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Addendum to

BULLETIN 157-50.—THE LEGAL STATUS OF WOMEN IN THE UNITED STATES OF AMERICA, REPORTS AND SUMMARY FOR THE TERRITORIES AND POSSESSIONS,¹ JANUARY 1, 1948

Report for HAWAII, as of January 1, 1954²

Source: Session Laws of Hawaii, 1949, 1951, 1953.

A.—CIVIL RIGHTS

I.—CONTRACTS AND PROPERTY

Topic 1. Age of Majority.

The marriage of a female minor who is under guardianship operates as a legal discharge of her guardian so far as the person is concerned (sec. 12530).

Topic 2. Contractual Powers of Minors.

No minor of the age of 15 or more is incompetent, by reason of minority, to contract for life insurance, or, subject to the provisions of any policy, to surrender, make loans upon, or assign such insurance, to give a valid discharge for any benefit accruing or for any money payable under the contract, or to exercise any of the rights or privileges reserved to the assured in such policy of life insurance (sec. 8545).

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

All proceeds payable because of the death of the insured and the aggregate net cash value of any or all life and endowment policies and annuity contracts payable to a wife or husband of the insured are exempt from execution, attachment, garnishment, or other process for the debts or liabilities incurred subsequent to May 19, 1939, except as to premiums paid in fraud of creditors (sec. 8545).

Topic 5. Contractual Powers of Married Women.

No assignment of or order for payment of any salary, wages, commissions or other compensation for services, earned or to be earned, given to secure any loan made by any licensee is valid unless it is in writing, signed in person by the borrower or, if he is married, by both husband and wife. Written assent of a spouse is not required when husband and wife have been living separate at least 5 months prior to the making of such assignment, mortgage, or lien (sec. 8850).

¹ Alaska, Hawaii, Puerto Rico, Canal Zone, Virgin Islands.

² 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.

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Topic 7. Liability of Married Woman for Family Necessaries.

Any husband who deserts or neglects his wife, or refuses to provide for her support or maintenance, or any parent who deserts or willfully neglects his children under 16 years of age or refuses to provide for their support is subject to fine, imprisonment, or both (1949, pp. 612-613).

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

Larceny cannot be committed by the husband from the wife of her property or by the wife from the husband of his property (sec. 11431).

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

Land or any interest therein, or any type of property or property rights or interests, can be conveyed by a person to himself and another, or others, as joint tenants; or to himself and his spouse as tenants by the entirety; or by tenants in common to themselves or themselves and others as joint tenants, without the necessity of conveying through a third party (sec. 12781).

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

Husband and wife cannot by themselves, without others, be guilty of a conspiracy, and the acts or confessions of either are not evidence against the other in a prosecution for conspiracy (sec. 11124).

In cases concerning enforcement of duties of support, husband and wife are competent witnesses against each other and may be compelled to testify to any relevant matter, including marriage and parentage (1951, pp. 585-586).

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

A woman may bar dower by separate deed, or she may delegate the right to an attorney-in-fact other than her husband (sec. 12109). She may also bar dower by jointure prior to her marriage (sec. 12111).

If the intestate leaves no children, his estate descends one-half to his widow, or widower, and the other one-half to his father and mother as tenants in common; if he leaves no widow, or widower, nor children, all goes to his father and mother or to the survivor of them. If the intestate leaves no parents or children, his estate descends one-half to his widow, or widower, and the other half to his brothers and sisters, and to the children of any deceased brother or sister by right of representation (1951, p. 577).

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

The spouse of a decedent has priority in appointment as administrator (sec. 12013).

II.—MARRIAGE AND DIVORCE

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

A person whose spouse has continually remained absent for 4 years and not been known to him to be living, is not to be considered a married person (sec. 11656).

The issue of marriages annulled on account of nonage, insanity, or idiocy of either party, or prohibited on account of consanguinity between the parties are legitimate (sec. 12207).

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

When a divorce is decreed for adultery, or other similar offense of the husband, and the wife is the owner of real estate or has in her possession any personal property given to her by her husband, acquired by her own industry or given her by devise or otherwise, all such real and personal property is to be her sole and absolute property (sec. 12233).

In every suit for divorce where a decree is granted on the ground of insanity, or on the ground that the defendant is affected with leprosy, the court may order the support and maintenance of the insane or diseased person and can provide for such maintenance out of any property or earnings acquired by the plaintiff subsequently as well as previously to the decree of divorce. The court can require the plaintiff to give security to the court for the faithful execution of this maintenance (1951, pp. 580-581).

Where one party to the marriage, whether intentionally or not, inflicts grievous mental suffering on the other, continued over not less than 60 days, so as to render the life of the other burdensome and intolerable and their further living together insupportable, it is a ground for divorce (1949, p. 612).

III.—PARENTS AND CHILDREN

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

If a person, in writing, declares himself to be the father of a child born out of wedlock, he may be compelled to provide him with necessary maintenance and support as if born in lawful wedlock (1953, p. 393).

All children born out of wedlock become legitimate on the marriage of the parents with each other, are entitled to the same rights as those born in wedlock, and take their father's name as a family name (1949, p. 197).

B.—POLITICAL RIGHTS

Topic 31. Public Office—Eligibility of Women.

No woman cohabiting with a polygamist, bigamist, or any man who cohabits with more than one woman is entitled to vote or be eligible for election or appointment to office (sec. 1461).

Topic 32. Jury Service—Eligibility of Women.

Women are eligible for jury service.

A person is qualified to act as a juror or grand juror if he is a citizen of the United States and of the Territory, of the age of 21 years or over, qualified to register as a voter, has resided in the Territory for not less than 3 years, is a resident of the court circuit from which he is selected, is in possession of his natural faculties and not decrepit, is intelligent and of good character, if he can understandingly speak, read, and write the English language, and if he is selected, summoned, returned and sworn without reference to race, sex, or place of nativity (Organic Act, sec. 83; Revised Laws, sec. 9791, as amended 1945, p. 274 and 1951, p. 564).