

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, 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 33 of this article.

The workmen's compensation act is not in violation of either Federal or Md. Constitution. Scheme of the act. The phrase "the law of the land" in Md. Constitution means same as "due process of law" in Federal Constitution. *New York Central R. R. Co. v. White*, 243 U. S. 188, quoted and approved. The workmen's compensation commission is not a court and is not clothed with judicial power within meaning of constitutional provisions. *Solvuca v. Ryan & Reilly Co.*, 131 Md. 279.

Where an employer is sued for a negligent injury and he desires to raise his compliance with workmen's compensation law as a defence, he should file a special plea setting up such compliance; burden is on the employer to prove that he has complied with said law and is subject to its provisions. The law does not in terms prohibit an employer from engaging in extra-hazardous work before he has secured payment of compensation as provided in this article; option of employee in such case. Constitutionality of this article not passed on. *Salvuca v. Ryan & Reilly Co.*, 129 Md. 236.