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EDITORIAL.

THE LESSON OF THE CASE.

The tragic death of a seven-year-old schoolboy who was taken ill with a rare form of laryngitis while a pupil at St. Wilfrid's School, Hawkhurst, Kent, resulted in an action for slander brought by Mr. Arthur Edwin Clark and Mr. Roland St. George Tristram Harper against the parents of the boy, Patrick Mylchreest (Mr. and Mrs. J. W. Mylchreest, living in Warrior Square, St. Leonards), which was heard at the Sussex Assizes at Lewes before the Lord Chief Justice (Lord Hewart).

The schoolmasters claimed damages and sought an injunction restraining the defendants from repeating alleged slanderous statements that the death of the boy was due to negligence of the school authorities.

The jury answered in the affirmative the following questions put to them by Lord Hewart: (1) "Were the words spoken which are complained of?" (2) "If so, were the words spoken of the plaintiffs in the way of their profession?" (3) "Were they in substance and in their natural meaning true?"

On these findings the Lord Chief Justice entered judgment for the defendants with costs.

That is the brief outline of the case. We refer to it at some length because of the important pronouncement by the Lord Chief Justice that "the jury might well think, after listening to all the evidence and all the details in that case, that it would be a happy day if some day the law in this country required that in every school where there were small children there should be at least one well-qualified and fully trained nurse."

The Details of the Case.

The details of the case are as follows: Michael John Mylchreest, an elder brother of Patrick, stated in evidence that on the day before Patrick was taken home ill he (Michael) asked Mr. Clark if he could telephone to his father and mother as Patrick had a bad throat. Mr. Clark said he could not. During the night he woke up and Patrick was crying, he went to Miss Howell (the under-matron) and asked her if she would come and see Patrick because he was crying. She told him to go back to bed. Later a boy named Reeves also went to Miss Howell, who did not come. About a quarter of an hour later he went a second time to Miss Howell. During the rest of that night Patrick kept on crying at intervals.

The Evidence of the Under-Matron.

In the course of his summing up the Lord Chief Justice said: "You had before you the under-matron (of the school), Miss Dorothy Howell. How much older she is than a child herself I do not know. You saw her. Let me remind you of her evidence, because

you may think it would not have been surprising if Mr. Flowers (for the defendants), in the exercise of his discretion, had said at the conclusion of the plaintiff's case, 'I am content to rest the case for the defendants upon that evidence.'"

Referring to Miss Howell's statement that "small boys are inclined to make much of small matters," Lord Hewart said: "Is that the attitude of mind for a matron who is deputed to look after these little boys in the night?"

"Does not that statement well illustrate the frame of mind in which she was and, indeed, so far as we know, still remains, because you observe that both she and Miss Scott are still in the school; still, so far as we know, discharging, or omitting to discharge, the duties of a matron and under-matron?"

Lord Hewart also commented on a letter which Mrs. Clark (wife of one of the plaintiffs) sent to Mr. Mylchreest, in which she referred to "a sudden change" in Patrick's condition.

Was it a Sudden Change?

"Was it a sudden change? If there had been in that dormitory, or near it, a trained and qualified nurse during that night, nay, during that week, should we have been talking about 'sudden change?'"

Lord Hewart concluded:

"Can we exclude from our minds this kind of question—that if there had been more diligence, if there had been less delay, less of the disposition 'small boys make much of small matters,' and more of the disposition 'for Heaven's sake let me do what I can,' and if they had brought the doctor in, not at 11 a.m., but in the small hours of the morning, may it not be that that young life might have been saved?"

The Lesson of the Case.

The lesson of the case was that so ably emphasised by the Lord Chief Justice "that in every school where there are small children there should be at least one well-qualified and fully trained nurse." We have frequently expressed the opinion editorially in this journal that a State Registered Nurse should be attached to every public boarding school, and especially to preparatory schools in which little children are received.

Schoolmasters should be alive to the importance not only for the sake of the children in their charge, but also for the protection of their own interests, of employing Registered Nurses as School Matrons.

The endeavours of Michael Mylchreest to obtain attention for his little brother, after repeated rebuffs, deserve the greatest commendation. His parents in losing one beloved son, have evidence of the fine and humane character of his brother.

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