masculine ideas, the following quotations from a reported case will be interesting:

Lee, C. J. By a manuscript collection of Hakwell's, in the case of *Catharine* v. *Surry*, the opinion of the judges, as he says, was that a *feme sole*, if she has a freehold, may vote for members of Parliament; and by this it seems as if there was no disability. The right of voting in women, is to be allowed only *secundum subjectam materiam*; and in the case of *Coates* v. *Lisle*, 14 Jac. 1, women, when *sole* had a power to vote for members of Parliament, and whether they have not anciently voted for members of Parliament, either by themselves or attorney, is a great doubt. I do not know upon enquiry, but it might be found that they have. In the case of *Holt* v. *Lyle*, 4 Jac, 1, it is determined that a *feme sole* freeholder may claim a voice for Parliament-men, but if married, her husband must vote for her. But I would not be understood to declare it to be my opinion, that women may vote for members of Parliament. I only mention what I have found in a manuscript by the famous Hakwell, but I give no opinion at present.

Page J. I see no disability in a woman from voting for a Parliamentman.

Probyn J. This case cannot determine that women may vote for members of Parliament, as that choice requires an improved understanding which women are not supposed to possess. In elections for members of parliament women are not now admitted, whatever they were formerly. That they are not allowed to vote for members of Parliament is because of the judgment required in it.

Chapele, J. Women are in many respects in law as well distinguished from infants as men, being *sui juris* until they are married.[13]

Thus by a process known as judicial legislation, by which the earlier common law was converted into another and less logical or scientific law, "after the judicial fashion," the judges of England, without the sanction of a Parliamentary statute, much less a resolution of the House of Commons, declared that "women having freehold or no freehold," had no voice in the elections of members of Parliament.[14] And thus, under the later common law of England, women were declared to "lie under natural incapacities, and unable to exercise a sound discretion:"[15] and the married woman became, as she had been under the Roman law, as helpless as infants and lunatics, the two other classes of persons under legal disabilities in whose company she habitually figured in English jurisprudence until recent legislation restored some of her legal rights.

Modern political legislation has been struggling, but in a timid and reluctant spirit, to modify the restrictive electoral franchise imposed by the aristocratic Parliament of Henry VI., so as to placate the advancing and dominating democratic tendencies of modern times,—while retaining, however, a minimized grasp on a property qualification as the indisputable evidence of an elector's political capacity and intelligence. Our Canadian franchise, under an elaborated series of electoral titles, has created multiple votes in respect of real property, by giving to persons who are connected with the owner or tenant or farmer by a family and servitude relation, as sons, step-sons, sons-in-law, or grandsons, a vicarious right of voting in respect of the father's or mother's property, without, however, any corresponding recognition of multiple votes in respect of similar relationships to owners of personal property or earners of income. Grouped around these are income voters, wage-earners, annuitants charged on real estate, fishermen and Indians—with some local

13. *Olive* vs. *Ingham*, Modern Reports, vol. 7, p. 263, (1738.)

14. Coke's Fourth Institute of the Laws of England, p. 5.

15. Digest of the law of County Elections, p. 16[1].