

accidents leading to the injuries for which the awards were made, and a detailed statement of the expenses of the Commission and the condition of the State Accident Fund, together with any other matters which the Commission deems proper to report to the Governor, including any recommendations it may desire to make.

### Suit—Methods of Insurance.

An. Code, 1924, sec. 14. 1912, sec. 14. 1914, ch. 800, sec. 14. 1916, ch. 597, sec. 14.

14. Every employer subject to the provisions of this article, shall pay or provide as required herein compensation according to the schedules of this article for the disability or death of his employee resulting from an accidental personal injury sustained by the employee arising out of and in the course of his employment without regard to fault as a cause of such injury, except where the injury is occasioned by the wilful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty. Where the injury is occasioned by the wilful intention of the injured employee to bring about the injury or death of himself or of another, or where the injury results solely from the intoxication of the injured employee while on duty, neither the injured employee nor any dependent of such employee shall receive compensation under this article.

The liability prescribed by the last preceding paragraph shall be exclusive, except that if an employer fails to secure the payment of compensation for his injured employees and their dependents as provided in this article, an injured employee or his legal representative in case death results from the injury, may, at his option, elect to claim compensation under this article, or to maintain an action in the Courts for damages on account of such injury; and in such an action the defendant may not plead as a defense that the injury was caused by the negligence of a fellow servant or that the employee assumed the risk of his employment, or that the injury was due to the contributory negligence of the employee. If an employer, besides employing workmen in extra-hazardous employment within the meaning of this article, shall also employ workmen in employments not extra-hazardous, the provisions of this article shall apply only to the extra-hazardous employments within the meaning of this article and the workmen employed therein, except as provided in Section 44 of this article.

In claim for accidental injury, held there was sufficient evidence to require submission of issues to jury as to whether the disability resulted from injury arising out of employment. *Foble v. Knafely*, Daily Record, May 8, 1939.

Where truck driver fell into harbor and drowned, while waiting for truck to be loaded, held that death resulted from accident arising out of his employment. *Balto. Towage etc., Co. v. Shenton*, 175 Md. 30.

Employee has right to sue employer at common law only when employer has failed to comply with Workmen's Compensation Law, in which case he may claim compensation under Act or at common law on account of injury. *Kramer v. Globe Brewing Co.*, 175 Md. 461.

Where policy issued to employer, insuring him against liability for injuries to employees, employee can demand the benefit of nothing more than employer obtained by policy; rider on policy. *Hurt v. Casualty Ins. Co.*, 175 Md. 410.

Automobile mechanic who sustained a hernia while putting wheel on truck, held not to have sustained accidental injury as contemplated by statute, entitling him to compensation. *Jackson v. Ferree*, 173 Md. 400.

Cited in construing Secs. 33 and 46. *Baltimore v. Trunk*, 172 Md. 39.

Legislative intent to include not only all compensable injuries, but every injury suffered by worker in course and arising out of employment for which there was subsisting right of action. Phosphorus poisoning held accidental injury. Occupational disease. Suit at law not maintainable. *Victory Sparkler Co. v. Francks*, 147 Md. 376.