

can reasonably be treated as an injury by accident. For the purposes of notice and for some purposes of calculating wages, the time of the happening of the accident is fixed by the certificate or date of suspension.

The Meaning of "Disability"

If, however, the word "disability" is translated into accident for all purposes the scheme falls to pieces. If the disability is the accident, his lordship asked, what is the injury? If, on the other hand, disability is disability caused by the disease—as it was in this case—then the judge, in determining whether there is incapacity resulting from the injury, must disregard the certified disability of the "accident" and revert to the disease. On that construction the disease, which in terms is the injury and by the statute is injury caused by accident, has yet caused the accident. Lord Atkin could only think of one analogy to this sequence: the incident when Alice learned from the White Queen's accident the art of working backwards—first the bandage, then the bleeding, then the pin-prick. If the workman dies, he said, there may be no certificate of disability and no suspension, and then the disablement or suspension cannot be treated as the happening of the accident. According to the view taken by the learned judges in the Court of Appeal, therefore, if a workman dies from industrial disease without being certified the conception of accident is different from its conception when the workman is certified. Another remarkable result of this view of the law is that the accident may come into existence when the workman is not employed at all, but has ceased work for months before he consults the surgeon, who may not be able to fix a date for disablement, which would then be the date of the certificate. Another result of the view was pointed out in an earlier case by Lord Justice Romer: that though a man suffering from industrial disease recovers compensation as though he is still suffering from the disease, yet when the disability to earn full wages ceases the notional accident ceases its notional existence. Lord Atkin could not conceive the idea of an accident continuing to exist notionally. What happens, he said, is not that the accident ceases but that the injury ceases, and he thought this was true whether the workman was suffering from a wound or an industrial disease.

In an ordinary accident, he continued, there has never been any doubt that a workman whose incapacity ceases and who goes back to pre-accident wages can claim compensation if he becomes incapacitated again as a result of the old injury. No trouble arose until in industrial disease there had been more than one certificate of disability. If, after a man has been certified and receives compensation, a certifying surgeon subsequently certifies that he is suffering from an industrial disease and fixes the date of disability as about the date of the new certificate, can the workman rely on the injury certified in the first certificate? The question, he said, is chiefly important as determining the employer who is to pay compensation where the employer has changed. The present decision of the Court of Appeal necessarily cut out the possibility of a declaration of liability in cases of industrial disease, a very serious diminution of the rights of the workman existing in relation to ordinary accidents. This diminution, he held, is inconsistent with the terms of the Act, and was supported by a too narrow construction of the decision of the M'Dougall case. Lord Russell of Killowen and Lord Macmillan concurred.

Commentary

Few persons will doubt that Lord Atkin, with his usual genius for perceiving the realities of a case, decided rightly, and at the same time cleared up, with the lucidity and subtlety of reasoning which distinguish his judgement, a very obscure aspect of the law. Most of the thorny problems of the Workmen's Compensation Acts arise from the manner in which the code has been evolved. It was originally framed, at the end of the last century, to give workmen a remedy for injuries received at work when the employer has not been negligent. In amending the original Act Parliament has been trying to keep pace with the rapid growth of a popular feeling that a workman is entitled to special protection and to indemnity against any damage caused to him by the conditions of

his employment. Another striking anomaly is the series of decisions concerning a workman who drops dead at his work with some chronic disease of the heart: he is nearly always entitled to compensation for injury by accident. There is nothing wrong with the humane and compassionate view, of which Lord Atkin's judgements are so good an expression, but there is urgent need of a thorough and appropriate redrafting of the whole of the workmen's compensation code. This task is being undertaken, and doubtless the present decision of the House of Lords will receive close consideration by the draftsmen.

Universities and Colleges

UNIVERSITY OF OXFORD

The following candidates have passed in the examinations indicated:

MEDICINE, SURGERY, AND MIDWIFERY.—C. R. Cone, W. F. Dunham, S. E. Furber, D. M. T. Gairdner, J. B. M. Green, N. J. S. Gurney, G. O. Jelly, T. A. M. Johns, N. H. Martin, A. T. M. Myres, F. R. P. Pepper, G. L. Peskett, J. L. Reid, A. H. M. Richards, T. H. Shire, P. de B. Turtle, J. Walter.

UNIVERSITY OF LONDON

At a meeting of the Senate, held on December 16th, with the Vice-Chancellor, Mr. H. L. Eason, in the chair, the title of Emeritus Professor was conferred on Sir Grafton Elliot Smith, M.D., Ch.M., D.Sc., Litt.D., F.R.C.P., F.R.S., on his retirement from the University Chair of Anatomy at University College.

UNIVERSITY OF LIVERPOOL

The following candidates have been approved at the examinations indicated:

M.D.—C. S. Anderson, Frances M. Glyn-Hughes, J. D. Hay, O. V. Jones, T. E. Lennon.

Ch.M.—J. H. Hughes.

M.Ch.Orth.—W. S. Diggle, R. S. Garden, A. Gillies, W. N. Little, Edith E. McComas, J. Y. C. Yieh.

M.B., Ch.B.—*H. F. Harwood (with honours, Class II). *Part III*: J. C. Birchall, Eunice M. Clapham, F. W. Crook, E. W. Evans, J. Lawson, J. Leiper, M. N. Phillips, G. Platt, B. Polonsky, Margaret J. Roberts, D. M. Rosenfeld, A. Simpkin, A. Singer, Joan Watts, R. E. D. Wheeler, R. B. Wright. *Part II*: A. M. Brown, K. W. Cameron, L. H. Chandler, W. E. Coates, †R. I. Cohen, O. M. Haarbarger, A. S. Hall, A. L. Hutson, W. J. Patton, Geraldine M. H. Paul, J. A. Pugh, H. Rifkin, J. P. G. Rogerson, S. R. Warren. *Forensic Medicine and Toxicology*: A. R. Bracey. *Part I*: A. E. Burton, W. E. Coates, D. W. Forgan, O. M. Haarbarger, E. P. Houghton, G. Karstaedt, J. M. Marchant, J. H. Newmark, B. I. Phillips, Hilda C. Podmore, E. B. Riding, R. J. D. Temple, R. Watson, Gwendoline Williams, E. G. Wright. *Pharmacology and General Therapeutics*: J. A. Pugh, G. R. Thorpe. *DIPLOMA IN TROPICAL MEDICINE*.—J. E. O. Amegatcher, D. N. Bhaduri, E. Bradbury, N. Chakravarti, R. S. A. Easmon, M. H. Gomaah, B. J. Green, S. Hazra, Chien Lien Ho, L. Hurtado, S. Saleem, K. Sankaran, †T. S. Subramaniam, J. W. Summerhayes, A. Tabet, S. Wang.

* Distinction in obstetrics and gynaecology. † Distinction in public health. ‡ Recommended for Milne Medal.

UNIVERSITY OF ABERDEEN

The following degrees were conferred at a graduation ceremony on December 15th.

M.D.—*W. J. Hogg, L. G. Walters (*in absentia*).

M.B., Ch.B.—L. Bapty, G. P. Barclay, W. Birnie, J. M. Corall, T. M. Fowler, G. M. Gibb, N. Gill, H. H. I. Glennie, W. G. Hendry, G. M. Hobbin, H. R. Kellas, C. W. Levitt, T. Lyall, J. M. MacMillan, P. R. Mitchell, B. D. Taylor, J. S. Watson, G. T. R. Watt.

* Awarded commendation for thesis.

SOCIETY OF APOTHECARIES OF LONDON

The following candidates have been approved at the examination indicated:

MASTERY OF MIDWIFERY.—Pramatha Nath Bardhan, M.R.C.S., L.R.C.P., *Trevor Samuel Montague Barnett, M.D., F.R.C.S., Mahabeshwar Rudrappa Divekar, M.B., B.S., Désirée Muriel Barbara Gross, M.D., Katherine Mary Hirst, M.B., B.S., Sheila Thomson, M.B., Ch.B.

* With honours.

Medical News

The third Clarke Hall Lecture, on "Probation and Other Social Work of the Courts," will be delivered by Mr. S. W. Harris, C.B., Assistant Under Secretary of State, in the hall of Gray's Inn, W.C., on Wednesday, January 27th, at 4 p.m.

Dr. Russell Reynolds will give a demonstration-lecture on x rays and cineradiography at Birkbeck College, Bream's Buildings, Chancery Lane, E.C.4, in aid of King Edward's Hospital Fund for London, on Thursday, January 14th, at 5.30 p.m. Tickets may be obtained from the secretary, King Edward's Hospital Fund for London, 10, Old Jewry, E.C.2, or from Birkbeck College, price 3s. (reserved), 2s. and 1s. (unreserved).

The governors of the Royal National Hospital for Rheumatic Diseases, Bath (the Royal Mineral Water Hospital) have sent out invitations to a meeting to be held at Vintners' Hall, Upper Thames Street, London, on Wednesday, January 27th, at 4 p.m., to inaugurate an appeal for funds to rebuild the hospital. Sir Edward Grigg will preside and Lord Horder will address the meeting. Patients from all over the kingdom are received in the institution; they are admitted free of charge, but those who can do so are asked to contribute to their maintenance. During 1935 nearly 12,000 men and women were treated.

A special meeting of the Section of Therapeutics and Pharmacology of the Royal Society of Medicine will be held on Tuesday, January 12th, 1937, at 4.30 p.m., to consider alterations to the regulations of the Section. Members wishing for a copy of the proposed new regulations should make application to the secretary of the society.

At a meeting of the Court of Governors of Middlesex Hospital, held on December 16th, the chairman of the hospital, Prince Arthur of Connaught, announced that Mr. E. W. Meyerstein had offered to provide curtained cubicles for the general wards. Dr. R. A. Young was appointed consulting physician to the hospital.

A meeting of the Society for the Study of Inebriety will be held at 11, Chandos Street, W., on Tuesday, January 12th, at 4 p.m., when Dr. H. M. Vernon will open a discussion on "Alcohol and Motor Accidents."

The chief subject for the International Therapeutic Congress to be held at Berne in May, 1937, is arteriosclerosis, introduced by Professor von Bergmann of Berlin and Professor Laubry of Paris. The surgical section is under the presidency of Professor de Quervain, and will discuss the problem of general anaesthesia.

In connexion with the centenary of the Medical Association of Vienna, which takes place next year, a "Medical Week" will be held in that city from May 19th to 29th, 1937, to which medical practitioners from other countries are invited. An extensive programme of lectures, demonstrations, and excursions is being arranged, and further details will be available at the end of the present year. This programme will be issued by the post-graduate bureau of the Vienna Medical Faculty, Allgemeines Krankenhaus, Alserstrasse 4, Vienna, IX, to which inquiries should be addressed.

A communiqué has recently been issued by the Association Corporative des Etudiants en Médecine de Paris denouncing the principles of the Pomaret Bill for the compulsory retirement of French doctors at the age of 65, and insisting on its abandonment so far as the liberal professions are concerned.

The October issue of the *Journal de Radiologie et D'Electrologie* is devoted to Professor Antoine Beclère on the occasion of his seventy-fifth anniversary.

The King has appointed Dr. Henry Douglas Weatherhead to be an Official Member of the Executive Council of the Island of Saint Lucia.

The Anatomical Institution of Kazan, Russia, recently celebrated the centenary of its foundation. It possesses four priceless anatomical charts by the Dutch anatomist Frederick Ruysch, brought from Amsterdam by Peter the Great.

The King of Sweden has conferred upon Dr. Edgar Cyriax the decoration of the Order of the Vasa, First Class.

Professor Sobernheim, director of the Institute for Hygiene and Bacteriology at Berne, has retired and been succeeded by Dr. Kurt Hallaver of Basle. Dr. Marinesco, professor of neurology at Bucarest, has been succeeded, on reaching the age limit, by Dr. Paulian, director of the Central Neurological and Psychiatric Hospital.

Under the provisions of an amendment to the New York Public Health Law, every child under the age of 6 years who is totally deaf or whose hearing is impaired must be reported to the State Commission of Health.

Professor C. Kronacher, director of the Institute for Animal Breeding and Domestic Animal Genetics of the University of Berlin, has been given charge of the German Society for Animal Psychology, an institution created earlier this year. Dr. Leopold Arzt, professor of dermatology at Vienna, has been elected rector of the university; and Dr. André Trèves has been elected president of the Paris Surgical Society.

According to the *Chinese Medical Journal* an alarming increase in the use of heroin has recently been noted in Shanghai, where the drug is being sold at the lowest price yet recorded.

The department for international health of the Rockefeller Foundation has presented the State sanitary authorities, New California, with 12,000 dollars for the campaign against ankylostomiasis.

A Roentgen memorial foundation for the advancement of the scientific investigation of x rays has recently been established in Munich, and the Röntgenianum Society founded in 1926 has been dissolved.

Letters, Notes, and Answers

All communications in regard to editorial business should be addressed to **The EDITOR, British Medical Journal, B.M.A. House, Tavistock Square, W.C.1.**

ORIGINAL ARTICLES and LETTERS forwarded for publication are understood to be offered to the *British Medical Journal* alone, unless the contrary be stated. Correspondents who wish notice to be taken of their communications should authenticate them with their names, not necessarily for publication.

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QUERIES AND ANSWERS

Substitute for Tobacco?

"G.P." writes: Do any of your readers know a harmless substitute for tobacco which could be used safely by an old pipe-smoker, aged 80, now faced with tobacco amblyopia?