

is quite silent upon the subject. This may be due to the fact of the traditions having in our day become so firmly rooted as to require no further dwelling upon.

The decision which has been already spoken of, is *Chorlton v. Lings*, 4 C.P. 374—the case of an appeal from the refusal of a revising barrister to register a woman as a voter. Here Mr. Justice Wills, relying in part on the judgment of constitutional writers, and, in part, governed by independent reasoning, holds emphatically that she does not possess the right, deriving, as a corollary, her incompetence to vote.

Much of his language is worthy of being repeated. At page 391 he says, "take the case of a peeress in her own right, who, if the other sex, would have a seat and vote in the House of Lords, can she appear and take her seat there? No; it is unquestionable that she can neither sit herself nor vote by proxy. She has most of the other privileges of her peerage; but what is her case with regard to being represented in Parliament? It appears to have been supposed at one time that she could appoint a proxy; but this soon died out; and until still later time it was thought that if married she could be represented by her husband, who should be a peer in her right. Both in this country, and also in France, it was once thought that there could have been such a right of representation, yet to use Mr. Butier's expression (*Co. Litt.*) the right must now be considered as extinct, or perhaps, inasmuch as in our system there is no negative prescription against a law, it may be more correct to say that the right never existed. Can there be any difference in the case of women, whose right to take part in the public councils, if it ever existed, would in modern times, of necessity have taken the form of choosing some one to represent them there? Can there be any more reason why a woman not a peeress should have a right to choose her representative in the House of Commons than why a peeress should have a right to be represented in the other House, where the power of voting by proxy might even suggest a favorable distinction? It is clear that a woman has no such right in either case."

Mr. Justice Byles, at page 394, remarks: "Women for centuries have always been considered legally incapable of voting for members of Parliament; as much so as of being themselves elected to serve as members." It is mentioned by one of the judges that Selden, treating of the matter of this exclusion of women from