

of proving—not necessarily by direct evidence, for it is well established that inferences of fact may be drawn by the court—that the personal injury to the workman was caused by an accident which arose in that manner. Mere surmise, conjecture, or guess does not suffice. Otherwise the claim for compensation must fail. Thus, among the batch of cases under the Act which came lately before the Court of Appeal, three of more than usual interest turning on that precise point were decided. In the first, that of *Hawkins v. Powell's Tillery Steam Coal Company*, noted ante, p. 439, the Court of Appeal had the difficulty of choosing between following the decision of the House of Lords in *Clover, Clayton and Co. v. Hughes*, 102 L.T. Rep. 340, (1910) A.C. 242, or in *Barnabas v. Bersham Colliery Company*, 103 L.T. Rep. 513. The workman in the former, suffering from an aneurism in so advanced a state that it might have burst at any time, ruptured the aneurism while doing his work in the ordinary way without any unusual exertion or strain. The requirements of the Act were, nevertheless, held to be fulfilled. On the other hand, a contrary conclusion was arrived at in *Barnabas's* case, where the workman, while performing his ordinary duties in the ordinary way, had an apoplectic seizure, from which he died shortly afterwards. In *Hawkins's* case the learned judges of the Court of Appeal preferred to take the decision in *Barnabas's* case as their guide. The dependents of the deceased workman there had not, their Lordships thought, succeeded in proving, by direct evidence or by necessary inference from the facts, that the death of the workman from angina pectoris was caused by an accident that arose “out of,” as well as “in the course of,” his employment. Whether or not there is any real distinction between the two lines of authority, or whether there has been merely a change of front, it is superfluous now to go into; but in all probability it will be seen that in this class of case in the future more importance will be attached to the later decision of the House of Lords than to the earlier one. The question to be determined in *Pierce v. Provident Clothing and Supply Company, Limited*, noted ante, p. 459, the second case to which we referred above, was based on circumstances of an entirely different nature. A workman,