

Legal Developments

843 Accidental Injury--Arsenic Poisoning--Contact With Corroded Copper Wires--Death Cause Speculative.

Decedent, whose work in defendant's mines brought him in contact with corroded copper wire containing a trace of arsenic, died of arsenic poisoning. Medical experts denied that the amount of arsenic in the wire could have caused the fatal poisoning; another employee who had shared decedent's coffee had also become violently ill on the same day. A holding that there was an accidental injury arising out of and in the course of employment would have been purely speculative, and judgment of denying compensation was affirmed. Had decedent died as a result of a combination of other circumstances, including the presence of sulphuric acid in the mine, relied on together with the arsenic reported, the only reasonable conclusion could have been that of occupational disease, not accident. Smith v. Fentress Coal and Coke Co. Tennessee Supreme Court. July 9, 1949.--CCH

844 Lead Poisoning--Aggravation of Tuberculosis--Compensability of Disease Contributing to, but Not Sole Cause of, Death--Five-Year Exposure Proof.

There was evidence to support the finding that deceased had contracted lead poisoning in the course of his employment with a manufacturer of lead plates for batteries, and that the occupational disease aggravated the tuberculosis which caused his death. Nothing in the Act prevented the award of compensation for occupational disease which was not the sole cause of death so long as causal relation, of whatever character, existed. The evidence also supported the finding that deceased, while acting as a helper or as a plater or tank man, was exposed to a lead hazard in his employment for more than five years, and the award to be paid jointly by the employer and the Commonwealth was affirmed. Rohner v. Fox Products. Pennsylvania Superior Court. Nos. 127 and 129, October Term, 1948. July 15, 1949.--CCH

845 Silicosis--Negligence Action--Employer's Lack of Knowledge of Silicosis Hazard--Equipment Standards.

Plaintiff, who had contracted silicosis after seventeen years' exposure to dust from sanding equipment in defendant's mines, failed to show negligence on the part of defendant, for there was no showing that defendant knew, or had reason to know, that the dust constituted a silicosis hazard, or that there was any known method of combating the silicosis hazard; defendant's equipment equalled that in general use. Neither was there evidence that the defendant was negligent in permitting plaintiff to work in the mines for six months after diagnosis of his condition. Kieth v. Clinchfield Coal Corp. Virginia Supreme Court of Appeals. June 22, 1949. --CCH