

“(3.) He otherwise possesses the necessary qualifications to be elected a member of the House of Representatives.

“(4.) An election for the Awarua seat took place on the 5th day of August, 1897.

“(5.) The said Hon. J. G. Ward was declared elected, and his name returned on the writ as being so elected.

“(6.) The said Hon. J. G. Ward took his seat in the House of Representatives, and the oath, on the 28th day of September, 1897.

“Upon these facts the opinion of the Court of Appeal is asked whether the Awarua seat is vacant; and, if so, when did it become vacant?”

The Rt. Hon. Mr. Seddon moved, That the report be adopted.

Mr. Montgomery moved, That legislation should be introduced enabling the Legislative Council or the House of Representatives to order that any questions of law or fact be referred to the Judges of the Supreme Court for their decision.

The Chairman ruled that this was not an amendment to the adoption of the report.

On motion of Captain Russell, the following words were inserted at the beginning of clause 3: “With the exception of having been adjudged a bankrupt, and not having obtained his discharge, it is presumed that.”

On motion of the Rt. Hon. Mr. Seddon, *Resolved*, That the report, as amended, be adopted.

On motion of the Rt. Hon. Mr. Seddon, *Resolved*, That this Committee recommends that the law of New Zealand be amended and brought into conformity with the law of England with respect to the bankruptcy of candidates or members, and that the Government be requested to bring in a Bill at an early date; but that the present case should not be prejudiced thereby.

Mr. Montgomery moved, That legislation should be introduced enabling the Legislative Council or the House of Representatives to order that any questions of law or fact be referred to the Judges of the Supreme Court for their decision.

Mr. Guinness moved the following amendment: That the words “Legislative Council or the House of Representatives” be struck out, and the words “Governor in Council” inserted in lieu thereof.

And the question being put, That the words proposed to be struck out remain part of the question, the Committee divided, and the names were taken down as follow:—

*Ayes*, 4: Mr. Allen, Mr. Montgomery, Hon. Mr. Rolleston, Captain Russell.

*Noes*, 4: Mr. Duncan, Mr. Guinness, Mr. Joyce, Rt. Hon. Mr. Seddon.

The numbers being equal, the Chairman gave a casting-vote with the “Noes.”

Words struck out.

And the question being put, That the words proposed to be inserted be so inserted, the Committee divided, and the names were taken down as follow:—

*Ayes*, 5: Mr. Duncan, Mr. Guinness, Mr. Joyce, Mr. Montgomery, Hon. Mr. Rolleston.

*Noes*, 3: Mr. Allen, Captain Russell, Rt. Hon. Mr. Seddon.

So it was resolved in the affirmative.

The words “Governor in Council” inserted accordingly.

Motion as amended agreed to.

On motion of the Rt. Hon. Mr. Seddon, *Resolved*, That the Committee recommends that the legal expenses in connection with the Awarua election case referred to the Court of Appeal be borne by the colony; also, that in any similar cases that may hereafter arise the Crown shall defray the expenses.

*Resolved*, That the report, minutes of proceedings, and evidence be laid upon the table of the House this day, and that the Chairman move that they be printed.

*Resolved*, That these minutes be confirmed.