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ELEVENTH REPORT

OF THE

Industrial Commission of Colorado

For the Biennium
December 1, 1928
TO
November 30, 1930



Administering:

Workmen's Compensation Act.
Industrial Relations Act.
State Compensation Insurance Fund.
Minimum Wage Law.



THE BRADFORD-ROBINSON PRINTING CO.
DENVER, COLORADO
1931

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HON. WILLIAM H. ADAMS,
Governor, Colorado.

Dear Sir:

In accordance with the provisions of law creating the Industrial Commission of Colorado, we have the honor to transmit herewith the report of the acts and proceedings of the Commission for the period from December 1, 1928, to November 30, 1930, all of which is submitted for your consideration.

THOMAS ANNENAR,
W. H. YOUNG,
GEO. M. TAYLOR,
Commissioners.

STATEMENT

This report covers the work of the Industrial Commission in its administration of the Industrial Relations Law, the Workmen's Compensation Act, and the State Compensation Insurance Fund from December 1, 1928, to November 30, 1930.

THE COMPENSATION LAW

In injuries or deaths due to accidents arising out of and in the course of employment the relief between employer and employee is governed by the Workmen's Compensation Act. This Act is based on a broad and humane policy to provide medical, surgical and hospital treatment and to grant compensation to injured employees and provide for dependents of employees in case of death. Every employer in this state who employs four or more employees, excepting farm and ranch labor and domestic servants, and employees engaged in interstate commerce, come within the provisions of this law.

The maximum compensation paid by Colorado is \$14.00 per week and the minimum is \$5.00 per week to injured employees and dependents. The average maximum paid by the states that have compensation laws is something over \$16.00 per week; the average minimum over \$6.00 per week. The following table taken from bulletins issued by the United States Bureau of Labor Statistics gives the waiting time, the per cent of wages, maximum and minimum compensation payments and the maximum period of each of the forty-three states as to all compensation laws on their statute books, as follows:

OUTSTANDING FEATURES OF COMPENSATION LAWS

	Waiting Time	Per Cent of Wages	Maximum and Minimum Weekly Compensation Payments	Maximum Period
Alabama-----	2 weeks. None if disability continues for 4 weeks or more.	Death, 20 to 60 per cent. Disability, 50 to 60 per cent.	Maximum, \$15. Minimum, \$5, or actual wages.	Permanent total disability, 550 weeks. Other cases, 300 weeks.
Arizona-----	1 week. None if disability continues 2 weeks.	Death, 15 to 66½ per cent. Disability, 65 per cent.	No provision-----	Not fixed.
California-----	1 week-----	50 per cent-----	Maximum, \$25. Minimum, \$4.17.	Permanent total disability, life. Temporary disability, 240 weeks. Death, 312 weeks. Permanent total disability, life.
Colorado-----	10 days-----	50 per cent-----	Maximum, death, \$18; disability, \$21. Minimum, \$6.	Death, 312 weeks. Disability, 520 weeks.
Connecticut-----	1 week. None if disability continues longer than 4 weeks.	Death, 15 to 60 per cent. Disability, 50 per cent.	Death: Weekly basic wage, maximum, \$30; minimum, \$10. Disability: Maximum, \$15; minimum, \$5, or actual wages.	Permanent total disability, 475 weeks. Others, 285 weeks.
Delaware-----	2 weeks. None if disability continues for 4 weeks or more.	Death, 42½ per cent. Disability, 50 per cent.	Total disability: Maximum, \$15; minimum, \$4, or full wages if less than \$4. Partial disability, maximum, \$12 weekly; for specified injuries, same as for total disability. Death, maximum, \$12.76.	Total disability, 350 weeks; partial disability, or death, 300 weeks.
Georgia-----	7 days-----	Death, 20 to 55 per cent. Disability, 55 per cent.	Death: Maximum, \$12; minimum, \$6, or actual wages; Others, maximum, \$16, minimum, \$6.	Death, 400 weeks. Permanent total disability, life. Temporary total disability, 400 weeks. Partial disability, 150 weeks.
Idaho-----	1 week; compensated fifth to seventh weeks if disability continues.	Disability, 50 to 65 per cent.	Maximum, \$15 to \$20. Minimum, \$7.50 to \$14.	Permanent total disability life. Permanent partial disability, 8 years. Temporary disability, during its continuance.
Illinois-----	1 week. None if disability continues for 4 weeks or more.	Death, total disability, and specified injuries, 55 per cent.	Basic wage, maximum, \$24; minimum, \$10.	Death and partial disability, 300 weeks. Total disability, 500 weeks.
Indiana-----	1 week-----	60 per cent-----	Death: Maximum, \$15; minimum, \$6. Disability: Maximum, \$15; minimum, \$6, or actual wages.	Death and temporary total disability, 300 weeks. Permanent total disability, 400 weeks.
Iowa-----	2 weeks; compensated during fifth to seventh weeks if disability continues.	Disability, 60 per cent. Specified injuries, 50 per cent.	Disability: Maximum, \$15; minimum, \$6.	Disability, 8 years.
Kansas-----	1 week-----	65 per cent-----	Maximum, \$15. Minimum, \$5.	Death, 335 weeks. Total disability, 8 years. Partial disability, 335 weeks.
Kentucky-----	1 week-----			

OUTSTANDING FEATURES OF COMPENSATION LAWS (Continued)

	Waiting Time	Per Cent of Wages	Maximum and Minimum Weekly Compensation Payments	Maximum Period
Louisiana-----	1 week. None if disability continues for 6 weeks or more.	Death, 32½ to 65 per cent. Disability, 55 per cent.	Maximum, \$20. Minimum, \$3, or actual wages.	Death, 300 weeks. Permanent total disability, 400 weeks. Temporary total and partial disability, 300 weeks.
Maine-----	7 days-----	66½ per cent.-----	Maximum, \$18. Minimum, \$6.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.
Maryland-----	3 days-----	66½ per cent.-----	Maximum, \$18; minimum, \$8, or actual wages.	Death, 416 weeks. Permanent total disability, life. Temporary total disability, 312 weeks.
Massachusetts-----	7 days. None if disability continues more than 4 weeks.	66½ per cent.-----	Death and specified injuries: Maximum, \$16; minimum, \$3. Others: Maximum, \$16; minimum, \$7.	Death and total disability, 500 weeks; partial disability, no limit.
Michigan-----	1 week. None if disability continues 6 weeks.	60 per cent.-----	Maximum, \$14. Minimum, \$7.	Death, 300 weeks. Disability, 500 weeks.
Minnesota-----	1 week. None if disability continues 4 weeks.	Death, 30 to 66½ per cent. Disability, 66½ per cent.	Maximum, \$20. Minimum, \$8, or actual wages.	Death, during dependency. Permanent total disability, life. Temporary total and partial disability, 300 weeks.
Missouri-----	3 days. None if disability continues more than 4 weeks.	66½ per cent.-----	Maximum, \$20. Minimum, \$6, or actual wages in case of temporary disability.	Temporary total disability, 400 weeks; permanent, during life.
Montana-----	1 week. None if disability continues 3 weeks.	Death, 50 to 66½ per cent. Disability, 50 per cent.	Maximum, \$15. Minimum, \$8, or actual wages, to \$21.	Death, 400 weeks. Permanent total disability, 500 weeks. Temporary total disability, 300 weeks. Partial disability, 150 weeks.
Nebraska-----	1 week. None if disability continues for 6 weeks.	66½ per cent.-----	Maximum, \$15. Minimum, \$6, or actual wages.	Death, 350 weeks. Permanent total disability, life. Temporary total disability, during its continuance. Partial disability, 300 weeks.
Nevada-----	7 days. Then compensation from date of injury.	Death, 10 to 66½ per cent. Total and temporary partial disability, 60 per cent; permanent partial and specified injuries, 50 per cent.	Death: Maximum basic wage, \$120 a month. Disability: Monthly maximum, \$10 to \$72; minimum, \$50.	Death, during life or until remarriage of widow or dependent widower. Total disability, during its continuance.
New Hampshire--	1 week. Then compensation from date of injury.	Disability, 50 per cent.-----	Disability, maximum, \$15. Minimum, no provision.	Disability, 300 weeks.
New Jersey-----	7 days. None if disability exceeds 7 weeks.	Death, 35 to 60 per cent. Disability, 66½ per cent.	Maximum, \$17. Minimum, \$8, or actual wages.	Death, 300 weeks, plus disability, 500 weeks. Permanent total disability, 400 weeks. Temporary total and partial disability, 500 weeks.

OUTSTANDING FEATURES OF COMPENSATION LAWS (Continued)

	Waiting Time	Per Cent of Wages	Maximum and Minimum Weekly Compensation Payments	Maximum Period
New Mexico-----	10 days-----	Death, 15 to 60 per cent. Disability, 50 per cent.	Death: Basic weekly wage, maximum, \$30. Disability: Maximum, \$12; minimum, \$6, or actual wages.	Death, 300 weeks; total disability, 520 weeks; partial disability, no provision.
New York-----	1 week. None if disability continues for more than 7 weeks.	Death, 15 to 66% per cent. Disability, 66% per cent.	Death: Maximum basic wage, \$150 a month. Disability: Weekly maximum, \$20; minimum, \$8, or full wages.	Death, during life or until remarriage of widow or dependent widower. Permanent total disability, life. Others, during disability.
North Dakota-----	1 week. None if disability continues for more than 1 week.	Death, 20 to 66% per cent. Disability, 66% per cent.	Death: Basic weekly wage; maximum, \$30, minimum, \$18, but compensation not more than wages. Disability: Weekly maximum, \$20, minimum, \$6, or actual wages if less than \$6.	Death, during life or until remarriage. Disability, during its continuance.
Ohio-----	1 week-----	66% per cent.-----	Maximum, \$18.75; minimum, \$5, or actual wages.	Death, 416 weeks. Permanent total disability, life. Temporary total disability, 312 weeks. Partial disability, during its continuance.
Oklahoma-----	5 days-----	66% per cent.-----	Maximum, \$18. Minimum, \$8, or actual wages.	Permanent total disability, 500 weeks. Temporary total and partial disability, 300 weeks.
Oregon-----	None-----	Monthly pension; amounts not based on wages, except for temporary total disability.	Monthly pension. Minimum: death, \$15, permanent total disability, \$30; no maximum. Temporary total disability, \$30 to \$97. Permanent partial disability, \$25.	Death, during life or until remarriage of widow or invalid widower. Total disability, during its continuance. Temporary partial disability, 104 weeks.
Pennsylvania-----	10 days-----	Death, 15 to 60 per cent. Disability, 60 per cent.	Death: Basic wage, maximum, \$20; minimum, \$10. Disability: Maximum, \$12; minimum, \$6, or actual wages.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.
Rhode Island-----	1 week. None if disability continues for more than 4 weeks.	50 per cent.-----	Total disability: Maximum, \$16; minimum, \$7. Partial disability: Maximum, \$10; minimum, \$4. Death: Maximum, \$14, minimum, \$6.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.
South Dakota-----	None (administrative construction of conflicting provisions).	Total disability, 55 per cent. Partial disability, 50 per cent.	Permanent total disability: Maximum, \$15; minimum, \$7.50. Other disability: Maximum, \$15 minimum, \$7.50, or actual wages.	Total disability, during its continuance. Partial disability, 312 weeks.
Tennessee-----	1 week. None if disability continues for 6 weeks or more.	Death, 20 to 50 per cent. Disability, 50 per cent.	Maximum, \$15; minimum, \$5, or actual wages.	Death, 400 weeks. Permanent total disability, 650 weeks. Others, 300 weeks.

OUTSTANDING FEATURES OF COMPENSATION LAWS (Continued)

	Waiting Time	Per Cent of Wages	Maximum and Minimum Weekly Compensation Payments	Maximum Period
Texas-----	1 week-----	60 per cent-----	Maximum, \$20; minimum, \$7.	Death, 360 weeks. Total disability, 401 weeks. Partial disability, 300 weeks.
Utah-----	3 days-----	60 per cent-----	Death: Maximum, \$16. Disability: Maximum, \$16; minimum, \$7, or actual wages.	Permanent total disability, life. Others, 312 weeks; may be extended from special fund, in case of total dependents.
Vermont-----	1 week-----	Death, 15 to 45 per cent. Disability, 50 per cent.	Death: Minimum basic wage, \$5. Total disability: Maximum, \$15. minimum, \$6, or actual wages if less. Partial disability: Maximum, \$10.	260 weeks.
Virginia-----	10 days. None if disability continues more than 6 weeks.	50 per cent-----	Maximum, \$12. minimum, \$6.	Death, 300 weeks. Total disability, 500 weeks. Partial disability, 300 weeks.
Washington-----	3 days-----	Monthly pension: amounts not based on wages.	Monthly pension: Death, \$20, permanent total disability, minimum, \$35; no fixed maximum.	Death, during life or until remarriage of widow or invalid widower. Total disability, during its continuance.
West Virginia-----	1 week-----	Death, monthly pension. Disability 66% per cent.	Disability: Maximum, \$16; minimum, \$8.	Death, during life or until remarriage of widow or invalid widower. Permanent total disability, life. Temporary total disability, 78 weeks. Permanent partial disability, 340 weeks.
Wisconsin-----	1 week. None if disability continues for more than 3 weeks.	65 per cent-----	Maximum, \$18.20; minimum, \$6.83.	Permanent total disability, 1,000 weeks.
Wyoming-----	7 days. None if disability continues for more than 21 days.	Amounts not based on wages.	Temporary total disability: Monthly pension, \$50 to \$90. Fixed lump sums in other cases.	No provision.
United States-----	3 days. Compensation begins on fourth day after disability or exhaustion of sick and annual leave.	Death, 10 to 66% per cent. Disability 66% per cent.	Death: Basic wage, monthly maximum, \$100; minimum, \$50. Total disability: Monthly maximum, \$66.67; minimum, \$33.33, or actual wages if less than \$33.33. Partial disability: Monthly maximum, \$66.67.	Death, during life or until remarriage of widow or widower: other dependents, 416 weeks. Disability, during its continuance.

SECTION 21

The Commission has always held that Section 21 of the Compensation Act was intended to prevent any employer from collecting the cost of compensation insurance from his employes. During the last two years we have received a great many complaints from employes that employers are deducting the cost of compensation insurance from their wages. We would suggest that this section be amended to prevent any employer from doing this and would suggest a penalty for violation of this provision.

SECTION 30

Section 30 of the Compensation Act requires every employer to report all accidents to the Commission. Considerable difficulty has been encountered in securing these reports promptly. Twenty-five per cent of all first reports fall short of complying with the provisions of Section 30. We suggest that this section be amended to provide a penalty for failure to make these reports promptly giving the information required.

SECTION 27

Section 27 of the Compensation Act provides the procedure for enforcement of compensation claims against non-insured employers. Our experience has been such that we wish to suggest that this section of the Act be amended to provide for the transcribing of all awards in non-insured cases direct to the District Court and provision for the issuance of an execution thereon.

SECTION 47

We recommend that Section 47 be amended, the amendments to have in mind the speedy administration of the Act and at the same time do justice as between the employer and employee. We suggest that the average weekly wages of the injured person at the time of the injury be taken as the basis upon which to compute benefits. The use of the weekly wages as of the date of the accident in temporary disability cases would permit of a more prompt payment than the present method.

SECTION 83

Section 83 requires the Commission to reduce compensation in all cases where the employee fails to use a safety device or fails to obey a reasonable safety rule. We believe it to be a fair proposition that compensation should be increased fifty per cent in all cases where the employer fails to provide proper safety devices and we recommend that the Act be amended in this respect.

SECTION 84

Section 84 requires that all claims must be filed within six months after the injury or within one year after death resulting

from the injury. The original Act provided for a year's limitation. We believe that a year is to be preferred to six months and suggest that the Act be amended in this respect, and that the amendment provide an exception as to the cases where it is found as a fact that the employer had knowledge of the injury but failed to make any report to the Commission. In cases of this kind we believe the period of limitation should run from the date that knowledge of such accident is brought to the attention of the Commission.

DEATH BENEFITS

Our law makes no distinction as to death benefits paid to a widow without children and to a widow with one or more dependent children. Many states draw a distinction in this respect and we respectfully suggest that consideration be given to this phase of the Compensation Act to the end that more equitable payments be made, taking into consideration the number of minor dependents. We would also suggest that the maximum amount be paid in all cases where death results from the accident.

We would recommend that the Act be amended to provide \$3,000.00 compensation to a widow without children and that \$500.00 additional be added to this amount for each minor child, the maximum not to exceed \$5,000.00 in any case.

SECTION 97

We recommend that Section 97 of the Act be amended to provide that petition for review be filed within fifteen days after the date of the award instead of ten days, as at present. This is recommended because attorneys outside of Denver do not think it is sufficient time for a man living outside of the City and County of Denver to draw up and file a petition for review.

CLAIM DEPARTMENT

During the past two years hearings have been held in the leading industrial counties every sixty to ninety days, and in other portions of the state not less than twice a year, wherever practicable. The following table shows a comparison of the work done for the two years ending November 30, 1928, and for the two years ending November 30, 1930.

	1927-28	1929-30
First reports of accidents.....	39,344	48,819
Claims for compensation	11,063	10,617
Lump sum applications.....	324	448
Hearings held	3,590	3,118
Awards issued.....	4,798	5,194

The number of hearings shown does not take into account continuances, hearings ordered by commission award, or cases heard by agreement between the parties, without formal notice of hearing.

COMPENSATION AWARDS—WORKMEN'S COMPENSATION DEPARTMENT

	1915-16	1917	1918	1919		1920			1921			1922			1923			1924			1925			1926			1927			1928			1929			1930			From Organi- zation Pay		
CLASSIFICATION	Awards by Com'n	Awards by Com'n	Awards by Com'n	Awards by Com'n	Awards by Referee*	Total for Year	Awards by Com'n	Awards by Referee	Total for Year	Awards by Com'n	Awards by Referee	Total for Year	Awards by Com'n	Awards by Referee	Total for Year	Awards by Com'n	Awards by Referee	Total for Year	Awards by Com'n	Awards by Referee	Total for Year	Awards by Com'n	Awards by Referee	Total for Year	Awards by Com'n	Awards by Referee	Total for Year	Awards by Com'n	Awards by Referee	Total for Year	Awards by Com'n	Awards by Referee	Total for Year	Awards by Com'n	Awards by Referee	Total for Year	Totals all Awards	CLASSIFICATION			
1. Compensation:																																						1. Compensation:			
Fatal—Granted	62	190	186	124	87	211	11	213	224	14	163	177	33	214	247	45	178	223	35	134	169	31	127	158	22	120	142	19	154	173	26	135	161	18	109	127	11	138	149	2,599	Fatal—Granted
—Denied	5	21	19	21	11	32	3	29	32	7	40	47	4	53	67	6	76	81	7	29	36	12	29	41	2	21	30	5	25	30	8	31	39	8	23	31	11	43	643	—Denied	
Non-Fatal—Granted	61	57	146	193	161	364	21	360	381	21	503	524	46	682	728	96	1,102	1,198	156	1,422	1,578	166	1,274	1,440	117	1,279	1,396	100	954	1,054	101	960	1,061	93	1,032	1,125	110	1,125	1,235	12,338	Non-Fatal—Granted
—Denied	21	26	54	72	36	108	4	120	124	3	282	285	17	252	269	19	452	471	39	434	473	43	344	387	32	410	442	14	332	346	31	323	354	45	246	291	65	343	398	1,049	—Denied
2. Compensation Increase:																																							2. Compensation Increase		
Fatal—Granted	0	0	0	2	1	3	2	0	2	0	1	1	2	2	4	0	0	0	1	1	2	3	1	4	2	0	4	0	0	0	0	0	0	1	1	2	4	25	Fatal—Granted		
—Denied	0	0	1	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	5	—Denied		
Non-Fatal—Granted	0	0	1	0	4	4	1	9	10	5	40	45	8	30	38	9	29	38	19	33	62	14	23	37	10	26	36	0	6	13	5	21	26	6	14	20	15	17	337	Non-Fatal—Granted	
—Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	—Denied		
3. Compensation Reduced:																																							3. Compensation Reduced:		
Fatal—Granted	0	3	3	0	0	0	0	1	1	0	23	23	1	5	6	1	1	2	1	6	7	0	0	0	0	3	8	1	4	5	0	0	0	2	2	0	0	0	0	3. Compensation Reduced:	
—Denied	0	0	0	0	0	0	0	0	0	0	3	3	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	Fatal—Granted		
Non-Fatal—Granted	3	2	2	5	11	16	0	7	7	2	12	14	2	5	7	1	11	12	3	4	7	1	3	9	0	11	11	1	3	4	1	1	2	3	0	0	0	0	0	99	Non-Fatal—Granted
—Denied	0	0	0	1	0	1	1	7	8	0	5	5	0	1	1	0	0	0	0	0	0	1	1	0	0	0	0	1	1	2	0	0	0	1	0	0	0	19	—Denied		
4. Lump Sum Settlements:																																							4. Lump Sum Settlements:		
Fatal—Granted	6	19	62	40	0	40	31	0	31	23	0	23	27	0	27	27	0	27	23	0	23	29	0	29	31	0	31	23	0	23	22	0	22	37	0	37	35	0	35	125	Fatal—Granted
—Denied	15	17	35	32	0	32	28	0	28	40	0	40	29	0	29	39	0	39	26	0	26	22	0	22	20	0	20	15	0	15	19	0	19	25	0	25	22	0	22	384	—Denied
Non-Fatal—Granted	20	26	29	65	0	65	51	0	51	50	0	50	48	0	48	69	0	69	89	0	89	84	0	84	106	0	106	75	0	75	109	0	109	110	0	110	123	0	123	1,054	Non-Fatal—Granted
—Denied	7	3	10	29	0	29	17	0	17	30	0	30	22	0	22	33	0	33	27	0	27	31	0	31	19	0	19	23	0	23	23	0	23	52	0	52	44	0	44	385	—Denied
5. Rehearings:																																							5. Rehearings:		
Fatal—Granted	0	4	2	17	0	17	10	0	10	11	0	11	10	0	10	7	0	7	6	5	11	4	0	4	2	0	2	5	13	18	2	9	11	4	10	14	3	19	13	131	Fatal—Granted
—Denied	1	17	23	19	0	19	28	0	28	28	0	28	27	0	27	23	1	24	2	0	2	5	0	5	0	0	0	5	0	5	3	0	3	2	0	2	0	180	—Denied		
Non-Fatal—Granted	3	3	7	16	2	18	16	0	16	33	0	33	57	0	57	42	47	89	48	38	86	23	31	54	27	205	232	30	133	163	36	181	217	40	121	161	67	135	202	1,341	Non-Fatal—Granted
—Denied	3	14	18	23	0	23	34	0	34	66	0	66	73	0	73	49	0	49	3	0	3	6	0	6	0	0	6	7	0	7	8	0	8	23	3	26	10	1	17	353	—Denied
6. Disfigurement:																																							6. Disfigurement:		
—Granted	8	0	12	11	5	16	1	7	8	1	13	14	2	29	31	3	40	43	4	20	24	1	15	16	1	33	37	2	27	29	0	24	24	2	31	33	4	38	42	337	—Granted
—Denied	1	0	1	0	0	0	0	3	3	0	5	5	0	4	4	0	4	4	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20	—Denied		
7. Miscellaneous	21	20	38	8	21	29	8	69	77	17	53	70	20	40	60	34	64	98	29	106	135	82	24	106	164	197	361	98	214	312	110	297	407	113	273	386	126	264	390	2,510	7. Miscellaneous
8. Total Awards	237	424	639	678	339	1,017	268	826	1,094	351	1,143	1,494	428	1,316	1,744	505	2,005	2,510	518	2,232	2,750	557	1,879	2,436	572	2,312	2,884	131	1,866	2,297	519	1,982	2,501	580	1,869	2,449	633	2,102	2,730	27,211	8. Total Awards

*The figures shown in this column cover the seven months from May 1, 1919, to November 30, 1919, as no Referee was provided previous to May 1, 1919.

STATISTICS—ACCIDENTS AND CLAIMS, WORKMEN'S COMPENSATION DEPARTMENT

CLASSIFICATION	1915-1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	From Organization	CLASSIFICATION
	Aug. 1, '15 to Nov. 30, '16	Dec. 1, '16 to Nov. 30, '17	Dec. 1, '17 to Nov. 30, '18	Dec. 1, '18 to Nov. 30, '19	Dec. 1, '19 to Nov. 30, '20	Dec. 1, '20 to Nov. 30, '21	Dec. 1, '21 to Nov. 30, '22	Dec. 1, '22 to Nov. 30, '23	Dec. 1, '23 to Nov. 30, '24	Dec. 1, '24 to Nov. 30, '25	Dec. 1, '25 to Nov. 30, '26	Dec. 1, '26 to Nov. 30, '27	Dec. 1, '27 to Nov. 30, '28	Dec. 1, '28 to Nov. 30, '29	Dec. 1, '29 to Nov. 30, '30	Aug. 1, '15 to Nov. 30, '30	
1. Number of Accidents.....	16,670	12,780	14,932	11,358	14,279	13,904	12,859	15,362	17,513	18,143	19,797	19,571	19,773	25,846	22,973	255,760	1. Number of Accidents.....
Percentage—Claims to Accidents.....	14.72%	21.37%	24.92%	29.48%	29.26%	28.94%	32.67%	34.54%	32.31%	32.01%	28.21%	29.38%	26.86%	21.15%	22.42%	28.86%	Percentage—Claims to Accidents.....
2. Number of All Claims.....	2,455	2,732	3,722	3,349	4,179	4,025	4,201	5,307	6,660	5,807	5,584	5,751	5,312	5,467	5,150	68,701	2. Number of All Claims.....
A Male.....	2,418	2,690	3,609	3,239	3,995	3,884	4,064	5,159	5,512	5,668	5,411	5,566	5,090	5,281	4,893	66,434	A Male.....
Percentage—All Claims.....	98.49%	98.46%	96.97%	96.71%	95.59%	96.50%	96.74%	97.21%	97.33%	97.61%	96.90%	97.21%	95.82%	96.60%	95.11%	96.77%	Percentage—All Claims.....
B Female.....	37	42	113	110	184	141	137	148	148	139	173	185	222	186	262	2,217	B Female.....
Percentage—All Claims.....	1.51%	1.54%	3.03%	3.29%	4.41%	3.50%	3.26%	2.79%	2.62%	2.39%	3.10%	3.22%	4.18%	3.40%	4.89%	3.22%	Percentage—All Claims.....
3. Number of Fatal Claims (Deaths).....	204	300	202	291	179	161	155	168	140	152	155	180	147	177	161	2,662	3. Number of Fatal Claims (Deaths).....
A Coal Industries.....	65	200	66	87	54	46	72	30	30	50	52	56	35	43	46	901	A Coal Industries.....
Percentage—Fatal Claims.....	31.86%	66.66%	32.67%	43.28%	30.16%	30.46%	46.45%	47.62%	24.29%	32.90%	33.55%	31.11%	23.81%	27.11%	30.46%	37.23%	Percentage—Fatal Claims.....
B Metal Industries.....	64	39	47	46	41	24	19	19	19	37	21	37	21	32	22	496	B Metal Industries.....
Percentage—Fatal Claims.....	31.37%	13.00%	23.27%	22.88%	22.91%	15.89%	12.25%	11.31%	7.14%	24.34%	24.52%	20.56%	14.29%	13.68%	14.57%	18.63%	Percentage—Fatal Claims.....
C Miscellaneous Industries.....	75	61	89	68	84	81	64	69	96	65	65	87	91	97	83	1,175	C Miscellaneous Industries.....
Percentage—Fatal Claims.....	36.77%	20.34%	44.06%	33.84%	46.93%	63.65%	41.29%	41.37%	68.57%	42.76%	41.93%	48.83%	61.90%	54.40%	54.07%	44.14%	Percentage—Fatal Claims.....
4. Number of Non-Fatal Claims.....	2,251	2,432	3,520	3,148	4,000	3,874	4,046	5,139	5,520	5,655	5,429	5,571	5,165	5,290	4,099	66,039	4. Number of Non-Fatal Claims.....
A Coal Industries.....	598	722	722	736	976	931	987	1,125	1,149	1,268	1,261	1,309	1,050	1,074	867	14,665	A Coal Industries.....
Percentage—Non-Fatal Claims.....	26.57%	25.57%	20.51%	23.38%	24.40%	24.03%	24.39%	21.89%	20.82%	22.42%	23.23%	23.50%	20.33%	20.80%	17.15%	22.21%	Percentage—Non-Fatal Claims.....
B Metal Industries.....	428	412	506	516	452	383	460	565	343	712	697	781	526	565	632	7,873	B Metal Industries.....
Percentage—Non-Fatal Claims.....	19.01%	16.95%	14.37%	16.39%	11.30%	9.89%	11.37%	10.99%	6.21%	12.59%	12.34%	14.02%	10.18%	10.48%	10.64%	11.93%	Percentage—Non-Fatal Claims.....
C Miscellaneous Industries.....	1,226	1,398	2,292	1,896	2,572	2,560	2,599	3,449	4,028	3,675	3,471	3,481	3,589	3,651	3,610	43,400	C Miscellaneous Industries.....
Percentage—Non-Fatal Claims.....	54.42%	57.48%	65.12%	60.23%	64.30%	66.08%	64.24%	67.12%	72.97%	64.99%	63.93%	62.48%	69.49%	69.02%	72.21%	65.86%	Percentage—Non-Fatal Claims.....
5. Awards by Commission.....	237	424	639	678	268	351	428	505	518	557	572	431	510	580	633	7,340	5. Awards by Commission.....
6. Awards by Referee.....	(*)	(*)	(*)	339	826	1,143	1,316	2,005	2,232	1,879	2,312	1,866	1,982	1,869	2,102	10,871	6. Awards by Referee.....
7. Compensation Agreements Approved.....	2,052	2,242	3,478	3,014	3,692	3,382	3,427	4,355	4,864	4,670	4,443	4,443	4,418	4,463	4,162	56,303	7. Compensation Agreements Approved.....
8. Amputations.....	212	176	213	154	181	120	124	139	164	178	187	187	151	163	176	932	8. Amputations.....
9. Loss of Use.....	128	57	45	27	22	23	18	23	19	52	56	98	76	115	176	260	9. Loss of Use.....
10. Permanent Total.....	7	6	8	5	7	9	15	30	32	30	25	18	23	24	11	260	10. Permanent Total.....
11. Permanent Partial.....	240	232	232	179	208	156	180	174	167	167	163	147	171	185	100	2,781	11. Permanent Partial.....
12. Temporary Total.....	2,013	2,177	3,066	3,267	3,748	3,661	3,866	4,965	5,169	5,468	5,241	5,406	4,971	5,081	4,798	62,807	12. Temporary Total.....
13. Temporary Partial.....	58	7	41	22	37	57	38	25	41	31	28	42	39	35	24	525	13. Temporary Partial.....
14. Facial Disfigurement.....	8	5	17	15	11	17	34	47	31	21	37	29	24	33	33	369	14. Facial Disfigurement.....
15. Blood Poison.....	41	64	58	47	94	131	67	73	84	69	62	46	61	73	58	1,017	15. Blood Poison.....
16. Wholly Dependent—Fatal Claims.....	120	131	74	88	63	54	62	58	64	88	80	98	90	109	107	1,281	16. Wholly Dependent—Fatal Claims.....
17. Partially Dependent—Fatal Claims.....	16	14	19	14	22	14	33	29	27	19	27	24	19	13	9	304	17. Partially Dependent—Fatal Claims.....
18. No Dependent—Fatal Claims.....	30	40	8	85	78	72	37	50	36	41	37	50	31	47	31	673	18. No Dependent—Fatal Claims.....
19. Foreign Dependent—Fatal Claims.....	32	69	8	12	16	11	23	31	13	9	11	8	7	3	4	257	19. Foreign Dependent—Fatal Claims.....
20. Compensation Denied.....	109	33	44	133	156	332	326	552	509	622	472	427	462	322	374	4,875	20. Compensation Denied.....
A. Fatal (Death).....	19	10	12	32	32	47	81	36	41	30	41	30	39	31	34	581	A. Fatal (Death).....
B. Non-Fatal.....	90	23	32	106	124	285	269	471	473	581	442	397	423	291	340	4,847	B. Non-Fatal.....
21. Compensation Reduced.....	4	4	16	17	37	14	13	14	14	8	9	9	7	5	0	164	21. Compensation Reduced.....
22. Average Weekly Wage.....	---	\$20.87	\$17.99	\$21.29	\$25.40	\$26.04	\$24.09	\$25.35	\$25.32	\$25.02	\$24.95	\$25.49	\$24.93	\$25.12	\$26.10	\$24.14	22. Average Weekly Wage.....
23. Average Weekly Rate of Compensation.....	---	\$7.54	\$7.71	\$8.56	\$9.70	\$9.76	\$9.51	\$10.01	\$10.83	\$10.74	\$10.63	\$10.77	\$10.79	\$11.08	\$11.56	\$ 9.04	23. Average Weekly Rate of Compensation.....

(*) No referee provided for in the 1915 and 1917 Workmen's Compensation Act.

* Effective August 1, 1923, the compensation rate was increased from \$10 to \$12 per week by the amended law. Prior to that date the average weekly rate of compensation payments was \$9.65, and since the new law became effective, \$10.96 per week.

† Effective May 6, 1929, the compensation rate was increased from \$12 to \$14 per week by the amended law. Prior to that date the average weekly rate of compensation payments was \$10.65, and since the amended law became effective, \$11.56 per week.

WORKMEN'S COMPENSATION INSURANCE

Premium Income and Losses Paid—Colorado

NET PREMIUM INCOME

Year	Stock Companies	Mutual Companies	State Fund	Yearly Totals
*1915	\$ 32,602.56	\$ 163,526.58	\$ 46,710.00	\$ 242,839.14
1916	475,402.36	254,351.63	134,371.41	864,125.40
1917	664,049.89	303,466.36	192,328.45	1,159,844.70
1918	854,239.28	382,528.75	370,593.75	1,607,361.78
1919	818,782.86	313,432.55	267,612.12	1,399,827.53
1920	906,639.75	502,262.10	460,116.11	1,869,017.96
1921	931,622.93	416,087.25	364,009.52	1,711,719.70
1922	590,611.51	330,407.73	339,537.41	1,260,556.65
1923	665,509.93	402,663.69	404,562.16	1,472,735.78
1924	806,751.61	398,077.73	412,733.56	1,617,562.90
1925	1,033,794.56	351,428.79	554,868.86	1,940,092.21
1926	1,031,537.78	348,613.55	605,630.54	1,985,781.87
1927	1,001,375.17	357,852.64	880,400.39	2,239,628.20
1928	965,159.08	420,823.09	676,327.54	2,062,309.71
1929	1,092,230.06	434,515.26	720,568.78	2,247,314.10
	<u>\$11,870,309.33</u>	<u>\$5,380,037.70</u>	<u>\$6,430,370.60</u>	<u>\$23,680,717.63</u>

NET LOSSES PAID

Year	Stock Companies	Mutual Companies	State Fund	Yearly Totals
*1915	\$ 1,738.02	\$ 2,637.46	\$ 2,563.65	\$ 6,939.13
1916	128,719.80	23,188.98	28,535.76	180,444.54
1917	191,556.57	58,546.16	42,497.24	292,599.97
1918	243,915.88	74,008.02	51,391.68	369,315.58
1919	294,156.65	98,135.51	86,546.79	478,838.95
1920	356,059.22	111,893.71	128,333.71	596,286.64
1921	389,800.87	130,440.08	168,340.20	688,581.15
1922	385,124.75	141,611.72	178,710.00	705,446.47
1923	499,806.15	134,095.21	201,169.98	835,071.34
1924	528,407.02	134,713.11	246,969.03	910,089.16
1925	567,364.78	139,083.34	279,972.80	986,420.92
1926	596,449.24	139,019.76	310,296.34	1,045,765.34
1927	596,618.80	149,883.31	372,249.08	1,118,851.19
1928	610,412.52	156,431.50	413,826.79	1,180,670.81
1929	618,767.28	180,333.88	484,386.67	1,283,487.83
	<u>\$ 6,008,897.55</u>	<u>\$1,674,021.75</u>	<u>\$2,995,889.72</u>	<u>\$10,678,809.02</u>

* August 1, 1915, to December 31, 1915.

RELATIVE PROMPTNESS OF INSURANCE CARRIERS IN ADMITTING LIABILITY AND MAKING PAYMENT OF COMPENSATION

In an effort to expedite the settlement of claims, the Commission has decided to publish the standing of the various carriers involved and the actual average days elapsed.

During the year 1929, periodic checks were made in the department, to determine the degree of promptness with which the various carriers were filing Admissions of Liability and making first payment of compensation and early in 1930 each carrier was advised of its standing and informed that another check would be made and the rating published in the Annual Report.

A check cannot be made on all Admissions of Liability and First Payments on account of the additional burden of work placed on the department. All checks were made at frequent intervals for a few days at a time over a period of several months.

In computing time on Admissions of Liability, the elapsed time between the filing of the first report of accident and the filing of the Admissions of Liability is taken.

In computing the time at which first payment of compensation is made, the elapsed time is taken between the date of accident and the date of payment shown on the Notice of First Payment, filed with the Commission, if the notice is filed within two days after the date of the payment. If more than two days elapses between the date shown on the Notice of First Payment and the date the Notice of First Payment is received in the department, it is considered that payment was made on the filing date, less two days.

One carrier never files its Notice of First Payment until payment is accepted, with a consequent lower rating than it might otherwise receive.*

The 1929 check showed the average time required for filing Admissions of Liability was 15.69 days. The 1930 check for 771 cases showed an average of 12.58 days. The standing of all carriers checked and their average time of filing was:

1. Western Casualty Company.....	1.80 days
2. Maryland Casualty Company.....	1.93 "
3. Union Indemnity Company.....	2.41 "
4. Fidelity & Casualty Company of New York.....	3.85 "
5. London & Lancashire Insurance Company.....	5.40 "
6. The Travelers Insurance Company.....	6.80 "
7. Century Indemnity Company.....	7.06 "
8. Standard Accident Insurance Company.....	9.15 "
9. United States Casualty Company.....	9.40 "
10. Zurich General Accident and Life Insurance Company.....	10.50 "
11. United States Fidelity & Guaranty Company.....	10.76 "
12. Globe Indemnity Company	11.00 "
13. London Guarantee & Accident Company.....	11.58 "
14. Hartford Accident & Indemnity Company.....	12.25 "
15. Employer's Liability Assurance Corporation, Ltd.....	13.14 "

*Employer's Mutual Insurance Company.

16. State Compensation Insurance Fund.....	13.41	days
17. New Jersey Fidelity & Plate Glass Insurance Company....	14.50	"
18. The Ocean Accident & Guarantee Corporation, Ltd.....	15.30	"
19. American Employer's Insurance Company.....	16.00	"
20. Royal Indemnity Company.....	19.83	"
21. Employer's Mutual Insurance Company.....	20.02	"
22. Security Mutual Casualty Company.....	21.85	"

In 1929 the average time shown by the check for making the First Payment of Compensation was 33.61. In 1930 the average time for 704 cases was 24.06 days, a material gain in expediting compensation payments to the injured man. The standing of all carriers checked and the average number of days required to make payment was:

1. The Travelers Insurance Company.....	13.83	days
2. The Globe Indemnity Company.....	18.00	"
3. United States Fidelity & Guaranty Company.....	18.79	"
4. American Employer's Insurance Company.....	19.00	"
5. Maryland Casualty Company.....	19.90	"
6. New Jersey Fidelity & Plate Glass Insurance Company....	21.00	"
7. Employer's Liability Assurance Corporation, Ltd.....	21.55	"
8. General Accident Fire & Life Assurance Corporation, Ltd..	22.22	"
9. Fidelity & Casualty Company of New York.....	22.25	"
10. Standard Accident Insurance Company.....	22.53	"
11. London Guarantee & Accident Company.....	22.78	"
12. Security Mutual Casualty Company.....	24.00	"
13. Union Indemnity Company.....	25.20	"
14. State Compensation Insurance Fund.....	26.74	"
15. Employer's Mutual Insurance Company.....	28.74	"
16. { Royal Indemnity Company.....	29.25	"
{ Ocean Accident & Guarantee Corporation, Ltd.....	29.25	"
17. Hartford Accident & Indemnity Company.....	31.06	"

Carriers not rated above reported less than five cases during the period in which a check was made by the department.

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Note: So far as available at the time of the preparation of this report, the headnotes of the official reports have been followed in the main.

Cases digested herein are those decided since November 30, 1928. Earlier cases will be found in previous reports of the commission.

TAVENOR vs. ROYAL INDEMNITY CO.

84 Colo. 521

I. C. 49653

Index No. 110

Conflicting Sections Construed. As it is impossible to reconcile Section 55 of the Act with amended Section 58, concerning the payment of compensation on remarriage of the beneficiary, where there are no other beneficiaries, the latter section being later in time is controlling.

Court Procedure. Hearing on a workmen's compensation case in the district court is restricted to the record as certified by the commission, and the court has no power to frame or try new or different issues, or to hear evidence.

Court Procedure—New Issues. If new or undetermined issues in a workmen's compensation case are raised in the district court, they must be transmitted to the commission for its action before final determination by the court.

JOHN THOMPSON GROCERY CO., et al., vs. INDUSTRIAL COMMISSION, et al.

84 Colo. 542

I. C. 46435

Index No. 111

Stay of Judgment. Whether or not a stay will be granted in a workmen's compensation case must be determined in the light of the facts in each particular case. Where the claimant has returned to work so his rights will not be prejudiced by the stay, and a denial of the stay and consequent payment of the full amount will, in case of reversal, defeat the writ of error the judgment will be stayed.

FRENCH vs. INDUSTRIAL COMMISSION, et al.

85 Colo. 173

I. C. 43711

Index No. 112

Petition for Review—Necessity. Under the Workmen's Compensation Act, a petition to the commission for a review of its findings and award is an indispensable prerequisite to bringing an action in the district court, and in the absence of such a petition, the court is without jurisdiction to review the proceedings of the commission.

COLORADO FUEL & IRON COMPANY vs. INDUSTRIAL COMMISSION

85 Colo. 237

I. C. 35529

Index No. 113

Reopening Case. The Industrial Commission has power to review its final award in any case upon its own motion, but in exercising the power it is limited in its review to "error, mistake or a change in conditions." The true test in this case is: Supposing the commission, under all the circumstances of this case, believing that error, mistake or a change of conditions existed, had it the power to reopen the case? It unquestionably possessed this power, and therefore, committed no error in disregarding, if not expressly overruling, the objection that the award of May 16, 1927, was the final award, and could not be reopened.

Appeal and Error. The Supreme Court is not called upon to reverse a judgment of the district court affirming an award of the Industrial Commission simply because of an untrue, although unnecessary recitation in the award itself, unless it affects the substantial rights of the parties.

Findings of Fact. In considering workmen's compensation cases, courts may not review the evidence, nor substitute their opinions for that of the Industrial Commission on questions of fact.

INDUSTRIAL COMMISSION, et al., vs. ROBINSON

85 Colo. 279

I. C. 23354

Index No. 114

Findings of Fact. Determination and findings of the Industrial Commission based upon conflicting evidence are binding upon the reviewing court.

EMPLOYERS' MUTUAL INSURANCE CO., et al., vs. INDUSTRIAL COMMISSION, et al.

85 Colo. 374

I. C. 53161

Index No. 115

Wage History—When Determined Under §47 (c). The Industrial Commission found, and the evidence shows, that decedent died February 5, 1928; that he came to Colorado from Nebraska in August, 1927; that here he worked approximately three-fourths of the time, earning from \$3 to \$4 per day; that in Nebraska he worked as a mechanic of ability, and farmer, earning \$7 to \$15 per day. Under the facts disclosed it is held that the Industrial Commission was justified in determining the average weekly wage of the employe under the provisions of 47 (c), which were followed in making the award.

NEW JERSEY FIDELITY etc. CO., et al., vs. RICHEY

85 Colo. 376

I. C. 54490

Index No. 116

Award—Finality. In a workmen's compensation case, it is only when the showing is without probative force or effect or is of such character as not to constitute any legitimate evidence at all, that the commission's findings will be disturbed on review.

Accident—Notice to Employer. Circumstances surrounding an accident may be of such a character that failure to notify the employer of its occurrence may be of no consequence. Claimant was injured on Friday, worked Saturday, taken to hospital Sunday, where he was operated on and died.

Words and Phrases—"Hurt". One definition of the word "hurt" is, "Any bodily injury causing severe pain, or the pain itself."

Hernia—Evidence. Remark of an employee at the time of an accident that "he hurt himself in there," is competent evidence on the issue of a bodily injury that gave him pain.

Hernia—Evidence. In a workmen's compensation case, evidence reviewed and held sufficient to establish the fact that the injured employee was injured and suffered accompanying pain as the result of an immediately preceding accidental strain in the course of his employment.

Evidence—Hearsay. Evidence of the declaration of an employee who was injured, made at the time of the accident to a fellow employee, is competent, and constitutes an exception to the hearsay rule.

Widow—Dependency. Findings of the commission in a workmen's compensation case, that a widow was dependent upon her husband—the deceased employee—for support, will not be disturbed on review if supported by evidence.

Hernia. The breaking down of an old hernia, which is accompanied by pain and immediately preceded by accidental strain suffered in the course of employment, is compensable.

INDUSTRIAL COMMISSION vs. CONTINENTAL INVESTMENT CO.

85 Colo. 475

I. C. 33708

Index No. 117

Penalties. A penalty should not be imposed on an employer under Sections 117 and 118 for delay in paying an award which is occasioned by judicial proceedings brought and prosecuted in good faith for the purpose of obtaining a vacation or modification of the award.

Penalties. No penalty should be imposed on an employer for failure to pay an award promptly where the delay is occasioned by further bona fide proceedings before the commission.

Practice—Rules. In the preparation of briefs counsel should comply with the requirements of Supreme Court Rule 42.

JOHN THOMPSON GROCERY STORES CO., et al., vs. INDUSTRIAL COMMISSION, et al.

85 Colo. 576

I. C. 64435

Index No. 118

Medical Attention—Permanent Disability. Because an injured employee might have suffered a permanent disability equal to the loss of a leg at the knee had he not had additional medical and surgical attention after having exhausted the statutory amount furnished by the employer, did not justify the commission in awarding compensation for such a permanent disability when in fact there was no such result from the injury.

Medical Attention—Statutes. The Industrial Commission may not disregard the provisions of Section 51 concerning medical treatment of injured employees, and impose upon the employer or insurance carrier a burden greater than that fixed by statute.

Fact Findings—Award. An award for permanent disability cannot stand where the fact findings of the commission clearly disclose that no permanent disability resulted from the accidental injury.

Statutes. The Industrial Commission and courts are limited by the provisions of the act in making and entering judgments, and may not exceed their statutory authority to the prejudice of employers and insurance carriers.

EMPLOYERS' MUTUAL INSURANCE CO., et al., vs. INDUSTRIAL COMMISSION, et al.

85 Colo. 583

I. C. 53084

Index No. 119

Evidence. The Industrial Commission may take judicial notice that coal mining is a seasonal occupation in its operation.

Weekly Wage—Determination. In computing the weekly wage of an employee, if the earnings for a six months' period do not furnish a fair standard for the computation, the commission may act under the provisions of subsection c, of Section 47, which gives it authority to make a computation based upon the facts presented.

**SMART, et al., vs. RADETSKY, et al.,
HAZELTON, et al., vs. Same
86 Colo. 93**

I. C. 47118, 47466.

Index No. 120

Business Classification—Insurance. One engaged in buying abandoned plants and dismantling them for the metal and machinery therein, held, in constructing an insurance policy, not exclusively engaged in the wrecking business, and if engaged in two kinds of business, viz: junk business and building wrecking, that the latter—under the facts disclosed—was incidental to the former, and that claimants, one of whom was injured while taking an angle iron from an iron tank which was to be removed from the building, and the other while loading upon a railroad car a column which had been detached from the plant, were employed in the junk business when injured.

Insurance Policy—Construction. Policy insuring a junk dealer against accidents to his employees under the Workmen's Compensation Act construed to cover accidents to his men who were injured while dismantling a sugar plant.

**ONTARIO MINING COMPANY vs. INDUSTRIAL COMMISSION, et al.
86 Colo. 206**

I. C. 49591

Index No. 121

Notice of Claim—Waiver. Objection that no notice of claim was filed with the commission is waived by the employer who files a petition for rehearing, participates in the rehearing and introduces testimony upon the merits.

Notice of Claim—Limitation—Exception. Where an injured employee was paid certain sums of money by the employer for injuries received in the course of the employment, the limitation fixed by Section 84, held not to apply.

Notice—Waiver. An employer who is granted a rehearing before the Industrial Commission and who introduces testimony on the merits at the rehearing waives his right to object to the preliminary findings and award of the commission, although rendered without notice to him.

Liability of Owner. An owner who contracted with another to construct an upraise on his mining property, held to be an employer engaged in the business of mining and liable for compensation for injuries received by an employee of the contractor received while engaged in the work, under Section 49.

Words and Phrases—Mining. Mining defined as the act or business of making mines or of working them. Construed to include the building of an "upraise."

Constitutional Law. Section 27, concerning the entry of judgment by clerk of the district court on an award of the Industrial Commission does not violate Section 1, Article 6, of the Constitution.

Powers of Commission. The Industrial Commission is a quasi-judicial tribunal with limited jurisdiction to hear and determine certain cases arising between employer and employee with the incidental judicial power of rendering an award or judgment therein.

Award—Entry of Judgment by Court Clerk. The act of a clerk of the district court in entering judgment on an award of the Industrial Commission is a ministerial act and not the exercise of a judicial function. The judgment so entered is not a judgment rendered, but a judgment of the Industrial Commission, which thenceforth has the effect of a judgment of the district court.

Award—Fraud. Where parties are equally at fault concerning independent negotiations for the settlement of damages growing out of an accidental injury to the employee, a subsequent award of compensation by the Industrial Commission, held justified under the attending facts.

**BEATRICE CREAMERY COMPANY, et al., vs. STANDLEY, et al.
86 Colo. 230**

I. C. 49036

Index No. 122

Findings of Fact. A finding of the Industrial Commission, which is based upon substantial credible evidence sufficient to support it, will not be set aside on review.

(In this case, the medical evidence as to the cause of length of existence of the cancer which caused the death being hopelessly in conflict, the commission adopted as the only clear evidence in the case, the testimony of claimant and decedent that the swelling arose shortly after the accident and at the site of the injury, and did not antedate the accident. It found that the decedent died on May 30, 1928, as the result of an injury received on March 28, 1927, arising out of and in the course of the employment of the decedent.)

NEW YORK INDEMNITY CO., et al., vs. INDUSTRIAL COMMISSION, et al.
86 Colo. 364

I. C. 37969

Index No. 123

Total Disability. The Legislature in using the expression "total and permanent disability" in Section 77, did not have in mind a condition of helpless paralysis reducing bodily functions to a minimum essential for the maintenance of a mere spark of life.

Total Disability. Amputation of the right arm near the elbow and a 90 per cent loss of the left constitutes a permanent total disability as that term is used in the Workmen's Compensation Act.

Construction of Statutes. An exception in the statute amounts to an affirmation of the application of its provisions to all other cases not excepted and excludes all other exceptions. In applying a rule of statutory construction, it is always proper to inquire if in the particular case it accords with reason and promotes justice.

Total Disability—Partial Employment. An employee may be totally disabled for all practical purposes and yet be able to obtain occasional employment under rare conditions at small remuneration. The claimant's status remains unaffected thereby unless the employment is specifically covered by the statutory exception of Section 77.

A. M. PLATT, Inc., et al., vs. REYNOLDS, et al.

86 Colo. 397

I. C. 57109

Index No. 124

Employee—Foreign State—Extraterritoriality does not apply. The employer was engaged in the automobile business in Denver, Colorado, and there entered into a contract with the employee to act as salesman for it in Nebraska, where the employee resided. No part of the contract was to have been performed in Colorado. The employee was accidentally killed in Nebraska. Held, that he was not an employee as that term is defined in Section 9, and that his widow was not entitled to compensation under the Colorado Workmen's Compensation Act.

MARYLAND CASUALTY CO., et al., vs. INDUSTRIAL COMMISSION, et al.

86 Colo. 553

I. C. 47020

Index No. 125

Appeal and Error—Constitutional Law—Stare Decisis. Section 49, concerning employers, having been declared constitutional, the Supreme Court invokes the rule of stare decisis and declines to re-examine the question of the constitutionality of the section.

NEW JERSEY FIDELITY etc. CO., et al., vs. PATTERSON, et al.

86 Colo. 580

I. C. 58849

Index No. 126

Evidence. Report of an accident by the employer to the Industrial Commission may be considered on hearing of the claim of employee for compensation, its weight being for the commission.

Hearings—Evidence. It is not necessary that the report of an accident by the employer to the commission be formally introduced into evidence at a hearing in order that it may be considered by the commission.

Evidence. Admissions against interest contained in a report of accident by employer to the Industrial Commission cannot be rejected as evidence because contradicted by statements set out in a so-called "notice of contest" filed with the commission by the employer.

Employee. Whether or not an injured workman is an employee is a question of fact to be determined by the commission, and its findings thereon on conflicting evidence is conclusive on review.

Course of Employment. Whether in any particular case an employee is acting within the course of his employment when injured is to be determined with a view to all of the surrounding circumstances. It presents a question of fact, not a fixed rule of law.

Findings of Fact. Each workmen's compensation case must be determined by its own facts, and when those are in dispute, the findings of the commission are final.

GUIDETTI vs. INDUSTRIAL COMMISSION, et al.

86 Colo. 587

I. C. 39232

Index No. 127

Res Adjudicata. In a workmen's compensation case the commission's referee found that claimant's disability was due to disease, not accident; the commission reversed the finding of the referee and awarded compensation; the district court reversed the commission; thereafter on further hearing the commission found the facts unaltered so far as the claimed accident was concerned and declined to reopen the case because the judgment of the district court was res adjudicata; the commission's action was upheld by the district court and the latter's judgment was affirmed on review.

COMERFORD vs. CARR, et al.

86 Colo. 590

I. C. 51268

Index No. 128

Notice of Claim—Limitation. Where an employee receives full pay while disabled from an accident occurring in the course of his employment, his right to recover compensation is not barred because of his failure to file with the commission, within six months after sustaining the injury, a notice claiming compensation.

Findings. Commission findings which are supported by evidence will not be disturbed on review.

Course of Employment. In a workmen's compensation case, evidence reviewed and held to support a finding that employee sustained an accident arising out of and in the course of his employment.

Applicability of the Act. When an employer has four employees engaged at the same time in the same business or common employment, he automatically becomes subject to the provisions of the act, and can withdraw therefrom only in the manner prescribed by amended Section 17.

Employees—Statutory Number, Four—Casual Employees. An employee is not excluded from the statutory number of four because his employment is but casual unless it also appears that his employment was not in the usual course of trade, business or occupation of his employer.

Employment. An employee engaged in loading the product of a rendering plant on cars, held, under the facts, to have been engaged in the "common employment" with an employee working in the rendering plant.

McKNIGHT vs. HOUCK, et al.

87 Colo. 234

I. C. 35699

Index No. 129

Course of Employment. Where two employees step aside from their employment and amuse themselves by indulging in gun play, during which one of them is killed, there is no industrial accident arising out of the employment, and compensation is properly denied.

Course of Employment. An accident arises out of an employment when there is a causal connection between the conditions under which the work is required to be performed and the resulting injury.

GREELEY GAS & FUEL CO., et al., vs. THOMAS, et al.

87 Colo. 486

I. C. 48197

Index No. 130

Limitation of Actions—Estoppel. Estoppel may, in a proper case, be invoked to avoid the effect of a statute of limitations.

Laches—Estoppel. Claimant was injured September 17, 1919; claim was filed with the commission March 21, 1927; the delay was caused by an attempt to recover damages from a third person whose negligence caused the injury. This attempt was encouraged by the insurance carrier, as this would relieve them of liability. Under the disclosed facts, it is held that the pleas of estoppel and laches, urged by claimant, were good as against the defense of the statute of limitations set up by the employer and insurance carrier.

CONNELL vs. CONTINENTAL CASUALTY CO., et al.

87 Colo. 573

I. C. 57070

Index No. 131

Judgments—Default—Vacation. Applications to vacate default judgments are addressed to the sound discretion of the trial court, and only when that discretion has been abused will the Supreme Court interfere with the court's ruling.

Default—Vacation—Burden. The burden is on one who applies for leave to answer after default, to establish by clear, strong and satisfactory proof, the grounds upon which he relies for relief, and the determination of the question is for the trial court.

Default—Vacation. To entitle a party to have a default judgment set aside because obtained through fraud, mistake, inadvertence or excusable neglect, it must appear, not only that the judgment was so procured, but that prima facie there is a meritorious defense to the action.

Insurance. Workmen's compensation insurance covering injuries to "inn-servants" at employer's residence held not to include injuries to an employee received while the latter was working as a carpenter on a cabin for the employer at a distant mountain resort.

Insurance—Misrepresentations of Company—Remedy. The fact that an insurance company assured an employer that his workmen's compensation insurance policy would be made to cover injuries to employees engaged in work at a distant location by notation on its books, which notation was not made, held not to affect the rights of an employee to recover from the employer, compensation for injuries received, the employer's remedy, if any, being by action against the insurance company.

CONTINENTAL CASUALTY CO. vs. CONNELL, et al.

87 Colo. 577

I. C. 57070

Index No. 132

Appeal and Error—Final Judgment—Statutory Construction. A writ of error will lie to a judgment of the district court entered upon the review of an order or award of the Industrial Commission; but this means a final judgment, and not an interlocutory order.

DEVEREUX, et al., vs. INDUSTRIAL COMMISSION, et al.

87 Colo. 594

I. C. 50747

Index No. 133

Lessee—Contract Work—Liability. Assignees of mining lease and option to purchase, who contracted with the original lessee for mining work on the property, held to have been engaged in the operation of a mining business by contracting out part of the work, under Section 49, and liable for compensation for the accidental death of their assignor contractor occurring while engaged in such work.

Lessee—Liability. The fact that the assignees of a mining lease and option to purchase did not own the property and had not perfected any interest therein when their assignor was killed while doing work for them under contract on the property, held not to affect their liability for his death under the Workmen's Compensation Act.

TYLER, et al., vs. HAGERMAN, et al.

291 Pac. 1033

I. C. 45918

Index No. 134

Review. There are two methods of reviewing an award of the Industrial Commission: Upon petition of an interested party filed within ten days after the entry of the award or within the extended time granted for that purpose; or by the commission on its own motion after due notice to the interested parties.

Statutes. While the Industrial Commission has wide latitude in its procedure and determination of cases within its jurisdiction, still, it is a creature of the statute and must be controlled by its provisions.

Review. Where an award of a referee of the commission is to be reviewed, claimant, insured and insurer must be advised whether the proceeding is to be under Section 97 or Section 110, in order that they may protect themselves accordingly.

Review. Objection to a review under Section 97, because the petition therefor was not filed within the statutory or extended time, should be sustained, but the objection is waived if the hearing is had and the objecting party participates therein.

Review. Where a review of an award is upon the commission's own motion pursuant to Section 110, an objection thereto based upon the ground that no petition for review was filed in apt time, is unavailing.

Review—Notice. Where a review under Section 97 is void because no petition therefor was filed in apt time, a subsequent review upon the commission's own motion, pursuant to Section 110, conducted without notice to the employer or insurance carrier, does not validate the award made on the first review, and the entire proceedings are without legal effect.

INDUSTRIAL COMMISSION vs. AETNA LIFE INS. CO., et al.

292 Pac. 229

I. C. 52415

Index No. 135

Fact Findings. In a workmen's compensation case, although the commission and its referee made three different findings of fact, this did not nullify the rule that the commission's fact findings based on conflicting evidence are binding on the courts, and the last finding is conclusive.

Fact Findings. A court exceeds its jurisdiction in a workmen's compensation case if it attempts to pass upon the weight of the evidence introduced before the commission.

Employee. Facts in a workmen's compensation case reviewed, and the contention that the deceased was not an employee, and was not employed at the time of the alleged accident, overruled.

Accident—Evidence. Record reviewed in a workmen's compensation case and award held amply supported by evidence of an accident.

Course of Employment. A truck driver using his private car in connection with obtaining repairs for the truck, during which his death was occasioned by the overturning of his car, held to have been killed in an accident arising out of and in the course of his employment.

Employee. If a vehicle with its driver be contracted by one employer to another, the driver remains the employee of the first.

ROYAL INDEMNITY CO., et al., vs. INDUSTRIAL COMMISSION, et al.
Pac.

I. C. 54261

Index No. 136

Fact Findings. If the fact finding was supported by sufficient evidence, or by reasonable inferences drawn from the evidence, it will not be disturbed upon review.

Fact Findings—Sufficiency of Evidence to Sustain. Evidence that prior to the alleged accident claimant had no trouble with his eyes; that he had not noticed any difference in the eyes; that since the accident he could not "see out of" his left eye; together with the fact that one doctor testified that the disability could have been caused by the accident, amply sustains the finding of the commission relative to the cause of the loss of vision.

Evidence—Admissibility. Where a doctor regularly employed by a railroad company to report on the physical condition of applicants for employment reports normal vision, which report is the original and is a part of the regular medical records of the railroad company, and was made in the ordinary course of business of the company and of the doctor; was made contemporaneously with the examination by one having knowledge of the matter reported, and who had no motive to misrepresent the facts, and at the time of the hearing was dead, such report was admissible in evidence.

Statute of Limitations—When Notice Not Necessary. The day after the injury the employer employed a doctor to look after claimant's eye. Held that such medical benefits fall within the scope of the term "compensation," and that under the proviso contained in Section 84, as amended, the notice prescribed therein was unnecessary.

On Rehearing

Statute of Limitations—When Notice Not Necessary. Former opinion amplified and rehearing denied.

INDUSTRIAL COMMISSION, et al., vs. DIVELEY

Pac.

I. C. 61394

Index No. 137

Evidence—Hearsay—Res Gestae. Statements made by deceased, who was a night watchman, over the telephone, to his wife, about 8 p. m., that he had hurt himself severely, and requesting her to send some one for him, and, again, about 1 a. m. the next day to his son that he had strained himself, were part of the res gestae and admissible.

Fact Findings. Upon the question of causal connection between the alleged accident and the death, where the evidence was conflicting, the findings of the commission will not be disturbed upon review.

THE INDUSTRIAL RELATIONS ACT

From December 1, 1928, to November 30, 1929, there were filed with the Commission twenty-nine Industrial cases of various kinds.

From December 1, 1929, to November 30, 1930, forty-four industrial cases were filed.

In each of these cases the Commission assumed jurisdiction and the case was settled either by award of the Commission or by arbitration.

Some employers have made it a rule before they reduce wages to circulate a petition among their employes and have them sign the same requesting that their wages be reduced. The employe signs the petition, knowing that to refuse to do so means the loss of his employment.

We believe that before employes come to an agreement with their employers on the reduction of wages, thirty days' notice should be given to the Commission, the same as now given in other cases under Section 29 of the Act. Owners, superintendents and other officials should not be permitted to circulate petitions among their employes for any purpose. It is too much like intimidation or coercion and it is unfair for them to do so. There should be some way of prohibiting the officials of any company from circulating petitions of this kind among their employes.

EIGHT-HOUR LAW COVERING CONTRACTORS AND EMPLOYES ON STATE HIGHWAYS

A large number of complaints were filed with the Commission during this period by employes of the various contractors on public highways, claiming that the contractors were violating the provisions of the Eight-Hour Law, same being Sections 4172, 4173, and 4174 of the Compiled Laws, 1921.

One member of the Commission and our Investigator made a very thorough investigation and visited a large majority of these contractors. It was found that many of them were violating this law and were requiring their employes to work anywhere from nine to twelve hours per day. When their attention was called to the law, the contractors, with one exception, agreed to comply with the provisions of the statute in the future and would see that the law was obeyed. One employer informed the Commission that he was working his men in excess of eight hours and that he would continue to do so, state law or no state law. It became necessary to file a complaint against this contractor, who was taken into court and fined \$100.00 and costs. He continued to disobey the law and an information was filed against him in the district court of El Paso County, but before the same was tried by the court the employer came into the office of the Commission and agreed in the future to obey the provisions of this law; therefore, the Commission ordered the case dismissed. Upon investi-

gation later we found that this contractor was obeying the law to the letter.

SUBSEQUENT INJURY FUND RECOMMENDED

During the last two years the insurance companies writing compensation insurance on employes of the coal mines of this state have refused to insure employes who have lost an arm, leg, foot, or eye. As a result of this attitude the coal mining companies have found it necessary to discharge men who have suffered permanent disability of this kind. A majority of these men have been employed for many years in the coal mines of this state, no objection having been raised to their employment by the insurance companies until recently. A large majority of these men have worked only in the coal mines and know very little about any other kind of employment. Under these conditions it is extremely difficult for them to get work of any kind and, as a result, they are in many cases unable to make a living for their families.

The insurance companies object to the employment of these men for the reason that should they sustain a further permanent injury the insurance companies would be liable under Section 76 of the Colorado Compensation Act for greater compensation than if the injured person had not sustained a previous disability, or loss of a member.

The Commission believes that each industry should take care of its own people in matters of this kind. To meet this condition several states have established what is known as a "Subsequent Injury Fund." These laws provide that the employer shall not be liable for compensation to an employe for the combined disabilities, but only for that portion due for the later injury, as though no prior disability or impairment had existed.

We wish to call attention to the California law in this matter, reading as follows:

"(10) (a) The fact that an employe has suffered previous disability or received compensation therefor shall not preclude compensation for a later injury nor preclude compensation for death resulting therefrom; but in determining compensation for the later injury or death his average weekly wages shall be such sum as will reasonably represent his earning capacity at the time of the later injury; provided, however, that an employe who is suffering from a previous permanent disability or physical impairment and shall sustain permanent injury thereafter shall not receive compensation for a later injury in excess of the compensation allowed for such injury when considered by itself and not in conjunction with or in relation to the previous disability or impairment. The employer shall not be liable for compensation to such employe for the combined disability but only for that portion due to the later injury as though no prior

disability or impairment had existed. If an employe who has previously incurred permanent disability or impairment incurs such additional permanent disability that the combined effect of such subsequent injury and previous disability or impairment shall amount to seventy per cent or more of total permanent disability as the result of any subsequent injury, as defined in this section, he shall be paid in addition to the compensation for permanent partial disability hereinbefore provided, and after the cessation of the payments for the period of weeks prescribed therefor, special additional compensation, which shall compensate him for the remainder of the combined disability existing after the last injury to him. Such additional compensation shall be paid out of a special fund created for such purpose in the following manner: The employer, or if insured his insurance carrier, shall pay into such special fund whenever any fatal injury is suffered within this state by an employe under such circumstances as to entitle him to the benefits of this act, but for his death, and such employe does not leave surviving him any person entitled to a death benefit as a dependent under this act the sum of three hundred dollars for each such fatal injury in addition to all other payments required by said act; provided, that the total payments required of the employer under this section shall not exceed the maximum payment due from the employer under this act. All moneys payable under this section shall be paid to the state treasurer and be placed into a special fund to be known as the "subsequent injuries fund," which fund is hereby created and appropriated for the purposes set forth in this section.

"(b) The subsequent injuries fund shall be used to pay the special additional compensation provided for in this section. The industrial accident commission is hereby authorized, and it shall be its duty, to administer said fund, to fix and award the amounts of special additional compensation to be paid under this section, to authorize payments from said fund to carry out the provisions of this section, and to make any orders, rules or regulations which may be necessary or convenient for the administration of said fund.

"The industrial accident commission may draw upon said fund for the purposes specified in this section, and the controller is hereby authorized and directed to draw his warrant on said fund from time to time in accordance with the direction of the commission, and the treasurer is hereby authorized and directed to pay the same.

"(c) Proceedings to enforce the payment into the subsequent injuries fund of any sum for which an em-

ployer or insurance carrier may become liable under the provisions of this section may be brought by the attorney for the industrial accident commission in the name of the people of the State of California in the superior court, or municipal court, of the county, or city and county, in which such fatal injury shall have occurred or in which the defendant resides. Costs shall be allowed or not as in other cases, and if allowed for or against said commission, said costs shall be paid into or from the subsequent injuries fund in the same manner as other expenditures provided by this section. The commission's expenses of litigation shall be payable out of said fund or the general revenues of the commission.

“(d) Proceedings to enforce the liability created by this section may as an alternative remedy and without interfering with the right to proceed under the preceding subdivision of this section, be instituted before the industrial accident commission of its own motion or upon application of any interested party, in the name of the people of the State of California, and such proceedings shall be tried and determined in the same manner and with the same procedure and effect as other proceedings before said commission. In any proceeding before said commission brought by any person to collect compensation benefits the commission may, if it shall appear from the evidence in said proceedings that the employer is liable under the provisions of this section, award payment of the sum of three hundred dollars herein prescribed to the subsequent injuries fund without joining the people of the State of California as a party.

“(e) If an employer or his insurance carrier shall pay said sum of three hundred dollars into the subsequent injuries fund and at any time thereafter an award shall be made by the industrial accident commission against him in favor of any person of a death benefit as a dependent of the deceased employe, it shall be the duty of the commission to order the repayment from the subsequent injuries fund of said sum of three hundred dollars or so much thereof as may be necessary, to be applied upon the liability of the employer or his insurance carrier to such dependent.

“(11) The commission may prepare, adopt, and from time to time amend, a schedule for the determination of the percentages of permanent disabilities, such table to be based upon the proper combinations of the factors indicated in subdivision seven above. Such schedule shall be available for public inspection, and without formal introduction in evidence shall be prima facie evidence of the percentage of permanent disability

to be attributed to each injury covered by said schedule.”

BEET FIELD WORKERS

Many complaints were filed with the Commission during the year 1930 that men, women and children employed in the beet fields of this state were unable to secure the wages they had earned. It seemed impossible for many of them to secure other employment; therefore, it became necessary for them to depend upon charity. We would suggest that wages for labor in the beet fields should be the first charge against the crop and that the provisions of the Mechanics' Lien Law should be extended to protect these people in the same manner as mechanics are now protected under the state law.

WAGES PAID WOMEN WORKERS

During the past year the Commission has investigated the wages of 11,360 women employes in the State of Colorado, 8,571 being women employes in the City and County of Denver, and 2,789 being women employes outside of Denver. The investigations were made in the different employments as follows:

DENVER:

Cafes—Restaurants	429
Cafeterias	61
Motor Companies.....	42
Drug Stores.....	84
Hotels	421
Laundries	980
Elevator Pilots—Public Buildings.....	136
Stores	3,788
Public Utilities.....	1,312
Miscellaneous Industries	1,318
	<hr/>
	8,571

OUTSIDE OF DENVER:

Hotels—Cafes	420
Laundries	458
Stores	788
Elevator Pilots—Public Buildings.....	30
Public Utilities.....	424
Miscellaneous Industries	669
	<hr/>
	2,789

Following is a table showing a list of the wages paid women workers in the various employments in the City and County of Denver and throughout the State of Colorado:

HOTELS—DENVER

WEEKLY WAGE

\$10.00 and Under	\$10.00 to \$12.00	\$12.00 to \$14.00	\$14.00 to \$16.00	\$16.00 to \$20.00	\$20.00 and Up	Total Employees
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MAIDS

With Room or Board.....	8	15	1	0	0	1	25
Without Room or Board.....	47	133	10	0	0	0	190

HOUSEKEEPERS

With Room or Board.....	1	2	0	2	3	1	9
Without Room or Board.....	0	1	3	0	3	4	11

WAITRESSES

With Room or Board.....	23	33	12	1	4	3	76
Without Room or Board.....	0	0	0	0	0	0	0

OPERATOR—CLERKS—CLERICAL

With Room or Board	5	0	3	1	10	4	23
Without Room or Board.....	5	4	0	2	14	10	35

COOKS

With Room or Board.....	0	0	1	1	2	4	8
Without Room or Board.....	0	0	0	0	0	0	0

MISCELLANEOUS

With Room or Board.....	0	3	0	0	3	1	7
Without Room or Board.....	0	4	5	6	14	8	37

CAFES AND RESTAURANTS—DENVER

WEEKLY WAGE

\$6.00 to \$10.00	\$10.00 to \$12.00	\$12.00 to \$14.00	\$14.00 to \$16.00	\$16.00 to \$18.00	\$18.00 and Over	Total Employees
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WAITRESSES

With Board.....	38	46	74	22	57	1	238
Without Board.....	27	46	0	10	43	4	130

CASHIERS

With Board.....	1	4	3	6	2	5	21
Without Board.....	0	4	0	0	3	3	10

COOKS

With Board.....	0	2	2	0	2	9	15
Without Board.....	0	0	0	0	0	2	2

DISHWASHERS

With Board.....	2	2	2	0	0	0	6
Without Board.....	0	0	0	0	0	0	0

ALL OTHERS

With Board.....	0	0	1	1	0	4	6
Without Board.....	0	0	0	0	0	1	1

CAFETERIAS—DENVER**WEEKLY WAGE**

	\$6.00 to \$10.00	\$10.00 to \$12.00	\$12.00 to \$14.00	\$14.00 to \$16.00	\$16.00 to \$18.00	\$18.00 and Over	Total Employees
STEAM TABLE SERVERS							
With Board.....	0	10	8	4	4	0	26
Without Board.....	4	3	2	0	0	0	9

CASHIERS—BOOKKEEPERS

With Board.....	0	0	0	0	2	2	4
Without Board.....	0	0	0	1	0	0	1

ALL OTHERS

With Board.....	8	5	0	0	0	7	20
Without Board.....	1	0	0	0	0	0	1

HOTELS—CAFES—RESTAURANTS—OUTSIDE OF DENVER**WEEKLY WAGE**

	\$10.00 and Under	\$10.00 to \$12.00	\$12.00 to \$14.00	\$14.00 to \$16.00	\$16.00 to \$20.00	\$20.00 and Over	Total Employees
MAIDS							
With Room or Board.....	4	2	6	0	0	0	12
Without Room or Board.....	9	33	13	6	0	0	61

HOUSEKEEPERS

With Room or Board.....	5	0	0	0	1	3	9
Without Room or Board.....	1	1	0	1	2	3	8

WAITRESSES

With Room or Board.....	26	32	2	0	0	2	62
Without Room or Board.....	20	32	18	3	3	1	77

OPERATORS—CLERKS—CASHIERS

With Room or Board.....	5	2	1	2	2	2	14
Without Room or Board.....	5	3	4	4	7	5	28

COOKS

With Room or Board.....	3	1	1	0	0	3	8
Without Room or Board.....	0	3	3	5	4	1	16

MISCELLANEOUS

With Room or Board.....	30	5	7	4	4	2	52
Without Room or Board.....	30	13	10	6	9	5	73

STORES—DENVER**WEEKLY WAGE**

	\$10.00 and Under	\$10.00 to \$15.00	\$15.00 to \$20.00	\$20.00 to \$25.00	\$25.00 to \$30.00	\$30.00 and Over	Total Employees
Dept. Heads, Foreladies and Buyers	0	3	15	17	17	83	135
Stenos-Bookkeepers, Office Work	34	664	331	183	62	44	1318
Salesladies, Store Clerks.....	263	582	323	110	31	49	1358
Telephone Operators.....	1	11	7	8	5	1	33
Cashiers	9	26	10	7	4	2	58
All Others.....	184	286	281	110	25	0	886

STORES—OUTSIDE OF DENVER

WEEKLY WAGE

	\$10.00 and Under	\$10.00 to \$15.00	\$15.00 to \$20.00	\$20.00 to \$25.00	\$25.00 to \$30.00	\$30.00 and Over	Total Employees
Dept. Heads, Foreladies, Buyers	0	3	4	8	1	4	20
Stenos-Bookkeepers, Office Work	10	41	56	54	22	11	194
Salesladies and Store Clerks	94	205	113	34	14	8	468
Telephone Operators.....	0	2	2	6	0	0	10
Cashiers	3	7	5	1	0	0	16
All Others.....	25	26	14	8	3	4	80

DRUG STORES—DENVER

WEEKLY WAGE

	\$12.00 to \$14.00	\$14.00 to \$16.00	\$16.00 to \$18.00	\$18.00 to \$20.00	\$20.00 to \$25.00	\$25.00 and Over	Total Employees
Soda Fountain Dispensers....	29	6	2	1	0	0	38
Cashier-Sales Clerks.....	1	1	6	27	4	0	39
Stenographers, Bookkeepers	0	0	0	1	4	2	7

LAUNDRIES—DENVER

WEEKLY WAGE

	\$10.00 and Under	\$10.00 to \$12.00	\$12.00 to \$14.00	\$14.00 to \$16.00	\$16.00 to \$18.00	\$18.00 and Over	Total Employees
Mangle Operators.....	42	176	11	8	0	3	240
Machine	6	13	84	51	6	60	220
Hand Ironers	0	9	19	45	1	14	88
Markers, Sorters, Checkers..	0	7	41	15	31	27	121
Supervisors	0	0	1	0	1	2	4
Office Girls	1	4	7	16	16	3	47
Seamstress	1	3	7	2	0	0	13
Steno-Clerical	0	5	0	6	2	23	36
General and Miscellaneous..	0	55	24	127	1	4	211

LAUNDRIES—OUTSIDE OF DENVER

WEEKLY WAGE

	\$10.00 and Under	\$10.00 to \$12.00	\$12.00 to \$14.00	\$14.00 to \$16.00	\$16.00 to \$18.00	\$18.00 and Over	Total Employees
Mangle	72	42	14	0	0	0	128
Machine	31	12	25	9	0	0	77
Hand Ironers	6	26	21	13	0	0	66
Markers, Sorters, Checkers..	9	10	9	15	4	4	51
Supervisors	0	0	1	1	0	0	2
Office Girls	0	0	6	4	3	5	18
Seamstress	0	3	3	2	2	0	10
Steno-Clerical	0	0	0	0	1	5	6
General and Miscellaneous..	25	35	9	18	8	5	100

BUILDING ELEVATOR PILOTS—DENVER

MONTHLY WAGE

	\$35.00	\$45.00	\$50.00 to \$60.00	\$60.00 to \$70.00	\$70.00 to \$80.00	\$80.00 to \$90.00	\$90.00 to \$100.00	Total Employees
Starters or Head Pilots	0	0	1	3	6	3	2	15
Pilots and Asst. Pilots	2	2	56	49	12	0	0	121

BUILDING ELEVATOR PILOTS—OUTSIDE OF DENVER**MONTHLY WAGE**Total
Employees

Pilots, 7 at \$50.00	
Pilots, 1 at 40.00	
Pilots, 2 at 30.00	
Pilots, 1 at 25.00	
Scrubwomen or janitors, 19 receive \$50.00	30

MOTOR COMPANIES—DENVER**MONTHLY WAGE**

	\$60.00 to \$75.00	\$75.00 to \$100.00	\$100.00 to \$125.00	\$125.00 to \$150.00	\$150.00 to \$175.00	Total Employees
Stenographers, Clerks and Cash- iers, Telephone Operators, Book- keepers	8	16	7	7	4	42

MISCELLANEOUS INDUSTRIES—DENVER**WEEKLY WAGE**

	\$10.00 and Under	\$10.00 to \$15.00	\$15.00 to \$20.00	\$20.00 to \$25.00	\$25.00 to \$30.00	\$30.00 and Up	Total Employees
Dept. Heads and Foreladies..	0	3	7	3	0	28	41
Stenos-Bookkeepers-Office Work, Cashiers and Tele- phone Operators.....	2	14	49	51	22	12	150
Miscellaneous	58	416	237	56	210	150	1127

MISCELLANEOUS INDUSTRIES—OUTSIDE OF DENVER**WEEKLY WAGE**

	\$10.00 and Under	\$10.00 to \$15.00	\$15.00 to \$20.00	\$20.00 to \$25.00	\$25.00 to \$30.00	\$30.00 and Up	Total Employees
Dept. Heads and Foreladies	0	0	2	0	0	4	6
Stenos-Bookkeepers-Office Work, Cashiers and Tele- phone Operators.....	0	9	30	53	30	11	133
Miscellaneous	55	313	141	19	0	2	530

PUBLIC UTILITIES—DENVER**WEEKLY WAGE**

	\$12.00 and Under	\$12.00 to \$14.00	\$14.00 to \$16.00	\$16.00 to \$20.00	\$20.00 to \$25.00	\$25.00 to \$30.00	\$30.00 and Up	Total Employees
Secretaries, Supervis- ors and Instructors	0	0	0	6	68	28	15	117
Stenos-Bookkeepers, Cashiers, Office Wk.	7	56	9	175	256	57	31	591
P. B. X Telephone Operators	0	0	0	3	4	6	0	13
Chief Tel. Operators..	0	0	0	0	0	9	7	16
Telephone Operators..	0	17	179	279	33	4	0	512
Jr. Tel. Operators.....	0	12	21	0	0	0	0	33
Miscellaneous	4	0	6	11	5	2	2	30

PUBLIC UTILITIES—OUTSIDE OF DENVER

WEEKLY WAGE

	\$12.00 and Under	\$12.00 to \$14.00	\$14.00 to \$16.00	\$16.00 to \$20.00	\$20.00 to \$25.00	\$25.00 to \$30.00	\$30.00 and Up	Total Employees
Secretaries, Supervisors and Instructors	0	0	0	10	15	1	0	26
Stenos-Bookkeepers, Cashiers, Office Wk.	1	3	9	24	10	6	5	58
Chief Tel. Operators..	0	0	0	6	6	6	2	20
Telephone Operators..	0	44	126	41	1	0	0	212
Jr. Tel. Operators.....	54	42	0	0	0	0	0	96
Miscellaneous	0	1	2	4	1	4	0	12

In the opinion of the Commission the above statement will show that a large majority of the women employed in the cases investigated by the Commission are not receiving a living wage. It is the opinion of this Commission that a minimum wage should not be less than \$17.20 per week to allow a woman to live decently and receive a fair compensation for her services.

After careful consideration and investigation we would submit the following as a basis for a minimum wage for the women workers of Colorado:

Breakfast, seven days @ 30c per day.....	\$ 2.10 per week
Lunch, seven days @ 30c per day.....	2.10 per week
Dinner, seven days @ 50c per day.....	3.50 per week
Room	4.00 per week
Laundry50 per week
Amusements, reading matter, etc.....	1.00 per week
Clothing	1.50 per week
Doctor, dentist, savings account to be used in case of unemployment or illness.....	1.50 per week
Car or bus fare.....	1.00 per week
	<hr/>
	\$17.20 per week

WOMEN'S EIGHT-HOUR LAW

A large number of violations of the Women's Eight-Hour Law were reported to the Commission. Upon investigation the employers, as a general rule, agreed to obey the law in the future when their attention was called to its provisions and penalties. Three arrests were made, one in Pueblo and two in Colorado Springs. In each case the party pleaded guilty and was fined \$50.00 and costs.

It is very difficult to secure information in cases of violations of this law. The average woman employe is afraid to give information because, as a rule, she fears she will be discharged.

STATE COMPENSATION INSURANCE FUND**230 State Office Building****Denver**

January 1, 1931.

Hon. Industrial Commission of Colorado,
State Office Building,
Denver, Colorado.

Gentlemen:

As shown by the financial statements which are a part of this report the period January 1, 1929, to November 30, 1930, has been one of steady progress for the State Fund. More premiums were written in 1929 applicable to a twelve months' period than during any other year in the history of the Fund. In spite of the unsettled business conditions the Fund's premiums written for the full year 1930 will show very little fluctuation from the year 1929. However, it might be well to note that the effect of general business conditions on the Fund's business will undoubtedly be more fully reflected in 1931 when adjustments are made on 1930 premiums.

The Fund continues to write compensation insurance at rates 15% under those charged by other carriers, and in addition has returned the following dividends during the period covered by this report:

1929 the Miscellaneous Group 15% for the first half of the year, and 20% for the second half of the year;

Metal Mines Group 20% for the first half of the year, and 25% for the second half of the year;

The Cities Group 20% for the full year;

For the fiscal year ending June 30, 1929, a dividend of 25% was returned to the Counties Group, and a dividend of 50% to the School District Group.

For the year 1930 the Miscellaneous Group received 20% for the full year;

Metal Mines Group 25% for the first half of the year, and 20% for the second half of the year;

Cities Group 20% for the full year;

For the fiscal year ending June 30, 1930, the dividend to the County Group was 20%;

School District Group 50%, and Town Group 20%.

Not only has the fund saved its policyholders considerable sums in the cost of their compensation insurance for a number of years, but it has rendered service which is at least equal to that furnished by the best private carriers.

That the State Fund is the leading compensation insurance carrier in Colorado is evidenced by the fact that in 1929 the Fund wrote more business than any other one company and more than the combined total of the business written by over 50 of the com-

panies engaged in writing workmen's compensation insurance in this State. This indicates a real appreciation of the protection and service afforded by State Fund insurance.

There has been an increase in the work of the Claim Department of the Fund over that shown by the previous report. During 1929 there was reported to the Fund 5,539 accidents, and during the first eleven months of 1930 4,558 accidents. The Fund is constantly endeavoring to improve its claim service to the end that fair and speedy adjustment of all claims may be made.

The addition to the personnel of a Director of Claims—who is an attorney—and a redistribution of the work has done much to relieve conditions in the Claim Department and has resulted in better investigation, handling, and adjustment of claims.

In 1929 the Fund paid out for compensation and medical benefits \$484,387.67 as compared to payments totaling \$407,378.04 for the year 1928.

Payments for compensation and medical benefits for the first eleven months of 1930 amounted to \$462,477.34, indicating that for the full year 1930 total payments will be slightly more than one-half million dollars.

It has not been necessary during the period covered by this report to make any important changes in the Underwriting or Accounting Departments in order to efficiently handle the increased volume of work due to the increase in the number of policyholders of the Fund; during this period there has been a net gain of 200 in the number of policies in force.

One of the most important functions of any insurance carrier is the prevention of accidents. Since the middle of 1929 the Fund has had an Inspector of Industries who devotes full time to accident prevention work. The Fund is also a member of the National Safety Council.

Up to this time the Fund's efforts in accident prevention have been devoted to the larger employers and those with bad accident records, but activities will eventually be extended to all policyholders.

While it is difficult to arouse enthusiasm among employers and employes for safety work, it is felt that considerable progress has been made in this direction, as a number of employers are co-operating by putting their plants in first class physical condition, and their Safety Organizations are supervising and educating employes in safety practices.

The actuarial and statistical work of the Fund has been improved and extended since the employment of an actuary—as authorized by the last Legislature—and continued improvement should be noted in this Department.

While there has been an increase in the expenses of the Fund, due principally to the new employes mentioned above, the gain in efficiency and in improved service more than offsets such in-

crease. The expense ratios of other competitive State Funds are not available for the period covered by this report, but in view of the Fund's present expense ratio as compared to that of other Funds in 1926 makes it safe to assume that the Fund's ratio of expenses to premiums is still lower than any other competitive State Insurance Fund and no difficulty has yet been encountered in keeping the Fund's expenses within the 10% allowed by law.

Respectfully,

H. W. REDDING,
Manager.

ASSETS AND LIABILITIES

1929

ASSETS

Bonds	\$2,811,830.00
Warrants	61,403.60
Premiums in Course of Collection.....	153,322.55
Cash on Deposit with State Treasurer.....	66,562.45
Interest	26,547.40
Total Assets	\$3,119,666.00

LIABILITIES

Reserve for Losses.....	\$1,668,654.93
Unearned Premiums	244,086.17
Dividends Declared but Unpaid.....	29,688.94
Reserve for Reinsurance.....	2,138.85
Reserve for Dividends.....	50,000.00
Total Liabilities.....	\$1,994,568.89
Excess of Assets over Liabilities.....	1,125,097.11
	\$3,119,666.00

RECEIPTS AND DISBURSEMENTS

1929

INCOME

Premiums Written.....	\$ 725,124.67
Interest Received.....	127,085.76
From Sale and Redemption of—	
U. S. Government Bonds.....	294,058.44
Warrants and Municipal Bonds.....	3,712.73
Total Receipts.....	\$1,149,981.60
Cash on Hand December 31, 1928.....	\$115,933.30
Premiums Outstanding December 31, 1928	140,817.67
	256,750.97
	\$1,406,732.57

DISBURSEMENTS

Compensation and Medical Benefits Paid.....	\$ 484,387.67
Dividends Paid to Policyholders.....	123,814.35
Operating Expenses.....	49,346.49
Bonds and Warrants Purchased:	
Municipal Bonds	\$451,395.35
State of Colorado Warrants.....	60,645.10
Miscellaneous Warrants.....	1,092.92
	513,133.37
Accrued Interest on Bonds Purchased.....	3,850.13
Reinsurance Premium.....	4,555.89
Total Disbursements.....	\$1,179,087.90
Cash on Hand December 31, 1929.....	\$ 66,562.45
Premiums Outstanding December 12, 1929	161,082.22
	227,644.67
	\$1,406,732.57

STATEMENT OF RECEIPTS AND DISBURSEMENTS

January 1, 1930, to November 30, 1930

INCOME

Premiums Written	\$ 623,240.45	
Interest Received	100,571.37	
Received from sale and redemption of Bonds and Warrants	270,265.91	
Salvage Claims	66.30	
		<hr/>
		\$ 994,144.03
Cash due from State Treasurer		
December 31, 1929.....	\$ 66,562.45	
Premiums outstanding Dec. 31, 1929....	161,082.22	227,644.67
		<hr/>
		\$1,221,788.70

DISBURSEMENTS

Compensation and Medical Paid.....	\$ 462,477.34	
Dividends to Policyholders.....	128,947.67	
Operating expenses	53,612.70	
Investments in Bonds and Warrants.....	414,904.92	
Premiums charged off.....	694.06	
Reinsurance	4,709.24	
		<hr/>
		\$1,065,345.93
Cash on hand Nov. 30, 1930.....	\$ 70,427.69	
Premiums outstanding Nov. 30, 1930....	86,015.08	156,442.77
		<hr/>
		\$1,221,788.70

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