

event which is not expected or designed." The writer in our contemporary proceeds as follows:—

"In the *Fenton* case it appeared that a workman operating a machine ruptured himself while trying to turn a wheel on the machine which had stuck fast. He was of ordinary health and strength, and the injury occurred while he was engaged in his usual employment. It was held that the injury was caused by an accident. It was contended in this case that there was no accident because the man injured himself, and because he was doing exactly what he intended to do. But it was said (by Lord Robertson) that the word "accident" is not made inappropriate by the fact that the man hurt himself; that the statute plainly sanctions such use of the word. "In the present instance," he continues, "the man by an act of over-exertion broke the wall of his abdomen. Suppose the wheel had yielded and been broken by exactly the same act, surely the breakage would be rightly described as accidental. Yet the argument against the application of the act is in this case exactly the same, that there is nothing accidental in the matter, as the man did what he intended to do. The fallacy of the argument lies in leaving out of account the miscalculation of forces, or inadvertence about them, which is the element of mischance, mishap, or misadventure.

In an English case, decided by the Court of Appeal, it was shewn that a miner, while employed in hewing coal, was injured by a piece of coal working into his knee, which caused blood poisoning, from which he died. It was held that this injury was due to an accident. The Master of the Rolls saying: "If any one were to kneel down in a drawing room and a needle ran into his knee, that would be an accident. It is said that that case is not like the present because it is a natural thing when a man is working in a small seam of coal such as the deceased worked in, that a piece of coal should run into his knee. But what happened was fortuitous and unexpected": *Thompson v. Ashington Coal Co.*, 84 L.T. Rep. 412, 3 W.C. Cas. 21.

In the consideration of this subject it must be borne in