

terms prohibit an employer from engaging in extra-hazardous work before he has secured the payment of compensation as provided in this article; option of employee in such case. Constitutionality of this article not passed on because it was not properly raised and also because a case involving the constitutionality of the New York law (similar to the Maryland law) is now pending. (The New York law has since been held constitutional—New York Central R. R. Co. v. White, 61 L. Ed. 667; and see *Salvuca v. Ryan & Reilly Co.*, 131 Md.). *Salvuca v. Ryan & Reilly Co.*, 129 Md. 236.

Correct and incorrect prayers under this section and sections 46 and 62. Intoxication is only a defense if it is the *sole cause* of the injury or the accident resulting in the injury. Recovery under this article is without regard to negligence and contributory negligence is no defence. *American Ice Co. v. Fitzhugh*, 128 Md. 390.

See notes to sections 36 and 54 and to this section in volume 3 of the Annotated Code.

1914, ch. 800, sec. 15. 1916, ch. 597, sec. 15.

15. The employer shall secure compensation to his employees in one of the following ways:

(1) By insuring and keeping insured the payments of such compensation in the State Accident Fund, or

(2) By insuring and keeping insured the payments of such compensation with any stock corporation or mutual association authorized to transact the business of Workmen's Compensation Insurance in this State.

(3) Any such employer who does not with the approval of said Commission voluntarily insure the payment of the compensation by one of the methods designated in the preceding paragraphs of this section, must furnish satisfactory proof to the Commission of his financial ability to pay such compensation himself, in which case the Commission may, at any time and from time to time in its discretion, require the deposit with the Commission of securities, such as are accepted by the Equity Courts of Baltimore City for the investment of trust funds and in an amount or amounts to be determined by the Commission, to secure the liability of the employer to pay the compensation specified in this article; and in order to be informed as to the continued financial responsibility of any such employer the Commission may require reports from him annually or at such other times as the Commission may deem necessary or advisable and may examine such employer under oath or make such other examination of his business as the Commission may determine. If he should fail to furnish such satisfactory proof, or give bond, or deposit such securities as required by the Commission, or if he should at any time fail to render satisfactory reports to the Commission or otherwise satisfy the Commission of his continued financial ability to pay the compensation himself, he shall be subject to the provisions of the first paragraph of this Section of this article and shall be required by the Commission to insure as provided in the first paragraph of said this Section, unless he, at once, insure voluntarily as provided in the second paragraph of this Section.