

A husband or wife of an injured employee, who has deserted said employee for more than one year prior to the time of the injury or subsequently shall not be a beneficiary under this Article.

The reference to remarriage of a dependent widow without dependent children applies where there are no dependent children at time of such remarriage. The case of marriage of a dependent sister, distinguished. *Giggndelle v. Piedmont & George's Creek Coal Co.*, 137 Md. 26.

This section referred to in holding that order of commission denying a motion to reopen a case is appealable. *Bethlehem Corp. v. Simmons*, 132 Md. 508.

This section referred to in construing sec. 36—see notes thereto. *Accident Fund v. Jabobs' Admr.*, 140 Md. 626.

See notes to secs. 42 and 54.

An. Code, sec. 44. 1914, ch. 800, sec. 43. 1920, ch. 456, sec. 44.

**44.** If a beneficiary shall reside or remove out of the United States, and shall have been such non-resident for a period of one year, the Commission may, in its discretion, convert any payments thereafter to become due to such beneficiary into a lump sum payment, not in any case to exceed twenty-four hundred dollars, by paying a sum equal to three-fourths of the then value of such payments.

This section referred to in construing sec. 36—see notes thereto. *Accident Fund v. Jacobs' Admr.*, 140 Md. 626.

See notes to secs. 42 and 54.

An. Code, sec. 45. 1914, ch. 800, sec. 44.

**45.** If injury or death results to a workman from the deliberate intention of his employer to produce such injury or death, the employe, the widow, widower, child, children or dependents of the employe 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. 58—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.

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

**46.** 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.

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, sec. 47. 1914, ch. 800, sec. 46.

**47.** If it be established that the injured employe 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.