The interpretation, therefore, given to the law avowedly makes the statute as dangerous, and as liable to abuse as possible. Our statute was borrowed from an English act, and so soon as it appeared, the next edition of Archbold gave a form of indictment, in which the words now declared to be inapplicable were inserted for the first part of the section, as well as for the second part. I have gone through the volumes of Cox, from the 24 and 25 Vic. to the 38 and 39 Vic., when a new act was passed, and I have not found a single case in which the question now before the court was raised. I think then that this shows pretty clearly that the Archbold form has been followed. The only case that I have seen that refers at all to the section in the English act is the case already mentioned of the *Queen* v. *Ryland*, and in reality it was examined on a different question, the indictment which contained an allegation of actual injury was maintained as sufficient at common law.

But now a new proposition is put forth, which differs materially from that of the reserved case. It is said that our Act is not the same as the English Act, that the latter only applies to apprentices and servants, and that the controlling words in our statute only refer back to "such apprentice or servant."

It is one thing to say that controlling words in a sentence can only apply to the last part of the sentence, it is quite another to say that words referring back to an enumeration do not include the whole class but only the members of it specially mentioned in the reference. It appears to me that this proposition is even less tenable, if that be possible, than that of the reserved case. In the first place it is not true as a matter of grammatical construction. Whether in a letter, or in a contract, or in a statute, "*such* member" being one of an enumeration implies the whole class, unless the reason of the thing destroys the implication. To restrain the application of the words would in this case produce a curious result. Neglecting to provide a servant or an apprentice with food would not be within the Act, unless there was permanent injury or danger to life; while the mere neglect to provide food for a wife would be.

I have heard it murmured, faintly murmured, that the obligation to provide a wife with necessary food was an act of a more heinous kind than the same neglect towards an apprentice or a servant. But why should "otherwise" be so much more cared for than the apprentice? So this suggestion is put forth in despair. But in truth the wife's right to be provided with necessary food by her husband is a much more delicate question than that of the servant or apprentice, which is simply a matter of contract.

To return to the proposition of the reserved case, the Act of 1875 (38 & 39 Vic., c. 86, sect. 6) demonstrates that it never was the intention of the Parliament in England to make the unlawful neglect to provide food for an apprentice or servant a greater offence than unlawfully beating him. In the last named Act there is special provision for this offence of failing to provide food for an apprentice or servant, and immediately following, come precisely the controlling words the judgment about to be rendered seeks to excise from our statute.

It is only necessary to make one further observation on the statute, and it is this, that the curtailed reference back, which has complicated the consideration of this case, was probably due to the manner in which our statute was made. We borrowed it from the English Act as originally drawn by Mr. Greaves for the House of Lords. He substituted the controlling words for the old form of an assault, and he included, as our statute does, the husband, committee, nurse, and so on. The Lords passed the Bill as drawn, the Commons, leaving the controlling words as a substitute for the fiction of an assault, restrained it to apprentices or servants, and very properly so. As I have already observed, the obligation of the husband to provide necessaries for his wife involves very intricate questions of civil law, and all the other cases were amply provided for at common law. Mr. Greaves did not relish the slaughter of his bantling, and he has recorded his regret in his edition of the Criminal Acts, 24 & 25 Vic. His view, however, has only prevailed with our Commissioners in 1869. They were taken with the surface argument, which is almost always wrong. They completed the