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Contra Colorado

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where the proof is doubtful.—Des Rochers vs. Atwood-Crawford Co., 131 Atl. 48 (R. I.).

Where deceased started work unloading coal in the morning, continued without mishap until noon, and then came into the office of employer apparently exhausted, complaining of pain, and there was no evidence of a fall, strain or act of overexertion, which indicated anything unusual or unexpected having happened, and where it is also shown that medical opinion diagnosed "chronic myocarditis," an award is unauthorized.—Bamberger Coal Co. vs. Industrial Commission, 240 Pac. 1103 (Utah).

CONTRA COLORADO

Some comment has been caused by reason of the notation following the report of the decision in Flick vs. Industrial Commission of Colorado, 239 Pac. 1022, last month, so we reproduce here the Sections passed upon by each of the Courts, to-wit:

Section 27 of the Colorado Act, held to be constitutional, reads: "In any case where the employer is subject to the provisions of this act by election or by non-rejection, and at the time of an injury has not complied with the insurance provisions of this act, or has allowed his insurance to terminate or has not effected a renewal thereof, the employe, if injured, or if killed, his dependents, if such employe has not rejected this act as herein provided, may claim the compensation and benefits provided in this act, and in any such case the amounts of compensation or benefits provided in this act shall be increased fifty per cent."

Section 11 of the North Dakota act, held to be invalid, read: "Any employe whose employer has failed to comply with the provisions of Sections Six and Seven hereof, who has been injured in the course of his employment, wheresoever such injury occurred, or his dependents in case death has ensued, may, in lieu of proceedings against his employer by civil action in the court, file his application with the Workmen's Compensation Bureau for compensation in accordance with the terms of this Act, and the Bureau shall hear and determine such application for compensation in like manner as in other claims before the Bureau; and the amount of the compensation which said Bureau may ascertain and determine to be due to such injured employe, or to his dependents in case death has ensued, shall be paid by such employer to the person entitled thereto within ten days after receiving notice of the amount thereof as fixed and determined by the Bureau; and in the event of the failure, neglect or refusal of the employer to pay such compensation to the person entitled thereto, within said period of ten days, the same shall constitute a liquidated claim for damages against such employer in the amount so ascertained and fixed by the Bureau, which with an added penalty of fifty per cent, may be recovered in an action in the name of the State for the benefit of the person or persons entitled to the same." (This has since been amended.)