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John R. Scorer decd.



FROM

The Washington Chemical Company Ltd.

TURNER & NEWALL LTD.

Washington, Co. Durham.

Telegrams
CHEMICAL, Washington Station.

Telephone
LOW FELL 76015 (4 lines)

TO

J. L. Collins Esq.,
Turner & Newall Limited,
Rochdale.

RECD
15 JAN 1947

YOUR REF.

OUR REF. WLM/MAS

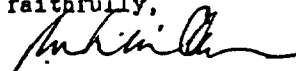
14th January 1947

Dear Mr. Collins,

Asbestosis Claim
J. R. Scorer, Deceased

I observe from the Minutes of the last Meeting that some difficulty has arisen with regard to the settlement of the above claim. In case the Commercial Union Assurance Co., Ltd., have not informed you direct, I had a telephone call from them at the end of last week informing me that the settlement had been accepted, and I have accordingly sent them our cheque for £305. 0. Od, i.e. £300. 0. Od as agreed and £5. 0. Od court fees.

Yours faithfully,



101010 1010 1010 61/1264

Commercial Union Assurance Company Limited.

TY/C/LH

ACCIDENT CLAIMS DEPARTMENT.

TELEPHONE NO. BLACKFRIARS 8677.

P.O. BOX 416,

TELEGRAMS:

"8677, BLACKFRIARS, MANCHESTER."

32, BROWN STREET,

MANCHESTER, 2.

3rd January, 1947.

J. L. Collins, Esq.,
The Secretary,
Messrs Turner & Newall Ltd.,
Rochdale, England.



Dear Sir,

Asbestosis Claim 46/394155 - J. P. Scorer (Decd).

We thank you for your letter of the 2nd instant and had an opportunity of speaking with you on the telephone today. We have ascertained from our Newcastle Office that the Registrar is proving a little difficult and has requested to know why the Employers are not paying the maximum amount of compensation due. It has been pointed out to the Registrar that the Agreement is filed with denial of liability and filed under Section 24 of the Workmen's Compensation Act and we understand from our Newcastle Office that Messrs. Crute ~~unofficially~~ support the settlement and we can only wait to hear if the Registrar approves of the Settlement. On hearing further we will communicate with you again.

Yours faithfully,

Phates
Superintendent.

61/1266

FROM
The Washington Chemical Co. Ltd.
Washington, Co. Durham
Telegram
CHEMICAL, Washington Section.
YOUR REF. JLC/OP

TO
J. L. Collins Esq.,
Turner & Newall Limited,
ROCHDALE.
Telephone
LOW FELL 76015, A.V. N.
OUR REF. WLM/RS

29th November 1946

Dear Mr. Collins,

Asbestosis Claim - J. R. Scorer, deceased

Thank you for your letter of 27th November sending me copies of correspondence with the Commercial Union. This will be valuable in view of the several Asbestosis cases which we have at the present time.

Yours faithfully,

W. L. M. / RS

61/1267

The Superintendent,
Commercial Union Assurance Co. Ltd.,
32 Brown Street,
Manchester, 2.

Thursday,
2nd Jan.,
1947.

Dear Mr. Yates,

Asbestosis Claim No. 46/394155
J. K. Soorer, deceased

The Washington Chemical Co. Ltd.

I do not appear to have heard anything from you since I received your letter of 25th November and replied on 27th November. As I shall be at Washington next week, I shall be glad to know whether any further developments have occurred and in particular whether the suggested amount of £300 has been accepted.

Yours faithfully,
for TURNER & NEWALL LIMITED,

JLG/BE


Secretary.

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61/1269

The Superintendent,
Commercial Union Assurance Co. Ltd.,
32 Brown Street,
Manchester, 2.

Wednesday,
27th Nov.,
1946.

Dear Mr. Yates,

Asbestosis Claim 46/394155

J. R. Scorer, deceased
The Washington Chemical Co. Ltd.

Thank you for your letter of 25th November, which I find on my return here this morning from Washington. I note that you have written to your Newcastle Office with regard to this claim, and no doubt you will let me know in due course whether the suggested amount of £300 has been accepted.

I have read the copies of the letters from your Newcastle Office, and from Mr. Vernon of your Head Office, with considerable interest, and I am inclined to feel that Mr. Crute's arguments are sound, though it is curious that this point has never been raised with us before in any other asbestosis case. We shall have to bear these points in mind if similar circumstances arise in the future.

Yours faithfully,
for TURNER & NEWALL LIMITED,

JLC/OP
WLM


Secretary.

10115 305 271

61/1271

Copy

COMMERCIAL UNION ASSURANCE COMPANY LIMITED

P.O. Box 416,

32 Brown Street,

Ref. TY/C/PG:

Manchester, 2.

25th November 1946.

J. L. Collins, Esq.,
The Secretary,
Turner & Newall Ltd.,
Rochdale.

Dear Sir,

Re Asbestosis Claim 46/394155

J. R. Scorer, deceased

We are obliged to you for your letter of the 22nd instant following our Mr. Hutchings' call upon you, and we observe that in this case it will be in order to proceed to arrange a settlement by making a payment of an amount of £300 and a suitable amount for Costs, presumably subject to proof of dependency and title.

We are today writing our Newcastle Office with the file, forwarding them a copy of your letter so that they can give the matter their immediate attention. We note the contents of the penultimate paragraph of your letter, which will be borne in mind when dealing with these matters. We enclose you copy of the communications promised by our Mr. Hutchings when he saw you on Friday last.

Yours faithfully,

(signed) T. Yates

Superintendent.

100 100 100

61/1273

W. L. McClure, Esq.,
Washington Station.

JLC/VK

22nd November 1946.

Dear Mr. McClure,

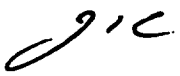
Asbestosis Claim
J. R. Scorer, deceased

I had a long interview today with a representative of the Commercial Union, and I agreed that this case should be settled by a payment of £300 ex gratia, together with costs.

I enclose herewith a copy of the letter which I have today written to the Commercial Union, and no doubt they will be getting in touch with you in due course when they require the money. As this is an ex gratia payment the money will be found by F.C.Co.Ltd. and not from the Asbestosis Fund.

Certain points of considerable interest and importance were raised by Mr. Crute, acting for the widow, and when I have obtained copies of certain correspondence from the Commercial Union I will send you copies, and I will also discuss this case with you when I am at Washington next week.

Yours faithfully,


Secretary.

Enc.1.

P.S.

I have obtained Mr. Shepherd's consent to this payment.

101016 106 3274
The Superintendent,
Commercial Union Assurance Co. Ltd.,
32 Brown Street,
Manchester, 2.

61/1274
Friday,
22nd November
1946.

Dear Mr. Yates,

Asbestosis Claim 46/394155
J. R. Scorer, deceased

With reference to my interview with your Mr. Hutchins this afternoon, I am just writing to confirm that this case can be settled by the making of a payment of £300 and a proper sum for costs.

I was very interested in the various points put forward by Mr. Crute, the Solicitor acting on behalf of Mrs. Scorer, and there certainly seems some force in some of his arguments. I therefore asked Mr. Hutchins to let me have a copy of the two letters on the subject from your Newcastle Office and from your Head Office, respectively, to yourselves.

In a case where an employee had really long service in this organisation, and a certificate that death was due to asbestosis has been received from the Medical Board, we are always inclined to treat the question in a broad-minded way and not to quibble over technical legal points which might be in our favour. I think you can tell Mr. Crute that having regard to this attitude we are willing to settle the case by making an ex gratia payment and thus dispose of the matter without delay.

I am sending a copy of this letter to Mr. McClure, the Accountant at Washington, and as soon as your Newcastle Office are ready for the payment of the money, contact should be made with Mr. McClure as the payment will be made by The Washington Chemical Co. Ltd.

Yours faithfully,
for TURNER & NEWALL LIMITED,

WLM
JLG/VK

Secretary.

2555ars scoria
 Ind. Rd say asbestos
 has case of death
 from silica fiber exposure
 that defendants are aware
 C. L. T. read Selvin legal liability on
 defendant, but on silica project with
 to conviction, if parties of
 defendants sufficient

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COPY

R. R. CRUTE & SON,
Solicitors.

77 Pilgrim Street,
REED NEWCASTLE UPON TYNE.
8 OCT 1946
T. & N. Ltd.
ROCHDALE 5th October 1946

Dear Sirs,

We have been consulted on behalf of the dependants of John Robson Scorer deceased, late of Station Road, Washington, a chemical worker who died on the 17th May last as the result of Asbestosis contracted in the course of his employment with you.

We enclose Certificate of the Silicosis Board.

On behalf of our clients, we hereby give you notice of the death and further that our clients claim compensation under the Workmen's Compensation Acts.

Yours faithfully,

R. R. CRUTE & SON

The Washington Chemical Co. Ltd.,
Washington,
Co. Durham.

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FROM

The Washington Chemical Co. Ltd.

Washington, Co. Durham

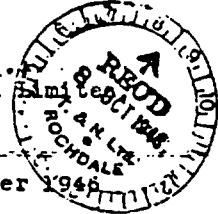
Telegrams
CHEMICAL, Washington Station.

Telephone
LOW FELL 76035.

TO

J.L. Collins Esq.
Turner & Newell Limited
ROCHELLE.

S.W. 16.



YOUR REF.

OUR REF. WLM/RS

7th October 1948

Dear Mr. Collins,

Asbestosis Claim - J.R. Scorer, deceased

I am enclosing a copy of a letter from Messrs. R.R. Crute & Son to which was attached a certificate on Form A from the Medical Board certifying that Scorer's death was caused by asbestosis. We are informing the Commercial Union and Mr. Magnay, the Solicitor at the inquest.

Yours faithfully,

ENC:

10000 4006

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61/1283

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W. L. McClure, Esq.,
Washington Station.

JLC/OP

1st June 1946.

Dear Mr. McClure,

Asbestosis Claim

J. R. Scorer, deceased

Thank you for your letter of yesterday's date, enclosing a report from the Solicitor who attended the inquest on the above-named, together with notes on the post mortem examination and copy of a statement by the deceased's son.

I see from the P.M. report that scrapings from the lungs show abundant asbestos bodies and that the verdict at the inquest, as mentioned at your Board Meeting a few days ago, was cancer and asbestosis.

You will no doubt report any further developments to me in due course.

Yours faithfully,



Secretary.

0000 006 1284

FROM

The Washington Chemical Co. Ltd.

Washington, Co. Durham

Telegram

WICAL, Washington Station.

Telephone

LOW FELL 76095.

E.W. 10.

TO

J. L. Collins Esq.,
Turner & Newall Ltd.,
Rochdale.

YOUR REF.

OUR REF.

WLM/CT

31st May 1946

Dear Mr. Collins,

Asbestosis Claim - J.R.Scorer

We have now received a report from the Solicitor
in connection with the inquest on Scorer, and I am enclosing
a copy for your files.

Yours faithfully,

W. L. M. Collins

Encl.

61/1285

COPY

THOMAS MAGNAY
Solicitor

44 West Street,
Gateshead. 8

30th May 1946

For the attention of Mr. McClure and Mr. Shepherd

Dear Sirs,

Asbestosis Claim 46/394153
John Robson Scorer decd.

As you know, I duly appeared on your behalf at the Inquest of the above-named deceased, held on the 24th May last, and I have been unable to report before now because I have been waiting for a copy of the Inquest proceedings and these have just been received. I enclose copy of the Statement of Tom Scorer the deceased's son, and also enclose copy of the Post Mortem Notes of Mr. Greig Thompson, upon whose report the Coroner and Jury returned the verdict that the cause of death was "due to Endothelioma, which is common cancer, of the pleurae and asbestosis of lungs".

I understand from Mr. Crute that the lungs have been sent to the Medical Board and they will no doubt be letting you know their decision in due course. In the meantime I am retaining your files and as soon as there are any developments I will let you know.

I am sending a copy of this letter and enclosures to the Commercial Union Assurance Co. so that Mr. Simpson may be "au fait" with the present position.

Yours faithfully,

(Signed) Thomas Magnay

The Washington Chemical Co. Ltd.
Washington.
Co. Durham.

0000 000 1288

FROM
The Washington Chemical Company Ltd.

TURNER & NEWALL LTD.

Washington, Co. Durham.

Telegrams
CHEMICAL, Washington Station.

Telephone
LOW FELL 76015. (6 Lines).

TO

J. L. Collins Esq.,
Turner & Newall Limited.
Rochdale

S.W. 14

YOUR REF.

OUR REF. WLM/PC

21st May 1946

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Dear Mr. Collins,

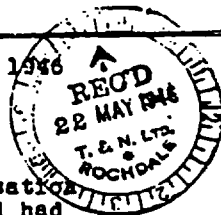
Asbestos Claim - J. R. Scorer

This is to confirm our telephone conversation of to-day's date when I advised you that Dr. Kidd had submitted a report of the post-mortem examination on the above mentioned man's death. A copy of the report is enclosed for your information.

Since speaking to you I have had a talk with Mr. Wilson and he thinks it unnecessary for you to bother to travel to Newcastle if an inquest is held. We have asked Midland Employers to recommend a firm of Solicitors to us and they suggest Messrs. Sutton, Cheshire & Thompson of Prudential Buildings, Newcastle on Tyne 1, and Commercial Union are now arranging an interview between ourselves and that firm.

Yours faithfully,

ENC:



J. L. Collins

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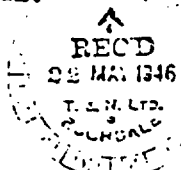
COPY.

GLEBE HOUSE.

Washington.

Co. Durham.

18th May 1946



John R. Scorer aged 55 years
9 Station Road, Washington.

Sir,

I attend a post-mortem examination on the body
of above mentioned man at Royal Victoria Infirmary,
Newcastle-on-Tyne, to-day.

Lungs: Both lungs were found to be solid with Fibrosis.
Scrapings of the lungs shewed numerous asbestos
bodies.

In my opinion death was due to

- (1) Fibrosis of Lungs
- (2) Asbestosis

(Signed) E. Kidd, M.B., B.S.

10000 006 1245

(Copy)

COPY COMMUNICATION RECEIVED FROM THE ACCIDENT CLAIMS
DEPARTMENT LONDON TO MANCHESTER ACCIDENT CLAIMS DEPT.

DATED 14TH NOVEMBER 1946.

re Asbestosis Claim 46/394155, Washington Chemical Co.,
J. R. Scorer (decd.)

Papers returned herewith.

The writer has given this matter his very careful consideration and it appears to him that our Insured will be confronted with a serious difficulty in attempting to defend Proceedings for the recovery of Statutory compensation; not so much on the ground that the deceased was never employed by them in a process under the Asbestosis Scheme, but their inability to prove that the disease was not an injury by accident contracted out of and in the course of his employment with them.

Mr. Crute, the solicitor acting for the widow on the instructions of the Trade Union, is, we know from past experience, a very shrewd and knowledgeable solicitor in such cases as this. He has rightly seized upon the recent tendency to so enlarge the meaning of the words - injury by accident arising out of, etc., as to bring in quite a number of diseases which may or may not be scheduled within the definition, where it can be proved that the disease was in fact contracted at work.

The solicitor quite properly cites the case mentioned in your inspector's report. He might have also referred to the decision of the House of Lords in Fife Coal Company v Young - Butterworth Vol. 33, Page 107, as illustrating the broadening of interpretation to which we have referred.

We ourselves are familiar with cases of tuberculosis amongst Hospital nurses and know of one at least in which County Court Judge has decided in the nurse's favour. We have handled several and have not yet been convinced that the defence is strong enough to enable us to succeed.

On the whole, we have come to the conclusion that our Insured would be well advised to try and effect a compromising settlement.

It is noted that Mr. Crute is not assuming he has a cast-iron case and indicates his preparedness to advise the acceptance of 75% of the amount involved if total dependency is proved.

0000 006 1294

-2-

We would submit that having regard to what appears to us to be the strength of our Insured's case, a fifty/fifty settlement would be going a long way to meet his client.

Signed P. A. VERNON.
MANAGER

61/1295

COPY REPORT

S/W.

Date 7th November 1946.

Claim Washington Chemical Co. Ltd. - J. R. Soorar (Deceased)
Newcastle Branch.

When discussing various cases with Mr. Crute on Monday last, he referred to this case, and mentioned the fact already known to us, that he had now received A Certificate of death from the Medical Board, and he was considering what action to take. I told the Solicitor that presumably he had now satisfied himself that the deceased had never been employed in a process named in the scheme, and I assumed therefore that he would be dropping his claim against the Washington Chemical Co. Mr. Crute stated that this was far from being the case. He was of the opinion that he could claim on two grounds. Firstly, he thought he had a reasonable chance of proving to the satisfaction of the County Court Judge, bearing in mind that death was undoubtedly due to Asbestosis, that the deceased had been employed in a process named in the scheme. If he was unsuccessful, the second ground for his claim would be that the contracting of the disease was an accident within the meaning of Section 1 of the Act.

Mr. Crute then enquired if I was familiar with the facts of the case Mann v Darlington Forge Ltd. Actually, I knew of the decision reached but had never read a report of the case. Briefly the facts are that a workman suffering from Dermatitis made several unsuccessful attempts to obtain a Certifying Surgeon's Certificate. Eventually he was successful in obtaining this Certificate, but an appeal by the Employers to the Medical Referee was successful. In November of 1944 the workman claimed compensation under Section 1 of the Act, but the County Court Judge decided against the Applicant. The case went to the Court of Appeal who referred the matter back to the County Court Judge. The case again came before His Honour Judge Gamon at the Darlington County Court in July last, and his Honour made an award in favour of the workman. I have read the judgement in this case, but had not had an opportunity of perusing the report of the Appeal Court proceedings.

I indicated to Mr. Crute that Soorar's case was somewhat different. I could not see how the Employers could be liable to pay compensation. I took the opportunity of mentioning to the Solicitor that I had reason to believe that the Washington Chemical Co., had recently made an ex-gratia payment to the widow of a man named Hamilton who had died from Asbestosis, but he had not been employed by the Chemical Co. during the nine years prior to his death. This was mentioned with a view to seeing the Solicitor's re-action, and he at once stated that if the Washington Chemical Co. were proposing to make a sympathetic payment in Soorar's case he would not advise its acceptance unless the payment

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61/1296

-2-

was a substantial one. As far as Mr. Crute knows the widow is the only dependant, and he believes that there is a grown up family who are married, so in all probability the widow was totally dependent on the deceased's earnings. After some further discussion Mr. Crute did admit that all was not plain sailing, but assuming that if there is liability and the widow is entitled to the maximum of £400, he would not advise acceptance of anything less than £300. Incidentally, the Solicitor mentioned that as we are well aware, local authorities have recently had to admit claims for compensation in respect of cases where nurses have contracted Tuberculosis, and very similar considerations applied in Scorer's case.

We know of course that Mr. Crute has a very wide experience of compensation cases, and he frequently acts for certain of the Allied Offices. His opinions always merit consideration, and it certainly seems to me that there is quite a lot in what he has to say. It will in due course be necessary to have a word with the employers, explaining to them Mr. Crute's views, but before doing so, I should like to know what Head Office have to say regarding the present position. Possibly Mr. Vernon would like to see the file and give an opinion.

Signature J. W. SIMPSON.

106 53A 61/1297

COPY.

RE JOHN ROBSON SCORER DECEASED

Station Road, Washington, Co. Durham

A Chemical worker at The Washington Chemical Co. Ltd.

Notes on the Post Mortem Examination of John Robson Scorer

Age 55. Made at N.V.I. on 18th May 1946.

Chief Points to note in the case

EXTERNAL EXAMINATION - The body of a well developed and rather emaciated subject. The left middle finger is missing. Fingers are clubbed.

INTERNAL EXAMINATION - Peritoneal Cavity contains an excess of clear yellow fluid to the amount of two pints. There are small deposits of firm white tumour in peritoneum over right side of diaphragm, mesentery of small intestine and great omentum.

HEART is reduced in size and shows the appearance of brown atrophy. The valves are healthy. Myocardium has a dark brown tint. Coronary arteries are atheromatous especially the left. Pleural Sac. One completely obliterated by very dense adhesions. On the right side the adhesions are up to 1" thick especially at base, and strangely suggest necrosis. There appears to be an extension of the tumour into the intercostal muscle.

LUNGS - Left is very large and firm. It shows at base especially diffuse area of fibrosis. Under pleura both at base apex are frequent with white lines and dots of secondary tumour. Right lung is similar. In neither is there any obstruction or large intra-pulmonary forms of tumour to suggest a primary lung cancer.

Stomach and Contents - Foreign matter present. Contains a little digested food. Mucosa is healthy.

Liver is reduced in size. No secondary tumour is evident in interior.

Spleen is of normal size, and shows no abnormalities in section.

Kidneys and Ureters are of normal size and appearances.

Bladder is healthy.

Scrappings from lungs show abundant "asbestos bodies".

Brain shows no abnormalities in section.

Skull is healthy

Conclusion and Cause of Death Endothelioma of Pleurae.
Asbestosis of lungs.
Endothelioma-Cancer

Signed: J. Greig Thompson, M.D., C.M.B.
Pathological Department. N.V.I.

COPY.

CITY AND COUNTY OF NEWCASTLE UPON TYNE

(TO WIT)

THE INFORMATION OF WITNESSES severally taken and acknowledged on behalf of our Sovereign Lord the King, touching the death of John Robson Scorer at the house known by the name of Coroner's Court in the Parish of St. Nicholas in the said City and County of Newcastle upon Tyne, the 24th day of May 1946 before SIR ALFRED APPELEY, Knight, one of His Majesty's Coroners for the said City and County of Newcastle upon Tyne, on view of the body of the said person then and there lying dead.

TOM SCORER upon his oath said :-

I am an electrician and reside at No. 9 Bell Street, Washington Station, County Durham.

The body of the deceased now lying at the Royal Victoria Infirmary, Newcastle upon Tyne, is that of my father, John Robson Scorer, aged 55 years, a chemical worker, employed by The Washington Chemical Company Ltd. Washington, Co. Durham.

Deceased was a fairly healthy person and followed his employment regularly up to 31st December 1945, when he complained of a cough and a bad chest.

He was examined by Dr. Lawrence of Washington and later by Dr. Miller of Jarrow who certified him as suffering from Asbestosis and since then the deceased had not followed his employment.

Deceased has gradually deteriorated and on Wednesday, 15th May 1946, Dr. Lawrence ordered his removal to the Royal Victoria Infirmary, Newcastle upon Tyne, where he remained until he died on Thursday, 16th May 1946.

I have been there and identified his dead body.

By Mr. R. R. Crute :-

My father worked for the Washington Chemical Works for twenty six years prior to his death. (Signed) T. SCORER.

0000 0061 1305

W. L. McClure, Esq.,
Washington Station.

JLC/VK

20th May 1946.

Dear Mr. McClure,

Asbestosis Claim
John R. Seorer

On my return here I find your letter to me of 13th May and a copy of the form sent to the Insurance Company. I see that although this employee has been in your service for over twenty-five years he has not been engaged in any of the scheduled processes and from the nature of his work he would not normally be exposed to any particular asbestosis risk. We shall just have to wait and see whether the Medical Board grant a certificate, which I should think in this case is rather doubtful.

Yours faithfully,


Secretary.