Mr. Cooper: I submit my friend has not answered the position we have taken up. He seeks to answer it, as I understand, on two grounds—or, rather, three grounds. He says the policy of the law requires the disability of bankruptcy to be imposed. Well, I submit we have the statute to deal with, and, in the language of Lord O'Hagen, "If you can discover what the purpose of the Legislature was, you are bound to enforce it, although you may not approve the motives from which it springs or the objects which it aims to accomplish." My friend's argument really does come down to this, as I suggested at the opening of the case, that he asked the Court to read in the disqualification clause the disqualification of bankruptcy.

The Chief Justice: He does not ask us to do that, but you are justified in maintaining that that is the substance of the thing.

Mr. Cooper: That is the substance. In one sense he disavowed any intention of reading the disqualification into the clause, but the whole of his argument goes to that contention, and brings it down to this: that if an undischarged bankrupt is not entitled to sit in the House of Representatives, then the effect of holding that is practically to read the disqualification into the disqualification clause, or to determine that an absurdity has been created by the statute of practically disfranchising a district. In the matter of disfranchisement the case of Bradlaugh, referred to by His Honor Mr. Justice Denniston, is not altogether in point. He was elected to take his seat, and could have taken it, but he objected to take the oath; and so it was in the case of Salomans. Unless he had taken the oath on the four Gospels he could not sit, and he would not take the oath.

Mr. Justice Denniston: He had to swear on the true faith of a Christian.

Mr. Cooper: A Jew could not swear on the true faith of a Christian if he was an honest Jew, consequently Salomans never took his seat.

Mr. Justice Denniston: The resolution expelling Mr. Bradlaugh was withdrawn in the House of Commons at Bradlaugh's death.

Mr. Cooper: Yes, it was; but they are quite distinct cases. Then my friend has suggested that if the contention I raise is correct, that a person who had become subject to a foreign Power mihgt sit in the House of Representatives, and he relies on Mitchell's case; but in Mitchell's case—the Tipperary case—it was shown clearly that Mitchell was in reality an alien and a convict, and had broken his ticket of leave in addition. He was a statutory alien and had become a naturalised citizen of the United States, and it was upon that ground that the matter was upset upon petition.

Mr. Justice Denniston: He was of Irish birth.

Mr. Cooper: Yes. There were two grounds—that he was a convicted felon, and, secondly, that he was an alien, having become a naturalised Amercian citizen. In that case the objection was taken by petition, and upon petition the election Court determined the question and unseated the person claiming to be a member. Now, how could the Election Petition Court unseat the member for Awarua? Surely, if a petition were presented on the ground that he was an undischarged bankrupt, that petition must have been dismissed. If the Election Court could not unseat him and declare the next person entitled to the seat, that clearly establishes his position that he is a member of the Legislature. Then, being a member of the Legislature, we come down to the point that, unless our contention be upheld, we have a person who is a member for the space of one moment and then is immediately disqualified for that position. That is the position my friend takes up. He says, "I do not know when this disqualification attaches; if it attaches at all, it must attach immediately after he is elected." Therefore, immediately he is declared a member his seat becomes vacant. There are many of the statutes which my friend has quoted which assist me in the construction I have contended for. Under the Road Boards Act, by section 29, no undischarged bankrupt is capable of being elected. Under the Harbours Act the member simply vacates his seat, and consequently Rex and Chitty exactly applies. There is nothing to prevent an undischarged bankrupt being elected to Harbour Boards. Under the Justice of the Peace Act, there is the position which the Legislature has avoided by "The Legislative Councillors Act, 1891." I submit the Governor could appoint, if he chose to appoint, an undischarged bankrupt to the office of Justice of the Peace, and under the Constitution Act an undischarged bankrupt to the office of Legislative Councillor. Under the statute, however, of 1891, the Legislature has considered it necessary and essential to impose a restriction on the Governor's powers, and make bankruptcy a ground of disability of appointment as well as a ground of disability for holding the seat. My friend has quoted several foreign Acts, and the Acts of Victoria and New South Wales. I do not know whether he did it to support his argument; but in New South Wales we have the case of Sir George Dibbs, who never vacated his position of Premier of the colony although he was an undischarged bankrupt the whole of the time, and was re-elected within a week after he filed his petition; and there are, I believe, other instances of a like character over there. I do not know that the morality of the public men there is any lower than it is in the colony of New Zealand. Then, my friend has submitted an argument on "corrupt practices." He said that I suggested that if a member were guilty of a corrupt practice he could be re-elected. I never suggested anything so absurd. The qualification clause in section 9 of the Act refers not only to the disqualifications specially stated in section 8, but disqualifications arising under any other statute, and that "The Corrupt Practices Act, 1881," disqualifies a person convicted of a corrupt practice for a period of five years. His seat is vacated under the Act of 1893, and he is disqualified by the Act of 1881. I do not propose to take up any further time, as I elaborated my argument this morning. I submit that my friend has not shown that the argument I raise of inconsistency, repugnancy, and absurdity is not a sound one. He has not shown any indication that there is any intention in the statute law of this colony that an undischarged bankrupt ought not to be elected a member of the House of Representatives; but he has shown that if his argument is sound then the inconsistency, repugnancy, and absurdity we seek to place upon the section does exist. Now, I submit the Court will not say that the Legislature intended that such a state of things should arise, but that it had in view the Constitution Act, and, simply because the graces of language appearing in the Act of 1893 required it, made the verbal alterations. He