

COURT RECORDS

Table 7-2. Ages of Legal Action*

Legal Action	Legal Age	Exceptions/Comments
Inherit	From birth	An unborn child can also inherit
Be enumerated in census	From birth	Usually heads of household only until 1850
Attend school	5	Some schools accepted three year olds
Witness documents	14 (male); 12 (female)	The age of discretion under the common law was 14 (males) and 12 (females). Some exceptions are listed below
Testify in court	14 (male); 12 (female)	
Choose guardian	14 (male); 12 (female)	Must be 21 in New York. No choice until age of; then, if guardian appointed by court is unacceptable, can select another subject to court approval
Serve as apprentice	14 (male); 12 (female)	Standard term was to 21 (male), 18 (female), or time of marriage. If apprenticed before age of discretion, bound only to ages 14/12. Must have written deed which allowed for apprentice's content, except for orphans on the public charge
Show land to processioners	14 (male); 12 (female)	Males only; southern states. (Procession means to walk around the boundary lines of local property owners.)
Be punished for crime	14 (male); 12 (female)	Some general exceptions before 1860. Complicated changes in the 20th century
Sign contracts	14 (male); 12 (female)	May be required to confirm contract after arriving at majority
Act as executor	14 (male); 12 (female)	Usually administrator with will annexed so the court had some controls. Age 17 in Massachusetts, Rhode Island, Missouri; age 18 in Mississippi. Bondsman who could act as co-executor required in Vermont
Bequeath personal property by will	14 (male); 12 (female)	Age 18 in Connecticut, Massachusetts, Virginia; age 18 (male) and 16 (female) in New York; age 21 in Vermont. Property may be held in custody of court pending review Parental consent required in most states until age 21 (male) and 18 (female). Married child not subject to control of parents, could remarry on death of spouse consent if underage. Age 18 (male) and 14 (female) in Mississippi, Ohio, Indiana; age 18 (male) and 15 (female) in Minnesota; age 17 (male) and 14 (female) in Illinois; age 16 (male) and 14 (female) in Iowa. Marriage is valid without parental consent, but officiator could be fined. Annulment or divorce only way to void the marriage
Marry	14 (male); 12 (female)	
Be taxed	16	Males only were counted; females appear as "heirs of . . ."
Muster into militia	16	Males only
Procession land	16	Procession means to walk around the boundary lines of local property owners
Take possession of land holdings	16	"In possession of" on tax rolls signifies that the person named is at least 16
Practice trade	18	Some cities licensed tradesmen to practice their profession/occupation at age 18
Release of guardian	21 (male); 18 (female)	
Own land	21	Some states allowed females these rights at age 18
Devise land by will	21	
Be taxed	21	Full poll responsibility unless exempt
Plead or sue in court	21	
Be naturalized	21	After meeting residence requirements
Fill public office	21	Age 25 or older required for some offices
Serve on jury	21	Grand jury, petit jury, coroner's jury
Vote	21	Linked to 21 as age of land ownership, a prerequisite to voting in colonies

*Based in part on Judge Tapping Reeve, *The Law of Baron and Femme, of Parent and Child, Guardian and Ward, Master and Servant, and of the Powers of the Courts of Chancery; With an Essay on the Terms Heir, Heirs, Heirs of the Body*, 3rd ed. (1862; reprint, Clark, New Jersey: Lawbook Exchange, 1998). This is an important legal treatise on family law describing the common law in America and exceptions created by statute law or specific traditions inherited from Spanish or French law codes. The author assumes legal knowledge on the part of the reader, so use *Black's Law*

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