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The Legal Status of Women in the United States of America

REPORT FOR
MICHIGAN
as of January 1, 1956

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WOMEN'S BUREAU BULLETIN 157-21 (Revised)

UNITED STATES DEPARTMENT OF LABOR

JAMES P. MITCHELL, Secretary

WOMEN'S BUREAU

Mrs. ALICE K. LEOPOLD, Director

The report for Michigan 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 Michigan
Michigan Statutes Annotated, 1935-55
Michigan Reports
Northwestern Reporter

EXPLANATORY NOTE

This pamphlet, Bulletin 157-21, presents a digest of the Constitution and statutory provisions affecting the legal status of women in the State of Michigan. It includes pertinent statutory changes enacted in that State up to January 1, 1956, and supersedes the previous report and addendum for Michigan.

References to the State Constitution are indicated by parenthetical insertions of article and section numbers following the abbreviation "Const.," as "(Const., art. XVI, sec. 8)," placed after the related subject matter.

References to the code sections are likewise in parentheses, as "(sec. 26.261)."

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 used 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."

MICHIGAN

CIVIL RIGHTS

Contracts and Property

1. Age of majority

The common-law rule of 21 years as the age of majority for both sexes governs. The marriage of a female minor terminates a guardianship as to the care and custody of her person, but not of her estate, which continues until she is 21 years of age (sec. 27.3178 (223)). Nor does marriage give the child the status of an adult person in respect of the State.¹

2. Contractual powers of a minor

Any contract or conveyance made by a minor is voidable, subject to ratification or rescission upon attaining majority, except for necessities, as at common law.

A married woman, resident of the State, 18 years of age or over, may bar her dower right in any estate conveyed or mortgaged by her husband, by joining him in the conveyance, and may do any other act concerning her rights in lands owned by her husband which she might do if she were 21 years of age (sec. 26.261).

Any power as to lands vested in a married woman during her minority may not be exercised by her until she attains full age (sec. 26.128).

The legal marriage of a minor releases such minor from parental control. A legally married minor shall be entitled to prosecute or defend in a divorce suit in the same manner and with the same effect as if he or she were of legal age (sec. 25.61).

When the person named executor in a will is under 21, administration may be granted during his minority if there is no other executor who will accept the trust (sec. 27.3178 (109)).

3. Property exemptions from seizure for debt

A. RESPECTIVE RIGHTS OF MAN AND WOMAN

The personal property of every resident of the State, selected by him from the classes of property designated by law, is exempt to the

¹ *Ex parte Drye* (1930), 250 Mich. 210, 214; 229 N. W. 623.

amount of not less than \$500 from sale on execution or other final process of any court (Const., art. XIV, sec. 1) (secs. 27.1543-27.1545, 27.1549).

Wages of a debtor who is a "householder with a family" are exempt from garnishment to the amount of 60 percent of such indebtedness, and wages of a nonhouseholder are exempt to 30 percent of such indebtedness, with certain minimum and maximum money limits in cases of all debtors (sec. 27.3399).

B. HOMESTEADS

Either a tract of land not exceeding 40 acres, and dwelling house thereon with appurtenances, or, if town property, lot and dwelling not exceeding \$2,500 in value, when owned and occupied by any resident of the State, is exempt as a homestead (Const., art. XIV, sec. 2) (sec. 27.1572).

No mortgage or other alienation of the homestead by a married man is valid without the signature of his wife attached thereto, unless the mortgage is given in payment of purchase money (sec. 27.1573).

The homestead is exempt from seizure for debt during the time it is occupied by the widow or minor child or children of any deceased person who was, when living, entitled to the benefits of the homestead exemption (sec. 27.1572).

4. Ownership and control of property owned at marriage

The real and personal estate of every woman, acquired before marriage, remains her estate and property, subject to her control only (Const., art. XVI, sec. 8) (sec. 26.161).

5. Contractual powers of a married woman

The real and personal estate of every female, acquired before marriage, and all property, real and personal, to which she may afterward become entitled by gift, grant, inheritance, devise, or in any other manner, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations, or engagements of her husband, and may be contracted, sold, transferred, mortgaged, conveyed, devised, or bequeathed by her in the same manner and with the like effect as if she were unmarried (Const., art. XVI, sec. 8) (sec. 26.161).²

A wife may convey or release her dower right in her husband's real estate during his lifetime by her sole deed, upon satisfactory consideration.³

² *Tong v. Marvin* (1866), 15 Mich. 60 (Hist.).

³ *Rhoades v. Davis* (1883), 51 Mich. 306, 310; 16 N. W. 659.

A wife may make a valid deed of her separate property to her husband.⁴

Court action may be brought by and against a married woman in relation to her sole property in the same manner as if she were unmarried. She has similar right of action in her own name as to property of the husband which cannot be sold, mortgaged, or otherwise encumbered without the consent of his wife, or as to his property exempt from seizure under court process (sec. 27.657).

Whenever a cause of action shall accrue to or arise against any married woman, she may sue or be sued in the same manner as if she were sole (sec. 27.658).

The wife is liable to be sued upon any contract or engagement made by her in cases where her husband is not in law liable, or where he refuses to perform such contract or engagement (sec. 26.163).

Any married woman, either in her own name or in that of a trustee, may have insured the life of her husband, or of any other person, and the proceeds when payable shall go to her or her representatives free of claims from the insured's representatives or creditors except as otherwise provided by law (sec. 24.287).

A married woman and her husband may conduct a business for profit as co-owners (sec. 20.6). She may enter into partnership relations with third parties and bind her separate estate as fully as on any other of her sole and separate accounts.⁵

Married women may render themselves jointly liable with their husbands upon any written instrument executed by them with their husbands in respect to jointly owned property or estates by the entirety. In case the wife is the survivor, or if a divorce has been obtained prior to recovery of the judgment on such contract, a judgment against the wife may be satisfied out of such property only (secs. 26.182, 26.183).

Under provisions of the Small Loan Act, no assignment of or order for payment of any salary, wages, commissions, or other compensation for services earned or to be earned shall be valid if the borrower is married, unless such assignment is signed by both husband and wife. Written assent of the spouse is not required where husband and wife have been living separate and apart at least 5 months prior to making of assignment (sec. 23.667 (17)).

Tenancies by the entirety between husband and wife as to lands may be terminated by a conveyance from either one to the other of his or her interest in the land so held (secs. 26.201, 26.202).

⁴ *Burdeno v. Amperse* (1866), 14 Mich. 91, 97.

⁵ *Vail v. Winterstein* (1892), 94 Mich. 230, 235; 53 N. W. 932.

All bonds, certificates of stock, mortgages, promissory notes, debentures, or other evidences of indebtedness made payable to persons who are husband and wife, or made payable to them as endorsees or assignees, or otherwise, are held by such husband and wife in joint tenancy unless otherwise therein expressly provided, in the same manner and subject to the same restrictions, consequences, and conditions as are incident to the ownership of real estate held jointly by husband and wife under the laws of this State, with full right of ownership by survivorship in case of the death of either (sec. 26.211).

All contracts made between persons in contemplation of marriage shall remain in full force after the marriage takes place (sec. 26.164).

Where the title to lands on which improvements are made is held jointly by husband and wife, or where lands are held and occupied as a homestead, a mechanic's lien shall be attached to such lands and improvements if the contract for same is in writing signed by both husband and wife (sec. 26.282).

All written instruments conveying or mortgaging real estate shall state whether or not any male grantor, mortgagor, or other party executing the same is single or married, and the registrar of deeds shall refuse to receive the same for record unless it conforms to this requirement (sec. 26.581).

No female or minor under the age of 16 shall be imprisoned on any process in any civil action (sec. 27.772).

6. Earnings of a married woman

Each and every married woman in the State of Michigan shall be absolutely entitled to have, hold, own, retain, and enjoy any and all earnings acquired by her as the result of her personal efforts; and to sell or otherwise dispose of any and all such earnings, and to make contracts in relation thereto to the same extent that she could if unmarried (sec. 26.171).

7. Liability for family support

A married woman is liable for merchandise classed as necessities used in the family, if purchased by her upon her individual credit and sole agreement to pay for them.^{6 7}

A father who refuses to support children under 17 as required in a decree of divorce or separate maintenance is guilty of a felony (sec. 28.362).

Any man who deserts and abandons, or refuses or neglects to provide necessary shelter, food, care, and clothing for his wife or

⁶ *Howe v. North* (1888), 69 Mich. 272, 284; 37 N. W. 213.

⁷ *Hirshfeld v. Waldron* (1890), 83 Mich. 116, 122; 47 N. W. 239.

minor children under 17 is guilty of a felony (secs. 28.358, 28.359, 28.360).

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

The wife may, with her husband's consent, conduct a business on her own account,⁸ but this right is not recognized by the court where the husband is able and willing to support her and withholds his consent.¹⁰

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

The husband has no authority over his wife's separate estate, nor is it liable for his debts. (See number 5.)

10. Property acquired by joint efforts of husband and wife

In the absence of an agreement, or a gift by the husband, the law presumes that whatever property is acquired after marriage by the cooperative efforts of both spouses belongs to the husband.¹¹

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

Neither husband nor wife may recover for the loss of consortium.¹² A wife may recover in her own name for loss of earnings in business due to personal injury, without showing any assignment of right from her husband.¹³ (See number 5.)

Actions for alienation of affections, except suits of a husband or wife against a parent, brother, sister, or person in loco parentis of the plaintiff's spouse, are abolished (secs. 25.191, 25.192).

All civil causes of action for seduction of any person over 18 years of age are abolished (sec. 25.191).

All civil causes of action for breach of contract to marry are abolished (sec. 25.191).

12. Damages for injury by spouse to person or property

No action can be brought by either spouse against the other for a tort committed by one upon the person of the other.¹⁴

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

Neither spouse may be examined as a witness for or against the other without the consent of the other, except in civil or criminal proceed-

⁸ *Tillman v. Shackleton* (1867), 15 Mich. 447, 445.

⁹ *Rankin v. West* (1872), 25 Mich. 195, 200, 201.

¹⁰ *Root v. Root* (1911), 164 Mich. 638, 645; 130 N. W. 194.

¹¹ *LeBlanc v. Sayers* (1918), 202 Mich. 565; 168 N. W. 445.

¹² *Harker v. Bushouse* (1931), 254 Mich. 187, 188, 195; 236 N. W. 222.

¹³ *Werner v. Wegusen* (1930), 252 Mich. 41, 45; 232 N. W. 744.

¹⁴ *Harvey v. Harvey* (1927), 239 Mich. 142; 214 N. W. 305.

ings growing out of wrongs committed by one on the other, or against the marriage relation, or against the child of both or either of them, as described by statute. Nor can either, without the consent of both, be examined as to any communication made between them during the marriage. The wife may testify against the husband without his consent in desertion and nonsupport actions (sec. 27.916).

Under provisions of the Uniform Reciprocal Enforcement of Support Act, husband and wife are competent witnesses and may be compelled to testify to any relevant matter in connection with proceedings under the act (sec. 25.225 (19)).

Husband and wife are competent to testify against each other in cases involving the appointment of a guardian (sec. 27.3178 (202)).

14. Right to dispose of separate property by will

There are no restrictions as to a married woman's disposition by will of her separate property (Const., art. XVI, sec. 8) (secs. 26.161, 27.3178 (71)).

15. Inheritance rights in deceased spouse's estate

A widow is entitled to dower; that is, the right to the use of such part of all her husband's lands of which he was seised of an inheritance at any time during the marriage as will yield one-third of the entire income of the whole (sec. 26.221).¹⁵

However, she may bar her dower right by (a) her deed alone or with her husband; (b) a jointure settlement; or (c) other pecuniary provision (sec. 26.229).

There is no right of curtesy to the husband in the wife's separate estate.¹⁶

A married woman who, because of insanity or defective intellect, is unable to join with her husband in a conveyance of real estate, and remains in such condition for 2 years, may be barred of her right of dower in the lands of her husband (secs. 27.1197-27.1202).

Upon the death of husband or wife intestate, the surviving spouse is entitled to receive outright certain portions of the estate, described in the paragraphs following.

Real property

The surviving spouse of an intestate may receive one-third of the real property outright, if issue survive; one-half, if no issue survive; or the whole estate in lands, if no issue, nor father, mother, brother, sister, nor child of brother or sister survive.

The statutory provision as to the widow is in lieu of her dower and homestead right, unless she asserts these rights within the period

¹⁵ *King v. Merritt* (1887), 67 Mich. 194, 216; 34 N. E. 689.

¹⁶ *Tong v. Marvin* (1866), 15 Mich. 60, 73.

allotted by statute. If she elects to take dower and homestead, then her interest in her husband's lands will be limited to these two rights (sec. 27.3178 (150)).

Personal property

After payment of debts and family allowances provided by statute, the residue of the personal estate of a husband or wife dying intestate is shared in by the living spouse as follows: (a) One-third, if issue survive, except that if only one child or its issue survive, the living spouse takes one-half; (b) if no issue survive, the widow takes all the residue up to \$3,000, and of the portion above this amount, one-half goes to the widow, the other half to decedent's parents in equal shares, if both are living, or the entire half to the survivor; or if neither parent be living, such share is distributed equally among the brothers and sisters and lineal descendants of any deceased brothers or sisters. Of a deceased wife's estate, where there is no issue the husband takes one-half the residue regardless of its amount, the other half being distributed to her parents, or to her brothers and sisters or their lineal descendants, if neither parent is living; (c) if no issue, father, mother, brother, sister, or children of such brother or sister survive, the living spouse takes the entire residue of personalty (sec. 27.3178 (163)). (See numbers 3, 5, 16, and 17.)

Upon devise of lands to her or any other provision for her by the husband's will, the widow must elect either to (a) accept the provisions of the will, or (b) take her dower in her husband's lands, or (c) take the share given her by statute in case her husband had died intestate. She may choose only one of these provisions, unless the will plainly shows that the testator intended otherwise. Where the effect of such election is to enable the widow to take all of the real estate of the husband, then her election is limited so that she takes only a half interest in such real estate absolutely, the other half going to her subject to any devise or legacy contained in her husband's will (sec. 27.3178 (139)).

16. Provision for survivors during administration of estate

The widow is allowed all her articles of apparel and ornaments, and all wearing apparel and ornaments of the deceased, and the household furniture of the deceased, and other personal property, to be selected by her, not exceeding \$200 in value. The allowance is made when the widow elects against the provisions of her husband's will, or when he dies intestate.

The widow and minor children constituting the family of the deceased shall have such reasonable allowance out of the real and per-

sonal estate as the probate court deems necessary for their maintenance during the administration, as limited by statute.

A widow has the right to remain in the dwelling house of her husband 1 year after his death, without any charge against her for rent (sec. 27.3178 (138), (163)).

In any case where a deceased woman was at the time of her death the sole surviving parent of any minor children, or where such minor children were principally supported by her, the court may order the payment of allowances for support of the children in the same manner as provided for support of children of a deceased man (sec. 27.3178 (138)).

Small estates

When the estate of a deceased person consists only of a paycheck, or other personal property, in an amount less than \$500, the probate judge may order such property to be turned over to the widow or widower, if any, without administration or bond (sec. 27.3178 (451)).

When an estate of a deceased person does not exceed \$150 after administration expenses and allowances for support of widow and minor children, the court may assign this for payment of funeral charges, and the residue to the widow and minor children (sec. 27.3178 (163), subsec. (2)).

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

Instead of any provision made for her in her deceased husband's will, a widow may elect, in the manner provided by law, to take her statutory share of the personal estate as if there had been no will, until the sum shall reach \$5,000, and of the residue of the estate, one-half the sum or share which would have come to her if the husband had died intestate. She is entitled to this election, also, if the will makes no provision for her (sec. 27.3178 (139)). (See number 15.)

There is no corresponding provision for the husband. The wife's right to dispose of her separate property is absolute. (See number 14.)

Marriage and Divorce

18. Age of consent to marriage

Males or females who have attained the full age of 18 are capable of contracting marriage. Written consent of parent or guardian is essential to the validity of the marriage of a female who is 16 but is less than 18 (sec. 25.33).

The court has the authority to marry persons under marriageable age, where female is pregnant or living with the man as his wife, in cases in which application for license is accompanied by written

request of parents and/or guardian, if such marriage would be a benefit to public morals. A medical certificate may be required attesting to the pregnancy (sec. 25.51).

19. Common-law marriage

A ceremony is not essential to the validity of the marriage, and a common-law marriage, when shown, binds the parties to it.¹⁷

20. Premarital requirements

No insane person, idiot, or person who has been afflicted with syphilis or gonorrhea and has not been cured of it, is capable of contracting marriage (sec. 25.6).

Both parties to a proposed marriage are required to submit to medical examination within 30 days prior to application for license to marry, for the presence of syphilis, gonorrhea, or chancroid.

It is unlawful for a license clerk to issue a license to marry to any person who fails to present and file with such clerk a physician's certificate, based on prescribed laboratory tests and clinical findings, that such person is free from the specified diseases. This certificate of negative findings must be filed at the time application for license is made. Penalties are provided for violations (sec. 25.25-25.28).

If either or both parties to a proposed marriage are affected with a venereal disease, and the woman is pregnant, special certification for a marriage license may be issued by the State health commissioner, irrespective of the stage or degree of infection. It shall be the duty of the department of health to see that such individuals secure treatment to protect the unborn child and render themselves noninfectious (sec. 25.25 (2)).

No license to marry shall be delivered within a period of 3 days after application therefor, including the date of application, provided, however, that the court may, for good and sufficient cause, by order in writing, authorize the county clerk to deliver such license immediately following application (sec. 25.34).

21. Interstate cooperation in marriage-law enforcement

All marriages contracted by residents of this State who were at time of marriage legally competent to contract same according to State law, and solemnized in any other State, are valid and binding (sec. 25.15).

22. Annulment

Nonage, mental incapacity, force or fraud to obtain consent, bigamous or incestuous marriage, and physical incapacity are grounds for annulment of marriage (secs. 25.81, 25.82). (See number 23.)

¹⁷ *People v. Pizzura* (1920), 211 Mich. 71, 73; 178 N. W. 235.

Upon dissolution of marriage on account of nonage, insanity, or idiocy of either party, the issue of the marriage shall be deemed to be in all respects the legitimate issue of the parent who, at the time of marriage, was capable of contracting marriage (sec. 25.108).

23. Divorce

The aggrieved party may be granted an absolute divorce for any one of the following causes: Adultery; physical incompetency at the time of marriage; a sentence to imprisonment in any prison, jail, or house of correction for 3 years or more; desertion for a term of 2 years; habitual drunkenness; divorce obtained in another State from complaining party who is a resident of this State (sec. 25.86).

In the discretion of the court, a permanent separation from bed and board or a separation for a limited time may be decreed for (a) extreme cruelty practiced either by personal violence or by any other means, or (b) utter desertion for 2 years. A separation may be granted to the wife when the husband, though of sufficient ability to provide a suitable maintenance for her, grossly or wantonly and cruelly refuses or neglects to do so (sec. 25.87). If the complaining party has requested an absolute divorce on any of these grounds, or if the best interests of the parties require it, the court may in its discretion grant such a decree instead of mere separation (sec. 25.88).

When the marriage is dissolved by imprisonment of the husband, because of adultery committed by him, or because of his misconduct or habitual drunkenness, the wife is entitled to dower in his lands in the same manner as if he were dead; but she shall not be entitled to dower on divorce for any other cause (sec. 25.104).

On granting divorce, court may restore to a woman her maiden name or name she legally bore prior to the marriage, provided there are no children of the marriage (sec. 25.181).

On granting divorce the court may prohibit remarriage of the party at fault for a specified period of time, not to exceed 2 years from date of decree (sec. 25.122).

On petition for annulment or divorce, court may prohibit husband from imposing any restraint on personal liberty of wife during pendency of suit (sec. 25.94).

A divorce because of adultery committed by wife does not affect legitimacy of children of the marriage. If legitimacy of children is questioned, court may determine same according to evidence. Legitimacy is presumed until the contrary is shown (sec. 25.107).

In case of separation of husband and wife, wife is entitled to care and custody of all children under 12, and husband to all children 12 or over, provided that the court may, on petition, make such orders

as it may deem just and proper as to care and custody of such children (sec. 25.311).

During pendency of the suit or on granting divorce or annulment, court may make orders concerning care, custody, and maintenance of minor children under 17 years of age of the parties and may determine with which of the parents, or any of them, the children shall remain (secs. 25.95, 25.96).

Alimony and maintenance

In case of application for divorce from bed and board, although decree is not granted, court may make orders for support and maintenance of wife and children by the husband, or out of his property (sec. 25.118).

In any decree of divorce or separate maintenance, court may award to husband all of the property owned by the wife, or such portion as may appear equitable, provided it appears that the husband contributed to the acquisition, improvement, or accumulation of such property. Any such decree, upon becoming final, shall have the same force and effect as a quit deed of such real estate, or a bill of sale of personal property given by the wife to the husband (sec. 25.136).

Every husband and wife owning real estate as joint tenants or as tenants by the entirety shall, upon being divorced, become tenants in common of such real estate, unless the ownership thereof is otherwise determined by the decree of divorce (sec. 25.132).

Whenever decree of annulment or absolute divorce is granted, except for adultery committed by the wife, wife is entitled to immediate possession of her real estate in same manner as if her husband were dead (sec. 25.98); court may restore to her the personal property which came to the husband by reason of the marriage (sec. 25.99); and if estate and effects awarded to wife are insufficient for suitable support and maintenance of herself and minor children, court may award to her such part of personal estate of the husband and such alimony as it deems just and reasonable (sec. 25.103).

In every suit for divorce or separation, court may require husband to pay alimony for suitable maintenance of wife during pendency of suit and any sums necessary to enable wife to carry on or defend suit; and may decree costs of suit against either party (sec. 25.93).

Parents and Children

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

The common-law rule applies, entitling the father, if living, to earnings of a child who has not been emancipated; if the father is dead, the mother is entitled to the child's earnings. (See number 25.)

25. Guardianship of a minor child

The father or mother of the minor, or the survivor if one of them be deceased, if respectively competent to transact his or her own business, and otherwise suitable, is entitled to the custody of the person of the minor and to the care of his education (sec. 27.3178 (206)).

If a minor under 18 living with his parents maliciously or willfully destroys real or personal property, damages up to \$300 may be recovered from the parents (sec. 27.1408 (1)).

26. Appointment of testamentary guardian for a minor child

Only a surviving parent has power to appoint a testamentary guardian for his or her minor child (sec. 27.3178 (210)).

27. Inheritance—child

Real property

If an intestate decedent leaves a widower or widow and no issue, the living spouse takes one-half the real property; the other half goes to the decedent's father and mother in equal shares, or if only one parent is living, to the survivor. If neither spouse nor issue survive an intestate decedent, his or her estate goes to the father and mother in equal shares, or if only one parent is living, to the survivor alone (sec. 27.3178 (150)).

Personal property

When an intestate decedent is survived by a widow but no descendants, one-half residue of his personal estate in excess of \$3,000 is distributed to the widow and the other half to his father and mother in equal shares, or to the surviving parent if one is dead.

If a married woman dies intestate and leaves a widower but no descendants, one-half of the residue of her personal estate is distributed to her widower and the other half in equal shares to her father and mother, or to the surviving parent if one is dead (sec. 27.3178 (163), subsecs. 4, 5).

28. Child born out of wedlock

When the paternity of a child born out of wedlock has been established by the court, as provided by law, the adjudged father is chargeable under court order for the confinement expenses and the child's maintenance, with the assistance of the mother; also with costs of the proceeding; payment to be made in such manner as the court directs. Bond is required of the father for performance of the court decree, and his failure to comply subjects him to jail commitment and his property to seizure for the payment. When he cannot procure bond,

the court has discretion to place him on probation in lieu of the bond (secs. 25.451-25.471).

When, after the birth of a child out of wedlock, his parents intermarry, or in the absence of such marriage, acknowledge in writing that he is theirs, the child shall be considered legitimate. The failure of the mother to join in the acknowledgment because of mental incapacity, death, or other reason satisfactory to the court will not invalidate or otherwise affect such acknowledgment (sec. 27.3178 (153)).

29. Inheritance—child born out of wedlock

If an illegitimate child dies without making a will and without lawful issue, such part of the estate as does not descend to the husband or wife, if any, of such person shall descend to the mother (sec. 27.3178 (152)).

Every child born out of wedlock is the heir of his mother; but he may not represent her in any part of the estate of her kindred, lineal or collateral (sec. 27.3178 (151)).

POLITICAL RIGHTS

30. Domicile of a married woman

A married woman's residence follows that of her husband.

The law permitting a married woman to have a separate residence for the purposes of voting, office holding, or other political purposes is repealed (secs. 25.71, 25.72).

31. Public Office—eligibility of women

Women are eligible for election to public office (Const., art. III, sec. 1).

32. Jury Service—eligibility of women

Women are eligible for jury service (sec. 27.246). They are entitled to be excused or exempted from such service by the court on the grounds enumerated in the statute, which apply equally to both sexes (secs. 27.263, 27.264).

