

In *Ontario*, certain persons are forbidden to exercise the franchise, whether qualified or not, namely, Judges of the Supreme Courts, of County Courts, Recorders of cities, officers of the Customs of the Dominion, Clerks of the Peace, County Attorneys, Registrars, Sheriffs, Deputy Sheriffs, Deputy Clerks of the Crown, Agents for the sale of Crown lands, Postmasters in cities and towns, and Excise Officers, under a penalty of \$2,000, and their votes being declared void.

Again: no Returning Officer, Deputy Returning Officer, Election Clerk or Poll Clerk, and no person who at any time, either during the election or before the election, is or has been employed in the said election, or in reference thereto, or for the purpose of forwarding the same, by any candidate, or by any person whomsoever, as counsel, agent, attorney or clerk, at any polling place at any such election, or in any other capacity whatever, and who has received, or expects to receive, either before, during or after the said election, from any candidate, or from any person whomsoever, for acting in any such capacity as aforesaid, any sum of money, fee, office, place or employment, or any promise, pledge or security whatever therefor, shall be entitled to vote at any election.

No woman shall be entitled to vote at any election.

In *New Brunswick* and *Nova Scotia*, there is no restriction as to the exercise of the franchise by persons who are duly qualified. On the contrary, express provisions are made to enable presiding officers, poll clerks, candidates and their agents, when acting in the discharge of their various duties connected with the election, to poll their votes in districts where otherwise, but for such provisions, they would not be entitled to vote.

#### *As to the Qualification of Candidates.*

In *Nova Scotia*, the candidate must possess the qualification requisite for an elector, or shall have a legal or an equitable freehold estate in possession, of the clear yearly value of eight dollars.

In *New Brunswick*, the candidate must be a male British subject, 21 years of age, and for six months previous to the teste of the writ of election have been legally seised as of freehold for his own use of land in the Province of the value of £300, over and above all incumbrances charged thereon.

In *Ontario*, by the Act of 1869, 33 Vic. c. 4, passed to amend the Act of the previous session, entitled, "An Act respecting Elections of Members of the Legislative Assembly" (the 32 Vic. c. 21), it is enacted, "That from and after the passing of that Act, no qualification in real estate should be required of any candidate for a seat in the Legislative Assembly of Ontario; any statute or law to the contrary notwithstanding, and every such last mentioned statute and law is hereby repealed."

Neither the said 32 Vic. c. 21, nor the pre-

ceding Acts of the same session, caps. 3 & 4, defining the privileges, immunities and powers of the Legislative Assembly, and for securing the independence of Parliament, point out what shall be the qualifications of a candidate, and the previous Acts in the Consolidated Statutes on the subject have been repealed.

By the 23rd section of 32 Vic. c. 21, 1868-9, the electors present on nomination day are to name the person or persons whom they wish to choose to represent them in the Legislative Assembly. There is no restriction, as in *Nova Scotia*, that a candidate must have the qualification of an elector, which, among others, is that he shall be a male subject by birth or naturalization, or, as in *New Brunswick*, specifically, that he must be a "male British subject."

In the *Ontario Act*, 32 Vic. cap. 21, sec. 4, it enacts: "No woman shall be entitled to vote," but there is no restriction in the 23rd section as to the sex of the person or persons whom the electors shall choose to represent them in the Legislative Assembly, nor is there any clause in the two Acts, caps. 3 & 4, above referred to, from which any such restriction can be inferred. The 61st section of 32 Vic. cap. 21, declares, "That no candidate shall, with intent to promote his election, provide or furnish," &c. But by the General Interpretation Act, passed by the Legislature of *Ontario*, cap. 1, 31st Vic. (1867-8), sec. 6, clause 8, it is enacted that "words importing the singular number, or the masculine gender, shall include more persons, parties or things of the same kind than one, and females as well as males, and the converse."

And by the 3rd section of the same Act the interpretation clauses were to apply to all Acts thereafter passed.

Thus it would appear, that if the electors present on nomination day, choose a female as a candidate, and, in case of a poll being demanded, she should be elected, she would be entitled to take her seat as a member in the Legislature of *Ontario*.

In this respect *Ontario* differs from the other two Provinces, and may be said to be in advance of both *England* and the *United States* on this point.

This discussion—assuming that the above construction of the *Ontario Act* is correct—is one of so much discussion at the present day, that it may not be uninteresting to refer to a very important argument and decision which took place in the Common Pleas in *England* almost at the time the Act was under consideration in the *Ontario Legislature*, and which it is presumed must have come under the observation of the very able legal men in that House. The argument was commenced early in November, 1868, and judgment given in January, 1869. The case of *Chorlton*, appt. v. *Lings*, respnt. L.T.N.S., 1868-9, 584, L.R. 4 C.P. 874, 5 C.L.J.N.S. 102. The name of Mary Abbott, with a large number of other women, appeared upon the lists of voters for members of Parliament for the Borough of Manchester. Her