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UNITED STATES DEPARTMENT OF LABOR

MAURICE J. TOBIN, Secretary

WOMEN'S BUREAU

FRIEDA S. MILLER, Director



# The Legal Status of Women in the United States of America

January 1, 1948

REPORT FOR  
ILLINOIS

*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. 157-12 (Revised)

UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON • 1949

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UNITED STATES DEPARTMENT OF LABOR  
MARGARET J. TOBIN, Secretary  
WOMEN'S BUREAU  
FREDERICK W. MILLER, Director

# The Legal Status of Women in the United States of America

January 1, 1918

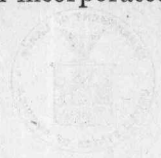
## THE LEGAL STATUS OF WOMEN IN THE UNITED STATES OF AMERICA

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.

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Department of the Women's Bureau, No. 137-13 (Revised)

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## LETTER OF TRANSMITTAL

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UNITED STATES DEPARTMENT OF LABOR,  
WOMEN'S BUREAU,  
*Washington, November 23, 1948.*

SIR: I have the honor to transmit to you a revised report on the legal status of women in Illinois. 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.*

LETTER OF TRANSMITTAL

Enclosed for the Department of Labor  
Western Union  
Washington, D.C. 20540  
is a copy of the report of the  
Federal Reserve Bank of St. Louis  
concerning the operations of the  
Federal Reserve Bank of St. Louis  
for the year ending June 30, 1937.  
The report is being transmitted  
to you for your information and  
for the information of the  
Federal Reserve Board.  
Very truly yours,  
James S. Murray  
Director

James S. Murray  
Director

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# THE LEGAL STATUS OF WOMEN IN THE UNITED STATES OF AMERICA

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## 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.

## ILLINOIS

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### SOURCES

Constitution of Illinois.  
Illinois Revised Statutes, 1947 (State Bar Edition).  
Illinois Reports.  
Illinois Appellate Court Reports.  
Northeastern Reporter.

### EXPLANATORY NOTE

References to the State Constitution are indicated by parenthetical insertion of article and section numbers following the abbreviation Const., as (Const., art. 4, sec. 3), placed after the related subject matter.

Code section references are likewise in parentheses, thus (ch. 68, sec. 9).

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."



# ILLINOIS

## A.—CIVIL RIGHTS

### I.—CONTRACTS AND PROPERTY

#### 1. Age of Majority.

Males of the age of 21 and females of the age of 18 years are considered of legal age for all purposes (ch. 3, sec. 283).

#### 2. Contractual Powers of Minors.

Generally, contracts or conveyances made by minors, whether married or unmarried, are voidable, and are subject to repudiation by them.<sup>1</sup> But where necessities are sold and delivered to a minor, he must pay a reasonable price for them. "Necessaries," as here used, means goods suitable to the condition in life of the minor, and to his actual requirements at the time of delivery (ch. 121½, sec. 2).

The marriage of a female minor ward discharges her guardian as to her custody and education, but not as to her property (ch. 3, sec. 466).

<sup>1</sup> *Swiney v. Womack* (1931), 343 Ill. 278, 287; 175 N. E. 419.

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

##### Personal Property.

Personal property exemptions are to "the debtor," and include necessary wearing apparel and other property prescribed in the statute (ch. 52, sec. 13).

The personal exemptions accrue to the family, when the head of the family dies, deserts, or does not reside with it (ch. 52, sec. 15).

##### Homestead.

"Every householder having a family" is entitled to an estate of homestead not exceeding \$1,000 in value, as provided by statute (ch. 52, sec. 1).<sup>1</sup> The exemption continues after the householder's death for the benefit of the surviving husband or wife, so long as he or she continues to occupy such homestead, and if either husband or wife desert his or her family, the exemption continues in favor of the one occupying the premises as a resident (ch. 52, sec. 2).

The homestead right may not be released except by an express statement of waiver or release in a deed or other instrument. No such release by the husband is valid unless the wife also signs it (ch. 30, sec. 26).

An election by a surviving spouse to take the statutory portion of the estate awarded upon renunciation of the will, without regard to

the provisions of the will, does not bar the homestead right of such spouse.<sup>2</sup> See Number 15.

On the other hand, if a decedent's will specifically devises homestead premises to a surviving spouse, and such spouse accepts the will, he or she cannot claim the statutory homestead.<sup>3</sup>

Neither husband nor wife can remove the other or their children from their homestead without the consent of the other, unless the owner of the property, in good faith, provides another homestead suitable to the condition in life of the family (ch. 68, sec. 16).

<sup>1</sup> *Johnson v. Muntz* (1936), 364 Ill. 482, 485; 4 N. E. (2d) 826.

<sup>2</sup> *Canavan v. McNulty* (1927), 328 Ill. 388, 394; 159 N. E. 782.

<sup>3</sup> *Stubblefield v. Howard* (1932), 348 Ill. 20, 25; 180 N. E. 410.

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

The present statute provides that: "A married woman may own, in her own right, real and personal property obtained by descent, gift, or purchase, and manage, sell, and convey the same to the same extent and in the same manner that the husband can property belonging to him." A proviso adds that any valid transfer or conveyance of goods and chattels between the spouses, living together as such, must be by written instrument in legal form placed of record (ch. 68, sec. 9).

[The original statute designated as the separate estate of a married woman property owned by her at the time of her marriage (1861, p. 143).]

The inference is that the present statute, which revised the old law and "went much further" in freeing the wife from disabilities,<sup>1</sup> by its terms refers to property owned by a woman prior to her marriage as well as that afterward acquired in the manner designated in the law. However, no specific interpretation to this effect has been found.

<sup>1</sup> *Clark v. Clark* (1892), 49 App. 163, 165.

#### 5. Contractual Powers of Married Women.

Contracts may be made and liabilities incurred by a wife, and the same enforced against her, to the same extent and in the same manner as if she were unmarried (ch. 68, sec. 6).<sup>1</sup>

A married woman may own, in her own right, real and personal property obtained by descent, gift, or purchase, and manage, sell, and convey it to the same extent and in the same manner that the husband can property belonging to him. But any transfer of goods and chattels between spouses living together must be by written instrument, acknowledged and recorded, if such transfer is to be valid against the rights of a third person (ch. 68, sec. 9).

The provision of the Married Woman's Act contained in chapter 68, section 9, removes the necessity of the husband's joinder in the wife's conveyance of her real property, and places her "upon a perfect equality with her husband, insofar as the conveyance of her lands was concerned."<sup>2</sup>

But his signature is necessary to release his dower right (ch. 41, sec. 1).<sup>3</sup>

A married woman is liable on her own account for all civil injuries committed by her, and her husband is not responsible for them unless he would be jointly responsible if the marriage did not exist (ch. 68, sec. 4).

A married woman may, in all cases, sue and be sued without joining her husband with her, to the same extent as if she were unmarried, and an attachment or judgment may be enforced by or against her as if she were a single woman (ch. 68, sec. 1).

If husband and wife are sued together, the wife may defend for her own right, and if either neglect to defend, the other may defend for such one also (ch. 68, sec. 2).

If either spouse abandons the other, being absent from the State for 1 year without making provision for family support, or is imprisoned in the penitentiary, the abandoned spouse may, upon proper evidence, be authorized by a court of record in the county of his or her residence to take control of the property of the spouse at fault, for family support or payment of obligations (ch. 68, sec. 11).

Either spouse may appoint the other as his or her attorney in fact, to control and dispose of his or her property for their mutual benefit or otherwise, and may revoke this power in the same manner as other persons (ch. 68, sec. 14).

When either spouse is insane continuously for not less than a 1-year period, the other may obtain authorization from a court having proper jurisdiction, to mortgage or convey real property for the insane spouse, and relinquish his or her right of curtesy, dower, or homestead therein (ch. 68, sec. 17). But the rights of the insane spouse in the property are protected by express provisions of the law (ch. 68, secs. 18-21).

Both spouses must join in any release, waiver, or conveyance of the property held as a family homestead except where either conveys to the other (ch. 52, sec. 4).

<sup>1</sup> *Bea v. People* (1902), 101 App. 132, 134.

<sup>2</sup> *Edwards v. Schoeneman* (1882), 104 Ill. 278, 284.

<sup>3</sup> *Gradle v. Warner* (1892), 140 Ill. 123; 29 N. E. 1118.

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

A married woman may receive, use, and possess her own earnings, and sue for them in her own name, free from the interference of her husband or his creditors (ch. 68, secs. 5, 7).

But neither spouse may recover any compensation for any labor performed or services rendered for the other, whether in the management of property or otherwise (ch. 68, sec. 8).

## 7. Liability of Married Woman for Family Necessaries.

The expenses of the family and of the education of the children are chargeable upon the property of both husband and wife, or of either of them, in favor of creditors therefor, and in relation thereto they may be sued jointly or separately (ch. 68, sec. 15).

The refusal of either parent to provide for the support and maintenance of his or her child under the age of 18 years in destitute or necessitous circumstances constitutes a statutory misdemeanor (ch. 68, sec. 24).

“\* \* \* since the wife has become emancipated and now possesses the full enjoyment of her property and earnings there is no longer any reason why she should not be held legally responsible for the support of her minor children equally with her husband.”<sup>1</sup>

<sup>1</sup> *Purity Baking Co. v. Industrial Commission* (1929), 334 Ill. 586, 588; 166 N. E. 33.

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

Under the provisions of the Married Woman's Act relating to her power to contract, to acquire property, and retain her own earnings, the court holds that a wife is unrestricted in her right and freedom to engage in business and enjoy the profits therefrom as if she were unmarried.<sup>1</sup> Also, that she alone is liable for her contracts in connection with her separate business.<sup>2</sup>

<sup>1</sup> *Haight v. McVeagh* (1873), 69 Ill. 624, 628.

<sup>2</sup> *Nispel v. Laparle* (1874), 74 Ill. 306, 308.

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

A married woman may own and control her own separate property as if she were unmarried, and for this purpose she may make all contracts in relation to it, and may avail herself of the services of her husband, as agent and manager of her business, without subjecting her property or the profits arising from his management to the payment of his debts.<sup>1</sup> Neither spouse is liable for the premarital debts of the other, and, generally, neither has any liability, either personally or as to his or her separate property, for the separate debts of the other (ch. 68, sec. 5).

Estates by the entirety are no longer recognized in the State. Since the adoption of the Married Woman's Act, the court holds that the statute has declared, in effect, husband and wife to be two independent persons, and that property acquired by a deed to both spouses is held by them as tenants in common, and that the husband has no more immediate interest in or control over her property than any other person.<sup>2 3</sup>

<sup>1</sup> *Gibson v. Kimmit* (1904), 113 App. 611, 612.

<sup>2</sup> *Cooper v. Cooper* (1875), 76 Ill. 57, 64.

<sup>3</sup> *Mittel v. Karl* (1890), 133 Ill. 65, 68; 24 N. E. 553.

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

The common-law rule applies, that cooperatively acquired property is owned and controlled by the husband in the absence of valid private contracts or arrangements, such as joint deeds or joint bank accounts.

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

A married woman may, in all cases, sue without joining her husband with her, as if she were unmarried (ch. 68, sec. 1).

The husband has his separate right to sue for loss of services and consortium of his wife.<sup>1</sup> But the wife does not have a similar right to recover for loss of services of her husband.<sup>2</sup>

<sup>1</sup> *Blair v. Bloom & Normal Ry. E. & H. Co.* (1906), 130 App. 400, 403.

<sup>2</sup> *Patelski v. Snyder* (1913), 179 App. 24, 28.

## 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.

The statute does not authorize a suit by one spouse against the other for a tort committed upon his or her person by the other.<sup>1 2</sup>

But either spouse has a right of action to recover his or her property unlawfully obtained, held, or controlled by the other, either before or after marriage (ch. 68, sec. 10).

<sup>1</sup> *Main v. Main* (1892), 46 App. 106, 108.

<sup>2</sup> *Chestnut v. Chestnut* (1875), 77 Ill. 346, 350.

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

Either spouse may testify for or against the other in both civil and criminal cases, provided that neither may testify as to any communication or admission made by either of them to the other, or as to any conversation between them during marriage, unless the action is between husband and wife, or relates directly to the interests of their child or children, or touches matters in which either has acted as agent of the other (ch. 51, sec. 5; ch. 38, sec. 734).

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

Every person who is 18 years of age, if mentally competent, has power to dispose of his or her real and personal property by will (ch. 3, sec. 193).

Neither husband nor wife can disinherit the other as to the portion provided by law for a surviving spouse in the estate of a deceased spouse (ch. 3, secs. 168, 169, 172).

Subsequent marriage revokes any existing will of a testator (ch. 3, sec. 197).

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

A surviving spouse on the death of the other, whether testate or intestate, is endowed of the third part of all lands owned by the decedent at any time during the marriage, unless the dower has been released or barred. There is no estate of curtesy (ch. 3, sec. 170).

### Decedent Testate.

When the decedent dies testate, and issue survive, the living spouse is entitled to receive, in addition to dower, a one-third portion outright of the personal estate and one-third of each parcel of real estate owned by decedent at the date of death in which the surviving spouse does not claim dower; if no issue survive, the spouse's portion is one-half of the personal estate and one-half of each parcel of real estate in which he or she does not claim dower.

Any will bars the right of dower in the real estate unless the will shows the testator's intention otherwise, or the surviving spouse renounces the will, whether or not it makes provision for the surviving spouse.

Upon renunciation, the surviving spouse is entitled to dower as provided by statute, or he or she may take instead an absolute share of

one-third of the personal estate and one-third of the real estate owned by decedent at death, remaining after payment of estate debts and claims.

When the surviving spouse elects to take the statutory portion of the estate outright as a substitute for dower, the amount of this statutory interest depends upon whether the decedent leaves issue. If no issue survive, the living spouse takes absolutely one-half of all real and personal estate remaining after payment of estate debts and claims. If issue survive, the statutory share is one-third absolutely of the net real and personal estate (ch. 3, secs. 168-175).

#### Decedent Intestate.

When the deceased spouse dies intestate, the surviving spouse shares in the estate remaining after payment of debts and claims against it, in the following manner:

1. If issue survive the decedent, the living spouse takes absolutely one-third of the decedent's personal estate; also, as a substitute for dower, an absolute estate of one-third of each parcel of real estate owned by decedent at death and in which the surviving husband or wife has waived the right of dower (ch. 3, sec. 162).

The spouse entitled to dower is required, within the time prescribed by law, to elect between the right to take dower in the real estate and the right to receive outright one-third of the real estate of which the intestate spouse died owner. This choice may be indicated in either of two ways: Expressly, by filing a written waiver of dower, or impliedly, by failing to file an election to take dower in the real estate.

The waiver of the right of dower is a condition precedent to the right of the spouse to claim one-third of the real estate in fee.<sup>1 2</sup>

2. If there is no descendant of the deceased, but a surviving parent, brother, sister, or descendant of a brother or sister of the decedent, one-half of the real estate and all of the personal estate descends absolutely to the living spouse. The remaining half of the real estate is taken by the decedent's parents, brothers and sisters and their descendants, in equal parts among them, allowing to each of the parents a child's part, or if one be dead, the survivor takes a double portion. The remainder then goes to the brothers and sisters and their descendants (ch. 3, sec. 162).

When a spouse inherits as heir the one-half of real estate after payment of debts, he or she has also dower right as to the other half of such real estate.<sup>3</sup>

3. If there is no descendant of the deceased, and no parent, brother, or sister or descendant of a brother or sister of the decedent, the entire net estate descends outright to the surviving spouse (ch. 3, sec. 162).

<sup>1</sup> *Stelling v. Stelling* (1928), 330 Ill. 155; 161 N. E. 477.

<sup>2</sup> *Steinhagen v. Trull* (1926), 320 Ill. 382; 151 N. E. 250.

<sup>3</sup> *Blankenship v. Hall* (1908), 233 Ill. 116; 84 N. E. 192.

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

The widow of a deceased resident whose testate or intestate estate is administered in the State, is allowed as her own property out of the estate, the following:

1. Family pictures and the wearing apparel, jewels, and ornaments of herself and her minor children.

2. Money in an amount deemed reasonable by the appraisers for proper support of herself and the decedent's minor children for a period of 9 months after the decedent's death, in a manner suited to her condition in life, and to the condition of the estate. But the allowance may not be less than \$500, together with an additional sum of not more than \$300 for each minor child of the decedent under 18 years of age (ch. 3, sec. 330).

The widow may, at her option, select personal property from the decedent's estate at its appraised value instead of the case award (ch. 3, sec. 333).

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

The surviving spouse of a person dying testate has the right to elect whether he or she will accept the terms of the will, or take instead the statutory portion provided for him or her in such cases. If no election is made, in the manner and within the time prescribed by law, the provisions of the will govern (ch. 3, secs. 168, 169).

## **II.—MARRIAGE AND DIVORCE**

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

Males of 21 years or over and females of 18 years or over may contract marriage without consent of parents. Males between the ages of 18 and 21 years, and females between the ages of 16 and 18 years, may contract a legal marriage if the parents, parent, or guardian of the minor gives consent in writing to the marriage (ch. 89, sec. 3).

In the absence of parental consent to a marriage of a person under the statutory age, such marriage is not void but voidable.<sup>1</sup>

<sup>1</sup> *The People v. Ham* (1917), 206 App. 543, 550.

### **19. Validity of Common-Law Marriage.**

The common-law marriage is declared null and void by statute, "unless after the contracting and entering into of any such common-law marriage a license to marry be first obtained \* \* \* and a marriage be solemnized" as provided in the statute (ch. 89, sec. 4).

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

Each applicant for license to marry must file a certificate from a licensed physician showing that an examination of the applicant was made not more than 15 days prior to the application.

It must appear from the certificate that the applicant is free from any venereal disease as nearly as can be determined by standard serological and clinical tests made for that purpose.

Exception may be made for cases of pregnancy or the birth of a child out of wedlock. Also, marriage will be permitted if the disease is present, but is not in a form which is communicable (ch. 89, sec. 6a).

### 21. Interstate Cooperation in Marriage Law Enforcement.

The State has adopted the uniform marriage evasion act. By its provisions a prohibited marriage of domestic residents contracted in a foreign State is void (ch. 89, sec. 19); also, a marriage between non-residents which is prohibited in a foreign State is void when contracted in this State (ch. 89, sec. 19).

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

A marriage may be annulled on the ground of non-age by either party before reaching the statutory age of consent to the marriage.<sup>1</sup>

Marriages are prohibited, and are wholly void, if contracted within forbidden degrees of kindred (ch. 89, sec. 1).

A marriage in which one of the parties is insane or an idiot is void for incompetence to contract (ch. 89, sec. 2), and the license clerk is forbidden to issue a license to such persons or to any person who at the time of making application is under the influence of any intoxicating liquor or narcotic drug (ch. 89, sec. 6).

The judicial attitude toward annulments is reflected in this observation of the court:

“ \* \* \* \* The standard of public morals is, in a great measure, affected by the degree of vigilance exercised to preserve the sanctity of this sacred institution, and for this reason alone our courts have adopted the salutary policy of viewing with a jealous eye any attempt to tear asunder the bonds of matrimony.”<sup>2</sup>

<sup>1</sup> *Matthes v. Matthes* (1916), 198 App. 515, 523.

<sup>2</sup> *Ibid.*, 515, 525.

### 23. Grounds for Divorce—Respective Availability to Spouses.

The injured party to a marriage contract may obtain an absolute divorce on one of the following grounds: Natural impotence, living spouse of undissolved prior marriage, adultery committed subsequent to marriage, willful desertion or unreasonable absence for one year, habitual drunkenness for the space of two years, an attempt on the life of the other by poison or other means showing malice, extreme and repeated cruelty, conviction of felony or other infamous crime, or infection of the other with a communicable venereal disease (ch. 40, sec. 1).

## III.—PARENTS AND CHILDREN

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

There is no specific statute disposing of the parents' respective rights to the services and earnings of their minor children. The law relating to the custody of a minor provides that the parents, if living, and in case of the death of either of the parents, the surviving parent, are entitled to the custody of the minor and the direction of his education, when the parents respectively are fit persons, and competent to transact their own business; also, that the parents are to have equal powers, rights, and duties concerning the minor (ch. 3, sec. 284).



These powers, rights, and duties are, however, subject to the jurisdiction of a court of chancery in a proper case, and, after a decree, are such as the decree provides.<sup>1</sup>

<sup>1</sup> *The People v. Small* (1908), 237 Ill. 169, 172; 86 N. E. 733.

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

The parents of a minor child have equal powers, rights, and duties concerning such child. They are entitled to the custody of his person and the direction of his education, if legally competent. If one parent is dead, such natural guardianship vests in the surviving parent (ch. 3, sec. 284).

If the husband abandons the wife, she is entitled to the custody of the minor children, unless the proper court, upon application, directs otherwise (ch. 68, sec. 16).

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

Either parent of an unmarried minor child may by will designate a guardian of the person and of the estate of such child during his minority, or for a shorter period. But the appointment by will may not deprive the surviving parent, during his or her lifetime, of the custody, nurture, tuition and education of the child, or of the right to designate by his will the guardian of the child's person (ch. 3, sec. 296).

## **27. Inheritance From an Intestate Child—Parents' Respective Rights.**

Surviving parents inherit in equal portions from their child dying intestate (ch. 3, sec. 162).

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

When the paternity of a child born out of wedlock has been determined by judicial proceedings, the father is ordered by the court to pay a sum of money not exceeding \$200 for the first year after the child's birth, and a sum not exceeding \$100 annually for 9 years thereafter, for the support, maintenance, and education of the child. Bond is required to secure payment under the court's decree (ch. 17, sec. 8).

## **29. Inheritance From Child Born Out of Wedlock—Mother's Right.**

The mother of a child born out of wedlock may inherit from such child, when the child dies intestate leaving no surviving widow or husband, and no child or descendants of a child. In such a case, the mother takes one-half the estate, the other half to be equally divided between her children and their descendants (ch. 3, sec. 163).

B.—POLITICAL RIGHTS

30. Domicile of Married Women.

There is no statute specifically dealing with the matter of a separate domicile for married women for purposes of voting, holding office, and jury service. The policy announced by the courts regarding the domicile of a married woman follows the common-law rule, that so long as the relations between husband and wife are not adverse, the wife's domicile, for legal purposes, is that of her husband.<sup>1 2</sup>

<sup>1</sup> *In the matter of Dunning* (1918), 211 App. 633, 639.

<sup>2</sup> *Blankenship v. Hall* (1908), 233 Ill. 116, 132; 84 N. E. 192.

31. Public Office—Eligibility of Women.

Women are eligible for public office on the same terms as men (Const., art. 4, sec. 3; art. 5, sec. 5; art. 6, secs. 3, 17; art. 7, sec. 6).

32. Jury Service—Eligibility of Women.

Women are eligible for duty as trial or grand jurors under the same provisions of law that apply to men (ch. 78, secs. 1-33).

The statute admitting women to jury duty does not impair, abridge, or deny the right of trial by jury as guaranteed by the State Constitution, and is valid.<sup>1</sup>

Women jurors serving in criminal trials may be given separate quarters under the care of a woman officer of the court when the court is not in session or when the jury is not deliberating on its verdict (ch. 38, sec. 745).

<sup>1</sup> *Denny v. Traeger* (1939), 372 Ill. 11; 22 N. E. (2d) 679.

