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## *Addendum to*

BULLETIN 157-44.—THE LEGAL STATUS OF WOMEN IN THE  
UNITED STATES OF AMERICA, JANUARY 1, 1948

### **Report for VERMONT, as of January 1, 1953<sup>1</sup>**

Source: Vermont Session Laws 1949, 1951

#### **A.—CIVIL RIGHTS**

##### **I.—CONTRACTS AND PROPERTY**

#### **Topic 3. Property Exemptions From Seizure for Debt—Respective Rights of Men and Women.**

Wages or compensation due to a person for his work or labor performed before service of the trustee process on the employer are exempt to the amount of \$35, or one-half of such wages or compensation, whichever amount is the lesser (sec. 1808 V, 1951, p. 33).

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

No assignment of or order for payment of any salary, wages, or other compensation for services earned or to be earned, or chattel mortgage on household furniture in use and possession of the borrower is valid if the borrower is married, unless it is signed in person by both husband and wife. However, the written assent of a spouse is not required when husband and wife have been living separate and apart for at least 5 months prior to the making of such assignment (sec. 9013).

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

The appointment of a guardian for an insane married woman does not relieve her husband of liability for her support, nor shall it deprive him of the custody of her person if he is suitable and competent to have the care of his wife (sec. 3318).

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

A married man shall not be liable for a debt contracted by his wife before marriage, nor for torts of his wife unless committed by his authority or direction (sec. 3169).

<sup>1</sup> This material, which follows the same order and arrangement as Women's Bureau Bulletin 157 series, includes pertinent statutory changes and additions on subjects included in the original report.

## II.—MARRIAGE AND DIVORCE

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

A marriage license may not be issued when the male is under 18 and the female is under 16 unless the clerk is furnished with a certificate of a judge of the county in which one of the applicants resides stating that public good requires the license to be issued (1951 Ch. XIX, sec. 249, p. 221).

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

Marriage ceremony may not be performed until 5 days after issuance of the license, excluding the date of issue (sec. 3157, 1951, p. 80).

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

Children of annulled marriages are legitimate and succeed to the real and personal estate of both parents (sec. 3198).

The court shall decree custody of children of marriages annulled on the ground of force and fraud to the innocent party, and may provide for their education and maintenance out of the estate of the guilty party (sec. 3201).

**Topic 23. Grounds for Divorce—Respective Availability to Spouses.**

On granting a divorce to a woman, unless good cause is shown to the contrary, the court may allow her to resume her maiden name or the name of a former husband (sec. 3260). The court may change the names of the minor children of divorced parents when application is made in the divorce complaint (sec. 3261).

Pending divorce action court may prohibit husband from imposing restraint on the wife's personal liberty (sec. 3229).

**Alimony and Maintenance.**

Pending or on granting decree for absolute or limited divorce or separate maintenance, court may make orders concerning care, custody, maintenance, and education of the minor children of the marriage (secs. 3220; 3229; 3253; 3255 (1951) p. 80).

When a husband without just cause fails to furnish suitable support for his wife, or has deserted her, or when the wife, for a justifiable cause, is actually living apart from her husband, the court may prohibit the husband from imposing restraint on her personal liberty. Upon application of the husband or wife the court may make such orders as it deems expedient concerning support of the wife and care, custody, education, and maintenance of the minor children. It may determine with which of the parents the children shall remain (sec. 3256). Either party may apply to the court for temporary relief and the court may make such order as is just in regard to temporary alimony and funds to support the wife and minor children, and maintain the litigation during pendency of the action (sec. 3230).

During pendency of divorce, the court may enjoin either party from interfering with the possession, use, and control of property belonging to the other party. The court may make mandatory orders with respect to the real and personal property of the wife, the minor children, the husband, or the husband and wife jointly (sec. 3231).

On granting either limited or absolute divorce, or in annulling a marriage the court may make disposition of the property owned by the parties separately, jointly, or by the entirety, as appears just and equitable, having regard to the respective merits of the parties, to the condition in which they will be left by such divorce, to the party through whom the property was acquired, and to the burden imposed upon it for the benefit of the children (sec. 3251).

In granting a limited divorce decree, court may assign to the petitioner separate maintenance out of the estate or property of the other party, in such manner and of such amount as it may deem necessary (sec. 3219).

### III.—PARENTS AND CHILDREN

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

If the mother of a child born out of wedlock does not charge a person with being the father within 30 days after the child's birth, she may be brought before the court and examined in writing, under oath, and thereupon the court may issue a warrant causing the person charged by her with being the father to be brought before the court (secs. 3282, 3283). On trial of the issue of paternity, the woman is a competent witness and may be compelled to testify unless rendered incompetent by conviction of a crime, which by law disqualifies her from being a witness in any cause. Her testimony in any paternity proceeding may not be used against her in a criminal prosecution, except for perjury (sec. 3271). A woman may not be compelled to testify or answer questions as to her pregnancy until 30 days after delivery of the child (sec. 3272).

When the parents of a child born out of wedlock intermarry, the child shall be considered legitimate and capable of inheriting, if recognized by the father as his child (sec. 3045).