

MAINE STATE LEGISLATURE

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THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED APRIL 17, 1857;

TO WHICH ARE PREFIXED

THE CONSTITUTIONS

OF THE
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN

APPENDIX.

PUBLISHED BY AUTHORITY OF THE LEGISLATURE.

BANGOR:
WHEELER & LYNDE.

1857.

be stated in the decree of nullity; and the issue of such second marriage, begotten before the commencement of the suit, is the legitimate issue of the parent capable of contracting.

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R. S., c. 89,
§ 25.

GENERAL PROVISIONS.

SEC. 17. After a libel is filed in either class of cases herein described, the court, in any county, on the petition of the wife, may prohibit the husband from imposing any restraint on her personal liberty during its pendency.

Court may free wife from restraint pending libel. R. S., c. 89, § 26.

SEC. 18. When both parties have been guilty of adultery, or there is collusion between them to procure a divorce of either kind, a divorce shall not be granted.

Both parties guilty of adultery or collusion, divorce not granted. R. S., c. 89, § 7.

SEC. 19. The court making a decree of nullity, or of divorce of either kind, may also decree concerning the care, custody, and support of the minor children of the parties, and with which parent any of them shall live; alter their decree from time to time as circumstances require; and in execution of the powers given them in this chapter, may employ any compulsory process, they deem proper, by execution, attachment, or other effectual form.

Disposal of minor children. Compulsory powers of court. R. S., c. 89, § 27, 28.

CHAPTER 61.

RIGHTS OF MARRIED WOMEN.

- SEC. 1. A married woman may acquire and dispose of property, exceptions.
2. Marriage does not vary her rights of property.
 3. She may sue and be sued as a feme sole. Not liable to arrest. May receive wages of her labor.
 4. Her husband not liable for her debts contracted before marriage.
 5. Wife dying intestate her estate descends to her heirs.
 6. Husband and wife may make marriage settlement.
 7. Wife, when husband absconds, or is in state prison, may make contracts under authority from court.
 8. Her contracts so made, binding; she may sue and be sued on them.
 9. Damages awarded for real estate of wife invested for her use.
 10. Wife coming from another state without her husband, powers.
 11. Wife's expenses for last sickness to be paid from her estate.

SEC. 1. A married woman, of any age, may own in her own right, real and personal estate acquired by descent, gift, or purchase; and may manage, sell, convey, and devise the same by will, as if sole, and without the joinder or assent of her husband; but real estate directly or indirectly conveyed to her by her husband, or paid for by him, or given or devised to her by his relatives, cannot be conveyed by her without the joinder of her husband in such conveyance. When payment was made for property conveyed to her from the property of her husband, or it was conveyed by him to her without a valuable consideration paid therefor, it may be taken as the property of her husband to pay his debts contracted before such purchase.

Rights of married women to hold property. 27 Maine, 129. 31 Maine, 562. 32 Maine, 32. 34 Maine, 148, 540, 566. 35 Maine, 427. 36 Maine, 64, 84. 37 Maine, 394, 397. 1844, c. 117, § 1. 1847, c. 27, § 2. 1848, c. 73, § 3. 1856, c. 250.

SEC. 2. A woman, having property, is not deprived of any part of it by her marriage, since the act approved March twenty-

A woman does not lose, and a husband does

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not acquire rights to her property by marriage, &c.

1844, c. 117, § 2, 3.

She may sue and defend; not liable to arrest, &c.

33 Maine, 196.
35 Maine, 336.
1848, c. 73.
1852, c. 227.
1855, c. 120.
1857, c. 59.

Husband not liable for wife's debts contracted before marriage.

Wife continues liable as her property does.
1852, c. 291.

Wife dying intestate her estate descends to her heirs.

1848, c. 73, § 3.

Husband and wife may determine rights in each other's estate by marriage settlement.

Wife authorized to make contracts and to receive her property when her husband has abandoned her or is confined in state prison.
R. S., c. 87, § 22, 25, 26, 28, 30.

Her contracts so made, binding, &c.

R. S., c. 87, § 27, 28.

Damages awarded to real estate of wife, secured to her.

two, eighteen hundred and forty-four, was in force; and a husband, by marriage since that time, acquires no right to any property of his wife. His rights acquired before that time are not affected by the provisions of this chapter. A married woman may release to her husband the right to control her property, or any part of it, and to dispose of the income thereof for their mutual benefit, and may in writing revoke the same.

SEC. 3. She may prosecute and defend suits at law or in equity for the preservation and protection of her property, as if unmarried, or may do it jointly with her husband; neither of them can be arrested on such writ or execution; nor can he alone maintain an action respecting his wife's property. She may receive the wages of her personal labor, not performed for her own family, maintain an action therefor in her own name, and hold them in her own right against him or any other person.

SEC. 4. A husband, married since April twenty-six, eighteen hundred and fifty-two, is not liable for any debts of his wife, contracted before her marriage. The wife continues to be liable for such debts, and a suit may be maintained against her and her husband to obtain payment from her estate, and it may be defended by them or by her alone. Her property is liable to be taken to satisfy any execution against her, as if unmarried.

SEC. 5. When a married woman dies intestate, her property descends to her heirs; and administration and distribution may take place, as if she had not been married.

SEC. 6. Husband and wife, by a marriage settlement executed in the presence of two witnesses before marriage, may determine what rights each shall have in the other's estate during the marriage, and after its dissolution by death; and may bar each other of all rights in their respective estates not so secured to them.

SEC. 7. When a husband abandons his wife and leaves the state, without making sufficient provision for her maintenance, or is confined in the state prison in execution of a sentence, the supreme judicial court, on her application, may authorize his wife, during such absence or confinement, to make contracts under seal or otherwise, and any person holding personal property to which he is entitled in her right, to pay or deliver the same to her, for her disposal, and for which she may make a valid discharge. Such application may be presented in any county and notice thereof given, as in case of a libel for divorce, before such powers are granted.

SEC. 8. All contracts, lawfully made by her by virtue of such power, are binding upon her and her husband, and during such absence or confinement, she may sue and be sued thereon, and for all acts done by her; and execution may be enforced against her, as if unmarried. No such suit is abated by the return or release of the husband, but he may, on application, be admitted to prosecute or defend jointly with her.

SEC. 9. When the real estate of a married woman is taken or damaged for public use, the amount awarded therefor is to be so invested as to secure to her the same benefits as she would

have had from the estate. The court may, on her application, hear and decide upon the rights, according to the course of chancery proceedings.

SEC. 10. When a married woman comes from any other state or country, and remains in this state, without living with her husband, she may make contracts, dispose of property, sue and be sued, as if unmarried. When her husband comes and claims his marital rights, her contracts and suits shall be affected the same as if they were then first married.

SEC. 11. The administrator of a deceased married woman, whose husband survives, may pay all reasonable expenses occasioned by her last sickness.

CHAP. 61.

R. S., c. 87,
§ 31.Wife coming
from another
state without
her husband;
powers.R. S., c. 87,
§ 32, 33.Expenses of
last sickness
paid from her
estate.

1856, c. 251.

CHAPTER 62.

MASTERS, APPRENTICES AND SERVANTS.

- SEC. 1. Binding of minors under fourteen years of age.
2. Binding of minors above the age of fourteen.
3. Indentures in such cases.
4. By whom indentures shall be kept.
5. Consideration, how secured.
6. Indentures to be binding.
7. Void on death of the master.
8. Minor not to be transferred, nor transported from the state.
9. Remedies of parties same as provided in § 15, 18, 19 of chapter 24.

SEC. 1. Children, under the age of fourteen years, may be bound as apprentices or servants until that age, without their consent, by their father, if living; and if not, by their mother or legal guardian; and if they have no parent or guardian, they may bind themselves, with the approbation of the municipal officers of the town where they reside.

Binding of
minors under
14 years of age.
R. S., c. 90, § 1.

SEC. 2. Minors, above the age of fourteen years, may be bound in the same manner, with their consent, which shall be distinctly expressed in the indenture signed by them; females to the age of eighteen years, or to the time of their marriage within that age, and males to the age of twenty-one years.

Binding of
minors above
the age of 14.
R. S., c. 90, § 2.

SEC. 3. No minor of any age shall be thus bound, unless by an indenture of two parts, signed, sealed, and delivered by both parties; and when the minor binds himself, by the consent of the municipal officers, such consent shall be in writing, signed by them on each part of the indenture.

Indentures in
such cases.
13 Maine, 151.
R. S., c. 90, § 3.

SEC. 4. One part of the indenture shall be kept by the master or mistress, to whom the minor is bound, and the other part, by the parent or guardian for the use of the minor; and when made by the consent of the municipal officers as aforesaid, it shall be deposited with the town clerk.

By whom in-
dentures shall
be kept.
R. S., c. 90, § 4.

SEC. 5. All considerations, allowed by the master or mistress in any contract of service or apprenticeship, shall be secured by the indenture, to the sole use of the minor; and paid to

Consideration.
how secured.
R. S., c. 90, § 5.