

meaning of the laws in force within Victoria relating to bankrupts or insolvent debtors his seat in the said Council or Assembly, as the case may be, shall thereby become vacant." (*Vide* page 322 of the Victorian Statutes, Vol. i.)

LAW OF QUEENSLAND.

"The Constitution Act, 1867" (31 Victoria, section 23): "If any Legislative Councillor shall become bankrupt, or take the benefit of any law relating to insolvent debtors, his seat in such Council shall thereby become vacant." (*Vide* page 208, Queensland Statutes, Vol. i.)

"The Legislative Assembly Act, 1867" (31 Victoria, section 7): "If any member of the Assembly shall become bankrupt or an insolvent debtor within the meaning of the laws in force within the said colony relating to bankrupts or insolvent debtors his seat in such Assembly shall thereby become vacant." (*Vide* page 216, Queensland Statutes, Vol. i.)

LAW OF NEW SOUTH WALES.

The new "Constitution Act, 1853," section 28: "If any member of the Assembly shall become bankrupt or an insolvent debtor within the meaning of the laws in force within the said colony relating to bankrupts or insolvent debtors his seat in such Assembly shall thereby become vacant."

In 1893 the Hon. Sir George Dibbs, Premier of New South Wales, resigned on the 23rd March owing to his bankruptcy. He was re-elected on the 30th March, and again took his seat and the oath. (New South Wales *Hansard*, 1893, pages 5480 and 5726.)

In 1896 Mr. J. G. Carroll, member of the New South Wales Legislative Assembly, resigned on the 3rd September, filed his schedule, and was re-elected, the writ for the election being returned on the 15th September. (*Vide* New South Wales *Hansard*, 1896, pages 2895 and 3191.)

LAW OF CANADA.

"The British North America Act, 1867," section 31: "The place of a Senator shall become vacant in any of the following cases: (3.) If he is adjudged bankrupt or insolvent, or applies for the benefit of any laws relating to insolvent debtors." (Page 15, Confederation Law of Canada.) By the law of Canada ("Supreme Court Act, 1886"), section 4: "Important questions of law or fact touching provincial legislation, or, *inter alia*, any other Act or law or any other matter with reference to which he sees fit to exercise this power, may be referred by the Governor in Council to the Supreme Court for hearing or consideration; and the Court shall thereupon hear and consider the same." By subsection (4): "The Court may direct that any person interested may be represented." By subsection (5): "It may request any counsel to argue the case for any interest which is affected, the expenses being paid by Parliament. The opinion of the Court in any such reference, though advisory only, shall, for all purposes of appeal to Her Majesty in Council, be treated as a final judgment of the said Court between parties."

A. R. GUINNESS,

Chairman of Sub-Committee.

5th October, 1897.

PROPOSED CASE STATED BY PRIVILEGES SUB-COMMITTEE.

1. Is a bankrupt within the meaning of the laws relating to bankruptcy qualified to be elected a member of the House of Representatives?

2. If he is so qualified, and is elected, does the fact of his being an undischarged bankrupt cause his seat to become vacant immediately on such election, or at any other time?

3. If his seat does not so become vacant, can he take the oath and exercise the rights and privileges of a member of the House of Representatives?

W. H. MONTGOMERY,

Chairman of Sub-Committee.

EXHIBIT A.

[Handed in by the CLERK-ASSISTANT of the House of Representatives during examination of the Hon. the Speaker.]

To the Hon. Sir Maurice O'Rorke, Auckland.

(Telegram.)

LETTER containing my resignation reaches you Saturday. Kind regards.

Received in Auckland, 8th July, 1897.

J. G. WARD, Invercargill.

The Hon. Sir Maurice O'Rorke, Speaker, Auckland.

(Telegram.)

I BEG to tender my resignation as member for Awarua.

Received 10.45 a.m., Wednesday, the 14th July, 1897.

J. G. WARD, Invercargill.

(Letter.)

DEAR SIR MAURICE,—

Office of Minister of Lands, Wellington, 8th July, 1897.

Attached hereto you will find the resignation of the Hon. Mr. Ward as member for Awarua, which he has requested me to forward you.

Yours, &c.,

To Sir G. M. O'Rorke, Kt., Auckland.

JOHN MCKENZIE.

(Enclosure.)

SIR,—

Invercargill, 3rd July, 1897.

I have the honour to tender my resignation as member for Awarua.

The Hon. the Speaker,

I have, &c.,

House of Representatives, Wellington.

J. G. WARD.

Received Wednesday, 14th July, 1897, after Mr. Ward's resignation by wire reached me, and I had wired notification of resignation to Mr. Otterson for *Gazette*.—G. M. O'R.