non habeant ibi venire archiepiscopi, episcopi, abbates, priores, comites, barones, nec aliqui viri religiosi, nec mulieres, nisi eorum presentia ob aliquam causam specialiter exigatur." Now if we go back to early parliamentary history, we shall find that the method of returning members was by indenture; the electors, or some of them, executing the indenture. Copies of such indentures are to be seen in Prynne's Brevia Parliamentaria Rediviva, 152, 153. I have also here certified copies of such indentures from the Record Office, one or two of which I refer to. They contain the names of women as returning the members. The several dates of these returns are, 13 Hen. 4; 2 Hen. 5; 7 Edw. 6; 1 & 2 P. & M.; 2 & 3 P. & M. [WILLES, J.—In the last case, the woman is the only person who executes the indenture. That looks rather as if she was the returning officer, which she undoubtedly might be]. But that will not account for the case in 7 Edw. 6. There, the woman is mentioned in conjuuction with others as sending up the members. [BOVILL, C. J.—The writ in the case in 2 & 3 P. & M., is directed to the lady. Would not that make her the returning officer?] It is not so in the case in 1 & 2 P. & M. Heywood, in his treatise on County Elections, 2nd ed, p. 255, says that it is usual to cite Coke's 4th Inst. against the right of women to vote. Now, I maintain that all the other exceptions in that passage (4 Inst. 5) are erroneous. For example, he says that clergymen labour under a legal incapacity to vote. [BOVILL, C. J.—Have you any example of clergymen voting before Lord Coke's time?] There is an archbishop in one of the writs I have cited. I am speaking without book, but I think there is no doubt that the clergy had given up their right to tax themselves separately before 1664 (3 H. C. H. 243, 10th ed.). I have the most unfeigned respect for Lord Coke's learning, but he had his weaknesses like other men, and one of them may have been a dislike of the clergy. He had no special reason to like women. Heywood goes on to say that notwithstanding my Lord Coke's opinion, women have as a fact in ancient times exercised the franchise, and in the note to p. 256 he gives at length a return for a borough by dame Dorothy Packington in the 14 Eliz. [BOVILL, C. J.—There is another passage in Heywood, at p. 255, in which he states what the law was in 1812, and that is against you.] In 2 Luders, 13, there is cited a burgess and freeman's roll of the 19 Eliz. for the borough of Lyme Regis on which the names of three women stand as burgesses and freemen. This is important, because this list would have been used to prove the right to vote at elections. [BOVILL, C. J.—Yes, but these entries of the women's names might have been for the mere purpose of securing the right of voting for their future husbands.] Supposing the right to have once existed, I now come to the question, has any statute ever taken it away? Because if not, mere non-user cannot have such an effect. The statute 8 Hen. 6, c 7, is the well known statute restricting the right to vote in counties to forty-shilling freeholders. Assuming that up to this time a woman had the right to vote, what is there in this statute to deprive her of that right, if she but had a forty-shillang freehold? There is nothing. The word in the statute, which of course is in Norman-French, is "Gens." [BOVILL, C. J.—Have you read the title of the statute? Yes. It is there "men." But the title is in English; it was probably added later on. You cannot rely on translation in such a case, and even though the heading were made in English at the time the statute was passed, yet it forms no part of the enactment. [WILLES, J.—Treby, J., says that the old statutes had no headings.] Now this statute being in restraint of the franchise, had it been in view to take it from women, that would have been expressly done. As to the subsequnt statutes dealing with the franchise, while I do not contend that they specially refer to women, I yet maintain as to all of them, that they contain words large enough to include women. Such statutes are 10 Hen. 6 c. 2; 7 & 8 Will 3, c 4, 25; Anne c. 23; 2 Geo. 2, c. 24; 20 Geo. 3, c. 17. Next, as to the construction of the word "man" in the Representation of the People Act, 1867. There is a vast number of statutes in which the word "man" is used in the sense of both man and woman. Hence if no reason be shown in the present case why it should have a different meaning the more ordinary statutory sense must be given to it. Consider sections 18 and 19 of the Reform Act, 1832; 2 & 3 Will. 4, c. 45. If we compare the phraseology of the sections I think we must conclude that where women already had votes as freeholders or burgesses they were meant to retain them, but that where fresh votes were conferred on copyholders, then women copyholders were not to acquire the right of voting, but men only were to do so. The late Reform Act, I contend, leaves the rights of women as compared with those of men where it found it. The great point which will doubtless be made on the other side is that for centuries no woman as a fact has voted. All that Lord Coke's opinion and the opinion of those lawyers who have followed his dictum amonnt to, is this, that for centuries the current of opinion has been against the right of women to vote, not throughout all the time, but at the particular time when the particular opinion was given. But it is hardly necessary to maintain that if the right once existed, non-user could not take it away. As to the application of Lord Romilly's Act, 13 & 14 Vict. c. 21, s. 4, to the interpretation of the word "man," as used in the Representation of the People Act, 1867, we must remember that Lord Romilly's Act was passed in 1850, some time after the Reform Act of 1832, and therefore at a time when the claims of women to vote had at least been heard of and discussed in modern times. Lord Romilly's Act may, therefore, be said to have been passed with a consciousness that it might very probably be employed before long to the very purpose to which I seek to apply it to-day. [KEATING, J.—Does is appear on the case that the appellant here claims under the franchise created by the Act of 1867?] [*Mellish, Q. C.*—It does not appear on the case, but it is the fact.] In *Olive* v. *Ingram*, 7 Mod. 263, Stra. 1114, the decision did not require the *dictum* upon which I rely; but in the judgment of Lee, C. J., a MS. case is cited in which the *dictum* was necessary. The case of *Olive* v. *Ingram* decides that a woman may be a sexton, and may vote for the election of a sexton. Now, I admit that of 7 Mod, is not of high authority. But the case was so *decided*, as we learn from Strange, who was then Solicitor-General, and in the case. [WILLES, J.—Have you any case where a woman,