

Appeals.

56.

While an insurance carrier may appeal from a decision of the commission, such appeal must be taken in the county where the accident occurred and where the insurance was obtained, and not in the county where the main office of the insurance company is situated. Purpose of the workmen's compensation law; how it will be construed. If a state carried the insurance and appealed from the decision of the commission, such appeal would have to be made in the court for the county where the business was obtained, and not to the Anne Arundel or Baltimore City courts. The fact that the commission sits in Baltimore City does not confer jurisdiction on appeal upon the courts of that city. *Brenner v. Brenner*, 127 Md. 192.

There is nothing in this section which attempts to confine the trial (on appeal) to the testimony taken before the commission. A jury trial implies the right of either party to call witnesses; the party attacking the decision of the commission may upon appeal introduce any proper oral evidence. The legislature intended to secure to the appellant the benefit of article 15, section 6 of the constitution. *Frazier v. Leas*, 127 Md. 575. And see *American Ice Co. v. Fitzhugh*, 128 Md. 385.

The right to open and close the argument follows the burden of proof, and hence upon appeal the appellant has such right. *American Ice Co. v. Fitzhugh*, 128 Md. 383.

Miscellaneous.

1916, ch. 597, sec. 59A.

59A. It shall be the duty of the clerk of the Court to which a case is sent on appeal, under the preceding section, to send to the Commission a duly certified copy of the docket entries, and judgment of the Court in each case heard and determined on appeal.

1916, ch. 597, sec. 60A.

60A. When any person as a principal contractor, undertakes to execute any work which is a part of his trade, business or occupation which he has contracted to perform and contracts with any other person as sub-contractor, for the execution by or under the sub-contractor, of the whole or any part of the work undertaken by the principal contractor, the principal contractor shall be liable to pay to any workman employed in the execution of the work any compensation under this Article which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal contractor, then, in the application of this Article, reference to the principal contractor shall be substituted for reference to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

Where the principal contractor is liable to pay compensation under this section, he shall be entitled to indemnity from any employer, who would have been liable to pay compensation to the employee independently of this section, and shall have a cause of action therefor against such employer.