

In addition to the salary provided in this Section, each Commissioner shall be allowed his actual and necessary traveling and incidental expenses.*

7.

This section referred to in construing section 56—see notes thereto. *Brenner v. Brenner*, 127 Md. 191.

Suit—Methods of Insurance.

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 33 of this article.

Where an employer is sued for a negligent injury and he desires to raise the question of his compliance with the workmen's compensation law as a defence, he should file a special plea setting up such compliance; the burden is on the employer to prove that he has complied with said law and is subject to its provisions. The workmen's compensation law does not in

*The act of 1916, chapter 713, provides that the Mayor and City Council of Baltimore shall not pay after October 1st, 1916, any portion of the salaries of the members of the state industrial accident commission.