

**Women, May Vote When. Women, Right to Hold Property.
Elections, Women May Vote at Certain.**

Women are entitled to vote at school district elections, either for school trustees, issuance of bonds, or any other question submitted by the trustees to the electors of the district.

Women may also vote where the law submits a question to the "taxpayers" as distinguished from "electors."

Women in this state, either married or single, may purchase, hold and sell property in their own name.

Helena, Montana, April 12, 1910.

Hon. J. H. Hull,
Commissioner,
Helena, Montana.

Dear Sir:

I am in receipt of your request for an opinion upon the following questions:

"1. Are women permitted to vote—if so under what restrictions?

"2. Are women privileged to purchase, hold and sell property, if so, under what restrictions, if any, as compared with similar rights enjoyed by men?"

In answer to your first question, you are advised that section 10, of article IX., of the state constitution provides that:

"Women shall be eligible to hold the office of county superintendent of schools or any school district office, and shall have the right to vote at any school district election."

And section 12, of the same article, provides that:

"Upon all questions submitted to the vote of the tax-payers of the state, or any political division thereof, women who are tax-payers and possessed of the qualification for the right of suffrage required of men by this constitution, shall equally with men have the right to vote."

Under these sections women are entitled to vote at all school district elections, either for the election of school trustees, issuance of school bonds, or any other question submitted by the trustees of a school district; also when a law submits a question to the "taxpayers," as distinguished from the word "electors," women who are taxpayers, have a right to vote on such question.

On the other hand, only electors can vote for state and county officials, and upon questions submitted to the "electors."

An elector in this state is a male person, of the age of 21 years, a full citizen of the United States and a resident of this state one year immediately preceding the election, and of the county 30 days.

In answer to your second question, you are advised that women in this state, either married or single, may purchase, hold and sell property in their own name.

Section 3700 provides that:

"All property of the wife owned before her marriage and that acquired afterwards is her separate property. The wife may, without the consent of her husband, convey her separate property or execute a power of attorney for the conveyance thereof."

Section 3707 provides that:

"The separate property of the wife shall be exempt from all debts and liabilities of the husband, unless for necessary articles procured for the use and benefit of herself and her children under the age of eighteen years, but such exemption shall extend only to such property of such wife as shall be mentioned in an inventory thereof, as provided in sections 3701 (221) and

3708 (222). And in no case shall any of the separate property of the wife be liable for debts of the husband, unless such property is in the sole and exclusive possession of the husband, and then only to such persons as deal with the husband in good faith on the credit of such property, without knowledge or notice that the property belongs to the wife. But the separate property of the wife is liable for her own debts, contracted before or after marriage."

This inventory must contain a full and complete list of the separate personal property claimed by the wife, and must be signed by her and acknowledged before some officer authorized to take acknowledgments and recorded in the office of the county clerk of the county in which the parties reside.

Women also have a dower right to one-third of their husband's real estate owned by him during the marriage.

A married woman may sue and be sued in the same manner as if she were sole, and contracts made by her in respect to her separate property, labor or services shall not be binding upon her husband nor render him nor his property liable therefor, but she, in her separate property, shall be liable on such contracts in the same manner as if she were sole. She can make a will in the same manner, and with the same effect, as if she were sole, except that such will, will not, without the written consent of her husband, operate to deprive him of more than two-thirds of her real estate or personal estate.

No estate is allowed the husband as tenant by courtesy upon the death of his wife.

Very truly yours,

ALBERT J. GALEN,

Attorney General.