

*PARENT AND SCHOOLMASTER.*

The case of *Nunn v. Selwyn* (*Times*, 22nd inst.) tells of a conflict between a schoolmaster and a parent with regard to the exercise of authority over a scholar which one would hardly believe could have arisen: yet in such relations it is as a rule only singular circumstances which bring a case in to court. It is singular, for instance, that a schoolmaster should ever have caused the death of his scholar by flogging; but such a case—one of extraordinary brutality, which resulted only in a penalty of four years' penal servitude—is the leading authority on the power of a schoolmaster to administer punishment. "By the law of England a parent or a schoolmaster (who for this purpose represents the parent and has the parental authority delegated to him) may, for the purpose of correcting what is evil in the child, inflict moderate and reasonable corporal punishment, always, however, with this condition, that it is moderate and reasonable" (*per* Cockburn, C.J., in *Reg. v. Hopley* (1861), 2 F. & F., p. 206). And in *Fitzgerald v. Northcote* (1865), 4 F. & F. 656, which raised questions of the rights of detention and expulsion, the same judge said: "A parent, when he places his child with a schoolmaster, delegates to him all his own authority, so far as it is necessary for the welfare of the child." But, of course, the parent can revoke the authority at any time. The effect of an agreement handing over the custody of a child is, it was said by Lord Esher, M.R., in *Reg. v. Barnardo* (24 Q.B.D., p. 291), only to give to the custodian "authority to do certain things as long as such authority remains unrevoked." And if a contract can be made out not to revoke the authority, then the remedy is on the contract. It does not prevent the revocation. On these principles it seems to follow quite clearly that a schoolmaster cannot punish a boy for doing what the parent has told the boy to do. Any delegated authority for this purpose has been revoked, and the schoolmaster's remedy, if any, is against the parent. Moreover, the chastisement is not "for the purpose of correcting what is evil in the child," for the child's obvious duty is to obey the