

80. And the date?—3rd July.

81. When did you receive that letter?—I could not say. I know I received the letter, but could not tax my memory as to the date, but I think it very likely I received it on the 8th July, because I would forward it to Sir Maurice O'Rorke at once.

82. Mr. Ward has stated here that there was an accompanying note to the effect that he was not aware whether the resignation had to be sent to the Acting-Governor or to the Speaker, and that was his explanation as to why he sent it to you?—He sent it to me as Acting-Premier, and asked me to forward it to the proper authority. That, I remember, was in his note.

83. If you look at the envelope attached you will see that the postmark is "Wellington, 9th." Will you tell us what you did with the letter, and say why, although it is written on the 8th, it appears to have been marked at the General Post Office on the day following?—I think I am right in stating that I gave it to my messenger to post, and I think it was in time to catch the mail for Auckland if it had been posted that night. No doubt that would be the 8th July. I would have the letter posted the night I wrote this note.

84. Did you hear anything as to its not being received by Sir Maurice O'Rorke as anticipated by you?—No.

85. Did you intimate to Mr. Ward that you had forwarded it on to Sir Maurice?—I think it is probable I did, but I really do not remember. I had so many things to attend to at the time, and I cannot tax my memory whether I wrote to Mr. Ward or not, but probably I would.

86. This is the telegram received by Sir Maurice in Auckland at 2.20 p.m. on the 8th July: "Letter containing my resignation reaches you Saturday.—J. G. Ward, Invercargill": so that Sir Maurice was intimated before the bankruptcy that Mr. Ward had resigned. Have you Mr. Ward's letter to you when he forwarded his resignation?—I do not think so. I am in the habit of clearing up all these things every morning and putting many into the waste-paper basket. I have looked through my papers and could not find it.

87. *Hon. Mr. Rolleston.*] Was the resignation sent to you unconditionally?—Yes.

88. The only question was as to where it was to go?—Yes; and it was sent to me as Acting-Premier.

89. *Mr. Montgomery.*] It was a formal note?—Yes, a formal note along with the resignation. There was nothing private in it.

90. *Captain Russell.*] Do you remember what time of the day it was when you posted the letter?—I know I gave it to my messenger in the office at night. I think it very probable that the mail would come in the afternoon, and I would get the letter after tea. I know it was at night, because I asked the messenger to go and post the letter.

91. *Mr. Allen.*] On the same day you received the note?—Yes. My letter is type-written, and I would instruct my secretary to write it. I have in my recollection that the mail was to leave for Auckland the next morning, and that was the reason why I sent it down that night. Whether the messenger went away to the post-office with it or put it in the pillar-box I do not know.

ADDRESS OF MR. C. P. SKERRETT, Counsel for Mr. Ward.

My first contention is that the Order of Reference confines the scope of the Committee to one matter—that is, whether the fact that Mr. Ward was an undischarged bankrupt disqualifies him from exercising the privileges of a member, and whether that circumstance creates a vacancy for the seat of Awarua. I submit—and there almost appears to be a consensus of opinion on this point among members of the Committee—that the Committee is not concerned with the validity of the writ issued for Awarua. It is not concerned to inquire as to whether the vacancy was caused by resignation or by bankruptcy. It seems to me that the one question referred was whether an undischarged bankrupt was by that circumstance disqualified to sit, and whether a vacancy was thereby created. The question whether or not the seat in point of fact was vacated by resignation or by bankruptcy has nothing whatever to do with the matter. It could have been raised before by appropriate proceedings or by way of petition, but it has never been raised. Moreover, I submit the House is bound by the act of its statutory officer, who is authorised by statute to declare when a vacancy occurs, and the cause of the vacancy. The House is also bound by the warrant authorising the issue of the writ stating the cause of the vacancy to be resignation. I think I shall be able to make it quite clear that the question is one of little or no importance for the purpose of determining the matter substantially at issue here. If Mr. Ward's seat was vacated by resignation, then he is only qualified to sit if, upon a construction of the statute, the disqualification of bankruptcy applies only to a bankruptcy subsequently to a member acquiring the status of a member. What I suggest is this: If the seat is vacated by resignation, then Mr. Ward is only entitled to sit if the disqualification referred to in the statute is a disqualification arising from a bankruptcy subsequent to the person acquiring the status of a member. If, on the other hand, the resignation was occasioned by bankruptcy, he is not entitled to sit unless, upon the true construction of the statute, the bankruptcy was subsequent to the status of member being acquired. Therefore, I submit, the real question one has to determine is the question I first mentioned. Now, there are two general classes of disqualification: First, disqualifications relating to the eligibility of a candidate; second, disqualifications affecting the status of a member. The two are quite distinct. With regard to the first—the eligibility of candidates—that always depends upon the construction of the particular statute creating the eligibility. Parliament never had any control over the eligibility of candidates, except in the course of administering the laws on which that eligibility depended. Now, Parliament has practically divested itself of its power to determine whether a candidate was eligible, by referring all such questions to an Election Court. I do not say Parliament has not the right to construe a statute itself, but I do not think Parliament will take into its own hands