
REPORTS AND NOTES OF CASES.

England.

HOUSE OF LORDS.

From Court of Appeal.]

[Nov. 10, 1911.]

WARNER v. COUCHMAN.

*Employer and workman—Injury by accident—Compensation—
Accident "arising out of" employment—Frostbite—Work-
men's Compensation Act, 1906 (6 Edw. VII. ch. 58).*

An accident which is merely a consequence of the severity of the weather, to which all persons in the locality, however employed, are equally liable, is not an accident "arising out of" the employment of a person injuriously affected by such weather, within the meaning of the Workmen's Compensation Act, 1906.

Judgment of the Court of Appeal affirmed.

From Court of Session in Scotland.]

[Nov. 13, 1911.]

MORGAN v. WILLIAM DIXON LIMITED.

*Employer and workman—Injury by accident—Compensation—
Medical examination—Right of workman to have his own
medical adviser present—Workmen's Compensation Act,
1906 (6 Edw. VII. ch. 58), sched. 1, sec. 4.*

A workman who has been injured by an accident arising out of and in the course of his employment, within the meaning of the Workmen's Compensation Act, 1906, and has given notice of the accident, and has been required by his employer to submit to examination by a medical man under schedule 1, sec. 4, of the Act, has no right to have his own medical adviser also present at such examination, in the absence of special circumstances shewing that his presence would be desirable. Whether it is reasonable under the circumstances of the case that such medical adviser should be present or not is a question of fact