

In suit against *tort-feasor* by insurer, defendant's liability is independent of fact and amount of award, the insurer being subrogated to rights of dependents, and measure of damages is same as if dependents had proceeded against him in first instance. Demurrer. Parties in interest. *Md. Casualty Co. v. Elec. Mfg. Co.*, 145 Md. 646.

Chauffeur of owner of truck while driving around city block at request of foreman of repair shop to test repairs not acting in scope of employment. *Trautman v. Warfield & Rohr Co.*, 151 Md. 418.

Provision authorizing employee or his dependents to sue if employer or insurer fails to bring suit within two months, does not restrict to such period employer's or insurer's right of action. Concurrent rights of action; one recovery. *State v. Francis*, 151 Md. 149.

Employer, if not self-insured, not necessary party to enforce liability of third person. Piling of freight. Contributory negligence. *Texas Co. v. W., B. & A. R. Co.*, 147 Md. 171.

Effect of failure of employer or insurer to sue within two months. *Md. Cas. Co. v. Elec. Mfg. Co.*, 145 Md. 652; *State v. Francis*, 151 Md. 151.

When employee of contracting firm loaned to another company, compensation having been awarded against contracting firm and suit brought against other company under this section, held question for jury whether he was servant of defendant or of contracting firm; contributory negligence also for jury. *Sugar Refining Co. v. Gilbert*, 145 Md. 254.

Duty of police officer to use care in performing duties; failure to use such care amounting to contributory negligence, he may not recover for injury. Collision with truck; excessive speed. *Sudbrook v. State*, 153 Md. 195.

See notes to sec. 62.

1927, ch. 396.

**58A.** The Superintendent of the State Accident Fund, with the consent and approval of the State Industrial Accident Commission, shall have full power and authority to compromise and settle any claim which it may have against any person who is alleged to be legally liable for any accident in which compensation is paid by the State Accident Fund, provided, however, that no settlement shall be made by the State Accident Fund which shall prejudice the rights of the injured employee in any claim against any such person, without the consent and approval of the injured employee.

See sec. 16.

**59.**

This section referred to in construing sec. 58—see notes thereto. *State v. Francis*, 151 Md. 150; *Md. Cas. Co. v. Elec. Mfg. Co.*, 145 Md. 652.

**62.**

Principal contractor and its insurer entitled to participate in appeal of sub-contractor from award by Commission against subcontractor and principal contractor and their insurers. Indemnity. Good practice. *Core Contracting Co. v. Schaeffer*, 151 Md. 500.

In case injured employee of sub-contractor or his dependents proceed against contractor, latter becomes statutory employer of injured person, and hence may not be sued as third person at fault under sec. 58. Only where injury or death results from deliberate intention of employer may he abandon this article and sue at law. See notes to sec. 36. *State v. Bennett Bldg. Co.*, 154 Md. 162.

**63.**

This section referred to in construing sec. 58—see notes thereto. *Clough & Molloy v. Shilling*, 149 Md. 193.

This section construed in connection with sec. 62—see notes thereto. *Core Contracting Co. v. Schaeffer*, 151 Md. 502.

See notes to secs. 39 and 65.