

MAINE STATE LEGISLATURE

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CHAPTER 3

RIGHTS OF MARRIED PERSONS

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§ 161. Holding and disposing of property

A married person, widow or widower of any age may own in his or her own right real and personal estate acquired by descent, gift or purchase; and may manage, sell, mortgage, convey and devise the same by will without the joinder or assent of husband or wife; but such conveyance without the joinder or assent of the husband or wife shall not bar his or her right and interest by descent in the estate so conveyed. Real estate directly conveyed to a wife 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.

R.S.1954, c. 166, § 35.

§ 162. Wife's separate property

A woman having property is not deprived of any part of the same by her marriage, and a husband, by marriage, acquires no right to any property of his wife. 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.

R.S.1954, c. 166, § 36.

§ 163. Wife's earnings

A married woman 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.

R.S.1954, c. 166, § 37.

§ 164. Husband not liable for wife's debts or torts; her property but not body liable as if sole

A husband is not liable for the debts of his wife contracted before marriage nor for those contracted in her own name for any lawful purpose; nor is he liable for her torts in which he takes no part; but she is liable in all such cases. An action 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.

R.S.1954, c. 166, § 38; 1961, c. 317, § 548.

§ 165. Actions by or against wife; arrest

She may prosecute and defend civil actions, either of tort or contract, in her own name without the joinder of her husband, 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 actions jointly with her husband. 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.

R.S.1954, c. 166, § 39; 1961, c. 317, § 549.

§ 166. Proceedings between husband and wife

A wife may bring a civil action against her husband for the recovery, conveyance, transfer, payment or delivery to her of any property, real or personal or both, exceeding \$100 in value, standing in his name, or to which he has the legal title, or which is in his possession or under his control, which in equity and good conscience belongs to her and which he neglects or refuses to convey, transfer, pay over or deliver to her, and upon proper proof, may maintain such action. And a husband shall have the same right to bring and maintain a civil action against his wife for the purposes aforesaid, subject to the limitations aforesaid.

Marriage shall be no bar to the maintenance of a civil action by a wife against her husband or by a husband against his wife, brought for the purposes aforesaid. No costs shall be awarded against either party in any such proceedings. If it satisfactorily appears to the court on hearing that the party bringing the action has conveyed or transferred any of her or of his property, real or personal, to the other party to the action for the purpose of cheating, defrauding, hindering or delaying her or his creditors, the action shall be dismissed. An appeal from any final judgment may be taken to the law court as in other civil actions. There shall be no survival of the right to institute proceedings under this section, and if a wife or husband dies after the commencement of proceedings hereunder and before the final determination and disposition of the same, such proceedings shall abate.

R.S.1954, c. 166, § 40; 1961, c. 317, § 550.

§ 167. Alienation of affections

Whoever, being a female person more than 18 years of age, debauches and carnally knows, carries on criminal conversation with, alienates the affections of the husband of any married woman or by any arts, enticements and inducements deprives any married woman of the aid, comfort and society of her husband, or whoever, being a male person, alienates the affections of the husband of any married woman or by any arts, enticements and inducements deprives any married woman of the aid, comfort and society of her husband, shall be liable in damages to said married woman in a civil action brought by her within 3 years after the discovery of such offense.

R.S.1954, c. 166, § 41; 1961, c. 317, § 551.

§ 168. Property of wife dying intestate; antenuptial agreements

When a married woman dies intestate, her property, real and personal, descends as provided in Title 18, and administration and distribution may take place accordingly; but a husband and wife, by a marriage settlement executed in presence of 2 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.

R.S.1954, c. 166, § 42.