In the Supreme Court of Canada.

No. 8. Factum of the Attorney-General of Quebec—*continued.*

In the year 1867, women had never been admitted to the floor of either House of Parliament; they did not even possess the suffrage. That was the law, a custom centuries old dating indeed from the institution of Parliaments.

A leading case on the subject to which reference will be made is that of *Chorlton* v. *Lings*, L.R. 4 C.P. p. 384, decided in 1868. The head note of that case reads as follows:—

> " The Representation of the People Act 1867 (30–31 Vict., c. 102) sec. 3, enacts that every ' man ' shall, in and after the year 1868, be entitled to be registered as a voter, and when registered to vote for a member or members to serve in Parliament for a borough who is qualified as follows, first, is of full age, and not subject to any legal incapacity.
>
> By Lord Brougham's Act (13–14 Vict., c. 21) sec. 4, in all Acts words importing the masculine gender shall be deemed and taken to include females, unless the contrary is expressly provided.
>
> *Held*, that women are subject to a legal incapacity from voting at the election of members of Parliament.
>
> *Held*, also, that the word ' man ' in the Representation of the People Act does not include woman."

In the case of *Nairn* v. *University of St. Andrews* [1909] A.C. 147 in the House of Lords, the head note is as follows:—

> " By s. 27 of the Representation of the People (Scotland) Act, 1868, ' Every person whose name is for the time being on the register . . . . of the general council of such university, shall, if of full age, and not subject to any legal incapacity, be entitled to vote in the election of a member to serve in any future Parliament for such university in terms of this Act '; and by s. 28, sub-s. 2, the following persons shall be members of the general council of the respective universities: ' All persons on whom the university to which such general council belongs has after examination conferred ' certain degrees, ' or any other degree that may hereafter be instituted.' The appellants were five women graduates of the University of Edinburgh, and as such had their names enrolled on the general council of that university, and they claimed as graduates and members of the general council the right to vote at the election of a member of Parliament for the university:—
>
> *Held* (affirming the decision of the Extra Division of the Court of Session), that the appellants were not entitled to vote in the election of the parliamentary representative of the university.
>
> There is no evidence of any ancient custom for women to vote in parliamentary elections."

In his judgment the Lord Chancellor, with reference to the right to vote of women in the past, said: " It is incomprehensible to me that any one " acquainted with our laws or the methods by which they are ascertained " can think, if, indeed, any one does think, there is room for argument on