

look at the words, but you are to look at the context, the collocation, and the object of such words relating to such a matter, and interpret the meaning according to what appears to be the meaning intended to be conveyed by the use of the words under such circumstances." Now, I submit, the object, collocation, and context of the words of the statute all point to only one meaning of the language, and that is that a member of the House who becomes bankrupt vacates his seat, but that a person who is already bankrupt can submit himself to the judgment of his constituency; he is entitled to be elected, and he is entitled to hold his seat. Now, in the case of *Brooks v. Colquhoun*, 59 Law Journal, 53, Q.B., a House of Lords case, on page 59, Lord Herschel lays down a principle which I submit is abundantly clear: "It is beyond dispute that we are entitled, and indeed bound, when construing the terms of any provision found in a statute, to consider any other parts of the Act which throw light upon the intention of the Legislature, and may serve to show that the particular provision ought not to be construed as it would be if considered alone and apart from the rest of the Act." Then, Lord Justice Bowen, *In re Cuno*, 43 Chancery Division, page 17, says: "In the construction of the statute you must not construe the words so as to take away rights which already existed before the statute was passed, unless you have plain words which indicate that such was the intention of the Legislature." Now, I submit, the electors for Awarua, before the Act of 1881, had a plain right to return a man who was an undischarged bankrupt if they chose to do so, and if they returned an undischarged bankrupt he had a plain right to take his seat in the House and was not liable to any disqualification; and then, I submit, the principle of the case stated by Lord Justice Bowen distinctly applies, and that you must not so construe a statute as to take away rights existing at the time of the passing of the statute, "unless you have plain words which indicate that such was the intention of the Legislature." Now, where do you find these words in the Act of 1893, or in the earlier Act of 1881? Nowhere at all. But we do find plain words that an undischarged bankrupt has a right to be a member. I submit, if the statute is construed in any other way, the right given by the Constitution Act is taken away by inference by "The Regulation of Elections Act, 1881." I submit that no Court can find that that was the intention of the Legislature; the civic rights of any man are quite as high as the rights of property—in fact, some people think they are higher. The right to be a member if a man chooses to submit himself for election to such a position is a very important right indeed, and it is not to be inferred without plain and direct evidence that it was the intention of the Legislature to take that right away. I submit, we have not got that plain intention. I submit, on the contrary, that the intention of the Legislature shows clearly that it has not interfered with the right given by the Constitution Act. It was doubtful at one time if we could look at repealed statutes as an aid to the construction of later statutes; but it has been laid down by the Privy Council as late as 1890 that, in determining the meaning of a statute, the Court is entitled to examine and construe previous legislation. Allison and Burns, Law Reports, 15, Appeal Cases, page 51; in *Lawless v. Sullivan*, Law Reports, 6, Appeal Cases, 373, the Court held that "the employment of different language in the same may in some cases help to show that the Legislature had in view different objects; but a change in language cannot be relied on as furnishing a general rule of construction, and the weight to be given to such change must depend on a view of the entire enactments in which they occur and the degree of ambiguity existing in the language to be construed." That is the judgment of the Privy Council. Hardcastle, on page 158, uses this expression: "There are many instances to be found of the Legislature departing from language previously used for the purpose of conveying a certain meaning without intending to depart from that meaning." Mr. Justice Blackburn, in *Hadly v. Perks*, Law Reports, 1, Q.B., on page 457, says: "In drawing Acts of Parliament the Legislature, as it would seem, to improve the graces of the style, and to avoid using the same words over and over again, constantly change them without intending to change the meaning." That is what I submit, that the Legislature, not believing that the framers of the Constitution Act had a sufficient knowledge of English grammar, thought they would alter the graces of the style from the future to the present, but did not intend to alter the meaning; and Lord Justice Mellish, *In re Wright*, 3 Chancery Division, 78, says: "Every one who is familiar with the present Act ('The Bankruptcy Act, 1869') knows that the language of the former Acts has been very much altered in many cases where it could not have been intended to make any change in the law." Now, if it were necessary to modify (I do not know what position my friend takes up. He may say I am submitting a modification of the language of subsection (4)—that I am asking the Court to alter or modify the language), the Court has ample power to do so if it thinks it necessary, and there are many cases where the Court has used that power. In *Hollingworth v. Palmer*, 4 Exchequer Reports (old), page 281, Baron Parke states a rule and says: "The rule we have always followed of late years is to construe statutes, like all other written instruments, according to the ordinary grammatical sense of the words used, and if they appear contrary to or irreconcilable with the expressed intention of the Legislature, or involve any absurdity or any inconsistency in their provisions, they must be modified to obviate that inconvenience, but no further." Now, I say, applying that principle, we have an absurdity created if the word "is" a bankrupt is to be used as disqualifying a man elected after his bankruptcy. We have this absurdity, which could never have been intended by the Legislature: that such a person is qualified to be elected, but immediately his election is declared as a member his seat is vacated, and there must be a fresh election, for which he is qualified to stand. Then we have an inconsistency, because can it be suggested that the Legislature thought a man was fit to be elected a member and not fit to take his seat? That is an inconsistency which is obviated by modifying these words. Then, we have a repugnancy between clause 131 and section 130, because how can a man notify the bankruptcy to the Speaker within forty-eight hours of its occurrence if the bankruptcy has taken place six months, twelve months, or five years before? If it is necessary to modify the language, then I submit it is the duty of the Court to modify it in order to give effect to what I submit was the intention of the Legislature. In *Waugh against Middleton*, 8 Exchequer