

conceded by the courts. The workman, or his dependants in the event of his death, cannot claim compensation if the risk that he took—conducting to his “serious and wilful misconduct,” in short—was not necessary or reasonably incidental to the employment in which he was engaged. This important principle was enunciated with the utmost distinctness by the Court of Appeal in the two cases of *Harding v. Brynuddu Colliery Company Limited* (105 L.T. Rep. 55; (1911) 2 K.B. 747) and *Rose v. Morrison and Mason Limited* (105 L.T. Rep. 2). What, however, is of much greater concern is that the principle met with the unequivocal approval of the House of Lords in *Barnes v. Nunnery Colliery Company* (105 L.T. Rep. 961). A further case, in which the same principle was discussed, was *Watkins v. Guest, Keen, and Nettlefolds Limited* (106 L.T. Rep. 818). In the first place, want of prudence and caution, or even infringement of rules, may be immaterial, in the view taken by the House of Lords in *Barnes’* case (ubi sup.). The workman in *Parker v. Hambrook* (ubi sup.) was undoubtedly imprudent. Also he did what was equivalent to disobeying a rule, even though it was no more than a safety order that he disregarded. But unquestionably he did imprudently or disobediently something different from that which he was required or expected to do in the course of his employment, and, moreover, was prohibited from doing. Thus, he came within the plain ruling in *Barnes’* case (ubi sup.). Because he could obtain flints, for which he was employed to dig, more rapidly and easily in a deep trench than in other parts of the hollow or quarry where he was working, he went there despite an express order to the contrary on account of the danger that existed of the soil falling in. His rate of remuneration depending on the quantity of flints that he secured, it was to his personal advantage to work in that dangerous trench—known by him to be so—notwithstanding the strict prohibition against his going there. The principle laid down by the Court of Appeal in *Harding’s* case (ubi sup.) was not acted upon there, inasmuch as in the opinion of the majority of the Court it did not come into operation.—*Law Times*.