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Supreme Court Decisions

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WORKMEN'S COMPENSATION—STATUS OF JUROR—NOT WITHIN COMPENSATION ACT.—*Board of County Commissioners of the County of Eagle, et al. v. Evans*—No. 13,978—Decided August 10, 1936—*Opinion by Mr. Justice Hilliard.*

Evans was summoned to serve as a juror in the District Court in a criminal case and after submission of case and the jury not having agreed upon a verdict, they were kept in the jail over night and there being insufficient covering, Evans caught cold which resulted in pneumonia and by reason thereof was never able to work as before. The commission denied compensation, which ruling was reversed by the District Court.

1. A juror is not a county employe within the meaning of the compensation act.

2. The act only applies to "Every person in the service of the state or of any county * * * under any appointment or contract of hire, express or implied."

3. A juror does not come within such classification. His position as a juror is not the result of contract. He functions as part of the judicial machinery by majesty of the law and not by appointment or contract.—*Judgment reversed.*

APPEAL AND ERROR—MOTION TO DISMISS—STIPULATION OF FACTS IN LIEU OF BILL OF EXCEPTIONS—*Luttrell vs. London and Provincial Marine and General Insurance Company, Limited*—No. 13936—Decided July 27, 1936—*Opinion by Mr. Justice Butler.*

The defendant in error moved to dismiss the writ of error for the reason that the only error assigned is the insufficiency of the evidence and because there was no bill of exceptions. The case was tried upon written stipulation of facts filed with the clerk and appears in the transcript.

1. The written stipulation of facts constituted a part of the records and files of the clerk of the trial court and the transcript was certified by him as containing true and correct copies of the records and files.

2. Under rule 27a, which provides that copies of records and files of the clerk of the trial court shall be certified by him and all other portions of said transcript, save the assignments, shall be certified by the trial judge. Under this rule it was not necessary to have a separate bill of exceptions.—*Motion to dismiss denied.*