WOMEN'S ELIGIBILITY AS CANDIDATES FOR THE LEGISLATURE

The opinion of Mr. W. Starr Gephart advising the Board of Election Supervisors in this city that they should not print the name of Mrs. Ada Lang on the official ballot as a candidate for the House of Delegates will cause no surprise. Mrs. Lang was nominated by petition as a Socialist candidate in the Second legislative district of this city, and filed her nomination papers with the Board of Election Supervisors, asking that her name be printed on the official ballot as a candidate. Acting upon the advice of its counsel, Mr. Gephart, the board will reject her petition.

The qualifications of a member of the House of Delegates are set forth in Section 9, Article III, of the Constitution. No person shall be eligible as a Delegate who is not a citizen of Maryland, having resided in the State at least three years next preceding the day of his election, and the last year thereof in the county or legislative district. Nor shall anyone be eligible until he reaches the age of 21 years. In the list of persons given in the Constitution as ineligible to the Legislature we do not find women mentioned. But we find the masculine pronoun used always in reference to a member of the Legislature. The rule of interpretation contained in Section 6, Article I, of the Code is that "the masculine includes all genders, except where such construction would be absurd or unreasonable." Mr. Gephart concludes that in this case to include the feminine gender would lead to an unreasonable and absurd construction, because females do not possess the right to vote and because it would violate the spirit as well as the letter of the Constitution. In a case to which Mr. Gephart refers the Court of Appeals decided that a woman, under the law as it then was, could not be admitted as a practitioner at the bar, upon the same grounds that Mr. Gephart bases his opinion. "By the common law, to which, under Article V of the Declaration of Rights, the inhabitants of Maryland are entitled," said Judge McSherry, "no woman could, in person, take an official part in the government of the State, except as Queen or Overseer of the Poor, without express authority of a statute." And yet we believe it to be a fact that before and after making this decision several of the judges of the Court of Appeals recommended the appointment of a woman as State Librarian. That is a constitutional office, and the masculine pronoun is used each time in reference to the official.

It would seem to be absurd, however, to elect a person to the Legislature who does not possess the right to vote, and it can be safely assumed that the question of the eligibility of females for office did not once present itself to the minds of the members of the convention of 1807.