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The Legal Status of Women in the United States of America

REPORT FOR
OREGON
as of January 1, 1957

The report for Oregon was prepared by James H. Dale with the assistance of James H. Dale, under the general direction of Alice A. Johnson of the Division of Women's Labor Law and Civil and Political Rights of the Women's Bureau, U.S. Department of Labor.



WOMEN'S BUREAU BULLETIN 157-36 (Revised)

UNITED STATES DEPARTMENT OF LABOR
JAMES P. MITCHELL, *Secretary*

WOMEN'S BUREAU
MRS. ALICE K. LEOPOLD, *Director*

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INTRODUCTION

Any conclusion bearing on woman's status under the laws of the United States of America must take into account the common law, on which the fabric of the Nation's jurisprudence is woven.

The common-law rules of property sprang from various causes, notably tradition, military or economic exigency, 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 Oregon
Oregon Revised Statutes, 1955

EXPLANATORY NOTE

This pamphlet, Bulletin 157-36, presents a digest of the Constitution and statutory provisions affecting the legal status of women in the State of Oregon. It includes pertinent statutory changes enacted in that State up to January 1, 1957, and supersedes the previous report and addendum for Oregon.

References to the code sections are indicated by parenthetical insertions of section numbers, as "(sec. 722.320)."

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

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

OREGON

CIVIL RIGHTS

Contracts and Property

1. Age of majority

Males and females attain majority at age 21 (sec. 109.510), or when they contract a legal marriage (sec. 109.520).

2. Contractual powers of a minor

A minor is liable on his contracts for necessities furnished him, if actually required and if supplied at a reasonable price (sec. 75.020).

In general, at common law, the contracts and conveyances of a minor are voidable, and he may ratify or disaffirm them within a reasonable time after his majority. In the absence of an express statute, the common law is applied where it does not conflict with the State Constitution or special enactments of the legislature.

(See *Perry v. Fletcher* (1919), 93 Oreg. 43, 53; 182 Pac. 143.)

Minors may own and control bank deposits in their own names (sec. 708.505) and certain savings-and-loan-association stock, as prescribed by statute (sec. 722.320). They are not qualified to act as executors or administrators (sec. 115.410).

3. Property exemptions from seizure for debt

A. RESPECTIVE RIGHTS OF MAN AND WOMAN

The judgment debtor is entitled to select as exempt from levy for debt (except debts for purchase price, or, under certain circumstances, for materials or labor performed): Books, pictures, and musical instruments owned by any person to the value of \$75; necessary wearing apparel up to \$100 in value, owned by any person, and, if such person is a householder, for each member of his family to the value of \$50; necessary equipment by which such person habitually earns his living, to the value of \$400; poultry to the value of \$50. A householder is entitled also to household goods, furniture, and utensils to the value of \$300; family pew; 6 months' supply of provisions for the family; designated livestock, with limited food pro-

vision for them; also limited fuel supply. All pensions granted to any person for a preceding period of employment or service are exempt, without necessity of claim by the pensioner for such exemption (sec. 23.160).

The earnings of any debtor for personal services rendered within 30 days next preceding service of an attachment, garnishment, execution, or other process which—together with other earnings for personal services performed by the debtor within the same period—amount to the sum of \$125 or less, are exempt if such earnings are necessary for the use of the family supported wholly or partly by the labor of such debtor; except that only 50 percent of such earnings may be held exempt if the debt incurred is for family expenses. No earnings of any debtor are exempt against a debt or demand incurred for property or money obtained by fraud or under false pretenses (sec. 23.180).

B. HOMESTEADS

A homestead is exempt to the value of \$5,000 when it is "the actual abode of and occupied by the owner, his or her spouse, parent or child." Temporary removal or absence with the intention to re-occupy the property as a homestead does not impair the exemption. If the property is sold, the exemption extends, for a period not exceeding 1 year, to \$5,000 of the proceeds while held with the intention to purchase another homestead (sec. 23.240).

A rural homestead may consist of any quantity of land not exceeding 160 acres. If the homestead is in a town or city, its area may be any quantity of land not exceeding 1 block, provided the value is not more than \$5,000 (sec. 23.250).

The exemption does not apply against mechanics' liens for work, labor, or material for improvement of property claimed as homestead, or to purchase-money liens and valid mortgages (sec. 23.260).

Claim for homestead exemption may be made by the owner, his or her spouse, parent or child, agent or attorney, when the property has been levied upon (sec. 23.270).

The widow may remain in the family homestead rent free for 1 year after her husband's death (sec. 113.070).

When any homestead is devised by the will of the owner thereof, the devisee takes the same, free of all judgments and claims against the testator of his homestead estate except mortgages executed thereon and laborers' and mechanics' liens. Such exemption shall not extend to any devisee other than a child or grandchild, widow or widower, or father or mother of the testator (sec. 116.595).

4. Ownership and control of property owned at marriage

The property and pecuniary rights of every married woman at the time of her marriage are not subject to the debts or contracts of her husband (sec. 108.050). If either the husband or the wife obtains possession or control of property belonging to the other before marriage, the owner of the property may maintain an action at law to recover such property (sec. 108.080).

5. Contractual powers of a married woman

A married woman may manage, sell, convey, or devise property owned by her at the time of her marriage or acquired thereafter. She may exercise these rights over such property in the same manner and to the same extent that her husband may with respect to property belonging to him (sec. 108.010).

A conveyance, transfer, or lien executed by either husband or wife to or in favor of the other is valid. If a husband or wife conveys to the other an undivided one-half of any real property and retains an undivided one-half, this creates a tenancy by the entirety. Such tenancy may be dissolved by a conveyance of either the husband or wife to the other (sec. 108.090).

Either husband or wife may appoint the other as attorney in fact to control, sell and convey, mortgage, or bar dower or curtesy in his or her property for their mutual benefit and may revoke such appointment at will (sec. 108.100).

Parties to an intended marriage may enter into a prenuptial agreement in writing concerning their respective personal-property holdings and the final disposition thereof. If the marriage is consummated, the prenuptial agreement is binding upon the parties, their heirs, legal representatives, and assigns (sec. 108.140).

A married woman may bar her right of dower in any estate conveyed by her husband by joining in the deed of conveyance with, or by executing a deed separately from, her husband (sec. 113.410). Dower may also be barred by jointure settled on her before marriage, if such jointure consists of a freehold estate in land for the life of the wife, to take effect in possession or profit immediately on the death of the husband (sec. 113.420).

For all civil injuries committed by a married woman, damages may be recovered from her alone, and her husband cannot be held liable except in cases where he would be jointly responsible with her if they were not married (sec. 108.030).

No female may be arrested in any action, except for an injury to person, character, or property (sec. 29.520 (2)).

6. Earnings of a married woman

The real or personal property which a woman acquires during marriage by her own labor is her separate property and is not liable for her husband's debts, contracts, or liabilities (sec. 108.050).

7. Liability for family support

The expenses of the family and the education of the children are chargeable against the property of both husband and wife, or either of them. They may be sued for such expenses, either jointly or separately. The wife's liability ceases after 2 years from the maturity of the debt (sec. 108.040). This statute was intended for the protection of creditors of the husband and the wife and does not change the common-law duty of the husband to maintain his wife during the marriage and provide family necessities.¹

A wife may apply to the circuit court of the county in which she resides to compel her husband to provide support for her and their minor children. The court has authority to grant such relief as the circumstances of the case require (sec. 108.110).

After divorce the wife is not responsible for debts or family expenses contracted by the husband while they were living together. If she wrongfully and willfully separates from or abandons her husband, he is not responsible for her subsequent debts, except those for the maintenance, support, and education of their minor children (sec. 108.040).

Any person who, without just or sufficient cause, deserts, abandons, or fails or neglects to support his wife or his or her minor female child under 18 or minor male child under 16, without providing necessary shelter, food, care, or clothing, is subject to fine and/or imprisonment (sec. 167.605).

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

No decree of court, formal consent of husband, or recorded inventory of separate property is required by statute from a married woman who engages in a separate business.

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

The property and pecuniary rights of a married woman acquired after marriage are her separate property and not subject to the debts or contracts of her husband (sec. 108.050). If either the husband or the wife obtain possession or control of property belonging to the other, the owner may maintain an action for its recovery (sec. 108.080).

¹ *Taylor v. Taylor* (1909), 54 Oreg. 560, 582, 583; 103 Pac. 524.

10. Property acquired by joint efforts of husband and wife

By rule of common law, property acquired by joint efforts of husband and wife is under the management and control of the husband.

(See number 5 for estates by the entirety.)

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

A married woman may sue for the alienation of her husband's affections, under the provisions of the statute removing her civil disabilities.^{2 3} A married woman may sue for loss of consortium due to the injury or death of her husband through the willful or negligent act of a third person (sec. 108.010).

The father or—in case of his death or desertion of the family—the mother may maintain an action for the seduction of a daughter, even though the daughter is not living with or in the service of the plaintiff at the time of or following the seduction and there is no loss of service (sec. 30.710). An unmarried female over 21 years of age may maintain an action for her seduction and recover damages assessed in her favor, but the prosecution of action to judgment by the father, mother, or guardian is a bar to an action by an unmarried female (sec. 30.720).

12. Damages for injury by spouse to person or property

In the absence of a specific statute empowering husband and wife to sue each other for personal torts, neither spouse may maintain such an action against the other, by rule of common law.

If either husband or wife obtain possession or control of property belonging to the other either before or after marriage, the owner of the property may maintain an action for its recovery or for any right accruing from it in the same manner and extent as if they were unmarried (sec. 108.080).

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

In civil actions, generally, a husband may not be examined for or against his wife without her consent, nor a wife for or against her husband without his consent; nor can either—during the marriage or afterward—be examined without the consent of the other as to any communication made by one to the other during the marriage. But this restriction does not apply to a civil action between spouses, nor to a criminal action or proceeding for a crime committed by one against the other (sec. 44.040 (1) (a)).

² *Keen v. Keen* (1907), 49 Oreg. 362, 365; 90 Pac. 147; 10 L. R. A. (N. S.) 504.

³ *Bird v. Ellingsworth* (1936), 156 Oreg. 103, 107; 59 Pac. (2d) 261; (1937), 65 Pac. (2d) 674.

If a party to the action, suit, or proceeding offers himself as a witness, he thereby consents to the examination also of a spouse on the same subject (sec. 44.040 (2)).

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under the Uniform Reciprocal Enforcement of Support Act; in such proceedings husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage (sec. 110.251).

In criminal actions, generally, when one spouse is the party accused, the other is a competent witness but may not be allowed or compelled to testify unless both spouses consent. But either spouse is a competent witness against the other in all cases of personal violence upon one by the other, or of any personal violence or other unlawful act committed against any minor child of either or both; and in all criminal actions for polygamy or adultery, the husband or wife of the accused is a competent witness and may testify as to the fact of marriage against and without the consent of the other (sec. 139.320).

14. Right to dispose of separate property by will

Every person of sound mind who is 21 years of age or over or has attained majority by being legally married may, by will, devise and bequeath all of his or her estate—real and personal—except the dower of the widow if she is living or the curtesy of the widower if he survives (sec. 114.020).

A will made by any person is deemed revoked by his or her subsequent marriage or divorce (sec. 114.130).

(See number 17 for right to take against the will of a deceased spouse.)

15. Inheritance rights in deceased spouse's estate

Real property

A widow is entitled to dower—that is, the use during her life of one-half of all the land in which her husband had an estate of inheritance at any time during the marriage—unless she is barred from such right according to law (sec. 113.010).

The dower right may be barred by a valid deed of conveyance (sec. 113.410), by assent before the marriage to a jointure in lieu of dower (secs. 113.420, 113.430), or by acceptance of a pecuniary provision in lieu of dower (sec. 113.440).

A widower is entitled to curtesy—that is, the use during his life of one-half of all the lands in which his wife had an estate of

inheritance at any time during his marriage—unless he is lawfully barred from such right. Statutes applicable to dower are made to apply as far as practicable to curtesy also (sec. 113.020).

A nonresident widow or widower has curtesy or dower only in the lands of which the deceased spouse was seized at the date of death (secs. 113.020, 113.080).

The dower or curtesy right of a spouse who has been adjudged of unsound mind or incapable of conducting personal affairs may be relinquished by judicial proceeding, as prescribed by statute, to enable the other spouse to make valid conveyance of his or her real property (secs. 113.610 through 113.690).

When no lineal descendants of the decedent survive, the living spouse takes all the real property (sec. 111.020 (2)).

Personal property

A widow is allowed all articles of her apparel and ornament, according to the degree and estate of the intestate, and such property and provisions for the use and support of herself and minor children as shall be allowed and ordered in pursuance of sections 116.005 through 116.015 (see number 16) ; and this allowance shall be made when the widow waives the provision made for her in the will of her husband as well as when he dies intestate (sec. 111.030 (1)).

If the intestate leaves a surviving spouse and issue, the spouse is entitled to receive one-half of the personal property after payment of statutory allowances, debts, and charges. If there is no issue, the spouse is entitled to all the personal property (sec. 111.030 (4)).

The widow or widower is preferred as administrator of a deceased spouse's estate (sec. 115.310).

16. Provision for survivors during administration of estate

Until administration of the estate has been granted and the inventory filed, the surviving spouse and the minor children of the decedent are entitled to remain in possession of the homestead, all the wearing apparel of the family, and decedent's household furniture. The widow and minor children may have a reasonable provision for their support during this period, to be allowed by the court (sec. 116.005).

When the inventory of the estate has been filed, the court will order all property which was exempt from execution to the decedent at the date of death to be set apart to the widow, widower, or minor children. This property then belongs to the widow or widower to be used or expended for the support of such spouse and minor children, if any (sec. 116.010).

If the property set aside is insufficient for the support of the widow and minor children for 1 year according to their circumstances

and condition in life, the court may order an additional allowance, provided the estate is sufficient to satisfy all the debts of the deceased and administration expenses (sec. 116.015).

If the inventory shows that the value of the estate above property exempt from execution does not exceed \$150, the court will order the whole estate set apart for the widow or minor children of a decedent, after payment of funeral and administration expenses, thus closing the administration of the estate unless other property is discovered (sec. 116.020).

All wages not exceeding \$200 which have been earned by an employee within a period of 3 months prior to the date of his death shall, upon his death, become due and payable to his or her surviving spouse to the same extent as if the wages had been earned by such surviving spouse (sec. 652.190).

The surviving spouse of a person who dies having a cash deposit not exceeding \$1,000 in a bank or trust company may withdraw such deposit on affidavit, as prescribed by statute, without probate of the estate (sec. 708.520 (1)).

On the death of any shareholder or investor, a savings and loan association may pay to the surviving spouse up to \$1,000, upon receipt of an affidavit from the surviving spouse that the shareholder or investor died intestate (sec. 722.375).

A widow may remain in the dwelling house of her husband for 1 year after his death without being chargeable with rent for it, and is to have her reasonable sustenance out of the estate for 1 year (sec. 113.070).

The proceeds or the cash surrender value of a policy of life insurance payable to a lawful beneficiary other than the insured are exempt to such beneficiary from the creditors and representatives of the person effecting the insurance, except that, in general, the amount of any premiums paid in fraud of creditors, with accrued interest, will be subject to such creditors' claims out of the proceeds (sec. 739.405).

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

If any land is devised to a wife or other provision is made for her in the will of her husband, she shall make an election whether she will take the land so devised or dower (sec. 113.030).

The surviving spouse has an election whether to take under the will of his or her deceased spouse or to receive a one-fourth interest in all the personal property, in addition to dower or curtesy (sec. 113.050).

Marriage and Divorce

18. Age of consent to marriage

Marriage is a civil contract which may be entered into by males of the age of 18 years and females of the age of 15 years who are otherwise capable (sec. 106.010). Written consent of parent and guardian, if any, is required before a license to marry may be issued, when the female is under 18 or the male under 21 years of age. If either of the parties has no parent or guardian resident within this State, and the female has resided in the county where the application is made for the 6 months immediately preceding application for license, such consent may be waived (sec. 106.060).

19. Common-law marriage

The common-law marriage is invalid in this State and is contrary to its public policy regarding the solemnization of marriages, as clearly expressed by mandatory statutes.^{4 5}

Persons wishing to enter into marriage must obtain a license therefor (sec. 106.041).

20. Premarital requirements

Each applicant for a marriage license must file a written application with the clerk of the county where the license is sought (sec. 106.041).

Before a marriage license may be issued, there must be filed with the clerk sworn certificates of a practicing physician duly authorized in the State showing that in his opinion each of the persons seeking marriage is free from contagious or infectious venereal diseases in a communicable stage, epilepsy, feeble-mindedness, mental illness, drug addiction, or chronic alcoholism. Laboratory tests are required for determination of syphilis or gonorrhea (sec. 106.071).

When the county clerk has received the written application and medical certificate from both applicants, he may issue a marriage license valid for a period of 30 days after the earliest date of either applicant's medical certificate (sec. 106.077).

The decision of the State Board of Eugenics not to issue a marriage license on the basis of the physician's report is final, subject to the applicant's right of court appeal (sec. 106.074).

21. Interstate cooperation in marriage-law enforcement

The State follows the general rule that the validity of a marriage is determined by the law of the place where it is solemnized. See

⁴ *Huard v. McTeigh* (1925), 113 Oreg. 279, 295; 232 Pac. 658; 89 A. L. R. 528 (hist.).

⁵ *Bolin v. Marshall* (1935), 76 Fed. (2d) 668.

Sturgis v. Sturgis (1908), 51 Oreg. 10, 93 Pac. 696, 15 L. R. A. (N. S.) 1034; also *Ollschlager's Estate v. Widmer* (1909), 55 Oreg. 145, 105 Pac. 717.

22. Annulment

Marriages are prohibited and, if solemnized within this State, absolutely void if (a) either party had a wife or husband living at the time of such marriage, (b) the parties are related within specified degrees (sec. 106.020).

A marriage may be annulled if (a) either party is incapable of consenting thereto for want of legal age or sufficient understanding, or (b) consent was obtained by force or fraud (sec. 106.030).

A marriage may not be declared void if the parties freely cohabited as husband and wife after the suit was filed (sec. 107.020).

The court is empowered, according to the merits of the case, to dissolve the marriage from the beginning or from the date of the decree, or to declare the marriage valid, lawful, and binding (sec. 107.010).

23. Divorce

The dissolution of the marriage contract may be declared at the suit or the claim of the injured party in any of the following causes: (a) Impotency existing at the time of the marriage, and continuing to the commencement of the suit; (b) adultery; (c) conviction of felony; (d) habitual gross drunkenness contracted since marriage and continuing for 1 year prior to the commencement of the suit; (e) willful desertion for a period of 1 year; (f) cruel and inhuman treatment or personal indignities rendering life burdensome; (g) permanent mental illness, if the defendant has been adjudged mentally ill by a court of competent jurisdiction, and such mental illness has been continuous since such adjudication for at least 3 years, and the person has been confined in an institution upon grounds of mental illness for the major portion of the 3 years immediately preceding the commencement of the suit, and it appears to the satisfaction of the court by competent evidence that the illness is incurable. The prevailing party shall not be awarded any property or property right of a mentally ill spouse unless the court is convinced—by competent, satisfactory evidence other than the testimony of the prevailing party—that such property or property right was acquired exclusively by the prevailing party (sec. 107.030).

Following annulment or divorce, another marriage may not be contracted with a third person by either party until the suit has been finally determined, nor in any case until the expiration of 6 months

from the date of the decree granting the annulment or divorce (sec. 107.110).

A separation from bed and board for either a limited or unlimited time may be allowed (a) for willful desertion; (b) at the wife's suit for the husband's neglect or refusal to provide for her during a period of 6 months; (c) upon conviction of a felony; (d) for habitual gross drunkenness beginning since marriage and continuing for 1 year before suit is brought; and (e) cruel and inhuman treatment or personal indignities (sec. 107.210).

In decreeing divorce the court may authorize the wife to change her name (sec. 107.100).

Alimony and maintenance

Whenever a marriage is declared void or dissolved, the court may provide (a) for future care and custody of minor children, having due regard to their age and sex, and unless manifestly improper giving preference to party not at fault; (b) for recovery from party at fault, and not allowed care and custody of minor children, such amount as may be proper for their care and education; (c) for recovery from party at fault such amount as may be just and proper for maintenance of the other party; (d) for delivery to wife of her personal property in possession or control of the husband (sec. 107.100).

Whenever a marriage shall be dissolved or annulled, the court shall make such division or other disposition between the parties of the real or personal property, or both, of either or both of the parties as may be just and proper in all circumstances (sec. 107.100).

After commencement of a suit for divorce or annulment and prior to a decree, the court may (a) provide that the husband pay such amount of money as may be necessary for the wife to prosecute or defend the suit, and support and maintain her during pendency thereof; (b) provide for the care, custody, and maintenance of minor children; (c) restrain the husband or wife from molesting or interfering with the other or with the children; and (d) restrain either or both from encumbering or disposing of any real or personal property (sec. 107.090).

Parents and Children

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

The rights and responsibilities of the parents are equal, and the mother is as fully entitled to the control and earnings of the minor children as the father (sec. 109.030).

25. Guardianship of a minor child

The father and mother have equal rights and responsibilities with respect to the custody of the minor children of the marriage. In case of the death of one parent, the other has complete and full control of the children and their estate (sec. 109.030).

In appointing a guardian for the estate of a minor under 14 years of age, the court must give preference to the father, mother, adult brother or sister, or other nearest relative, in the order named, if such person is otherwise qualified as required by law; if the parents are divorced, the court must give preference to the person awarded the custody of the minor (sec. 126.145).

If a minor child residing in this State or in any other State has personal property, including money, of a value of less than \$500, the guardian may, with the approval of the court, pay or transfer such personal property to a parent of the child who is entitled to the custody of the child (sec. 126.325).

26. Appointment of testamentary guardian for a minor child

Every father may appoint by will a guardian for his minor children; and every mother may likewise appoint a guardian if the father is dead and has not appointed a guardian, or if, following divorce, she has been given custody of the child. The right to appoint a testamentary guardian does not deprive a surviving parent of the custody of the person of his or her children, if such parent is competent to transact his or her own business (sec. 126.150).

27. Inheritance—child

Real property

When an intestate person leaves no lineal descendants nor spouse, his real property descends, subject to his debts, to his father and mother in equal portions. If only one parent is living, such parent takes the whole (sec. 11.020 (2.3)).

When any minor child dies leaving no spouse nor children, any real estate inherited by him from an ancestor descends to the heirs of such ancestor (sec. 111.020 (5)).

Personal property

When an intestate person leaves no spouse nor issue, the residue of personal property—after payment of debts and charges of administration—is distributed to the decedent's parents in equal portions, or to the surviving parent if only one is living (sec. 111.030 (3)).

28. Child born out of wedlock

If a man is adjudged the father of a child born out of wedlock, he is chargeable with future maintenance in such sum and manner as the court directs; also for all expenses incurred for the care of the mother during confinement and care and support of the child, as well as costs of the prosecution. All these matters are to be determined by the court and entered as a judgment. The maintenance of the child by the father will be required in yearly sums of not less than \$100 nor more than \$350 for the first 2 years, and not less than \$150 nor more than \$500 for each year succeeding until the child is 14 years of age. The defendant is entitled to jury trial and to an appeal from the judgment, as provided in civil cases. No conviction can be made upon the unsupported testimony of the woman. Bond is required for performance of the court's orders. If no bond is filed, the adjudged father is to be committed to prison until he complies with the judgment or is discharged according to law (secs. 109.110 through 109.230).

In a civil action in which paternity is a relevant fact, the court may order the mother, the child, and the alleged father to submit to blood tests. If any party refuses to submit to such tests, the court may resolve the question of paternity against such party or enforce its order if the rights of others and the interests of justice so require (sec. 109.252).

If the court finds that the conclusions of all the experts, as disclosed by the evidence based upon the tests, are that the alleged father is not the father of the child, the question of paternity shall be resolved accordingly. If the experts disagree in their findings or conclusions, the question shall be submitted upon all the evidence. If the experts conclude that the blood tests show the possibility of the alleged father's paternity, admission of this evidence is within the discretion of the court, depending upon the infrequency of the blood type (sec. 109.258).

Any marriage in all other respects legal and regular but heretofore void by reason of Oregon Laws of 1866 prohibiting marriage between a white person and one having Negro, Chinese, Kanaka, or Indian blood is valid; and any child conceived or born of such marriage is legitimate (sec. 106.210).

Children born out of wedlock are legitimated by the subsequent marriage of their parents with each other (sec. 106.200).

Children conceived or born of parents who married or who may marry prior to the expiration of 6 months from the date of a divorce or annulment decree are legitimate (sec. 106.190 (2)).

29. Inheritance—child born out of wedlock

If an illegitimate child dies intestate, leaving no spouse or lawful issue, the mother of such child inherits all his property (sec. 111.240).

A child born out of wedlock is an heir of his mother and shall inherit or receive her real and personal property. Such child is not entitled to inherit or receive as representing his mother through either lineal or collateral kindred; *provided, however*, that when the parents of such child have formally married each other, he is legitimated by the marriage, although the marriage may be adjudged void (sec. 111.220).

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

In the absence of a specific statute, the common-law rule has been applied that the domicile of a wife follows that of her husband. See *Bryant v. Dukehart* (1923), 106 Oreg. 359, 367, 210 Pac. 454; also *Stewart v. Stewart* (1926), 117 Oreg. 157, 163, 242 Pac. 852.

31. Public office—eligibility of women

No distinction is made in the Constitution or statutes between men and women in the matter of eligibility for public office.

32. Jury service—eligibility of women

Women are eligible for jury duty on the same terms as men (secs. 10.030, 10.040).