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WOMEN'S BUREAU
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The Legal Status of Women in the United States of America

January 1, 1948

REPORT FOR

OHIO

*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. 157-34 (Revised)

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THE LEGAL STATUS OF WOMEN IN THE UNITED STATES OF AMERICA

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

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

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

LETTER OF TRANSMITTAL

UNITED STATES DEPARTMENT OF LABOR,
WOMEN'S BUREAU,
Washington, November 24, 1948.

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

United States Department of Labor,
Women's Bureau,
Washington, D.C. 20548.

Enclosed for you are two reports on the legal status of women in Ohio. This is one of a series of reports containing a survey of the laws of the States, the District of Columbia, the Territory of Alaska, Hawaii and Puerto Rico, and the United States possessions, the Canal Zone and Virgin Islands. The original report on the legal status of women in Ohio contains a summary of statutes and decisions of appellate courts concerning the status of women in that State. It also contains important changes by legislative action.

The study was made by Mrs. James Buchanan, Attorney on the Women's Bureau staff, member of the bars of the Supreme Court of the United States and of the Massachusetts Superior Court. Valuable assistance was given in the preparation of the report by Mary Patricia Sullivan, Assistant Economist, and Elizabeth Hanson, Editorial Assistant, both of the Bureau staff.

Respectfully submitted,

James S. Mullan, Director

Hon. Maurice J. Tobin,
Secretary 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, 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.

OHIO

SOURCES

Constitution of Ohio.
Ohio Code 1940, Baldwin's Revised Annotated.
Session Laws, 1941, 1947.
Ohio State Reports.
Ohio Appellate Reports.
Ohio Opinions.
Ohio Circuit Court Reports.
Ohio Decisions.
Ohio Nisi Prius Reports.
Northeastern Reporter.

EXPLANATORY NOTE

References to the State Constitution are indicated by parenthetical insertions of section numbers following the abbreviation Const., as (Const., art. 15, sec. 4), placed after the related subject matter.

Code section references are likewise in parentheses, thus (sec. 8023 or sec. 10507-20).

Session laws are referred to by year of enactment and page number, as (1941, p. 734).

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.).

Abbreviations used:

Nisi Prius=N. P.

Nisi Prius, New Series=N. P. (N. S.).

Ohio Decisions=O. D.

Circuit Court Reports, New Series=C. C. (N. S.).

Ohio Opinions=O. O.

Appellate Reports=App.

Ohio State Reports=O. S.

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."

OHIO

A.—CIVIL RIGHTS

I.—CONTRACTS AND PROPERTY

1. Age of Majority.

The age of majority is 21 years for both sexes (sec. 8023).¹ The marriage of a ward, if a female, determines the guardianship as to her person, but not as to her estate (sec. 10507-20).

¹ *Mieszkaliski v. Mieszkaliski* (1932), 44 App. 152, 154; 184 N. E. 709.

2. Contractual Powers of Minors.

Any contracts made by a minor are voidable, subject to affirmance or rescission upon such minor's attaining majority,¹ except that he is liable for the purchase price of necessities supplied him according to his actual requirements (sec. 8382).

¹ *Coleman v. Coleman* (1935), 51 App. 221, 222; 200 N. E. 197.

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

When a married woman sues or is sued, judgment may be rendered and enforced against her as if she were unmarried; her property and estate are liable for a judgment against her; but she is entitled under such circumstances to the benefits of all exemptions allowed to heads of families (sec. 11591). To receive the benefits of such exemptions, it is not essential that she shall be living with her husband, nor that she have a child or children living with or supported by her.^{1 2} This statute applies only to the wife's separate property.³

Personal Property.

Every person who is the chief support of a family, or who is a person paying alimony, maintenance, or other allowance for the support of a divorced or separated spouse, or for the support of a minor child or children, or is the chief support of any dependent person, and every widow may hold exempt from seizure under execution, attachment, or sale certain personal property enumerated in the statute (sec. 11725).

Every unmarried person, resident of the State, may hold exempt certain personal property enumerated in the statute (sec. 11721).

Homestead Exemption.

A husband and wife living together, a widow or widower living with an unmarried daughter or unmarried minor son, may exempt a family homestead not exceeding \$1,000 in value. The husband, or in case of his failure or refusal, the wife, may make the demand for exemption. But neither can be allowed such demand, if the other has a homestead (sec. 11730).

Allowance in Lieu of Homestead.

A husband and wife living together, a widower living with an unmarried daughter or minor son, every widow, and every unmarried female having in good faith the care, maintenance, and custody of a minor child or children of a deceased relative, resident of this State, and not the owner of a homestead, in lieu thereof, may select with certain statutory exceptions, and hold exempt from levy and sale, real or personal property not above \$500 in value, in addition to the amount of property in chattels otherwise exempted by law (sec. 11738).

Insurance Policy Proceeds.

A married woman may, in her own name or by trustee, cause the life of her husband to be insured for her sole use, and if she becomes entitled to such insurance through its maturity or the death of her husband, she takes the amount free from claims of the representatives of the husband, or any of his creditors (sec. 9397). A policy of insurance on the life of any person, in which the proceeds or any interest therein have been made payable in due form to a married woman or for her benefit, must be held free from claims of her husband or his creditors, or of the insured or his creditors (sec. 9398).

¹ *Kimmel v. Paronto* (1895), 52 O. S. 468, 469; 43 N. E. 1040.

² *Shaw v. Foley* (1900), 62 O. S. 30; 56 N. E. 475.

³ *Home Banking Co. v. Huffman* (1903), 1 N. P. (N. S.) 349, 351; 14 O. D. 225.

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

See Number 9.

5. Contractual Powers of Married Women.

Either spouse may enter into any engagement or transaction with the other or with any other person, as if unmarried. However, transactions between spouses are subject to the general rules governing the actions of persons between whom confidential relations exist (sec. 7999), and husband and wife cannot by contract between themselves alter their legal relations except as to (1) an agreement of separation, or (2) provisions for family support during the separation (sec. 8000).¹

A married person may take, hold, and dispose of property, real or personal, as if unmarried (sec. 8001), except that, because of the present dower provisions of the statute, both spouses must join in any deed or mortgage conveying the lands of either of them (sec. 10502-1).² Neither spouse, as such, is liable for the acts of the other (sec. 8002).³

A married woman may sue and be sued as if she were unmarried, and her husband need not be joined in the action unless the suit is in favor of or against both (sec. 11245).⁴ When husband and wife are sued together, the wife may defend for her own right; and if the husband neglects to defend, she also may defend for his right (sec. 11246).

A woman is not disqualified from acting as a fiduciary by her marriage, whether her marriage occurs before or after her appointment and qualification as such fiduciary, and all of her acts have the same validity as though she were unmarried (sec. 10506-66).

The common-law doctrine of the unity of husband and wife is modified in Ohio only so far as it is done by specific statutory provisions.⁵

¹ *Hoagland v. Hoagland* (1925), 113 O. S. 228, 231, 233; 148 N. E. 585.

² *Morgan v. Morgan* (1936), 6 O. O. 6.

³ *Bretzfelder v. Demaree* (1921), 102 O. S. 105, 110; 130 N. E. 505.

⁴ *Leonardi v. Leonardi* (1925), 21 App. 110; 153 N. E. 93.

⁵ *State v. Phillips* (1912), 85 O. S. 317; 97 N. E. 976; 40 L. R. A. (N. S.) 142.

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

The court has ruled that a wife suing in her own name to recover for household services rendered to a third person who was a boarder in the family must show her husband's consent, and a special agreement that she was to receive pay therefor on her own account.¹ But the court in a later case, while affirming its position in the *Spayne* decision as to similar cases, made a clear distinction between them and those cases where the wife's services were rendered to a third person by her elsewhere than at the home of her husband, and were not in the discharge of her domestic duties, holding that she could sue then in her own right to recover earnings under section 7999. It was stated by the court that "It does not appear that the services rendered by the wife in this case in any way interfered with her domestic duties or with the services to which her husband was legally entitled * * *." ² See Number 5.

If the labor is performed in the furtherance of the business in which the husband is engaged, and they are mutually engaged in laboring for their common benefit, the statute does not deprive the husband of his common-law right to recover for the services of his wife, when she does not elect to avail herself of her right under the statute, but assists her husband in collecting the fruits of her services.³

¹ *Spayne v. King* (1893), 4 N. P. 299. (Aff. by Sup. Ct. (1897) 55 O. S. 696.)

² *Bechtol v. Ewing* (1913), 89 O. S. 53, 57, 59; 105 N. E. 72; Ann. Cases 1915C, 1183.

³ *Hess, Exr. v. Clutz* (1917), 8 App. 57, 64.

7. Liability of Married Woman for Family Necessaries.

A married woman may contract for goods, including necessaries for the family, in her own name and on her own credit, and thus bind herself for payment.^{1 2} See Number 5.

The husband is bound under the law to support himself, his wife, and his minor children out of his property or by his labor, but if he is unable to do so, the wife must assist him as far as she is able (sec. 7997). But if he simply neglects to make adequate provision for the support of his wife, any other person, in good faith, may supply her with necessaries for her support, and recover the reasonable value of such goods from the husband (sec. 8003). Husband and wife contract toward each other obligations of mutual support (sec. 7995).

¹ *Tille v. Finley* (1933), 126 O. S. 578, 582; 186 N. E. 448.

² *Higbee Co. v. Crum* (1927), 27 App. 107, 112; 160 N. E. 865.

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

A married woman is not required by statute to obtain a decree of court or to record an inventory of her property before engaging in an independent business.

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

Neither husband nor wife has any interest in the property of the other, except for support (sec. 7997), the right to dower, the right of remaining in the other's dwelling unless restrained by proper court decree, and of remaining in the mansion house after the death of either, as provided by law (sec. 7998). See also Number 5.

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

Property acquired after marriage by the joint efforts of husband and wife belongs to the husband by rule of common law, unless other arrangement is made by private contract, such as joint deeds or joint bank accounts.

See Number 6.

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

See Number 5.

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 statutory modifications of the common-law rights of husband and wife refer to their property relations, but do not enlarge the right of action of either against the other for personal wrongs. Common-law rule prevents the husband from suing the wife for her tort against him; the same rule applies to the wife as against the husband for an injury caused to her by his negligence.¹

¹ *Leonardi v. Leonardi* (1925), 21 App. 110; 153 N. E. 93.

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

Husband and wife are competent to testify for each other in all criminal prosecutions and to testify against each other in all actions for personal injury of either by the other, or for violations of the marital or family relationships and duties as enumerated in the statute (sec. 13444-2).

Husband or wife may not testify concerning any communication made by one to the other, or an act done by either in the presence of the other, during the marriage, unless in the known presence or hearing of a third person competent to be a witness (secs. 11494, subsec. 3, 13444-2).

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

There are no restrictions peculiar to a married woman's will (sec. 10504-2).

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

As to real property owned at any time during the marriage, and conveyed by the decedent without the signature of the other spouse, or as to real property encumbered, or aliened by judicial or other involuntary sale, in which property the living spouse has not relinquished or been barred of the right of dower, such survivor is endowed of an estate for life in one-third (sec. 10502-1).

The right to dower may be relinquished by accepting in its stead the conveyance of an estate or interest in real property, effective on the death of the grantor. But if the conveyance was made to a minor or during the marriage, the grantee may waive title to the real estate conveyed and demand dower (sec. 10502-2).

All dower interest is barred by the granting of an absolute divorce (sec. 10502-1), and either spouse who leaves the other and dwells in adultery will by such act be barred of dower right in the real property of the other unless the offense is condoned by the injured spouse (sec. 10502-5).

As to other lands owned by the decedent at the date of death, and as to any personal property so owned, the surviving husband or wife takes outright a distributive share in such property not passing by will. This distributive share is one-third, if more than one child or descendants of children be living; one-half, if only one child or its descendants be living; three-fourths, if no descendants survive, but the parents of decedent be living; or the whole estate if no descendant or parent survives (sec. 10503-4, subsecs. 2, 3, 4).

When a married person dies without a will and without issue, possessed of any real or personal property which came to such decedent from a deceased former spouse by gift, will, or descent, then one-half of such property goes to the surviving spouse of the second marriage outright, the other half vesting in the children of the deceased former spouse or in the kin of such spouse, as enumerated in the statute (sec. 10503-5).

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

A surviving spouse may remain in the mansion house of a deceased husband or wife rent-free for 1 year, but if necessary to sell the property to pay debts of the estate, the surviving spouse is to be paid the fair rental value for the remainder of the year (sec. 10509-79).

A surviving spouse has the privilege of selecting, as provided by law, household goods, livestock, tools, implements, utensils, wearing apparel of the deceased and relics and heirlooms of the family and of the deceased, ornaments, pictures, and books, or, in some cases, a portion in money. When selected, the property is listed in the inventory of the estate, but is exempt from administration as part of its assets (sec. 10509-54).

The wearing apparel of the deceased and any money received by way of such exemption are set off to the surviving spouse (sec. 10509-55).^{1 2}

In addition to the "set-off" just described, the appraisers of the estate also set off and allow to the widow and children under 18 years, if

there are any, sufficient provisions or other property to support them for 12 months from the decedent's death, and the probate judge is authorized to fix the year's allowance if the appraisers fail to do so, or if for any reason there is no appraisal (sec. 10509-74).

These allowances, in the order mentioned, are a preferred claim and debt, respectively, against the entire estate of the deceased husband, where a widow is the beneficiary, and they are deductible from the estate before determination of the share of the estate to be taken under the statute of descent and distribution.³

A widow, composing part of the decedent's family at the time of his death, so long as she remains unmarried is entitled to have set off to her the statutory homestead, when it is necessary in the administration of the estate to sell the decedent's lands to pay debts (sec. 11732).

If liens on the family homestead preclude its exemption to the widow, and it is sold, the widow, if unmarried, is entitled to the residue of the proceeds, not exceeding \$500, in lieu of the homestead, on her application (sec. 11733).

Maximum value of small estates which may be distributed, after prescribed notice, without formal administration, raised from \$500 to \$1,000 (1947, p. 427).

¹ *In re McMillan's Estate* (1906), 8 C. C. (N. S.) 294, 296; 18 C. D. 645.

² *In re Estate of Felman* (1933), 32 N. P. (N. S.) 73, 79, 82.

³ *Davidson v. Savings & Trust Co.* (1935), 129 O. S. 418, 428; 195 N. E. 845.

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

A surviving spouse has the right to elect whether to take under the will or under the statute of descent and distribution. (See Number 15.) However, if the election is to take under the statute of descent and distribution, the spouse will receive not more than one-half of the net estate. The election must be made within the time provided by law, and entered upon the minutes of the court (sec. 10504-55). The right of election is available even though the will makes no provision for the living spouse.¹

If the election be to take under the will, the spouse is not barred of the right to remain in the mansion of the deceased spouse, nor of the allowance of "set-off," nor, if a widow, of the 1 year's allowance provided by law for herself and her children (see Number 16), unless the will expressly directs otherwise (sec. 10504-61).

¹ *Doyle v. Doyle* (1893), 50 O. S. 330, 341; 34 N. E. 166.

II.—MARRIAGE AND DIVORCE

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

Both sexes may marry at 21 years of age without consent of parents, surviving parent, or guardian. Males at 18, and females at 16 years, may marry, if consent is obtained of parents, parent, or guardian as prescribed by law, or in the absence of these, of the judge of the juvenile court of the county in which the female resides. In maternity cases, even though one or both of the parties be under the legal minimum age for marriage, if either or both be made wards of the juvenile court, such court, with consent of the parties or of their parents or guardian, may give consent for license for marriage to be issued (secs. 11181, 11181-1 as amended, 1941, p. 300).

The common-law age of consent to marriage is recognized, which is 12 years for females and 14 years for males. See *Peefer v. State* (1931), 42 App. 276, 287; 182 N. E. 117.

19. Validity of Common-Law Marriage.

A marriage valid at common law is recognized in this State in the absence of a statute expressly declaring such marriages void.^{1 2}

¹ *Umberhower v. Labus* (1912), 85 O. S. 238, 248; 97 N. E. 832.

² *Holmes v. Pere Marquette Rd. Co.* (1927), 28 App. 297, 299, 301; 162 N. E. 675.

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

License must not be granted when either applicant is an habitual drunkard, epileptic, imbecile, or insane, or when either party at the time of making application is under the influence of an intoxicating liquor or narcotic drug or is infected with syphilis in a form that is communicable, or likely to become communicable (sec. 11187 as amended 1941, p. 300).

Nor shall a license be issued until each applicant files evidence that within the 30-day period immediately preceding application he or she has submitted to an examination for syphilis, including standard serological tests; and that in the opinion of the examining physician syphilis either is not present, or if present, is not in a form which is communicable, or likely to become communicable (1941, p. 301).

21. Interstate Cooperation in Marriage Law Enforcement.

A marriage which is valid where made is valid in this State unless expressly prohibited by law.¹

¹ *Peefer v. State* (1931), 42 App. 276, 286; 182 N. E. 117.

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

There appears to be no statutory provision. The announced policy of the courts toward declaring any marriage void is one of great reluctance, and annulment seems to be granted only upon satisfactory proof of such fraud as affects the relation itself.^{1 2 3}

¹ *Joy v. Joy* (1900), 12 O. D. 574.

² *Peefer v. State* (1931), 42 App. 276, 287; 182 N. E. 117.

³ *Waymire v. Jetmore* (1872), 22 O. S. 271.

23. Grounds for Divorce—Respective Availability to Spouses.

A divorce may be granted to the injured party upon proof of one of the following causes:

A living spouse at the time of the marriage from which the divorce is sought; willful absence for 3 years; adultery; impotency; extreme cruelty; fraudulent conduct; any gross neglect of duty; habitual drunkenness for 3 years; penitentiary imprisonment under sentence if the petition be filed during the imprisonment; procurement of divorce decree in another State by which the spouse procuring it is released from the obligations of marriage, while they remain binding upon the other party (sec. 11979).

III.—PARENTS AND CHILDREN

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

The wife and husband have equal powers, rights, and duties, and neither parent has any right paramount to the right of the other, concerning the custody of the minor or the control of the services or the earnings of such minor or any other matter affecting the minor; provided, that if either parent, to the exclusion of the other, is maintaining and supporting the child, such parent has the paramount right to control the services and earnings of the child (sec. 10507-8).

It has been held recently that an unemancipated minor's earnings belong to the father until the child attains majority.¹

¹ *Brown v. Schunk* (1934), 47 App. 344, 347; 191 N. E. 886.

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

The wife and husband are the joint natural guardians of their minor children, and are equally charged with their care, nurture, welfare, and education, also the care and management of their estates (sec. 10507-8). See Number 24.

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

Only a surviving parent by last will in writing may appoint a testamentary guardian for his or her minor children (sec. 10507-13).

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

When a person dies intestate, his inheritable estate passes to his parents as follows:

1. If the decedent leaves a surviving spouse but no descendants, one-fourth of the estate goes to his parents equally, or to the surviving parent.
2. If decedent leaves neither spouse nor descendants, the estate goes to the parents equally or to the surviving parent (sec. 10503-4, subsecs. 4 and 5).

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

If the paternity of the child is determined by proper court proceedings, either upon confession of the accused, or upon jury trial, the reputed father is held under bond to perform the order of the court with respect to payment to the mother of such sum as the court may find to be necessary for her support, maintenance, and necessary expenses, caused by pregnancy and childbirth, together with costs of prosecution and a reasonable weekly sum to be paid the mother for support of the child up to 18 years of age, or until its death, if earlier, and its funeral expenses. The father must give security for these payments, also must pay costs of the prosecution. His failure to do so subjects him to imprisonment until he complies with the court order (sec. 12123 as amended, 1941, p. 735).

Prosecution of a parent for neglect of a child under 18 years of age is authorized by statute and held to apply to the father of any illegitimate child (sec. 1639-46, as amended, 1941, p. 734).

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

The mother of an illegitimate child inherits from his estate in the same manner as if the child had been born in lawful wedlock (sec. 10503-14).

B.—POLITICAL RIGHTS

30. Domicile of Married Women.

The place where the family of a married man or woman resides is considered his or her place of residence; except that where the husband and wife have separated and live apart, the place where he or she resides the necessary time to entitle a person to vote is his or her legal residence (sec. 4785-31d).

When the spouses are living together, the husband, as the head of the family, has the right to select the matrimonial domicile, and it is the duty of the wife to follow his choice, provided he acted in good faith and with due regard to her comfort, health, welfare, safety, and peace of mind (sec. 7996).¹

¹ *Burke v. Burke* (1930), 36 App. 551, 555; 173 N. E. 637.

31. Public Office—Eligibility of Women.

Women are eligible for election to public office (Const., art. 15, sec. 4).

32. Jury Service—Eligibility of Women.

Women may serve as jurors (secs. 11419-8, 11419-9).¹ The service of jurors is compulsory unless excused as provided by statute (secs. 11419-14 to 11419-19).

¹ *Browning v. State* (1929), 120 O. S. 62, 65; 165 N. E. 566.