

L 13.3: 157-22/4

SOUTHWEST MISSOURI STATE
COLLEGE LIBRARY
U. S. DEPOSITORY COPY

OCT 21 1964

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

REPORT FOR
MINNESOTA
as of June 1, 1964



WOMEN'S BUREAU BULLETIN 157-22 (Revised)

UNITED STATES DEPARTMENT OF LABOR

W. WILLARD WIRTZ, *Secretary*

WOMEN'S BUREAU

MARY DUBLIN KEYSERLING, *Director*

The report for Minnesota was prepared by Kermit E. Wheeler and reviewed by Laura Lee Spencer, under the general direction of Alice A. Morrison, Chief, Division of Legislation and Standards, Women's Bureau, U.S. Department of Labor.

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1964

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C., 20402 - Price 10 cents

CONTENTS

| | Page |
|---|------|
| Introduction..... | 1 |
| Civil rights..... | 3 |
| Contracts and property..... | 3 |
| 1. Age of majority..... | 3 |
| 2. Contractual powers of a minor..... | 3 |
| 3. Property exemptions from seizure for debt..... | 4 |
| A. Respective rights of man and woman..... | 4 |
| B. Homesteads..... | 4 |
| 4. Ownership and control of property owned at marriage..... | 5 |
| 5. Contractual powers of a married woman..... | 5 |
| 6. Earnings of a married woman..... | 6 |
| 7. Liability for family support..... | 6 |
| 8. Right of a married woman to engage in a separate business..... | 7 |
| 9. Rights of a married woman with respect to separate property..... | 7 |
| 10. Property acquired by joint efforts of husband and wife..... | 7 |
| 11. Damages for injury to person, property, or character..... | 7 |
| 12. Damages for injury by spouse to person or property..... | 8 |
| 13. Competency of husband or wife to testify for or against each other..... | 8 |
| 14. Right to dispose of separate property by will..... | 9 |
| 15. Inheritance rights in deceased spouse's estate..... | 9 |
| 16. Provision for survivors during administration of estate..... | 10 |
| 17. Right of husband or wife to disinherit the other by will..... | 10 |
| Marriage and divorce..... | 10 |
| 18. Age of consent to marriage..... | 10 |
| 19. Common-law marriage..... | 11 |
| 20. Premarital requirements..... | 11 |
| 21. Interstate cooperation in marriage-law enforcement..... | 11 |
| 22. Annulment..... | 11 |
| 23. Divorce..... | 12 |
| Parents and children..... | 13 |
| 24. Parents' right to services and earnings of a minor child..... | 13 |
| 25. Guardianship of a minor child..... | 13 |
| 26. Appointment of testamentary guardian for a minor child..... | 13 |
| 27. Inheritance—child..... | 14 |
| 28. Child born out of wedlock..... | 14 |
| 29. Inheritance—child born out of wedlock..... | 14 |
| Political rights..... | 14 |
| 30. Domicile of a married woman..... | 14 |
| 31. Public office—eligibility of women..... | 15 |
| 32. Jury service—eligibility of women..... | 15 |

The Legal Status of Women in the United States of America

INTRODUCTION

Any conclusion bearing on women'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.

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 laws governing property and family rights and political status.

In general, it has been the rule that in the absence of a specific statute abrogating common-law principles, the common law applies. In the century just past, many old common-law injustices to women have been removed by statute.

Material considered in Women's Bureau Bulletin 157 series centers largely around women in the marriage relation, since the legal status of the unmarried woman is practically identical with that of the unmarried man. To increase the usefulness of the material, more attention has been given in the current revision to differences in the legal treatment of men and women.

The United States Summary of the Legal Status of Women in the United States of America, Bulletin 157, last brought up to date as of January 1, 1953, is being revised. The revised Summary will be compiled from the reports for the 50 States and the District of Columbia.

The President's Commission on the Status of Women, established December 14, 1961, by Executive Order 10980, appointed a Committee on Civil and Political Rights to review the civil and political rights of women. The Commission's report, submitted in October 1963, presents findings and makes recommendations for constructive action. A considerable number of States, including Minnesota, already have established Governors' Commissions on the Status of Women to implement the recommendations made in the report of the President's Commission.

SOURCES

Constitution of Minnesota
Minnesota Statutes Annotated, 1945
Minnesota Reports
Northwestern Reporter
Northwestern Reporter (Second Series)
Federal Reporter (Second Series)

EXPLANATORY NOTE

Bulletin 157-22 presents a digest of the State constitutional and statutory provisions affecting the legal status of women in Minnesota. It includes pertinent statutory changes enacted in that State up to June 1, 1964, and supersedes the previous report for Minnesota of January 1, 1960.

References to the State constitution are indicated by parenthetical insertions of article and section numbers following the abbreviation "Const.," as "(Const., art. 7, sec. 7)," placed after the related subject matter.

References to code sections are likewise in parentheses, as "(sec. 593.02)."

Other abbreviations are:

Minnesota Reports—Minn.

Northwestern Reporter—N.W.

Northwestern Reporter (Second Series)—N.W. (2d)

Federal Reporter (Second Series)—F. (2d)

Case citations definitely construing statutes or declaring judicial policy in the absence of express statutory provision are indicated by footnote references.

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."

MINNESOTA

CIVIL RIGHTS

Contracts and Property

1. Age of majority

A minor is declared to be a person under the age of 21 years (secs. 525.80, 645.45).

The marriage of a female minor under guardianship terminates the guardianship of her person (sec. 525.60).

Marriage emancipates a minor child from parental control.¹

2. Contractual powers of a minor

When necessaries are sold and delivered to a minor, he must pay a reasonable price for them. Necessaries are defined as goods suitable to the minor's condition in life, and actual requirements at the time of delivery (sec. 512.02).

Other contracts of minors are voidable, and not void.²

The minority of a wife does not invalidate any conveyance executed by her (sec. 507.02).

The guardianship of the property of a female minor is not terminated by her marriage. However, such guardianship does not affect her capacity to join with her husband in instruments involving his interest in real estate (sec. 525.60).

If a person named as executor is a minor at the time of probate, another qualified representative may administer the estate. When the minor attains majority, he may be appointed corepresentative (sec. 525.251).

The disability of minority of any person or his minor spouse is removed for purposes of transactions under the Servicemen's Readjustment Act (sec. 48.245).

Credit union shares may be issued and deposits received in the name of a minor, free from control or lien of all persons except creditors (sec. 52.13).

¹ *State v. Lowell* (1899), 78 Minn. 166; 80 N.W. 877.

² *Nicols & Shepard Company v. Snyder* (1900), 78 Minn. 502; 81 N.W. 516.

Building and loan association shares in the name of a minor must be held for him, free from all liens or claims except those of creditors, and must be paid to such minor until a guardian of the estate delivers a certificate of his appointment (sec. 51.30).

Deposits may be made in any bank or savings bank in the name of a minor, for his exclusive right and benefit, free from control or lien of all other persons except creditors, until a guardian is appointed and delivers a certificate of appointment (sec. 48.30).

A minor may buy, control, or transfer stock of a corporation when such security is registered in the name of a custodian, under the Uniform Fiduciary Act (secs. 520.21-520.31).

3. Property exemptions from seizure for debt

A. RESPECTIVE RIGHTS OF MAN AND WOMAN

Specified personal property is exempt from attachment, garnishment, or sale on any final process. Included in the exemptions are: wearing apparel; household furnishings not exceeding \$500 in value; farming utensils not exceeding \$300 in value; provisions and fuel for 1 year; specified livestock; implements of a trade or occupation, and stock in trade not exceeding \$400 in value; library; burial lot; pension money; all money due to a surviving wife or child from insurance upon the life of a deceased husband or father not exceeding \$10,000; and 50 percent of net wages earned and unpaid at the time of attachment, garnishment, or levy of execution (sec. 550.37).

Earnings of a minor child of a debtor are exempt from garnishment for any debt not contracted for the special benefit of such child (sec. 550.37).

B. HOMESTEADS

The dwelling house owned and occupied by a debtor, with the land on which the house is situated, is exempt as to any debt not lawfully charged thereon in writing, except liens for services performed by laborers or servants (sec. 510.01). The land area may not exceed 80 acres, if outside the limits of an incorporated town or city. If the land is situated in an incorporated place, the area is limited to one-third acre where the population is 5,000 or over, or one-half acre where the population is less than 5,000 (sec. 510.02).

If the debtor is married, the homestead title may be vested in either spouse, and the exemption extends to the debts of either or both (sec. 510.04). Any conveyance or mortgage of the homestead, other than for purchase money, requires the signatures of both husband and wife; thus a contract to convey a homestead executed by one spouse without the other is wholly void, and the buyer acquires no rights under it

whatsoever, at least until it is adopted or confirmed by the spouse not signing it (sec. 507.02).³ On the death of the owner, the homestead descends to the surviving spouse, if there are no surviving descendants. If there are living descendants, the spouse takes the homestead for life. In either case, the homestead is exempt from debts which were not valid charges against it at decedent's death, and free from any attempted disposition of it, by will or otherwise, without the written consent of the surviving spouse (sec. 525.145).

The spouse and minor children of a deceased owner are entitled to the owner's homestead exemption. If the husband absconds or otherwise deserts his family, his wife and minor children may retain the homestead with all rights of ownership therein (sec. 510.06).

The owner may sell and convey the homestead without subjecting it, or the proceeds of the sale for a 1-year period, to any judgment or debt from which it was exempt. He may move from the homestead without affecting the exemption if he does not abandon it as his residence. If he ceases to occupy the homestead for more than 6 consecutive months, he is presumed to have abandoned it, unless he files with the registrar of deeds a notice claiming the premises as a homestead (sec. 510.07).

4. Ownership and control of property owned at marriage

All property a woman owns at the time of marriage remains her separate property (sec. 519.02).

A married woman is not liable for her husband's debts, and a married man is not liable for those of his wife contracted before marriage (sec. 519.05).

5. Contractual powers of a married woman

Married women have the general right to contract, as if unmarried (sec. 519.03). However, a husband and wife may not enter into any contract with each other concerning real estate, or any interest in real estate (sec. 519.06).

Either spouse may convey his or her real estate, except the homestead, by separate deed, if the property is conveyed subject to the rights of the other (sec. 507.02).

A married woman may release to her husband her contingent interest in his real estate by a written statement, executed and acknowledged, and such release bars her interest (sec. 558.28).

When a husband has deserted his family, the wife may prosecute or defend, in his name, any action which he might have prosecuted or defended. She has the same powers and rights in such litigation as he might have had (sec. 540.09).

³ *Marr v. Bradley* (1953), 239 Minn. 503; 59 N.W. (2d) 331.

A married woman has the right to sue and be sued in her own name (sec. 519.01).

No assignment of or order for wages to be earned in the future, to secure a loan of less than \$200, is valid when made by a married man unless the written consent of his wife is attached to it (sec. 181.07).

No mortgage, pledge, or other encumbrance of specified personal property, including furniture, kitchen equipment, wearing apparel in use by the debtor and his family, and all other household furniture not exceeding \$500 in value, is valid unless it is in writing, jointly executed and acknowledged by husband and wife (sec. 511.07).

Antenuptial contracts are not against public policy, but are regarded with favor, as conducive to the welfare of the parties making them, and will be sustained whenever equitably and fairly made.⁴

A married woman who pledges her separate estate to secure the debts of her husband is entitled to all the privileges and immunities of a surety.⁵

6. Earnings of a married woman

A married woman may enjoy all results of her industry and contracts, free from the control of her husband, as fully as if she were unmarried (sec. 519.02).⁶

7. Liability for family support

A husband and wife living together are jointly and severally liable for all necessary household articles and supplies furnished to and used by the family (sec. 519.05).

As between parents of minor children, the father owes the primary duty to support them and the mother owes a secondary duty, where they lack means to support themselves.⁷

Whoever is legally obligated and able to provide care and support to his wife who is in necessitous circumstances or his child, whether or not its custody has been granted to another, and intentionally fails to do so is guilty of nonsupport, and upon conviction is subject to imprisonment up to 90 days or a fine up to \$100. If failure to provide care and support to a minor child or pregnant wife continues for a period in excess of 120 days, such person may be sentenced to imprisonment up to 5 years (sec. 609.375).

The commissioner of public welfare may request and receive from the records of all departments, boards, bureaus, and other agencies of this State, notwithstanding any law to the contrary, information lead-

⁴ *In re Malchow's Estate* (1919), 143 Minn. 53; 172 N.W. 915.

⁵ *Seibert v. Quesnel* (1896), 65 Minn. 107; 67 N.W. 803.

⁶ *Bodkin v. Kerr* (1906), 97 Minn. 301; 107 N.W. 137.

⁷ *Haugen v. Swanson* (1946), 222 Minn. 203; 23 N.W. (2d) 535.

ing to the location of deserting parents liable for support of their dependents, for the purpose of enforcing the parents' liability for support (sec. 256.978).

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

There are no statutory restrictions on the right of a married woman to engage in a separate business.

A married woman has the right to all her property of every description, and the rents, issues, and profits thereof, and all avails of her contracts and industry, free from liability for the debts of her husband (sec. 519.02).

The right of married women to engage in a separate business is established.⁸

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

A married woman may receive, acquire, and enjoy property of every description, free from the control of her husband, as fully as if she were unmarried (sec. 519.02). Neither spouse is liable for the debts, torts, or contracts of the other (sec. 519.05).

Property acquired by a wife during separation shall remain her separate property during continuance of the separation, and any such property may be conveyed by her without her husband joining in the signing of the deed (sec. 519.04).

10. Property acquired by joint efforts of husband and wife

Property acquired after marriage by the cooperative efforts of both spouses becomes the property of the husband and is subject to his control by rule of common law, unless joint ownership is established by private arrangements, such as a joint deed or joint bank account.

If property conveyed to husband and wife is to vest as joint tenants, such intention must be expressly stated in the conveyance (sec. 500.19).

Under this section in a grant to husband and wife, they take as tenants in common, unless expressly declared to be joint tenants.⁹

The possession of one tenant in common is presumed to be for the benefit of all.¹⁰

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

A married woman is entitled to protection of all her rights, including the right to appeal to the courts in her own name alone for protection or redress (sec. 519.01).

⁸ *Laib v. Brandenburg* (1885), 34 Minn. 367; 25 N.W. 803.

⁹ *Wilson v. Wilson* (1890), 43 Minn. 398; 45 N.W. 710.

¹⁰ *Strong v. Colter* (1868), 13 Minn. 82.

Where damages to a wife result from defendant's actionable fault, two distinct causes of action may accrue: one to her for the direct injuries to her person and the other to her husband for the consequential injuries to him consisting of the loss of her services and society and of the expense to which he may have been put.¹¹

A wife is not entitled to damages for injuries to her husband. The husband has the exclusive right to redress.¹²

Under the law of Minnesota alienation of affections is basis for cause of action in damages. Action may be brought by either spouse suffering damages.^{13 14 15}

12. Damages for injury by spouse to person or property

Neither spouse has a right of action to enjoin the other for tort or nagging.¹⁶

Neither spouse has a right to sue the other for personal wrongs committed by one upon the other.¹⁷

A wife cannot sue her husband for a personal tort, whether negligent or intentional, perpetrated during the marriage. Thus a partnership is not liable for a personal tort when the guilty partner is the husband of the injured party.¹⁸

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

Husbands and wives are equally competent witnesses, both in civil and criminal suits. However, neither spouse can be examined for or against the other without the consent of the other; nor can either, during the marriage or afterward, be examined without the consent of the other as to any communication between them during the marriage. These restrictions do not apply to a civil action between spouses, nor to a criminal action for a crime committed by one against the other, nor to proceedings against the husband for abandonment and neglect of his wife and children (sec. 595.02).

Laws attaching a privilege against disclosure of communications between husband and wife do not apply under provisions of the Uniform Reciprocal Enforcement of Support Act. Husband and wife are competent witnesses to testify to any relevant matter, including marriage and parenthood (sec. 518.50).

¹¹ *Adams v. City of Duluth* (1928), 175 Minn. 247; 221 N.W. 8.

¹² *Campbell v. Village of Silver Bay, Minn.* (1963), 315 F. (2d) 571.

¹³ *Lockwood v. Lockwood et ux.* (1897), 67 Minn. 476; 70 N.W. 784.

¹⁴ *Ruble v. Ruble* (1938), 203 Minn. 399; 281 N.W. 529.

¹⁵ *Koenig v. Corcoran* (1952), 199 F. (2d) 37.

¹⁶ *Drake v. Drake* (1920), 145 Minn. 388; 177 N.W. 624.

¹⁷ *Pelowski v. Frederickson* (1962), 116 N.W. (2d) 701.

¹⁸ *Karalis v. Karalis* (1942), 213 Minn. 31; 4 N.W. (2d) 632.

14. Right to dispose of separate property by will

Every person of sound mind, not a minor, may dispose of his estate, or any part thereof, or any right or interest therein, by his last will in writing (sec. 525.18). But neither husband nor wife can defeat by will the other's statutory share in the estate of such testator, unless the survivor has given consent thereto in writing or sold or transferred such interest by judicial proceeding (sec. 525.16).

If after making a will the testator marries, the will is revoked. If after making a will the testator is divorced, all provisions in favor of the divorced spouse are revoked (sec. 525.191).

15. Inheritance rights in deceased spouse's estate

Spouses have equal inheritance rights in each other's estates. Excluding a cemetery lot, homestead, and statutory allowances to the surviving spouse (secs. 525.14, 525.145, 525.15), a surviving spouse has the following statutory share in the decedent's estate:

Real property

One-third of all real estate of which the decedent at any time was seized or possessed during marriage to such spouse, free from any testamentary disposition thereof to which such survivor shall not have consented in writing or by election to take under the will; and if a spouse and only one child survive, the share is one-half.

Personal Property

One-third of all personal property, free from any testamentary disposition thereof to which such survivor shall not have consented in writing or by election to take under the will; and if a spouse and only one child survive, the share is one-half.

The whole estate, real and personal, except as otherwise disposed of by will, and subject to the foregoing interests to which the surviving spouse is entitled irrespective of whether the decedent is testate or intestate, descends and is distributed to the children and to their issue in equal shares; and if there are no children or issue, all goes to the spouse (sec. 525.16).

Although the common-law estates of dower and curtesy are abolished, the statutory share of the spouse in real property is an inchoate interest in lieu of dower which attaches immediately upon seizin or possession of realty by the other. However, all such interests in lands conveyed prior to January 1, 1940, by the husband or wife entitled to such interest are abolished (sec. 519.09).¹⁹

(See number 3 for descent of homestead.)

¹⁹ *Morrison v. Rice* (1886), 35 Minn. 436; 29 N.W. 168.

16. Provision for survivors during administration of estate

The surviving spouse is allowed the wearing apparel, and his or her selection of furniture and household goods up to \$2,000 in value, and other personal property not exceeding \$1,000 in value. The minor children are entitled to these articles if there is no surviving spouse. If all the personal estate except one automobile is allowed to the surviving spouse by this provision, the spouse is also entitled to such automobile. During administration of the estate, the spouse or children or both are allowed such reasonable maintenance as the court may determine, for a period not exceeding 18 months, unless an extension of time is granted by the court. If the estate is insolvent, such period may not exceed 12 months (sec. 525.15).

(See number 3 as to survivor's right to homestead.)

Wages up to \$1,000 owed to a decedent at the time of his or her death are payable to the surviving spouse. Any amounts so received are in diminution of the allowance to the spouse for maintenance pending settlement of the estate (sec. 181.58).

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

Within 6 months after the filing of the certificate of probate, a surviving spouse may file a written election against the provisions of the other's will, and take instead his or her statutory share of the estate. No devise or bequest to a surviving spouse shall be considered as adding to the statutory share unless it clearly appears from the contents that such was the testator's intent (sec. 525.212).

Marriage and Divorce

18. Age of consent to marriage

Men at 21 years and women at 18 years may marry without parental consent (sec. 517.02). If the male applicant is under 21 years and has not had a former wife, a marriage license may not be issued unless the consent of the parents or guardian is given and certified by oath (sec. 517.08).

Males of the full age of 18 years and females of the full age of 16 years may be married with the consent of parents, guardian, or the court. The application of a female 16 years of age for a marriage license must be approved by the judge of the juvenile court of the county in which she resides, after a careful inquiry into the facts and surrounding circumstances (sec. 517.02).

Marriage is prohibited if the male is under 18 years of age and the female under 16 years of age (sec. 517.03).

19. Common-law marriage

Common-law marriages contracted in the State after April 26, 1941, are void (sec. 517.01).

Before any persons may be united in marriage, a license must be obtained in the county where the woman resides, or if she is not a resident of the State, in the county where the marriage is to take place. The marriage must be contracted in the presence of two witnesses, and must be solemnized by an authorized person (secs. 517.01, 517.07).

20. Premarital requirements

A 5-day waiting period is required between the application for and the granting of the marriage license unless waived because of emergency or extraordinary circumstances (sec. 517.08). No physical examination is required.

Marriages are prohibited: if either party has a living spouse of a prior undissolved marriage; if within 6 months after either has been divorced from a former spouse, except re-intermarriage between such parties; if within 6 months after either was a party to a marriage which has been adjudged a nullity, except intermarriage between such parties; if the parties are within specified degrees of kinship; if either party is an imbecile, feeble-minded, or insane; or if one of the parties is a male under 18 years of age or a female under 16 years of age (sec. 517.03).

21. Interstate cooperation in marriage law enforcement

The general rule is followed that a marriage valid by the laws of the State or county where it was performed is valid everywhere.²⁰

22. Annulment

If any person, whose husband or wife has been absent for 5 successive years and is not known to be living, marries during the lifetime of the absent husband or wife, the marriage is void only from the time its nullity is adjudged by the court (sec. 518.01).

If either party to a marriage is incapable of consenting thereto for want of age or understanding, or if consent has been obtained by force or fraud, and there is no subsequent voluntary cohabitation, the marriage may be annulled at the suit of the injured party (sec. 518.02).

No marriage may be annulled on the ground that one or both of the parties were below the age of legal consent if they voluntarily cohabited as husband and wife after attaining the age of consent (sec. 518.04).

²⁰ *In re Ommang's Estate* (1931), 183 Minn. 92; 235 N.W. 529.

23. Divorce

An action for divorce or separate maintenance may be brought by a wife in her own name in the county where she resides (sec. 518.09).

The aggrieved party may obtain a divorce for any of the following causes: (a) adultery; (b) impotency; (c) cruel and inhuman treatment; (d) sentence to imprisonment subsequent to the marriage; (e) willful desertion for 1 year next preceding commencement of the action; (f) habitual drunkenness for 1 year next preceding commencement of the action; (g) incurable insanity if the insane party has been under regular treatment for insanity and confined in an institution for at least 5 years immediately preceding commencement of the action (the status of the parties as to the support and maintenance of the insane person is not altered in any way by the granting of divorce); (h) continuous separation under decree of limited divorce for more than 5 years next preceding commencement of the action; or (i) continuous separation under an order of separate maintenance for 2 years immediately preceding the divorce action.

A decree of divorce may be granted to either husband or wife, notwithstanding that both have conducted themselves in such manner as to constitute grounds for divorce (sec. 518.06).

Independent of an action for divorce or separation, a court of equity will allow a wife support and maintenance where her husband unjustifiably refuses to live with or support her.²¹

The court may change the name of a woman plaintiff on granting her a divorce (sec. 518.27).

Pending an action for divorce or separation, the court, on petition of the wife, may prohibit the husband from imposing any restraint on her personal liberty (sec. 518.15).

In an action for divorce or separation, the court may require one party to pay any sum necessary to enable the other to carry on or defend the action. The court may also adjudge costs against either party, or direct payment of costs from property sequestered or in the power of the court (sec. 518.14).

Parties to a divorce may not remarry, except each other, until 6 months after divorce (sec. 517.03).

Alimony and maintenance

The court may make orders concerning care, custody, and suitable maintenance of minor children during pendency of a divorce action (sec. 518.16). Upon judging nullity of marriage, divorce, or separation, the court may make such additional orders as are appropriate and may determine with which of the parents they, or any of them,

²¹ *Waller v. Waller* (1924), 160 Minn. 431; 200 N.W. 480.

shall remain, having due regard to their age and sex (sec. 518.17). Such maintenance may be a lien upon the property of either or both of the parents, either at the time of entry of the decree or by subsequent order (sec. 518.57).

On divorce or annulment, the court may make disposition of property acquired during the marriage, having regard to the nature and determination of the case, the amount of alimony or support money awarded, the manner in which the property was acquired, the liens imposed to secure payment of alimony or support, and all the facts and circumstances of the case (sec. 518.58). The court may award to the wife household goods and furniture and decree to her up to one-half the real and personal estate of the husband (sec. 518.59). The court may award up to one-half the husband's future earnings and income as the wife's alimony, and may make the payment thereof a lien or charge upon any real or personal property of the husband (sec. 518.60). Occupancy of the homestead may be awarded to either party (sec. 518.62). When made to the wife, the homestead award may be in addition to the maximum amount allowed by the court for maintenance (sec. 518.63).

Parents and Children

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

A parent or guardian claiming the wages of a minor must notify the minor's employer. If he fails to do so, payment to the minor of wages earned is valid (sec. 181.01).

25. Guardianship of a minor child

The father and mother, if suitable and competent, are the natural guardians of their minor children (sec. 525.54).

A father may maintain an action for injury of his minor child. When the father has deserted his family or is dead, the mother may maintain such action. When custody has been granted by the proper court, the parent who was given custody may maintain the action (sec. 540.08).

A minor over 14 years of age may nominate his own guardian who, if suitable, will be appointed by the court (sec. 525.541).

26. Appointment of testamentary guardian for a minor child

The petition of any person nominated by the will of a deceased parent, with the written consent of the other parent if living and not under disability, for appointment as guardian for a minor child has priority over that of any other person (sec. 525.541).

27. Inheritance—child

The real property of a deceased person, who leaves no surviving issue nor spouse, descends to the father and mother in equal shares, or if only one parent is living, to such survivor. The personal estate is distributed in the same manner (sec. 525.16).

28. Child born out of wedlock

After the court has determined the paternity of a child born out of wedlock, the father becomes liable under bond for contribution to the child's support and for expenses of the child's birth (secs. 257.18-257.32). Desertion of a child born out of wedlock who is under 16 years of age, by the duly adjudged father for a period of 3 months, is presumptive evidence of his intention to abandon its support, and is a felony (sec. 617.55).

Illegitimate children are legitimated by the subsequent intermarriage of their parents. The children of annulled marriages are legitimate (sec. 517.19).

29. Inheritance—child born out of wedlock

The estate of a child born out of wedlock, who dies intestate and who has no surviving spouse nor issue, descends to his mother, or if she is dead, to her heirs (sec. 525.173).

An illegitimate child inherits from his mother as if he were born in lawful wedlock. He also inherits from the person who, in writing and before an attesting witness, declares himself to be the father, provided such declaration or an authenticated copy thereof shall be produced in the proceeding in which it is asserted; but he may not inherit from the kindred of either parent by right of representation (sec. 525.172).

POLITICAL RIGHTS

30. Domicile of a married woman

In the absence of a statutory provision, the common-law rule prevails that the domicile of a married woman follows that of her husband.

Separate domicile is recognized for a "just" cause.²²

Relief law

A married woman abandoned or deserted by her husband for a period of 1 year continuously shall thereafter have the same right to acquire a new settlement as a single person (sec. 261.07).

²² *Bechtel v. Bechtel* (1907), 101 Minn. 511; 112 N.W. 883.

31. Public office—eligibility of women

Women are eligible for election to public office (Const., art. 7, sec. 7).

32. Jury service—eligibility of women

Women are eligible for jury service (sec. 593.02). A woman selected for jury service may be excused on her request, at the discretion of the court (sec. 628.49).

