of English Law, before the time of Edward I, vol. 1, p. 468, Pollock and Maitland speak of a sure instinct already having guided the law to a general rule "which will endure until our own time." "As regards private rights, women are on the same level as though postponed in the canons of inheritance; but public functions they have none. In the camp, at the council board, on the Bench, in the jury box, there is no place for them." This statement must, however, be understood subject to what the authors say on a preceding page, (p. 465), that "Public law gives a woman no rights and exacts from her no duties *save that of* paying taxes and *performing such services as can be performed by a deputy.*"

In *R.* v. *Crosthwaite*, decided in 1864, ib. supra, (p. 475), Baron Fitzgerald quotes from the report in Jenkins' "Eight Centuries," 3rd ed. (6th Cent.) Case XIV of the Duke of Buckingham's case (1569), Dyer 285b, in which there was a question as to the holding of the office of High Constable of England by a woman to whom it had descended the following statement of that very learned judge (Judge Jenkins):—

> "An office of inheritance to which adjudicature is annexed descends to two daughters, as in this case of the office of constable; after it has so descended it may be exercised by deputy; but such an office cannot be originally granted to any woman; for *feminae non sunt capaces de publicis officiis.*"

stating it as a maxim, and the judgment of Baron Fitzgerald as well as of the other members of the majority of the Court in *Crosthwaite's case* and of Barton J. in the more recent case of *Frost* v. *The King* (1919) 1 Ir. Rep. (Ch.) 81, largely proceeds upon that view of the law. In *Beresford-Hope* v. *Sandhurst*, ib. supra, at p. 95, Lord Esher M.R., said: "I take it that by neither the common law nor the Constitution of this country from the beginning of the common law until now, can a woman be entitled to exercise any public function." And, again, in *De Souza* v. *Cobden*, ib. supra, p. 691, the same learned judge said, "that by the common law of England women are not in general deemed capable of exercising public functions, though there are certain exceptional cases where a well recognized custom to the contrary has been established." In *The Queen* v. *Harrald*, ib. supra, at p. 362, Cockburn C.J. said: "It is quite certain that by the common law a married woman's status was so entirely merged in that of her husband that she was incapable of exercising almost all public functions."

On the other hand, in *Chorlton* v. *Lings*, ib. supra, p. 388, Willes J., refers to the discussion in Selden's de Synedriis Veterum Ebraeorum of the origin of the exclusion of women "from judicial and like public functions," and he does not define what he meant by "like public functions," though his observations suggest that he entertained a wide view of the exclusion of women from the exercise of public functions. In the *King* v. *Stubbs* (1788) 2 T.R., 395, 397, and in Comyn's Digest, 5th ed., p. 189, there is given a list of offices which women were deemed capable of filling, which includes the offices of Marshall of England, Great Cham-