

Medico-Legal

SILICOSIS NOT AN ACCIDENT

[FROM OUR MEDICO-LEGAL CORRESPONDENT]

The tendency of the House of Lords to interpret the Workmen's Compensation Acts "beneficially" has led to a number of decisions which have expanded the concept of injury by accident to an extent which puts a severe strain on both the imagination and the semantic sense of the ordinary person. In recent years this section of the *Journal* has contained some account of cases in which compensation was awarded to a workman who had contracted Raynaud's disease from the vibration of a rotary tool,¹ and to another who suffered from hernia as a result of the vibration of a pneumatic drill.² The classical case on which these were based was that of a girl³ who, after sustaining numerous cuts and scratches on her hands in the course of her work over a long period, ultimately became totally incapacitated as a result of blood poisoning. It was held that she was not the less entitled to compensation because her disease was due not to one specific and definite accident but to a series of accidents, each one of which was specific and ascertainable though its actual influence on the resulting illness could not be precisely fixed. The House of Lords seems now to have called a halt to this process.

A workman⁴ contracted silicosis through prolonged work as a slate cutter. Because slate does not contain 50% of silica he could not benefit from the Silicosis Scheme. He therefore claimed for compensation for an injury by accident, arguing, as the former applicants had, that each particle of silica had caused a separate accident and that his condition was the result of the accumulation of these infinitesimal injuries. The House of Lords decided against him. The decision was doubtless influenced by the earlier case of *Williams v. Guest, etc.*,⁵ in which a claim based on silicosis was rejected by the Court of Appeal on the ground that the illness was not due to an accident as that word is used in the Act, or to a series of accidents, but was the result of a continuing process repeated from day to day. Lord Porter admitted that two types of cases had in the past not been sufficiently differentiated—those in which a single accident is followed by a resultant injury, as in the "anthrax" case,⁶ in which the entrance of an anthrax bacillus was the "accident"; and those in which, as in the case of the girl with the cut hands, there was a series of specific and ascertainable accidents followed by an injury which might be the consequence of any or all of them. Although it was possible to analyse silicosis into a series of separate injuries caused by separate accidents, the attribution of the disease to an accidental cause was, he said, unreal. The distinction between accident and disease had been insisted on throughout the authorities and was well founded. No explicit formula could be adopted with safety, but there must come a time when the indefinite number of so-called accidents and the length of time over which they occurred took away the element of accident and substituted that of process. In his opinion, disability from silicosis was one of such instances, and could not be said to be the result of injury by accident. Lord Simonds, who also gave an opinion, quoted words recently used by Viscount Caldecote of three cases in which the workman failed because "the facts were such as to make it impossible to identify any event which could, however loosely, be called an accident"; and also Lord Romer's question, "Was there a physiological change for the worse in the respondent's condition on a particular occasion while he was at work?" He considered that the case of the girl with the scratched hands was the high-water mark (of the doctrine of cumulative injury by infinitesimal accident). Lord du Parcq added that the duty of construing an Act of Parliament was not to be performed by deducing from dicta contained in earlier judgments principles which might seem to follow from them.

¹ *Fitzsimons v. Ford Motor Co.*, 1946, 2 All E.R. 429.

² *Hughes v. Lancaster Steam Coal Collieries*, 1947, 2 All E.R. 556; *British Medical Journal*, 1948, 1, 711.

³ *Burrell v. Selvaige*, 1921, 1 K.B. 355.

⁴ *Roberts v. Dorothea Slate Quarries*, 1948, 2 All E.R. 201.

⁵ 1926 1 K.B. 497.

⁶ *Brintons v. Turvey*, 1905, A.C. 230.

Medical News

Medical Photography

There will be an informal display of medical photographic apparatus and records at the Department of Medical Photography, Westminster Hospital Medical School, 17, Horseferry Road, London, S.W.1, from Oct. 5 to 9 inclusive (10 a.m. to 4 p.m.). Series of photographs will show the recording of complete case histories of dermatological conditions.

Chartered Society of Physiotherapy

Mr. Walter R. Owen, chairman of the London County Council, proposed the toast of the Society at a luncheon on Sept. 24. He recalled the many activities of the physiotherapists since the time—about fifty years ago—when they were popularly known as rubbers and spankers, and paid tribute to their enlightened policy, especially in the field of education. The L.C.C. was very appreciative of the Society's endeavours. Dr. W. S. C. Copeman, chairman of council of the Society, spoke of its future and suggested that, though temporary dilution of its ranks might be necessary owing to the shortage of physiotherapists, they must make sure that it was only temporary. The Society had offered to open a supplementary register and wished it to be officially recognized. He hoped for an answer from the Ministry of Health in the not-too-distant future. Lord Horder, president of the Society, welcomed the guests and particularly the delegates from fifteen countries overseas. This meeting perhaps foreshadowed things to come—possibly an international body of physiotherapists. Dr. C. E. Thackray Parsons, deputy master of the Worshipful Society of Apothecaries, said that, when he remembered in his youth the many people crippled with arthritis and other conditions and compared their treatment then with that given to-day, he realized how much they owed to the physiotherapists.

Hospital Admissions and Records

A report entitled "Some Observations on Hospital Admissions and Records" published under the auspices of King Edward's Hospital Fund (London: George Barber, 1s.) emphasizes the advantages of having an appointment system at hospitals. A group of administrative officers studied the arrangements at eight hospitals on a short course established by the Fund and found that an efficient appointment system saves space and prevents overcrowded clinics. The best system is for all out-patients (except at certain special clinics—for example, V.D.) to have an appointment arranged by either the doctor or the patient unless referred from the casualty department; the patient must bring a doctor's letter or a note from casualty. The report advocates a central office for dealing with appointments, which should be allotted in half-hourly or hourly blocks. Normally not more than 15 minutes should elapse before the patient is due to see the doctor. Cases suitable for teaching may be sorted out by the appointment clerks, who are informed by the consultants of their requirements. The out-patient department should provide only consultations and special treatment which cannot be given by the general practitioner; cases that can be treated by the general practitioner may nevertheless be used for teaching purposes in casualty. A senior R.M.O. should be in charge of admission waiting-lists, since he can "borrow" beds and the arrangements are therefore more elastic. The unit system of keeping notes—one number for ever, one folder, and one central index—was found to be the most efficient. Messengers must carry the notes from one department to another so that the patients shall not read them. Every hospital should have a records committee and an experienced records officer in charge.

Smoke Abatement

Lord Simon of Wythenshawe has been elected President of the National Smoke Abatement Society. The retiring President, Sir George Elliston, chairman of the Public Health Committee of the City of London Common Council, delivered his final presidential address on Sept. 30 at the annual conference of the Society at Cheltenham, which was attended by over 400 delegates from local authorities and technical organizations.

Insurance Agreement with New Zealand

A reciprocal agreement has been made between Britain and New Zealand covering the Government issue of family allowances in the two countries, so that tests of residence will be waived for families coming from the other country. Under the New Zealand scheme 10s. a week is paid for every child, including the first.

International Orthopaedic Surgery

At the fourth congress of the Société Internationale de Chirurgie Orthopédique et de Traumatologie held in Amsterdam from Sept. 13 to 18 the following officers were elected: President of the Society—Sir Harry Platt; vice-presidents—Dr. San Ricart (Barcelona) and Professor E. Sorrel (Paris). The next congress will be held in May, 1951, at Stockholm with Professor Richard Scherb, of Zurich, as president of the congress.

Royal Sanitary Institute

Sir Weldon Dalrymple-Champneys, Bt., will take office as Chairman of the Council of the Royal Sanitary Institute on Oct. 1.

American College of Radiology

Dr. Russell Reynolds has been elected an honorary fellow of the American College of Radiology.

COMING EVENTS**British Congress of Obstetrics and Gynaecology**

The twelfth British Congress of Obstetrics and Gynaecology will be held at Friends House, Euston Road, London, N.W., on Wednesday, Thursday, and Friday, July 6, 7, and 8, 1949, under the presidency of Sir Eardley Holland. The Minister of Health will declare the Congress open at 10 a.m. on July 6, and a discussion, to be introduced by Mr. C. McIntosh Marshall (Liverpool), on "Modern Caesarean Section" will follow. At 2 p.m. a paper will be read by Dr. Joe Meigs (Massachusetts), followed by a discussion on "Pregnatediol," to be introduced by Professor G. F. Marrian, D.Sc., F.R.S. (Edinburgh), and Dr. G. I. M. Swyer (London). On July 7, at 10 a.m., Professor G. W. Pickering and Professor F. J. Browne (London) will introduce a discussion on "Essential Hypertension in Pregnancy." At 2 p.m. discussions on "Hernia of Pouch of Douglas" and "The Management of Pregnancy in Diabetics" will be introduced by Mr. C. D. Read (London), and by Mr. J. H. Peel (London) and Professor D. M. Dunlop (Edinburgh) respectively. On July 8, at 10 a.m., Dr. J. E. Ayre (Montreal) and Dr. F. G. Spear (Cambridge) will introduce a discussion on "Diagnosis and Prognosis of Carcinoma of the Uterus." At 2 p.m. there will be a discussion on "Maternal Mortality." The honorary secretaries of the Congress are Mr. A. Joseph Wrigley, M.D., F.R.C.S., and Mr. Ian M. Jackson, F.R.C.S., and the names of those who hope to attend the Congress should reach them by March 31, 1949, at the latest, at the Royal College of Obstetricians and Gynaecologists, 58, Queen Anne Street, London, W.1.

Chadwick Public Lectures

The Chadwick Trust (204, Abbey House, Westminster, London, S.W.1) announces the following public lectures: Thursday, Oct. 7, 8.30 p.m., at the Reception Room of the University of Bristol, Mr. A. Briggs, "The Public Health Act of 1848: a Forgotten Centenary"; Thursday, Oct. 28, 4 p.m., at University College, University Park, Nottingham, Sir Arthur McNalty, "Advances in Preventive Medicine During the War of 1939-45"; Tuesday, Nov. 2, 2.30 p.m., at Sir Edward Meyerstein Lecture Theatre, Westminster Hospital Medical School, 17, Horseferry Road, Westminster, London, S.W.1, Dr. Wyndham E. B. Lloyd, "The Prevention of Tuberculosis, with Special Reference to Environment"; Tuesday, Nov. 23, 2.30 p.m., at Royal Sanitary Institute, 90, Buckingham Palace Road, London, S.W.1, Bossom Gift Lecture by Mr. Alistair MacDonald, "The Influence of Hygiene on the Shape of Buildings"; Thursday, Dec. 2, 4.30 p.m., at St. Mary's Hospital Medical School, Norfolk Place, Praed Street, Paddington, W.2, Malcolm Morris Memorial Lecture by Dr. C. Seelye, "Preventive Medicine and Clinical Medicine in Relation to the Public Health"; Tuesday, Dec. 14, 2.30 p.m., at Royal Society of Tropical Medicine and Hygiene, 26, Portland Place, London, W.1, Mr. S. E. Finer, "The Rise and Fall of the First General Board of Health." Admission to the lectures is free, without ticket.

International Scientific Film Congress

In connexion with the International Scientific Film Congress to be held in London from Oct. 8 to 12, the Scientific Film Association has arranged three morning meetings for viewing and discussing medical films, on Friday, Oct. 8, at the Royal Society of Medicine (1, Wimpole Street, W.) with Sir Kenneth Goadby in the chair; on Saturday, Oct. 9, at Simpl, Ltd., 1-4, Lambeth High Street, London, S.E., with Dr. Ronald MacKeith in the chair; and on Monday, Oct. 11, at Royal Society of Medicine, with Dr. E. Goodwin Rawlinson in the chair. Medical practitioners and others in possession of medical and biological films which they are willing to send or bring to these meetings are asked to send details to the organizer of the Specialist Medical Sessions of the Congress at 34, Soho Square, London, W.1. Applications for admission to the meetings, which is free, should be made to the same address.

National Hospital

The inaugural address will be given by Dr. Gordon Holmes, F.R.S., to open the academic year 1948-9, at the National Hospital, Queen Square, Institute of Neurology, London, W.C., on Oct. 4, at 5 p.m. His subject is "Incoordination of Movement."

Pharmaceutical Society of Great Britain

The opening of the 107th session of the Pharmaceutical Society of Great Britain and the presentation of prizes will take place at 17, Bloomsbury Square, London, W.C., on Wednesday, Oct. 6, at 3 p.m., when Mr. Thomas Tickle will deliver the inaugural address.

Annual Dinner of Officers of R.A.F. Medical Branch

The annual dinner of officers of the Royal Air Force Medical Branch will be held at the Dorchester Hotel, London, W., on Friday, Oct. 8. The price of tickets (the number is limited) is £2 10s. inclusive. Former officers who wish to attend the dinner should make early application to Squadron-Leader J. W. Garraway, Air Ministry M.A.1, Awdry House, Kingsway, London, W.C.2.

London County Medical Society

The London County Medical Society will hold a meeting at Friends House, Euston Road, London, N.W.1, on Oct. 7, at 3.45 p.m. A discussion on "Nutrition in Hospitals" will be opened by Dr. Magnus Pyke, D.Sc., to be followed by Miss Simmons, dietician of Hammersmith Hospital.

Royal Dental Hospital of London

The prize distribution and *Conversazione* of the Royal Dental Hospital of London School of Dental Surgery (University of London) will be held at the Royal Dental Hospital, 32, Leicester Square, W.C., on Saturday, Oct. 9, at 3 p.m.

Royal Photographic Society

The second part of the 93rd annual exhibition of the Royal Photographic Society of Great Britain will be held at 16, Princes Gate, London, S.W., from Oct. 9 to 30 inclusive, and will include a number of exhibits of special interest to the medical profession.

SOCIETIES AND LECTURES**Tuesday**

INSTITUTE OF DERMATOLOGY, 5, Lisle Street, Leicester Square, London, W.C.—Oct. 5, 5 p.m. "*The Dermatoses of Childhood*," by Dr. R. T. Brain.

SOCIETY OF CHEMICAL INDUSTRY: FINE CHEMICALS GROUP.—At Royal Institution, Albemarle Street, London, W., Oct. 5, 7 p.m. "*Fine Chemicals for Medical Use*," by Professor J. H. Burn.

Wednesday

GLASGOW UNIVERSITY: DEPARTMENT OF OPHTHALMOLOGY.—Oct. 6, 8 p.m. "*Physiotherapy of the Eye*," by Mr. F. W. Law.

Thursday

CHADWICK TRUST.—At Reception Room, Bristol University, Oct. 7, 8.30 p.m. "*The Public Health Act of 1848: a Forgotten Centenary*," by Mr. A. Briggs.

FACULTY OF HOMOEOPATHY.—At London Homoeopathic Hospital, Oct. 7, 5 p.m. "*The Three Constitutions*," by Dr. Leon Vannier (Paris).

INSTITUTE OF DERMATOLOGY, 5, Lisle Street, Leicester Square, London, W.C.—Oct. 7, 5 p.m. "*Modern Trends in Dermatology*," by Dr. R. M. B. MacKenna.

ROYAL SANITARY INSTITUTE.—At Ambulance Hall, St. James', Pontypool, Mon., Oct. 7, 10 a.m. "*Health and its New Aspects*," by Dr. A. S. Jarman; "*Food Hygiene*," by Mr. F. G. Meek.

SOCIETY AND CLINIC FOR CONSTRUCTIVE BIRTH CONTROL AND RACIAL PROGRESS.—At Mothers' Clinic, 108, Whitfield Street, London, W., Oct. 7, 2.30 p.m. "*A doctors' demonstration of contraceptive technique*," by Drs. Marie C. Stopes and Biddow Bayly.

Saturday

ROYAL DENTAL HOSPITAL OF LONDON SCHOOL OF DENTAL SURGERY (UNIVERSITY OF LONDON).—Oct. 9, 3 p.m. Prize distribution and *Conversazione* at the hospital. Sir Walter Monckton will present the prizes.

BIRTHS, MARRIAGES, AND DEATHS**BIRTHS**

Bird.—On Aug. 31, 1948, at Trafalgar House, Burnley, to Renee, wife of Dr. George Bird, a son—Richard Edward.

MacLeod.—On Sept. 21, 1948, at Clevedon, Somerset, to Noreen, wife of Dr. Alastair MacLeod, a daughter.

Martin-Scott.—On Sept. 18, 1948, at The Old Farm Maternity Home, Temple Sheen, S.W., to Nancy (née Pepper), the wife of Dr. Ian Martin-Scott, a son.

Oliver.—On Sept. 20, 1948, at Annandale Nursing Home, to Helen Taylor, wife of Dr. R. M. Oliver, a daughter.

Pearce.—On Sept. 15, 1948, at Nuffield House, London, S.E., to Margaret (née Gibson), wife of Dr. Richard Pearce, a daughter.

Salmond.—On Sept. 12, 1948, to Elsa, wife of Dr. J. Readdie Salmond, Lindores, Appleby Magna, Leicestershire, a daughter—Madeline Rosamund.

DEATHS

Boulton.—On Sept. 19, 1948, Norman John Boulton, M.R.C.S., L.R.C.P., of Kintbury, Berkshire, aged 45.

Cantillon.—On Sept. 6, 1948, Edwin Vincent Cantillon, of Rose Lodge, Blackrock, Cork.

Gibson.—On Sept. 16, 1948, Harold Edward Gibson, M.D., of Upcott, Old Beer Road, Seaton, Devon, late of South Godstone, Surrey.

Henry.—On Sept. 17, 1948, John Rea Henry, M.B., B.Ch., B.A.O., of The Limes, Blaby, Leicestershire, aged 64.

Walker-Lindsay.—On Sept. 19, 1948, Edythe Marjorie Stewart Walker-Lindsay, M.B., Ch.B.Glas., of Pitchfield Cottage, Thursley, Surrey, formerly of Aldershot.