

widow, widower, child, children or dependents of the employee shall have the privilege either to take under this article or have cause of action against such employer, as if this article had not been passed.

This section referred to in construing sec. 72—see notes thereto. *Hagerstown v. Schreiner*, 135 Md. 653 (decided prior to act of 1920, ch. 456). And see *Jirout v. Gebelein*, 142 Md. 698.

See notes to sec. 77.

An. Code, 1924, sec. 46. 1912, sec. 46. 1914, ch. 800, sec. 45. 1916, ch. 597, sec. 46.

**58.** Notwithstanding anything hereinbefore or hereinafter contained, no employee or dependent of any employee shall be entitled to receive any compensation or benefits under this Article on account of any injury to or death of an employee caused by self-inflicted injury, the wilful misconduct, or where the injury or death resulted solely from the intoxication of the injured employee.

Intoxication not a defense to claim unless sole cause of injury. *Southern Can Co. v. Sachs*, 149 Md. 562.

Decision of commission as to wilful misconduct *prima facie* correct; when wilful misconduct question of fact, not of law. Burden of proof. *Harris v. Dobson & Co.*, 150 Md. 78.

See notes to sec. 77.

The conduct of an employee in attempting to pass between cars in a car erecting shop, though he had been warned of an impending movement, coupled with his stopping to talk as he was crossing, held not to amount to "wilful misconduct." Cases reviewed. *Balto. Car Foundry Co. v. Ruzicka*, 132 Md. 492.

Appellee's effort to board a rapidly moving automobile truck held not to constitute "wilful misconduct." *Beasman v. Butler*, 133 Md. 387.

See notes to sec. 14.

An. Code, 1924, sec. 47. 1912, sec. 47. 1914, ch. 800, sec. 46.

**59.** If it be established that the injured employee was of such age and experience when injured as that under the natural conditions his wages would be expected to increase, this fact may be considered in arriving at his average weekly wage.

This section referred to in construing sec. 48. *Balto. Pub. Co. v. Hendricks*, 156 Md. 75.

An. Code, 1924, sec. 48. 1914, ch. 800, sec. 47. 1927, ch. 536. 1939, ch. 571.

**60.** Every minor employee engaged in extra-hazardous employment or work covered by this Article shall be deemed *sui juris* for the purposes of this Article; and no other person shall have any cause of action or right to compensation for any injury to such minor employee unless otherwise herein provided. All compensation and death benefits provided by this Article, however, shall be doubled in the case of any minor employed illegally under the laws of this State, and no insurance policy shall be available to protect the employer of such minor from the payment of the extra or additional compensation or benefits to be awarded by reason of such illegal employment, but the employer alone shall be liable for the said increased amount of compensation or death benefits; provided, however, that the certificate of the Commissioner of Labor and Statistics shall be conclusive evidence of the legality of any employment for the purposes of this Article.

Workmen's Compensation Law does not apply to minors employed in violation of Child Labor Law. See art. 100, secs. 4, 10. Suit at law; demurrer; prayers. *Tilghman v. Conway*, 150 Md. 530 (decided prior to act 1927, ch. 536).

As to wages of minors, see art. 72A, sec. 2.