after their election, and that there is nothing in it to incapacitate any person by reason of previous bankruptcy from being elected." You will perceive that in the Irish case, where it was precisely similar, "May" seemed to think that the candidate was incapacitated from standing for the same constituency "in the room of the member whose seat has become vacant." But that does not detract from the merit of the argument. I submit, therefore, that section 8 was intended by the Legislature to define all these classes of disqualification which relate to the eligibility of candidates, and likewise that section 130 specifies all those classes which arise after the member is elected. And I submit these two sections are mutually exclusive. What is defined in section 8 relates to the incapacity of a candidate to be elected, and what is defined in section 9 relates to events which occur after section 8 has worked its effect and a new status has been acquired by the member. My observation, therefore, only goes to this: You must commence the construction of section 130 with the idea that *primâ facie* it was intended to apply only to events occurring after a member was elected, unless the statute by express language requires otherwise. The governing sentence of the section confirms this observation. The heading is "Vacancies." Its position in the Act is after all the procedure has been completed and the candidate declared elected, and the governing sentence is "The seat of a member shall become vacant." The word "seat" is used in the abstract sense. It means the office of the member. It means the right to sit shall be vacated in consequence of these events. Another observation I desire to make on section 130 is that all these subsections from (1) to (8) may be thus classified. They all relate (1) either to some act done, or omitted, or suffered by a member after he is elected; or (2) to some status acquired by a member after he is elected. Your Honours will perceive that this is an exhaustive classification. Acts omitted or suffered to be done are contained in subsections (1), (2), (3), (5), (6), (7), and (8). The status acquired is defined by subsection (3), practically if he becomes an alien; and by subsection (4), relating to bankruptcy. My learned friend has addressed to your Honours observations on all these subsections, and I do not therefore propose to follow him.

The Chief Justice: Would you not read subsections (2) and (3) "If he shall have"?

Mr. Skerrett: No. I submit the two may very well be read together. As it appeared in the Constitution Act, subsections (2) and (3), it was open to the construction that the oath must have been of such a character as entitled the person taking it to the rights, privileges, or immunities of a subject of any foreign State or Power. Substantially, what was meant by subsections (2) and (3) was the act of a person under the Imperial Naturalisation Act, a declaration of alienage whereby he ceased to be a British citizen and acquired a foreign status.

The Chief Justice: I do not say the language is capable of no other construction at all, but a man entitled to the rights of a foreign subject may be elected.

Mr. Skerrett: It may be so, unless he comes within the definition of "alien" in section 8. The particular instance is a *casus omissus* of the statute, but this Court is not empowered to supply it. If the construction suggested by me of subsections (2) and (3) be the true construction, then it gets over the difficulty. Clearly, the language is future as to subsection (2), "If he takes," not "If he shall have taken"; and the language of this particular subsection is also future in the Constitution Act. It creates no incongruity which did not exist under the Constitution Act. The only other observation I desire to make is in reference to subsection (7). I submit that is clearly future, "If on an election petition the Election Court declares his election void." That can only happen if the person has been clothed with the status of a member, and after he has acquired the right to take or has taken his seat. I venture to suggest to the Court that "seat" means the right to seat. It is used in the abstract sense. I submit that, if the Court is to read grammatically, the Court must read all the subsections as in the future. "If for one whole session of the General Assembly he fails" must be read "shall fail." That, however, does not avoid the real controversy in this matter. It must be admitted that all these sections must be read in the future. "If for one whole session of the General Assembly he shall fail to give his attendance," "If he shall take any oath of allegiance," "If he shall be a public defaulter," "If he shall resign his seat," "If on an election petition the Election Court shall declare his election void," "If he shall die." That is the way the Court must think out these subsections. The two opposing constructions of subsection (4) are these: My friend Mr. Gully will say "If he is a bankrupt within the meaning of the laws relating to bankruptcy" should mean "If he shall be a bankrupt." That involves the idea of retrospective action relatively to the time of the member acquiring his seat. My friend will say the section must be read "If he shall be bankrupt," and therefore if an uncertificated bankrupt is elected he is on election a bankrupt, and therefore he is within the prohibition. On the other hand, my friend Mr. Cooper and myself contend that the words must be construed to be "If he shall become bankrupt or should be adjudged bankrupt." The difficulty is, which is the true construction of the subsection? I submit there is—apart from the general considerations I have submitted to the Court as to the scope of section 130 and as to all these subsections dealing with the events happening after the member has acquired his status—one principle that effectively answers the question, and that is that it requires plain language to express such a disqualification. There is no such language in this statute, whereas there is express language in the statute whereby it is declared that a bankrupt shall be entitled to be elected. It is quite as strong as that, that he shall be qualified to be elected. My answer to my friend's contention is that they are plain words to qualify an undischarged bankrupt to be elected, and no language to say he shall not. To escape, Mr. Gully has to adopt a construction which does either one of two things. It must either import into section 8 a disqualification of bankruptcy which you do not see there, or his construction would create the absurdity pointed out by Mr. Cooper. Now, I submit a construction which does either of these two things ought not to be adopted by this Court. I submit a construction which violates the canon laid down in Rex and Chitty and Mossman's case ought not to be adopted. You cannot import a disqualification not contained in express language into section 8. As was said in the case of Rex and Chitty, if the Legislature intended to disqualify for bankruptcy it would have said so in