

ting, without lawful excuse, to do so while such child remains a member of his or her household, whether such child is helpless or not, if the death of such child is caused, or if his life is endangered, or his health is, or is likely to be, permanently injured by such omission."⁸⁷ An amendment passed in 1913⁸⁸ provides that if a parent so neglects his children, when destitute or in necessitous circumstances, he shall be liable to a fine of \$500 or to one year's imprisonment or to both. It is also an indictable offence, punishable by three years' imprisonment, to abandon any child under the age of two years whereby its life is endangered or its health is permanently injured.⁸⁹

At common law a parent is not liable for necessities supplied to his children apart from agreement, express or implied. The same is true of the support of a parent by his child.

The common law of England, as above outlined, is in force in Canada unless changed by the statutes of the various Provinces. The changes which have been made are, however, important. Thus, in Ontario the Supreme Court or the Surrogate Court has general authority to make orders as to the custody of children and the right of access of either parent, having regard to the welfare of the children and to the conduct of the parents, and "to the wishes as well of the mother as of the father."⁹⁰

All the English-speaking Provinces and the Territories have very similar statutes. In the Yukon and the North-West Territories the Court may give the mother the custody of the child, but only if the child is under twelve years of age. In 1913, British Columbia enacted a provision similar to that of Ontario. Prior to that year the Court could only give the mother the custody of her child if the child was under the age of seven.⁹¹

87. Revised Statutes of Canada (1906) ch. 146, sec. 242.

88. Statutes of Canada, 3 & 4 Geo. V. ch. 13, sec. 14.

89. Revised Statutes of Canada (1906) ch. 146, sec. 245.

90. Revised Statutes of Ontario (1914) ch. 153, sec. 2, sub-sec. 1.

91. Statutes of British Columbia (1913) ch. 31, sec. 4, sub-sec. f; Statutes of Alberta (1913) ch. 13, sec. 2; Statutes of Manitoba (1913) ch. 94, sec. 32; Revised Statutes of New Brunswick (1903) ch. 112, sec. 197; Revised Statutes of Nova Scotia (1900) ch. 121; Consolidated Ordinances of the Yukon (1902) sec. 582; Consolidated Ordinances of the Northwest Territories (1905) sec. 574.