

not qualified from becoming members of the House of Representatives are aliens and lunatics. According to section 8, "No alien, lunatic, or person of unsound mind, nor any person attainted or convicted of any treason, felony, or of any offence punishable by imprisonment for one year or upwards within any part of Her Majesty's dominions, or convicted within the colony as a public defaulter, or under 'The Police Offences Act, 1894,' as an idle or disorderly person, or as a rogue and vagabond, unless such person shall have received a free pardon, or shall have undergone the sentence or punishment to which he shall have been adjudged for such offence, shall be entitled to be registered." Therefore, we find that every other person registered who does not come under any of these particular disqualifications, and does not come within the particular disqualification of the Disqualification Act of 1878, of "The Corrupt Practices Act, 1881," every man on the roll, except those persons, is entitled to be elected a member. Consequently, there is no disqualification on the ground that a man is an undischarged bankrupt. I submit it is abundantly clear that an undischarged bankrupt is capable of being nominated, elected, and becoming a member of the House of Representatives, and that he is entitled to all the privileges of a member; and, inasmuch as the act of bankruptcy is one which has happened before he takes his seat, and inasmuch as the disqualification clause of 130—the vacancy clause I shall call it—speaks only with reference to acts after he has taken his seat, the only answer that the Court can give is that the seat is not vacant, that the member for Awarua is duly qualified, and that he has the full powers of a member of the House of Representatives. Now, the importance of construing the statute otherwise is obvious, I submit, because the qualification of a member of the House depends upon section 9 as interpreted by section 8; and I shall submit at once that if the Court were to hold that the words in subsection (4), "If he is bankrupt," render the seat of a person qualified to stand vacant, then the Legislature has practically placed the electors and the House in this absurd position, that a man can be duly returned time after time by the electors as a member of the House and yet can never take his seat. This absurd, and, I submit, inconsistent, position would arise if that is the reading of the statute, and I submit it cannot be. For, if that is the reading of the statute, there is still nothing to disqualify an undischarged bankrupt being elected. The suggestion which is made by those who entertain an opposite opinion must be that a man is qualified to be elected as a member, and yet, because he is an undischarged bankrupt, he is unable and unqualified to take his seat. Supposing this seat for Awarua were declared vacant by the Court, the person now member for Awarua would have the right to be returned a second time, and I submit that the effect would be the disfranchisement of the constituency. Now, the Legislature could never have intended that. I do not know whether it will be contended that there is power to read in section 8 a disqualification which does not exist. We shall quote authorities to show that the Court has no such power. Now, the statute never contemplated that because a man happened to be an undischarged bankrupt it should disfranchise the electorate. We must look at the consequences where the language may be open to two constructions, and must ascertain whether these consequences lead to absurdity. The inference is that the Legislature never contemplated it. I repeat that inasmuch as an undischarged bankrupt is qualified to stand and become a member, it would be reducing the statute to an absurdity if the seat became vacant because he did not get his discharge. Now, that is the first ground we submit to your Honours for determination, that the construction of these prior sections show that the word "is" must be interpreted in the Act to apply *after* a person becomes a member. If we turn to the subsequent sections we find an equal absurdity if your Honours interpret this language as language which deprives the member for Awarua of his seat. We find in section 131 the machinery provided under which the House or the Speaker of the House becomes cognisant of the bankruptcy, and we find there is no machinery provided in the case of a person who is an undischarged bankrupt at the time of his election. We must read section 131 as showing the meaning of subsection (4) of section 130. Section 131 speaks of bankruptcy as in the future—of a person who is in the legal possession of a seat—a change in the status of a member, and the notification of the change in the status of the member by the person having official knowledge of the bankruptcy. Section 131 says—"The Registrar or Clerk of any Court in which any member has been adjudged a bankrupt." Now, the adjudication referred to must be the adjudication of a member, not of a person simply a citizen or voter, but the adjudication of the member. "The Registrar or Clerk of any Court in which any member has been adjudged a bankrupt, or has been declared to be a public defaulter, or been attainted of treason, or convicted of felony, or of a corrupt practice, shall, within forty-eight hours after such adjudication, declaration, attainder, or conviction, notify the Speaker, or, if there be no Speaker in the colony, then the Governor thereof; and any Registrar or Clerk failing to send such notification shall be guilty of an offence." Now, under what possible machinery can evidence of the fact of bankruptcy having happened before the person becomes a member be conveyed to that House? By no machinery at all. Therefore, it is not contemplated that a man is disqualified because he is an undischarged bankrupt. But what is contemplated is, that if he becomes bankrupt after being elected by the voters, then there is a change in his position. It is not fair to the electors of that district that a man who, until he has submitted himself again to them, until they have had an opportunity of expressing their views, should continue to occupy his seat, and therefore the seat is rendered vacant. I submit that is the meaning of the disqualification. So, if we go back to subsection (1): A man who is so careless of his Legislative duties as to neglect to go up and attend to public matters loses his seat. He must go back to his constituents, and if he goes back can be re-elected. It might just as well be suggested that he is disfranchised for ever because he fails to give his attendance for one whole session, as it is suggested that because he becomes bankrupt he is prevented from obtaining re-election. The words are in the present tense. The act is an act committed by the member, and it is an act which renders his seat vacant; but there is no provision which prevents a man, who has shown in the first instance a laxity in the performance