servant has been or is likely to be permanently injured, shall be guilty of a misdemeanor," &c. The special offence then created by the English Act is, first, the refusal or neglect by a person, legally liable as master or mistress, to provide an apprentice or servant with necessary food, so that the life of such apprentice is endangered, or his health is or is likely to be permanently impaired; second, the doing, or causing to be done, to such person any bodily harm, so that the life of such apprentice is endangered, or his health is, or is likely to be, permanently impaired. But by the Canadian Act, strictly interpreted, the special offence is refusing necessary food, &c., no matter whether it endangers life or impairs or is likely to impair health; while on the other hand it excludes husbands, parents, guardians, committees, nurses, and all but masters and mistresses, from the penalties imposed by the Act for assaults which do bodily harm, endangering life or impairing or likely to impair health. It hardly requires to be said that this was not the intention of the Legislature, and that we owe this piece of legislation to a mistake. To arrive at any other conclusion we should have to suppose that the Legislature of Canada had borrowed the phraseology of the law creating a new offence from the Legislature of England, without having a single idea in common on the point. We are now appealed to, and asked to set the law right. However evident it may appear to us that this was not meant, and that it was only intended to extend the provisions of the law to other persons not included in the English Act, we know of no rule of interpretation which would permit of our interfering with the express words of a Statute. It is much to be regretted that we are forced to this conclusion, but the reservation of this case may serve to draw the attention of those in authority to the defects of this section of the law. To this I may, perhaps, be permitted to add that the extension of the provisions of the law, in so far as regards food, clothing, and lodging, to persons other than masters or mistresses, is a very dangerous innovation. It seems to imply that there is some resemblance between the relation of the husband to the wife, the parent to the child, and so forth, to that of the master to his domestic servant or apprentice. I think it may safely be affirmed that this is altogether erroneous. Take, for instance, the relation of husband and wife. It gives rise to no just presumption that the husband is a wrong-doer, that the wife lacks necessary food, clothing, or lodging. It is quite possible that it may be she who should provide these things for her husband. So also it may be said of a parent to a child who is not of tender years. Exposing children of tender years is provided for in the very next section. Let any one imagine the result easily arrived at under this act. A man and his wife have a quarrel and he goes off in a passion, refusing or even neglecting to give her money to go to market. There is no dinner for the wife or for anybody else, and he is liable to be indicted and sent for three years to the penitentiary. Again, it may be asked, does necessary food mean food cooked or uncooked? Is the wife to have her necessary clothing from a milliner, or will an Indian blanket suffice? Those called upon to give effect to this law will require to be very watchful and discreet in putting it in force.

MONK, J., remarked that where the law had made a distinction, it was impossible for the Court to say that no distinction existed. The legislature evidently meant to visit with severe punishment a man who neglected to provide his wife with food. He remembered sending a man to the common jail for a month on a conviction for not providing food for his wife.

Sir A. A. DORION, C. J. The statute had made a singular innovation upon the English statute. There was no reason why the law should have been changed, except that those who put a few more cases in the first part, did not think they should be repeated in the latter part. The Court found that the first part of the statute makes it an offence to refuse food to the wife.

Conviction affirmed.

F. X. Archambault, Q.C., for the Crown.

Greenshields for the defendant.

CORRECTION.—On p. 202, for *Mills & Weare* read *Mills & Meier*. The facts were not quite accurately stated, though the point reported is not affected thereby. The defendants were successful in the Superior Court, and the plaintiffs in Review. The defendants have appealed.