WOMAN'S CONSTITUTIONAL RIGHT TO A VOTE

By MARY O'TOOLE, L. L. M.

"If you would know the moral and political status of a people, demand what place its women occupy."

THE Declaration of Independence in stating that all men are created equal proves that the keynote of a republic is individuality; that is, the right of the citizens to freely have and as freely to express his opinion. In matters of politics and religion this right is especially desirable. If a republic hopes to survive, it must give its citizens protection and security in the exercise of the right of self-government through the use of the ballot.

MISS MARY O'TOOLE.

A suffrage limited to men only is a usurpation of woman's right to her political opinion—equivalent to a limitation of her right to a conscience. Supine submission to such arrogant assumption is to invite interference in other matters. Man would next tell woman how she should save her soul. Why not? As well say that a family is a religious unit as that it is a political unit.

Man suffrage is, in effect, creating a privileged class, which presumes to speak for the women of the country. From whence have men derived this right to confine suffrage to their sex? Certainly not from the Constitution of the United States, which expressly declares in its first article that no order of nobility shall be created. What, in effect, is a privileged class but an order of nobility. By the fourth article of the Constitution the United States is required to guarantee a republican form of government, while the fourteenth amendment defines citizens to be all persons who are born or naturalized in the United States and subject to its jurisdiction, and forbids the States to abridge the privileges and immunities of such citizens.

The masculine gender is conspicuous by its absence from the Constitution, the only place where the word "male" appears being in the fourteenth amendment—used there to define how representation shall be apportioned in case a State denies the right to vote to any of its male inhabitants.

Of the States which participated in the framing of the Constitution we find that Rhode Island, Connecticut, New Jersey and Georgia had no limitation of sex in their definition of electors. In Rhode Island electors were "such as are admitted free of the company and society of the colony," while Connecticut specified that they should be "such persons as are of maturity in years"; Georgia, "citizens and inhabitants of the State"; New Jersey, "all inhabitants of full age." All, as was usual then, had qualifications as to property. Women voted in New Jersey until 1807, when the word "male" was placed before "inhabitants."

By what authority did the other nine States which originally adopted or ratified the Constitution limit the right of suffrage to males or freemen? In 1874 the United States Supreme Court, in Minor vs. Happersett (21 Wall. 162), held that the Constitution only forbade the abridgement of the privileges and immunities which the citizen already enjoyed. (Mrs. Virginia Minor made application to register as a voter in Missouri. Being refused permission to do so, she sued the registrar, and the case was carried to the United States Supreme Court.) Under this ruling we are forced to go back of the Constitution for the source of authority in the States to limit suffrage to the male sex.

Our Constitution and the rights of the States guarded thereby are based upon the laws of England; that is, the common law, derived from immemorial customs and various charters or bills. The first of these, Magna Charta, was wrested in 1215 from a king whose title to reign was so defective he had to depend upon the nobility to keep him upon the throne. We find in this charter certain rights secured to women, among others that a widow should not be compelled to remarry.

In feudal times grants of land were held by the king's gift in return for military service. All sons inherited before daughters; but, failing sons, the daughter inherited every title, honor and privilege of the family as would a son, with the right to depute personal service, a right also enjoyed by aged or invalid men.

As a consequence, every public office in England not dependent upon a university education—and but few men were eligible for these—has been held at some time by a woman, either in person or by proxy. Singularly enough, it was only when personal service was commuted into money that these customs were altered to the disadvantage of women. Through matrimony always a woman lost her property, her husband being her proxy. By degrees this marital proxy assumed increasing powers.

In the trading and industrial classes, however, which more nearly correspond to the American idea, the men were more liberal and the women far sturdier in the assertion of their rights. Fathers divided equally between sons and daughters. Mothers, by statute, had the right to choose a school for their daughters and to apprentice them to a trade. Women in trades or guilds paid the same brotherhood money and held privileges on equal footing with the men, the charters of all guilds running to "the brethern and sistern." In such occupations as haberdashers, clothworkers, weavers, grocers, clockmakers, parish clerks, etc., are to be found lists of freemen which contain the names of women. Women were paid at the same rate as men for the same work.

The civic fathers recognized three classes of freewomen—spinsters, widows, and wives who supported themselves. Since privileges depended upon the inheritance of lands, office or money, and the privilege of spending public moneys carried the responsibility of raising it, women were on the same footing as men. "A freeman, when she is a woman, shall have no excuse from the duties of watch and ward," although these duties might be executed by proxy.

When the national legislature was assembled in the seventh century to enact a new code of laws, the queen, abbesses and many ladies signed the decrees. Abbesses generally took part in councils. In the reign of Henry III four women sat in Parliament and ten ladies in that of Edward III. It was in the latter reign that the Parliament assumed its present form.

In 1252, while traveling, Henry III left Queen Elinor as keeper of the Great Seal. She sat in the Aula Regia, the highest judicial power in Great Britain.

It is most interesting that in Ireland also we find that at the assemblages on the Hill of Tara—which no less an authority than James Bryce calls one of the oldest monuments to civilization in Europe—St. Brigid and other abbesses took part in the councils, the laws relating to the household and domestic affairs coming within their special province.

The foundation of England's present Parliament was the council which took place in the thirteenth century. The object being to raise supplies, freeholders of the counties and burgesses of the towns were instructed to meet together and send a representative to the council of the king. These representatives, perceiving that the time to seek redress of grievances was when the king needed money, gradually grew into the law-making body.

The fundamental cause, however, was the voting of supplies, and this was the determining factor in its electorate, the privilege of a "chooser" being associated with the responsibility for payment; in other words, only taxpayers were voters. Under such a condition no distinction could be made on account of sex. Women freeholders paid subsidies and women burgesses paid "scot and lot" in the towns.

Women who were freehold tenants of manors were summoned as jurors. When a woman was lord of a manor she held lord's court, received the homage, returned her own representative to Parliament, exactly as a man in the same position would, always, of course, providing