

L13.3:157-51

The Legal Status of Women in the United States of America

REPORT FOR
ALASKA
as of January 1, 1958

**Alaska Votes to Join
Union as 49th State**

ALASKA STATEHOOD ACT

JUNEAU, Alaska, Aug. 27 (AP).—Vast, rugged and beautiful Alaska—slim in population, mighty in size and poised to become the 49th state of the Union—has voted in record numbers today and by a wide margin to prove admission of the territory to the Union. With 113 precincts repudiated in statewide ballot, 19,860 ballots on statehood returned included vote tallies from heavily populated cities in central and southern Alaska and one from more than one-third of territory's approximately 100 precincts.

Forecasts on the eve of the election had predicted not much more than a 2-1 margin for statehood.

* * * * *

The voting was so heavy at many precincts that the supply of official election ballots as has been before the polls closed was exhausted.

Airplane service to carry election ballots to some precincts was a sample election ballot into official use to meet the demand.

Signed by the President of the United States July 7, 1958

Ratified by the people of Alaska— August 26, 1958



WOMEN'S BUREAU BULLETIN 157-51

UNITED STATES DEPARTMENT OF LABOR
JAMES P. MITCHELL, Secretary

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

The Legal Status of Women
in the
United States of America

REPORT FOR
ALASKA

as of January 1, 1958

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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, 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. Material for Alaska will be incorporated in the United States Summary when the latter is revised.

SOURCES

Constitution of Alaska
Compiled Laws of Alaska (Annotated), 1949
Session Laws, 1949, 1951, 1953, 1955, 1957
Alaska Reports
Alaska Federal Reports

EXPLANATORY NOTE

This pamphlet, Bulletin 157-51, presents a digest of the Constitution and statutory provisions affecting the legal status of women in Alaska. It includes pertinent statutory changes enacted up to January 1, 1958, and supersedes the section in the previous report and addendum for Alaska.

References to the code sections are indicated by parenthetical insertions of section numbers, as "(sec. 20-1-1)."

Session laws are referred to by year of enactment and page number, as "(1955, p. 479)."

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 used in the Summary. Cross references employ these numbers for brevity, as "see No. 6," which refers to the subject heading "Earnings of a married woman."

ALASKA

CIVIL RIGHTS

*Contracts and Property***1. Age of majority**

The age of majority is 21 years for males and for unmarried females. At majority, all persons have control of their own actions and business, and all the rights and liabilities of citizens of full age (sec. 20-1-1). All females attain majority upon marriage, according to law (sec. 20-1-2).

2. Contractual powers of a minor

The Uniform Sales Act provides that a minor must pay a reasonable price for necessities sold and delivered to him, "necessaries" meaning goods suitable to the condition in life of the minor and to his actual requirements at the time of delivery (sec. 29-1-2).

Under the common law, in general, all contracts of a minor for other than "necessaries" may be voided by him.

A minor cannot be executor of a will. Upon coming of age, however, he may apply within 30 days, if otherwise competent, to serve and qualify as executor. When a minor qualifies as executor, the power of the interim administrator, if appointed, ceases. If another executor has qualified and is acting as such, the two become joint executors (1953, p. 286).

3. Property exemptions from seizure for debt

A. RESPECTIVE RIGHTS OF MAN AND WOMAN

Property exemptions from execution are available to a "judgment debtor," and appear to apply generally to either men or women, without regard to marital status (sec. 55-9-78).

A judgment debtor or his agent may, by selection, reserve from seizure for debt certain articles of personal property, including: (a) Books, pictures, and musical instruments valued up to \$75; (b) necessary wearing apparel (jewelry included not to exceed \$100 in value); (c) tools, animals, library, etc., necessary to carry on trade or profes-

sion, up to \$500 in value, as well as 6 months' supply of food for animals; (*d*) household goods and furnishings up to the value of \$300; (*e*) family seat or pew in place of public worship; and (*f*) all property in any public or municipal corporation (sec. 55-9-78).

Earnings up to \$200 of the judgment debtor for personal services rendered within 30 days next preceding the levy of execution or attachment are exempt, if such earnings are necessary for the use of his family supported wholly or partly by his labor (sec. 55-9-78; 1953, p. 176).

Proceeds from life-insurance policies are payable to the beneficiary as designated, free from any claims of the insured, of the persons effecting the policy, of the creditors or representatives of such persons, or of the beneficiary (sec. 42-1-27).

B. HOMESTEADS

The homestead of any family, or the proceeds thereof, shall be exempt from judicial sale for the satisfaction of any liability hereafter contracted or for the satisfaction of any judgment hereafter obtained on such debt. Such homestead must be the actual abode of and owned by such family or some members thereof. It shall not exceed \$8,000 in value, nor 160 acres if not located in a town or city laid off into blocks or lots; or if located in any such town or city, it shall not exceed one-fourth of an acre. This act does not apply to decrees for the foreclosure of any mortgage properly executed; but if the owners of such homestead be married, then the mortgage must be executed by husband and wife (sec. 55-9-79; 1957, p. 59).

The family homestead cannot be deeded or conveyed unless both husband and wife join in the instrument of conveyance (sec. 22-3-1).

The requirement that the spouse of a married person join in any deed or conveyance of the family home or homestead does not create an additional proprietary right, title, or interest. The failure of a spouse to join in a deed or conveyance does not affect the validity thereof, unless such spouse's name appears on the title. Such deed or conveyance is sufficient to convey the legal title to the premises from the grantor to the grantee, provided that no suit has been filed within 1 year from the date of recording or that the spouse whose interest is affected has not filed a notice of his or her interest in the property (1953, pp. 360, 361).

For the widow's right to remain in the homestead during administration of her husband's estate, see No. 16.

4. Ownership and control of property owned at marriage

The property owned by a married woman at the time of her marriage is her separate property and is not subject to the debts or contracts

of her husband. She may manage, sell, convey, or dispose of it by will to the same extent and in the same manner that her husband may control property belonging to him (sec. 21-2-6).

5. Contractual powers of a married woman

A married woman may make contracts and incur liabilities; sue and be sued in connection with her contracts, rights, and property; and receive, hold in her own right, and sue for the wages of her personal labor to the same extent and in the same manner as if she were unmarried (secs. 21-2-10, 55-3-6).

All laws which impose or recognize civil disabilities upon a wife but not as to a husband are declared repealed, and a married woman has the same right as her husband to bring suit in her name for any unjust usurpation of her property or natural rights (sec. 21-2-11).

A married woman is liable on her own account for all civil injuries committed by her, and her husband is not responsible for them unless he would be jointly responsible if the marriage did not exist (sec. 21-2-9).

A resident married woman conveys her real estate in the same manner as a married man. When a nonresident married woman joins with her husband in any conveyance of real estate situated within Alaska, the effect of such conveyance as well as its acknowledgment are the same as if she were single (sec. 22-3-14).

A married woman acknowledges a conveyance of real property, such as deed or mortgage, in the same manner as if she were unmarried (sec. 22-3-13). An acknowledgment is required as proof of a conveyance and must be made before the appropriate certifying officials (sec. 22-3-9).

A conveyance, transfer, or lien executed by either husband or wife to or in favor of the other is valid to the same extent as between other persons (sec. 21-2-3).

A married woman may convey real estate to herself and her husband as tenants by the entirety (sec. 22-1-6).

Either spouse may authorize the other to be his or her attorney in fact or to control or dispose of his or her property, and may revoke such authority, as other persons may do (sec. 21-2-4).

There is no distinction as to sex or marital status in qualifications for executors, administrators, or guardians (secs. 61-3-1, 61-3-2, 62-1-1).

Married women who are material witnesses against a defendant may be required to procure sureties for their appearance (sec. 66-6-31).

Neither husband nor wife is liable for the debts or liabilities of the other incurred before marriage and, except as otherwise provided, they are not liable for the separate debts of each other (sec. 21-2-5).

6. Earnings of a married woman

A wife owns and may sue for her wages in her own name (sec. 55-3-6).

7. Liability for family support

Any parent or guardian who deserts or willfully fails to furnish necessary food, care, clothing, shelter, medical attention, education, or support for a child under 16 years of age dependent on him or her for care, education, and support is guilty of a misdemeanor and subject to fine, imprisonment, or both, as is any man who abandons his wife or refuses or neglects to provide necessary maintenance for her (sec. 65-8-1).

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

No statutory provision exists which requires the consent of the husband to his wife's engaging in a separate business.

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

A married woman may manage, sell, and will the pecuniary rights and property owned by her at the time of her marriage or acquired afterward by gift, devise, or inheritance, to the same extent and in the same manner that her husband can property belonging to him (sec. 21-2-6). The property acquired by a married woman during coverture by her own labor is not liable for the debts, contracts, or liabilities of her husband, but is in all respects subject to the same exemptions and liabilities as property owned at the time of her marriage or afterward acquired by gift, devise, or inheritance (sec. 21-2-7).

A married woman may prosecute and defend all actions for the preservation and protection of her rights and property as if unmarried (sec. 55-3-6).

Should either spouse obtain possession or control of property belonging to the other either before or after marriage, the owner of the property may maintain an action therefor, or for any right growing out of the same, as if they were unmarried (sec. 21-2-2).

When a wife has in her own right an estate of inheritance in lands, she may either sell or convey such property without her husband joining in the conveyance or dispose of it by will. When so sold or conveyed or disposed of by will, such property is not subject to any estate by curtesy as known to the common law (sec. 63-1-21).

Neither spouse is liable for the premarital or separate debts, contracts, or liabilities of the other, nor is generally the property owned by either of them (secs. 21-2-1, 21-2-5).

10. Property acquired by joint efforts of husband and wife

In the absence of a specific provision to the contrary, by rule of common law the husband has the management and control of property gained by joint efforts during marriage.

Husband and wife may, by common-law rule, own property as tenants by the entirety, with right to survivorship; i. e., on the death of either spouse the survivor becomes full owner of the entire property. Joint tenancy (excepting tenancy by the entirety or interests in personalty such as bank accounts) is abolished, and all persons having an undivided interest in real property are declared to be tenants in common (sec. 22-1-6).

When a deposit has been made in a banking institution in the names of two or more persons and payable to either or to the survivor, payment in whole or in part may be made to either of said persons whether the others be living or not (sec. 34-1-27).

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

All laws which impose or recognize civil disabilities upon a wife which are not imposed or recognized as existing as to the husband are hereby repealed; and for any unjust usurpation of her property or natural rights she shall have the same right that the husband has to appeal in her own name alone to all courts for redress (sec. 21-2-11).

When the death of a person is caused by the wrongful act or omission of another, an action may be maintained against the latter. The action must be commenced within 2 years after the death, and the damages are not to exceed \$15,000. The amount recovered, if any, is to be exclusively for the benefit of the decedent's husband or wife and children and is to be distributed after payment of all debts and expenses of administration. When there is no surviving husband, wife, or children, the amount recovered is to be administered as other personal property of the deceased person (1949, p. 222).

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 action against the other, by rule of common law.

Should either spouse obtain possession or control of property belonging to the other either before or after marriage, the owner of the property may maintain an action therefor, or for any right growing out of the same, as if they were unmarried (sec. 21-2-2).

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, without the consent of the other, be examined as to any communications made by one to the other during the marriage. 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. 58-6-3).

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. However, in all cases of personal violence upon one by the other, the injured spouse is a competent witness and may be allowed to testify against the other (sec. 66-13-58). In all prosecutions for abandonment and nonsupport, both husband and wife may testify for or against each other (sec. 65-8-5). In certain criminal actions for immorality, a husband or wife is a competent witness against the other, and the wife may be compelled to testify on behalf of the government against her husband (secs. 65-9-17, 65-9-29).

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable under the act for uniform reciprocal enforcement of support. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage (1953, p. 97).

14. Right to dispose of separate property by will

A married woman may dispose of her real and personal property by will to the same extent as her husband can his property (sec. 21-2-6).

Every person of sound mind, when 21 years of age or over, may dispose of real and personal estate by will, whether married or not (sec. 59-1-2).

If an unmarried person marries after making a will, the marriage operates as a revocation of the will. A divorce granted after the making of a will revokes the will as to the divorced spouse (secs. 59-3-1, 59-3-2).

15. Inheritance rights in deceased spouse's estate

The real and personal estate of any person who dies without disposing of his property by valid will descends in the following order of preference and survivorship:

Absolute interest

Real property

One-half descends to the surviving spouse; the remaining half is

divided according to law among living issue. All descends to the surviving spouse, when no children or lineal descendants survive (sec. 60-1-3).

Personal property

The surviving spouse receives one-half of personal property remaining after payment of the debts of the deceased and the charges and expenses of administration, if issue survive; and all of such property, if no issue survive (sec. 60-1-4, subsecs. 3, 4, 5). The one-half share to which the widow is entitled is one-half the property owned by the husband at the time of his death and is not affected by any advancement received by surviving issue from the intestate during his lifetime (sec. 60-1-8); among the charges on the estate is an allowance to the widow of all articles of her apparel and ornament, according to the degree and estate of the intestate (sec. 60-1-4, subsec. 1).

Life interest

Curtesy

Estate by curtesy, as known to the common law, is abolished, and upon the death of the wife intestate her real property shall descend to her heirs according to the laws of inheritance (sec. 63-1-21).

Dower

The widow of every deceased person is entitled to dower, that is, "the use during her natural life of one-third part in value of all the lands whereof her husband died seized of an estate of inheritance," unless she is barred from such right according to law (sec. 63-1-1).

A woman may not be deprived of her dower right because she is a nonresident or an alien, if the lands of her deceased husband lie in Alaska (sec. 63-1-14).

A woman may be barred of her dower in all the lands of her husband by jointure settled on her with her assent before the marriage, provided that such jointure consists of a freehold estate in lands for the life of the wife at least, to take effect in possession or profit immediately on the death of her husband (sec. 63-1-7). A woman expresses her assent to the conveyance by which such jointure is settled by becoming a party to it, but she must either be over 21 years of age or joined with her father or guardian in such conveyance (sec. 63-1-8). Any premarital pecuniary provision for the benefit of an intended wife and in lieu of dower bars a woman's dower right in all the lands of her husband if she has expressed her assent, as required (sec. 63-1-9).

When the estate out of which dower is to be assigned cannot be fairly divided by boundaries, the dower may be assigned from the income,

to be received by the widow as a tenant in common with the other owners of the estate (sec. 63-1-5).

16. Provision for survivors during administration of estate

Until administration of the estate has been granted and the inventory filed, the widow 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; and also to have a reasonable provision for their support during this period, to be allowed by the commissioner (sec. 61-12-1).

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 reasonable sustenance out of the estate for 1 year (sec. 63-1-15).

(For homestead provision see No. 3.)

When the estate's inventory has been filed and expenses for funeral, last illness, and administration have been provided for, the commissioner, upon petition, will award and set apart to the surviving widow or minor children for her or their maintenance estate property up to \$4,000 in value exclusive of any mortgage or lien, including the home, household goods, and all property exempt from execution (sec. 61-12-2). (For exemptions from execution see No. 3.)

The commissioner may also make any reasonable additional allowance out of the estate which he considers necessary for their maintenance according to their condition in life (sec. 61-12-3), or he may so award the whole estate if it does not exceed \$4,200 in value (sec. 61-12-4).

If the total value of the estate is less than \$1,000, the commissioner may proceed under summary administration to permit disposal of property and distribution of proceeds to heirs and distributees of decedent (sec. 61-11-1).

When a married woman dies, the administration of her estate is in all cases granted to her husband, provided he is qualified and competent for the trust and applies for it within 30 days from her death, unless by marriage settlement or testamentary disposition of her property it becomes necessary and proper to grant the administration to some other person (sec. 61-3-8). In the case of a deceased married man, when the court appoints his administrator it must give preference to the wife, next of kin, or both, as against other competent and qualified persons or organizations (sec. 61-3-4).

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

Within the time provided by statute, a woman may elect, after the death of her husband, between her dower right in the lands of her husband and the jointure or pecuniary provision made for her either

before their marriage or without her required assent as the intended wife, but she is not entitled to both (sec. 63-1-10). If any provision expressly in lieu of dower is made for her in the will of her husband, she must elect whether she will be endowed of the lands of her husband or accept the land devised or the provision made in the will, but she is not entitled to both unless it is plain that it was so intended by the testator (sec. 63-1-11). Unless she file in the district court, within 1 year after the death of her husband, her election in writing to relinquish her rights under the jointure, devise, or provision, it will be assumed that she has elected to take such jointure, devise, or other provision (sec. 63-1-12).

There is no provision for a surviving husband to elect to take against his wife's will.

Marriage and Divorce

18. Age of consent to marriage

Marriage is a civil contract, which may be entered into by males at 21 years and females at 18 years, if otherwise capable (sec. 21-1-1).

The statutory ages for legal marriage with parental consent are between 18 and 21 years for males and between 16 and 18 years for females. Such consent (under oath or in writing, and verified by affidavit) is required of parents or guardian, or in the absence of either of these, permission from the commissioner of the precinct. No license may be issued to either of the contracting parties if under the age of 18 years if male and 16 years if female (sec. 21-1-12).

If the female applicant is under the marriageable age of consent (16), but presents a certificate from a licensed physician recommending marriage, and the consent of her parents or guardian, the commissioner may issue a marriage license (1953, p. 105).

If the license is issued to any female applicant who presents a certificate from a licensed physician recommending marriage, and the male applicant is under the marriageable age of consent (18), but presents the consent of his parents or guardian, the commissioner may issue a marriage license (1953, p. 106).

19. Common-law marriage

Although there are statutory requirements as to license, witnesses, and solemnization (secs. 21-1-11; 1955, p. 203; 21-1-14, 21-1-15, 21-1-41 through 21-1-45), the courts have construed these as merely directory. Marriages have been recognized as valid if good under the common law, i. e., based on mutual consent and followed by the open assumption by both parties of marital duties and obligations.^{1 2}

¹ *McDaniels v. McDaniels* (1914), 5 Alaska 107 (hist.).

² *Reed v. Harkrader* (1920), 4 Alaska Fed. 893; 5 Alaska 668; 264 Fed. 834.

20. Premarital requirements

As a prerequisite for obtaining a marriage license, each applicant must present a certificate from a licensed physician or surgeon stating the age of the applicant; that a physical examination including a standard serological test for syphilis has been given not more than 30 days prior to the date of the issuance of such license; and that in the opinion of the physician or surgeon, the applicant is neither infected with the disease nor able to communicate it (1949, p. 168; 1953, p. 155).

Requirements for premarital medical examinations, laboratory tests, and certificates may be waived and the marriage license issued, if all other requirements of the marriage laws have been complied with and proof is presented that no licensed physician or surgeon is available to make the examination and/or that such examination or test is contrary to the tenets or practices of the religious creed of which the applicant is an adherent, provided that the public health and welfare is respected (1949, pp. 170, 171).

In general, a period of 3 days must elapse between the application for license and the marriage. No marriage license shall be issued unless both of the contracting parties shall be identified to the satisfaction of the proper commissioner, who shall further require a statement under oath relative to the legality of the contemplated marriage; the names, relationship, if any, nationality, color, residence, and occupation of parties; guardians of such, if under the age of legal majority; and prior marriage or marriages of the parties or either of them, and the manner of dissolution thereof; and if there is no legal objection thereto and neither of the parties is under the influence of liquor or otherwise incapable of understanding the seriousness of the proceeding, such commissioner shall issue a license in the form hereinafter provided. The statement under oath in this section required may be made and executed before a notary public, who shall certify the same to the commissioner of the precinct in which the statement is made and certified (sec. 21-1-11; 1955, p. 203).

21. Interstate cooperation in marriage-law enforcement

In the absence of a statute on the subject, it is assumed that the general rule is followed that if a marriage was contracted by parties in another jurisdiction in which they actually resided when married, and the marriage is recognized as legal where contracted, it will be recognized as valid in Alaska.

22. Annulment

The following marriages prohibited by law are absolutely void if solemnized in Alaska: Those in which (a) either party has a husband or wife living at the time of such marriage; (b) the parties are related

to each other within and not including the fourth degree of relationship by whole or half blood (secs. 21-1-2, 56-5-2). Either party may take court action to have a void marriage so declared (sec. 56-5-4).

A marriage is voidable by the court upon an action by the injured party whose consent was obtained by force or fraud, or who was incapable of consenting for lack of majority or sufficient understanding, unless it appears that the parties freely cohabited together as husband and wife after the force was removed, the fraud discovered, or the impediment removed (secs. 21-1-3, 56-1-3, 56-5-5).

The aggrieved party may maintain an action for dissolution of a voidable marriage by annulment (sec. 56-5-1).

If the marriage took place elsewhere, the person suing for annulment must have resided in Alaska for 2 years next preceding the filing of suit (sec. 56-5-8).

23. Divorce

The aggrieved party may maintain an action for divorce on the following grounds: (*a*) Impotency existing at the time of the marriage and continuing when the suit is filed; (*b*) adultery; (*c*) conviction of a felony; (*d*) willful desertion for 1 year; (*e*) cruel and inhuman treatment calculated to impair health or endanger life, personal indignities rendering life burdensome, or incompatibility of temperament; (*f*) habitual gross drunkenness contracted since marriage and continuing for 1 year prior to the action; (*g*) willful neglect of the husband for a year to provide for his wife the common necessities of life, when able to do so, or when he so fails by reason of idleness, profligacy, or dissipation; and (*h*) incurable mental illness and confinement to a mental institution for 18 months prior to the action; (*i*) habitual use of narcotics following marriage (secs. 56-5-1; 56-5-7; 1957, p. 267).

Residence in Alaska for 2 years next preceding application for divorce is required of the person filing the suit (secs. 56-5-9, 56-5-10).

On granting a divorce, the court may change the name of the wife to her maiden or other prior name if she is not the party at fault (sec. 56-5-13).

Alimony and maintenance

During the suit, the court may order the husband to furnish sufficient money for the wife to prosecute or defend the suit; provide for the temporary care, custody, and maintenance of minor children; order the freedom of the wife from her husband's control; and protect the property rights of either or both parties (sec. 56-5-12).

Whenever a marriage is declared void or dissolved, the court has

the power to decree that (a) the party at fault, not allowed the care and custody of the children, contribute such amount as is just and proper for their care and education; (b) the party at fault contribute such amount as may be just and proper for maintenance of the other; (c) the husband deliver to the wife, when she is not the party at fault, her personal property in his possession or control at the time of the judgment (sec. 56-5-13).

Parents and Children

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

Under the common law, which applies in the absence of specific statutory provision, the father is entitled to the services and earnings of his minor child, by reason of his legal obligation to support and educate the child.

25. Guardianship of a minor child

In the absence of a specific statute making the parents the joint guardians of the person of a minor child, the common-law rule giving preference to the father is in effect. Generally, the parents have no right of guardianship over the minor child's estate until formally appointed by the court for that purpose.

Every guardian appointed by the court has the custody and care of the education of the minor and the care and management of his estate until the minor attains majority or until the guardian is legally discharged, subject, however, to the rights of the father and mother to have custody of the child's person (secs. 62-1-4, 62-1-6).

The mother and father are individually and jointly liable, in an amount not to exceed \$500, for malicious or willful destruction of property by their unemancipated minor child (1957, p. 134).

26. Appointment of testamentary guardian for a minor child

The father may, by his last will in writing, appoint a guardian or guardians for any of his children, born or likely to be born, to continue in office during the minority of the child or for less time. The mother may make appointment only in the event that the father of the child died without appointing or whenever, by judgment of divorce between such parents, the custody of the child has been awarded to the mother. Testamentary guardians have the same powers and duties with regard to the person and estate of the ward as a guardian chosen by the court. However, a testamentary guardian does not take custody of the person of a minor child when either parent is living and is competent to transact his or her own business (sec. 62-1-6).

27. Inheritance—child

If a person dies intestate, leaving neither spouse nor direct descendants, his real and personal estate after payment of debts is distributed to the father and mother equally, or to the survivor of them. If the intestate leaves no lineal descendants, nor husband, wife, father, brother, or sister, such real property descends to his mother, to the exclusion of the issue of the deceased brothers or sisters of the intestate (secs. 60-1-3, 60-1-4).

28. Child born out of wedlock

The parents of a child born out of wedlock have the same obligation for its support as the parents of a child legitimately born (sec. 65-8-6).

A child born out of wedlock in Alaska, heretofore or hereafter, is legitimized and considered the heir of the father who (a) subsequently intermarries with the mother of the child; or (b) is adjudged to be the father by a United States Commissioner, acting in the capacity of an ex officio probate judge or justice of the peace, or higher court of competent jurisdiction, upon evidence that the alleged father so conducts and bears himself toward the child, either by word or act, as to give rise to the general belief in the community that the child is his, and such conduct and general belief may be construed by the court to constitute evidence of paternity; or is the father of such child (1957, p. 148).

29. Inheritance—child born out of wedlock

If a child born out of wedlock who has not been legitimated dies intestate, leaving no spouse or issue, the mother inherits the child's real and personal property (sec. 60-1-6).

A child born out of wedlock is considered an heir of its mother and inherits as if born in lawful wedlock. Such child is not entitled, however, to inherit, as representing his mother, any property of her kindred, either lineal or collateral. Provided that when the parents of such child have formally intermarried, such child shall not be regarded as illegitimate within the meaning of this code, although such formal marriage shall be adjudged to be void (sec. 60-1-5).

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

In the absence of a specific statute, the common-law rule prevails that the domicile of a wife follows that of her husband.

The rule is not applied if the husband separates from the wife, intending to leave her permanently.³

31. Public office—eligibility of women

Women have the same right to hold office as men (sec. 38-1-1).

32. Jury service—eligibility of women

Every person, without regard to sex, who is a United States citizen, an inhabitant of Alaska over 21 years of age, and otherwise qualified is eligible for service on grand and petit juries (sec. 55-7-21). In drawing a paneling of any jury, discrimination against women is prohibited (sec. 55-7-22). A woman may claim exemption on the basis of sex by giving oral or written notice to the clerk of the court or other authorized official (sec. 55-7-24).

³ *Wilson v. Wilson* (1945), 10 Alaska 616.

