sentatives is nevertheless elected and returned as a member of the said House, his election and return shall be null and void." There the Legislature evidently thought the disqualification clause in the Act was not sufficient. The next statute was the Disqualification Act of 1876. That took the place of the Act of 1870, and in section 3 we find the disqualification clause states, not only that seats shall become vacant if the persons take office, but that they shall not be capable of being elected. Then came the Disqualification Act of 1878, which is still in force, and which is read with the Electoral Act of 1893, and which contains certain grounds of disqualification which are not in previous sections of the Act. That not only disqualifies a man from taking his seat if he becomes a public servant or contractor, but also prohibits the election of the man. Under section 4 he is disqualified from being elected, acting, or sitting as a member if he takes Government service or becomes a Government contractor, and if already a member, his seat is rendered vacant. The Legislature has not, however, thought that the position of an undischarged bankrupt is incompatible with the exercise of the duties of a member. It vacates the seat, but refers the conduct of the person as to whether he is a fit and proper person to be elected to the judgment of his constituents. Then we come to "The Regulation of Elections Act, 1881," which for the first time really repealed the provisions of the Constitution Act. In that statute appeared for the first time the vacancy clause—that is, a general vacancy clause containing the grounds of vacancy as declared by the Constitution Act,—yet there is no disqualification clause under the Act of 1881. The qualification continued under the Act of 1879. The Act of 1879 provided for the qualification of electors. Subsection (4) of section 2 contained the disqualification of electors; but among these disqualifications the bankruptcy does not appear. Section 4 is almost in the same words as section 9 of the Act of 1893—"Every man registered as an elector, and not coming within the meaning of section 2 of 'The Public Offenders Disqualification Act, 1867,' but no other man, is qualified to be elected a member of the House of Representatives for any electoral district." If he was registered as an elector, and was not a public offender he was eligible for election to the House of Representatives. That is under the Act of 1879. In the statute of 1881 appeared, as I have said, the vacancy clause (section 58) for the first time, and there we find this language in the present tense used. I submit, following up the line of statutes and the current of legislation, it is impossible to derive from that current of legislation any ground for a suggestion that the Legislature thought an undischarged bankrupt ought not to be elected to the House of Representatives or that he was incapable of sitting. They thought a member who had become bankrupt should go back if he chose to his constitutency, but I submit it is impossible to derive from them any authority which affects the plain right of a person to submit himself to his constituency for election.

Mr. Justice Williams: Is there a provision preventing an undischarged bankrupt from becoming a Legislative Councillor?

Mr. Cooper: Yes, there is a distinct provision. It is "The Legislative Council Act, 1891," and it strongly helps my argument, because the Council is a nominated body, and the House is an elected body. The Legislature thought that no man who was an undischarged bankrupt ought to be nominated to the office of a Legislative Councillor. The Act is that of 1891. In the Constitution Act, section 36 states that if any Legislative Councillor of New Zealand shall become bankrupt his seat shall become vacant. That remained the law until 1891. By "The Legislative Council Act, 1891," section 10, that section in the Constitution Act was repealed, and it was provided by section 4 that the seat of any member of the Council, whether appointed thereto before the time of the passing of this Act or subsequently thereto, shall *ipso facto* be vacated if, among other things, "he is a bankrupt, or compounds with his creditors under any Act for the time being in force," and by section 2 of the same Act "the Governor may from time to time summon to the Legislative Council such person as he shall think fit, provided that no person shall be so summoned "who at any time theretofore has been bankrupt and has not received his discharge." Now, there is a distinct statutory provision. Before that such a person might have been nominated again, and the Legislature thought that an anomalous state of affairs, and therefore amended it. I now refer your Honours to Statute 52, George III., clause 144, because we have the statement in May that in Ireland an undischarged bankrupt can be returned to the House of Commons, the provisions of "The Bankruptcy Act, 1883," under which a member of the House of Commons is disqualified, not having been extended to Ireland. The law in Ireland depends upon the statute of George III., which is substantially similar to our Constitution Act and also to the Municipalities Act of New South Wales, 1858. It is an Act to suspend and finally vacate the seat of members of the House of Commons who shall become bankrupt and shall not pay their debts within a certain time. It has never been repealed. May, on page 32, referring to that provision and to the English Bankruptcy Act of 1883, says that, "although a bankrupt cannot be elected for any constituency in England, there is nothing to prevent an undischarged bankrupt from being elected for an Irish constituency, although it is doubtful if a member whose seat was rendered vacant by reason of bankruptcy could, while a bankrupt, be re-elected for the same seat though he could for another, the English Bankruptcy Act, 1883, not applying to Ireland." So that a man elected for Dublin, and whose seat was vacated by reason of his bankruptcy, could not stand again for Dublin, but could stand for Cork, according to the opinion of May. That is, I submit, very strongly in my favour, and I derive, therefore, an argument from that. I propose to bring before your Honours one or two authorities upon the principles of construction, although I submit it will not be necessary to apply them in this case, because it appears to me that it is easy enough to construe the statute in the manner I suggest, and the difficulty is to construe it in any other way, for no force could be given to many of the principal provisions if any other construction is placed on subsection (4) than that I suggest. First of all is Rein *v.* Lane, Law Reports, 2, Q.B., 144, and Mr. Justice Blackburn, on page 151, lays down a principle. He says: "It is, I apprehend, in accordance with the general rule of construction in every case that you are not only to