

# John Alexander Dickman.

## APPENDIX V.

KING'S BENCH DIVISION.

(IN THE COURT OF APPEAL.)

NISBET *v.* RAYNE & BURN.

*Employer and workman—Compensation—Accident arising out of the employment—Cashier—Murder—Incidental to the employment—Workmen's Compensation Act, 1906 (6 Edw. VII., c. 58), sec. 1, sub-sec. 1.*

A cashier, while travelling in a railway carriage to a colliery with a large sum of money for the payment of his employers' workmen, was robbed and murdered. On an application by his widow for compensation—

*Held* that the murder was an "accident" from the standpoint of the person who suffered from it, and that it arose "out of" an employment which involved more than the ordinary risk, and consequently that the widow was entitled to compensation under the Workmen's Compensation Act, 1906, sec. 1, sub-sec. 1.

*Challis v. London & South-Western Railway Company*, 1905, 2 K.B. 154, applied.

APPEAL against an award of the judge of the County Court of Newcastle-on-Tyne sitting as arbitrator under the Workmen's Compensation Act, 1906.

The main question raised by this appeal was whether murder was an "accident" within the meaning of the Act. The facts were very short and were as follows: The applicant was the widow of John Innes Nisbet, the victim of the Morpeth train murder, who claimed compensation from Messrs. Rayne & Burn, as the Stobswood Coal Company, for the death of her husband. The admitted statement of facts showed that Nisbet was a workman to whom the Act applied; that he was in the employment of the respondents at the time of his death; that he was in receipt of £2 15s. a week; that his death took place on 18th March, 1910, whilst in the execution of his duty while he was carrying money to Stobswood Colliery on behalf of the respondents in a railway carriage on the North-East Railway; and that his death was caused by pistol or revolver shots fired by some one other than Nisbet himself. The County Court judge held that the risk undertaken by Nisbet