

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED  
THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

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BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
PUBLISHED BY BAILEY & NOYES.

## 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 receive wages of her labor, not in the family.
  4. Her husband not liable for her debts contracted before marriage, or after; but she and her property, but not her body, liable as if sole.
  5. She may sue and be sued in relation to her property as if sole, but not liable to arrest.
  6. Wife dying intestate, her estate descends to her heirs; but 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, and they may be enforced.
  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, 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; except real estate conveyed to her as security or in payment of a bona fide debt actually due to her from her husband. When payment was paid for property conveyed to her from the property of her husband, or it was conveyed by him to her without a valuable consideration made therefor, it may be taken as the property of her husband to pay his debts contracted before such purchase. (a)

Rights of married women to hold and dispose of property. Exceptions. R. S. c. 61, § 1. 1861, c. 46. 1863, c. 214

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

A woman does not lose, and a husband does not acquire rights to her property by marriage. R. S. c. 61, § 2. 48 Me. 266.

(a) 27 Me. 129; 31 Me. 562; 32 Me. 32; 34 Me. 148, 540, 566; 35 Me. 427; 36 Me. 64, 84; 37 Me. 394, 397; 41 Me. 568; 43 Me. 186; 45 Me. 438, 479; 47 Me. 132, 330; 48 Me. 178, 344; 49 Me. 479; 50 Me. 90, 371; 51 Me. 40, 246, 348, 355, 518; 53 Me. 45; 54 Me. 156; 55 Me. 184, 241.

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She may receive the wages of her labor, not in the family.

R. S. c. 61, § 3.

Husband not liable for wife's debts contracted before or after marriage; but she and her property, but not her body, liable as if sole.

R. S. c. 61, § 4.

She may sue and be sued relative to her property as if sole, but not liable to arrest.

R. S. c. 61, § 8.

33 Me. 196.

35 Me. 366.

46 Me. 297.

55 Me. 358.

Wife dying intestate her estate descends to her heirs, but husband and wife may arrange their rights by marriage settlement.

R. S. c. 61,

§§ 5, 6.

45 Me. 250.

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. 61, § 7.

47 Me. 217.

Her contracts so made, binding on her and her husband, and may be enforced.

R. S. c. 61, § 8.

Damages awarded for real estate of wife, secured to her, and may be decided in equity.

R. S. c. 61, § 9.

SEC. 3. 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 her husband or any other person.

SEC. 4. A husband married since April twenty-six, eighteen hundred and fifty-two, is not liable for the debts of his wife contracted before marriage, nor for those contracted after, in her own name, for any lawful purpose; but she is liable in both cases; a suit may be maintained against her, or against her and her husband therefor; and her property may be attached and taken on execution for such debts as if she was sole; but she cannot be arrested. (a)

SEC. 5. 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.

SEC. 6. When a married woman dies intestate, her property descends to her heirs; and administration and distribution may take place accordingly; but a 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 application of his wife, may authorize her, 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

(a) 1862, c. 148; 1866, c. 52; 41 Me. 241; 42 Me. 105; 46 Me. 461; 51 Me. 73; 55 Me. 515.

from the estate. The court may, on her application, hear and decide upon the rights, according to the course of chancery proceedings. CHAP. 62.

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. Wife coming from another state without her husband; powers. R. S. c. 61, § 10. 54 Me. 156.

SEC. 11. The administrator of a deceased married woman, whose husband survives, may pay all reasonable expenses occasioned by her last sickness. Expenses of last sickness paid from her estate. R. S. c. 61, § 11.

## CHAPTER 62.

### MASTERS, APPRENTICES AND SERVANTS.

- SEC. 1. Binding of minors under the age of fourteen.
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 binding; but not on minors after death of master. No minor to be transferred to another, or carried out the state.
  7. Remedies of parties same as provided in 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 the age of fourteen. R. S. c. 62, § 1. 43 Me. 453.

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. 62, § 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. R. S. c. 62, § 3. 13 Me. 151.