

and skilful manner, and that the maxim, "*volenti non fit injuria*," had no application. *Smith v. Baker* (1891, A. C. 325) applied.

Appeal dismissed with costs.

Chrysler, Q.C., and *Nesbitt* for appellants.

McCarthy, Q.C., and *Blanchet* for respondent.

CORPORAL PUNISHMENT OF CHILDREN.

The School Board for London has been of late engaged in a protracted and inconclusive discussion on the subject of regulations as to the corporal punishment of girls in its industrial schools; but the matter may now be regarded as in the way to settlement owing to the intimation that the Home Office is not prepared to authorize this mode of correcting refractory girls, and to the decision of Mr. Denman at Westminster Police Court upon a summons against Mrs. Hooton, head-mistress of Cook's Ground School, in Chelsea, for caning a very refractory girl. The magistrate said: "The case is of some importance, especially remembering the fact that the school attendance was compulsory. There is no doubt that the girl deserved punishment, and if she had been caned on the hand there would have been no objection. I am not prepared to say what the punishment should have been when she would not hold out her hand, but I am unable to say that it was a proper form of chastisement for a girl of thirteen to be flogged in the manner adopted. If it had been a boy it would have been a most proper procedure, for there was no undue violence or anything of the sort. I give the schoolmistress full credit for moderation and restraint of temper. She acted honestly and *bona fide*; but still in my opinion it was an error of judgment. There was no excessive cruelty, but till I am overruled by a higher tribunal I shall hold that such a form of chastisement to a girl is not permitted by law. Under all the circumstances, though deciding that there was a legal assault, I shall exercise the power I possess under the Summary Jurisdiction Acts and shall not impose any punishment." The School Board authorities are believed to intend to apply for a special case. We assume that it will raise two points: 1. Whether the rights of the teacher to inflict corporal punishment apply in the case of girls as in that of boys; and 2. If a girl may be whipped, where she may be whipped. There is authority in the "Paston Letters" for whipping even adult daughters, as it