related subject matter.

References to the code sections are likewise in parentheses, as "(sec. 5154)."

Case citations definitely construing statutes or declaring judicial policy in the absence of express statutory provision are indicated by footnote references. Cases showing historical development of a statute or policy are followed by the abbreviation "hist."

Numbered subject headings are the same as those in the Summary. Cross references employ these numbers for brevity, as "See number 6," which refers to the subject heading "Earnings of a married woman."

CONNECTICUT

CIVIL RIGHTS

Contracts and Property

1. Age of majority

In the absence of a specific statute establishing the age of majority for all purposes, the common-law rule of 21 years for both sexes applies.

2. Contractual powers of a minor

The contracts of minors are voidable generally, except for necessities (sec. 6618). Minors who are at least 15 years of age may contract for life insurance (sec. 6147).

The disability of minority of any person otherwise eligible for a loan under the Servicemen's Readjustment Act and of the minor spouse of an eligible veteran shall not affect the binding effect of any obligation incurred thereunder (sec. 2780d, 1955 Supp.).

Minors may hold shares in credit unions (sec. 2743d, 1955 Supp.).

No husband of a minor shall receive or use any property belonging to his wife exceeding \$2,000 in value unless he is appointed guardian of her estate (sec. 2901d, 1955 Supp.).

3. Property exemptions from seizure for debt

A. RESPECTIVE RIGHTS OF MAN AND WOMAN

The following are included among the personal property exempt from seizure for debt of any person: Necessary wearing apparel, household furniture and bedding, sick-benefit and insurance money, United States pensions, implements of the debtor's trade, a library up to \$500 in value, specified livestock and poultry, one sewing machine. A person having a wife or family may hold exempt, in addition, specified provisions; and a boat and equipment not exceeding \$200 in value used in a fishing business (secs. 8103, 8104).

Household furniture owned and in possession of an individual or family and used primarily for housekeeping purposes may not be mortgaged, and any chattel mortgage thereon shall be void (sec. 7267).

Wages of a judgment debtor up to \$25 a week for personal services rendered are exempt from execution for seizure for debt (secs. 1461d, 3202d, 3204d, 1955 Supp.).

The court may exempt for any insolvent debtor necessary household furniture not exceeding \$300 in value (sec. 6942).

An insolvent debtor is allowed for necessary support for himself and family a sum not exceeding \$3 a week for each family member and not exceeding a total of \$15 a week, for a period up to 6 months. If no cash was allowed, the court may grant up to \$100 additional (sec. 6944).

Wage assignments are void, but this provision shall not prevent deductions for payment of union dues and initiation fees (sec. 3203d, 1955 Supp.).

B. HOMESTEADS

Any person owning and occupying a dwelling and grounds connected with it may declare a homestead exemption, as provided by law, to the value of \$1,000. A surviving spouse has the right of occupancy during life, and a child during minority, free from any debt of the deceased or of the survivors. No person can have such exemption in more than one dwelling at the same time (sec. 7153).

4. Ownership and control of property owned at marriage

A married woman retains her legal identity and all her property which she possessed at the time of marriage (sec. 7307).

5. Contractual powers of a married woman

A married woman has power to make contracts with her husband or with third persons, to convey to her husband or to third persons her real and personal estate, and to receive conveyances of real and personal property from her husband or from third persons, as if unmarried. She may sue in her own name or be sued upon contracts or for torts, and her property is subject to execution and attachment, but not for her husband's debts, unless for necessities (secs. 7307, 7323). (See also number 7.)

"We think that * * * husband and wife alike retain the capacity of owning, acquiring, and disposing of property, which belongs to unmarried persons; that the power of contracting, incident to such capacity, necessarily follows, and that the legal status of husband and wife involves the capacity to contract with each other and with others."¹

¹ *Mathewson v. Mathewson* (1906), 79 Conn. 23, 35; 63 Atl. 285; 6 Anno. Cas. 1027 (hist.).

No restriction appears in the statutes as to a married woman's right to serve as an executor or administrator (secs. 6961, 6980).

6. Earnings of a married woman

A wife owns her wages and may bring suit in her own name upon her contracts (sec. 7307).

7. Liability for family support

It is the husband's primary duty to support his family, and his property is first subject to liability, and the wife is entitled to reimbursement from her husband's property for any payments required of her. Both husband and wife are liable for the reasonable and necessary services of a physician and for hospital expenses of either spouse or their minor child; for rental of premises occupied by them as a residence; for any article purchased by either and used for support of the family, or for joint benefit of both; for the reasonable apparel of the wife; or for her reasonable support while she is abandoned by her husband (sec. 7308).

Any person who neglects or refuses to furnish reasonably necessary support to his wife, child, or parent shall be deemed guilty of a felony unless he shall show the court that, owing to physical incapacity or other good cause, he is unable to furnish such support (secs. 3295d, 3296d, 1955 Supp.).

Any man who shall willfully abandon or desert his wife, neglect and refuse to support her, and cohabit and live—either in this State or elsewhere—with another woman, or any woman who shall willfully abandon her husband and cohabit and live—either in this State or elsewhere—with another man, shall be imprisoned for not more than 3 years (sec. 8552).

8. Right of a married woman to engage in a separate business

No formal procedure is required to enable a married woman to engage in her own business and enjoy the profits from it. (See also number 5.)

9. Rights of a married woman with respect to separate property

The wife's separate property is not subject to the husband's control nor liable for his debts, unless incurred by him for family necessities (sec. 7307).

Any married woman shall have the right to convey her sole and separate estate, whether real or personal, or to make any contract concerning such estate, and she may sue or be sued in relation thereto as if she were unmarried (sec. 7323).

10. Property acquired by joint efforts of husband and wife

By rule of common law the husband is entitled to the services of his wife and owns and controls property acquired after marriage by the cooperative efforts of both spouses, unless private agreements to the contrary are made, such as joint deeds and joint bank accounts.

11. Damages for injury to person, property, or character

A wife's right to recovery of damage for personal injury impairing her capacity for service and usefulness is hers exclusively.² She is entitled to damages from a third party for alienation of her husband's affections.³ She sues in her name upon contracts or torts (sec. 7307).

12. Damages for injury by spouse to person or property

A wife has a right of action against her husband for a tort committed by him against her and resulting in her injury, and such a tort gives rise to a claim for damages. The court has held, "There is no reason why the husband or wife should not have the same remedies for injuries inflicted by the other spouse which the courts would give them against other persons."⁴

Husband and wife may sue each other on breach of contract, particularly when the contract is for payment of a certain sum and upon a valuable consideration.⁵

13. Competency of husband or wife to testify for or against each other

The husband or wife of a person on trial for crime is a competent witness but may refuse to testify for or against the accused, except in cases specified by statute, when the wife may be compelled to testify against the husband (sec. 8800).

A wife may be compelled to testify in any action brought against her husband for necessities furnished her while living apart from him (sec. 7869).

A wife is a competent witness for her husband in civil actions.⁶

The wife of any insolvent debtor whose estate is in settlement may be required by the court to attend the examination of such debtor, and she may be examined as a witness. If she does not attend as required, such debtor is not entitled to the privileges provided by law, unless he proves that he was unable to procure her attendance (sec. 6940).

² *Marri v. Stamford Street R. Co.* (1911), 84 Conn. 9, 23; 78 Atl. 582.

³ *Hart v. Knapp* (1903), 76 Conn. 135, 139; 55 Atl. 1021.

⁴ *Brown v. Brown* (1914), 88 Conn. 42, 47, 49; 89 Atl. 889.

⁵ *Mathewson v. Mathewson* (1906), 79 Conn. 23, 37; 63 Atl. 285.

⁶ *Merriam v. Hartford and New Haven R. R. Co.* (1850), 20 Conn. 354, 363.

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under the Uniform Reciprocal Enforcement of Support Act. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parentage (sec. 3260d, 1955 Supp.).

14. Right to dispose of separate property by will

All persons who are at least 18 years of age and of sound mind may dispose of their estates by will (sec. 6950).

If, after making a will, the testator marries or a child is born to him or a minor child is legally adopted by him, and no provisions have been made in the will for such contingency, such marriage, birth or adoption operates as a revocation of the will (sec. 6956).

15. Inheritance rights in deceased spouse's estate

On the death of either spouse the survivor is entitled to a life interest in one-third of the value of all the property, real and personal, remaining after payment of debts and charges against the estate. This right cannot be defeated by testamentary disposition of the property to other parties. (See number 17.)

When there is no will, the surviving spouse takes such third absolutely; if there are no children or representatives of children, he or she takes all the estate absolutely to the extent of \$5,000, and of the remainder one-half absolutely; if there are no children nor their representatives nor a parent surviving, the living spouse takes the entire estate absolutely. These provisions are not effective if a valid agreement as to other settlement has been made between the spouses or if either party, without sufficient cause, has abandoned the other and continued such abandonment to the time of the spouse's death (sec. 3002d, 1955 Supp.).

A surviving husband or wife is entitled to receive the amount of a bank deposit, equity in shares in a building or savings and loan association, Federal savings and loan association, or credit union within the State; or is entitled to death benefits up to \$1,000 payable from any fraternal order or shop society, without administration of the estate, if no will has been filed for probate or if administration is not granted within 30 days after the decedent's death (sec. 2495d, 1955 Supp.).

16. Provision for survivors during administration of estate

During settlement of the estate the court may allow necessary support for the surviving spouse or family of a decedent from any real or personal estate (secs. 2940d, 3002d, 1955 Supp.). If there is not sufficient personal estate to pay debts, the court may set out to the

widow the exempt household goods and any other exempt property of the decedent (sec. 7034). The family of the decedent may occupy his dwelling house and such appurtenant land and buildings as the court considers necessary, until settlement of the estate (sec. 7035).

17. Right of husband or wife to disinherit the other by will

The statutory right of a surviving spouse to a life estate of one-third of the decedent's estate may not be defeated by will. If the husband or wife does not make any provision for his or her spouse, or if the surviving spouse elects to take a statutory share in lieu of the provisions of the decedent's will, such spouse shall, within 2 months after expiration of the time limit for filing of claims against the estate, file a written notice of intention to take a life use of one-third of such estate. If such notice is not filed, the survivor is barred from the statutory share (sec. 3002d, 1955 Supp.).

Marriage and Divorce

18. Age of consent to marriage

Men and women 21 years of age may marry without the consent of parents or guardian. No marriage certificate shall be issued to persons under the control of a guardian or conservator, nor when either party is a minor, unless written consent of the guardian, conservator, or parent, signed in the presence of a witness and acknowledged before a notary, is filed with the registrar; nor when either party is less than 16 years of age unless the judge indorses on such certificate his written consent. If any minor has no parent or guardian who is a resident of the United States, the consent of the judge of the district where such minor resides is sufficient (sec. 3000d, 1955 Supp.).

19. Common-law marriage

No persons shall be joined in marriage until both have joined in an application for such marriage, which application shall be under oath (sec. 3000d, 1955 Supp.).

20. Premarital requirements

Each applicant for a marriage license must file a certificate from a licensed physician showing that he or she has submitted to a standard laboratory test for syphilis within the 40 days before issuance of the license and certifying that, in the physician's opinion, such person is free from the disease in a communicable stage. No certificate of marriage may be issued until the fifth day after the application for it,

unless for reasons of public policy or the physical condition of either of the parties the probate judge decrees that the marriage be celebrated without delay. The judge may dispense with the physical examination also (sec. 1595c, 1955 Supp.). Marriage when either party is an imbecile or feeble-minded and the woman is under 45 years of age is a criminal offense, punishable by imprisonment of not more than 3 years (sec. 3297d, 1955 Supp.).

The requirement that a divorced applicant must furnish a certified copy of the divorce decree may be waived at the discretion of the registrar if the applicant has been divorced in a foreign country and certifies that a copy cannot reasonably be obtained. The presentation of any such decree or certification shall be sufficient for issuance of a marriage license. The registrar is not required to determine the validity or effect of such decree (sec. 3000d, 1955 Supp.).

21. Interstate cooperation in marriage-law enforcement

Marriages are recognized as valid if they are valid where contracted.⁷

22. Annulment

The statute makes void from its inception any marriage within forbidden degrees of kinship (sec. 7301) or one performed by an unauthorized person (sec. 7306).

Whenever any marriage is void or voidable, the court may, upon complaint, pass a decree declaring such marriage void and may thereupon make any order concerning any child of such marriage and alimony as it might make in a divorce proceeding (sec. 7341).

23. Divorce

The aggrieved spouse may be granted an absolute divorce on any of the following grounds: Adultery; fraudulent contract; willful desertion for 3 years with total neglect of duty; 7 years' absence, during all of which period the absent party has not been heard from; habitual intemperance; intolerable cruelty; sentence to imprisonment for life or the commission of any infamous crime involving a violation of conjugal duty and punishable by imprisonment in the State prison. A divorce may be granted in any case in which both husband and wife are residents of the State if either shall have been incurably insane and confined in a hospital or asylum for the insane for at least 5 years next preceding the date of the complaint in such action (secs. 7327, 7329).

In decreeing divorce the court may order change of the wife's name (sec. 7335).

⁷ *Davis v. Davis* (1932), 119 Conn. 194, 198; 175 Atl. 574.

If any married woman has derived any estate from her husband in consideration of their marriage or for love and affection and her husband procures divorce on ground of her misconduct, the court may decree that such personal estate remaining in her possession and such real estate standing in her name shall thereafter belong to him. (sec. 7336).

The court may, at any time after a complaint for divorce has been filed, make any appropriate order as to the custody, care, and education of the children, and it may at any time thereafter annul or vary such order (sec. 7337).

In any case in which divorce might be decreed, on petition of the aggrieved spouse, the court may decree a legal separation, which has the effect of divorce but does not include freedom to marry any third person. Parties to such action may at any time resume marital relations, upon filing with the court clerk a written declaration of such resumption, signed, acknowledged, and witnessed (sec. 3006d, 1955 Supp.).

At any time after entry of decree of legal separation, either party may petition the court for a decree finally dissolving and terminating the marriage if the parties have not resumed marital relations since such entry (sec. 3007d, 1955 Supp.).

Alimony and maintenance

When a divorce is granted because of incurable mental illness, or any time thereafter, the court may make an order requiring support of the insane party, but no order shall be made providing for continued support of a sane wife from the estate of a mentally ill husband after she remarries (sec. 3004d, 1955 Supp.).

On granting a divorce the court may assign to any woman a part of the estate of her husband and, in addition thereto or in lieu thereof, may order alimony to be paid from the husband's income. In fixing the amount which shall be allowed, the court shall take into consideration the amount of the husband's income, whether such income is derived from property already acquired, from his work, or from both (sec. 7335).

Upon dissolution of marriage by divorce, the parents of a minor child who is in need of maintenance shall maintain such child according to their respective abilities, and upon complaint of either parent the court may inquire into their pecuniary ability and may make and enforce a decree against either or both of them for maintenance of the child (sec. 7340).

Parents and Children**24. Parents' right to services and earnings of a minor child**

No parent of a minor child or guardian of the person of a child may receive or use property of such minor in excess of \$2,000 in value unless duly appointed as guardian of the estate of such minor (sec. 2901d, 1955 Supp.).

Any parents whose child has been supported by a temporary home or by the welfare commissioner for at least 3 years immediately preceding the child's 18th birthday shall not be entitled to such child's earnings or services during the child's minority (sec. 1437d, 1955 Supp.).

25. Guardianship of a minor child

The parents of a legitimate minor child are joint guardians of its person; and their powers, rights, and duties as to the child are equal. Upon the death of one parent, guardianship devolves upon the surviving parent (sec. 6850).

Either parent may be appointed guardian of a minor child's estate if qualified in the court's judgment, and such parent has preference over other persons unless the child is over 14 years of age and selects a guardian with the approval of the court (sec. 6854).

The parent, parents, or guardian of any unemancipated minor shall be jointly and severally liable, to an amount not exceeding \$250, for willful and malicious damage to property or injury to person caused by such minor if such minor would have been liable for such damage or injury if an adult. This provision does not relieve the minor from personal liability for such damage or injury (sec. 3231d, 1955 Supp.).

26. Appointment of testamentary guardian for a minor child

A testamentary guardian may be appointed only by a surviving parent, who becomes the sole guardian of the child's person after the death of the other parent (sec. 6858).

27. Inheritance—child

When a person dies intestate and leaves no children or any legal representatives of them, after the portion of the surviving spouse is distributed or set out, the residue of the estate shall be distributed equally to the parent or parents of the intestate (sec. 7060).

28. Child born out of wedlock

The mother of an illegitimate minor child is the sole guardian of the person of such child (sec. 6850). Upon the determination of the child's paternity by proper court proceedings, the adjudged father is held under bond to pay "a certain sum weekly, for such time as the court shall judge proper," for the maintenance of the child, together with the costs of the suit and half the expenses incidental to its birth and its support prior to the date of the court's decree (secs. 8180-8187; sec. 3208d, 1955 Supp.).

Children born before marriage whose parents afterward intermarry are legitimate and inherit equally with other children (sec. 7058).

29. Inheritance—child born out of wedlock

The court has held that an illegitimate child is the child of its mother for purposes of inheritance either from or by the mother.^{8 9}

POLITICAL RIGHTS**30. Domicile of a married woman**

The court has declared the Connecticut rule of law to be that the wife's domicile follows that of her husband.¹⁰

31. Public office—eligibility of women

Every elector is eligible to any office in the State (Const., art. 6, sec. 3).

32. Jury service—eligibility of women

Duly qualified women electors are eligible for and subject to jury service, with specified exemptions (sec. 7907).

⁸ *Dickinson's Appeal* (1875), 42 Conn. 491, 508, 511 (hist.).

⁹ *Eaton v. Eaton* (1914), 88 Conn. 269, 278, 280; 91 Atl. 191.

¹⁰ *McDonald v. Hartford Trust Co.* (1926), 104 Conn. 169, 171, 176; 132 Atl. 902.