

By the 59th section it is enacted that the Act, so far as is consistent with the tenor thereof, is to be construed as one with the enactments for the time being in force relating to the Representation of the People and with the Registration Acts. By the Reform Act of 1832 the occupation franchise in boroughs is expressly given to "male persons" who shall be qualified as therein mentioned.

By section 33 of the Act of 1832 it is enacted, "That no person shall be entitled to vote in the election of a member or members to serve in any future Parliament for any city or borough, save and except in respect of some right conferred by this Act, or as a burgess and freeman, or as a freeman and liveryman, or in the case of a city or town being a county of itself, as a freeholder or burgage tenant as hereinbefore mentioned."

It is quite clear that women would not become entitled to the franchise under that Act. Now the two Acts are to be construed as one, and therefore we should endeavour, as far as possible, to put such a construction upon the latter Act as will make it consistent with the provisions of the former statute.

There is no doubt that in many statutes "men" may be properly held to include "women," whilst in others it would be ridiculous to suppose that the word was used in any other sense than as designating the male sex. We must look at the subject-matter, and at the general scope of the provisions of the later Act, as well as at its language, in order to ascertain the meaning of the Legislature. I do not think, from the language of the Act, that there was any intention to alter the description of the persons who were to vote. I should rather conclude that the object was to deal with their qualifications. If so important an alteration of the personal qualification was intended to be made as to extend the franchise to women who did not then enjoy it, and in fact were excluded from it by the terms of the former Act, I can hardly suppose that the Legislature would have made it by using the term "man." Indeed, in the very next Act, where it was intended to extend the Factory Act, females are expressly included.

The conclusion at which I have arrived is that the Legislature used the word "man" in the same sense as "male person" in the former Act, and that the word was intentionally used in order to designate expressly the male sex, and that it amounts to an express enactment and provision that every man, as distinguished from every woman possessing the qualifications, was to have the franchise.

In that view Lord Romilly's Act does not apply to this case, and does not extend the meaning of the word "man" so as to include women.

On this part of the case the decision of the Scotch Court of Session is also in point, and in that decision I entirely concur.

On both grounds, therefore, first, that women were legally incapacitated for voting for members of Parliament; and, secondly, that the section is limited to men and does not extend to women, I think that women are not entitled to the franchise, and that the decision of the revising barrister must be confirmed in this case and in the other cases which depend upon this case. But it is not a case in which costs should be given.

## CORRESPONDENCE.

*Division Court officers—Increase to fees.*

TO THE EDITORS OF THE LAW JOURNAL.

GENTLEMEN,—The petition for an increase of the fees of officers of Division Courts, which was presented to the Parliament of Ontario during its first session by John Coyne, Esq., M.P.P. for Peel, backed by a personal application to the Hon. J. S. Macdonald, has not been altogether useless or disregarded, and the clerks and bailiffs may now fairly indulge a hope that the injustice under which we have so long suffered will be removed, at least to some extent; it would be expecting too much to expect anything perfect in this world. As the Board of County Judges will probably soon meet, I would like to publish where it may be seen a true and unvarnished tale of one day's work done by me, and my remuneration for the same:

<i>Work.</i>	<i>Paid</i>
Entered Bailiff's returns on eight executions	00
Made returns to three transcripts with the necessary entries in F. P. Book .....	00
Wrote three letters, one with each transcript	60
Returned two foreign summonses, and made entries thereof in P. Book .....	00
Wrote one letter with same .....	00
Received three payments of money (one of them partly by cheque) involving nine separate entries .....	00
Attended the Post Office with the letters....	00
Attended at the Bank with the cheque .....	00
Issued one execution.....	30
Spent four hours in making out a return for the Bureau of Agriculture (it took about four days altogether) .....	00

Books, stationery, &c., of course I had to pay for myself. I wonder how much of the 30 cents I had to support my family on for the day? Is it any wonder that men complain bitterly, who for so much work get so little pay?

What the Bureau of Agriculture wants of the annual return (not paid for of course, and now insisted on from Clerks of Division Courts) I cannot imagine, unless there is a prospect of a demand for scare-crows, and the Bureau wants to calculate how long at the present rate of our remuneration it will take to bring Division Court officers and their families to the necessary degree of leanness and rags to enable them to discharge the duties of the (about as well paid) office of scare-crow.