

MAINE STATE LEGISLATURE

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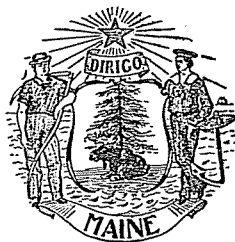
THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :
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CHAPTER 63.

RIGHTS OF MARRIED WOMEN.

Rights of married women to hold and dispose of property; exceptions. R. S., c. 61, § 1. 1889, c. 176.

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 such conveyance without the joinder or assent of the husband, shall not bar his right and interest by descent in the estate so conveyed. Real estate directly conveyed to her by her husband, cannot be conveyed by her without the joinder of her husband, 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 made for property conveyed to her from the property of her husband, or it was conveyed by him to her without a valuable consideration, it may be taken as the property of her husband to pay his debts contracted before such purchase. (a)

A woman does not lose, and a husband does not acquire, rights to her property by marriage. R. S., c. 61, § 2. 71 Me., 134.

SEC. 2. A woman, having property, is not deprived of any part of the same by her marriage, since April twenty-one, eighteen hundred and forty-four; 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 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. (b)

May be paid for her labor, not done for her family. R. S., c. 61, § 3.

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. (c)

Husband not liable for wife's debts or torts; her property, but, not her body, liable as if sole. R. S., c. 61, § 4.

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 afterward in her own name, for any lawful purpose; nor is he liable for her torts committed after April twenty-six, eighteen hundred and eighty-three, in which he takes no part; but she is liable in all such cases; a suit may be maintained against her therefor, and her property may be attached and taken on execution for such debts and for damages for such torts, as if she were sole; but she cannot be arrested. (d)

She may sue and be sued relative to her

SEC. 5. She may prosecute and defend suits at law or in equity, either of tort or contract, in her own name, without the joinder of her husband,

(a) 27 Me., 130; 31 Me., 564; 32 Me., 33; 34 Me., 151, 542, 572; 35 Me., 428; 36 Me., 70, 85; 37 Me., 396, 399; 41 Me., 573; 42 Me., 116; 43 Me., 189; 45 Me., 445, 480; 47 Me., 134, 335; 48 Me., 180, 346; 49 Me., 482; 50 Me., 93, 374; 51 Me., 50, 252, 348, 357, 519; 53 Me., 47; 55 Me., 189, 247; 57 Me., 301, 562; 58 Me., 141; 60 Me., 229; 62 Me., 271; 63 Me., 319, 321; 64 Me., 181; 65 Me., 444-5; 67 Me., 195; 69 Me., 252; 71 Me., 157; 75 Me., 474, 260; 76 Me., 494; 77 Me., 524; 78 Me., 18; 80 Me., 279, 478; 81 Me., 23, 376; 82 Me., 264; 84 Me., 362, 541; 88 Me., 22; 91 Me., 553; 96 Me., 530; 97 Me., 494.

(b) 48 Me., 268; 63 Me., 521; 64 Me., 181; 68 Me., 104, 277; 69 Me., 252; 71 Me., 134; 72 Me., 116; 81 Me., 376; 91 Me., 553.

(c) 58 Me., 55; 64 Me., 181; 66 Me., 184; 76 Me., 524; 80 Me., 348; 88 Me., 22; 91 Me., 553.

(d) 41 Me., 245; 42 Me., 116; 55 Me., 516; 57 Me., 547; 63 Me., 409; 64 Me., 181; 65 Me., 222; 69 Me., 110, 252; 76 Me., 426; 80 Me., 537; 82 Me., 260; 91 Me., 546; 95 Me., 107; 96 Me., 533.

for the preservation and protection of her property and personal rights, or for the redress of her injuries, as if unmarried, or may prosecute such suits jointly with her husband, and the husband shall not settle or discharge any such action or cause of action without the written consent of the wife. Neither of them can be arrested on such writ or execution, nor can he alone maintain an action respecting his wife's property. (a)

SEC. 6. When a married woman dies intestate, her property, real and personal, descends as provided in chapter seventy-seven; and administration and distribution may take place accordingly; but a husband and wife, by a marriage settlement executed in 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. (b)

SEC. 7. Whenever a man, having a wife, a minor child, or both, residing in this state, and from whom he lives apart, and being of sufficient ability, or being able to labor and provide for them, wilfully and without reasonable cause, refuses or neglects to provide suitable maintenance for them, the supreme judicial court, the superior courts and the Bangor Municipal Court, in term time, or vacation, in the county where the wife or children reside, on petition of the wife for herself, and for such children, or of such children, by their guardian, after such notice to the husband or father as it may order, and hearing, may order him to contribute to the support of his wife, if the separation was without her fault, and to the support of such children, such sums payable weekly, monthly or quarterly, as are deemed reasonable and just, and may enforce obedience by appropriate decrees. Execution may also issue for said sums, when payable, and for costs; *provided, however*, that the jurisdiction of the Bangor Municipal Court, in cases arising under the provisions of this section shall be limited to cases in which the defendant resides in Penobscot county.

(a) 33 Me., 197; 35 Me., 339; 46 Me., 298; 51 Me., 79; 54 Me., 159; 55 Me., 247, 359; 58 Me., 55; 67 Me., 309; 68 Me., 104, 277; 70 Me., 382; 76 Me., 423; 80 Me., 537; 84 Me., 82; 88 Me., 22; 91 Me., 553.

(b) See c. 77, §§ 9-12; 45 Me., 262; 69 Me., 251; 82 Me., 237; 95 Me., 77; 96 Me., 533.

property, as if sole, or may join with husband, but neither is liable to arrest. R. S., c. 61, § 5.

How property of married woman, dying intestate, shall descend. R. S., c. 61, § 6. 1895, c. 157, § 12. —husband and wife may dispose of it by settlement.

Husband and father living apart from his family, may be compelled to contribute to support of wife or minor children. 1899, c. 25.

—executions may issue.