

services or treatment rendered or supplies furnished pursuant to Section 37 of this Article, shall not be enforceable unless approved by the Commission. If so approved, such claim or claims shall become a lien upon the compensation awarded, but shall be paid therefrom only in the manner fixed by the Commission. Upon application of any party in interest, the Commission shall have full power to hear and determine any and all questions which may arise concerning legal services rendered in connection with any claim under this Article, and may order any attorney or other person receiving the same, to refund to the person paying the same, any portion of any charge for legal services which the Commission may, in its discretion, deem excessive. Orders of the Commission regulating payments and refunds for legal services may be enforced in the courts of this State in like manner as awards for compensation under this Article.

See notes to sec. 14.

Miscellaneous.

58.

This section does not create new liability, but designates manner of enforcing liability theretofore existing and changes parties benefited. Not necessary to make state legal plaintiff in case suit is brought by dependents of deceased employee; jury may apportion verdict among dependents, after awarding insurer amount paid by latter. Fall of scantling—presumption of negligence. *Clough & Molloy v. Shilling*, 149 Md. 192.

Injured employee or dependents not entitled to damages recovered from "other person" until employer is reimbursed for all payments under award, including court costs; counsel of widow of employee in suit against *tortfeasor* not entitled to compensation from insurer. Widow not statutory agent of insurer. *Barrett v. Indemnity Co.*, 152 Md. 259.

In suit by injured employee against person other than employer, not necessary for jury to find no action by employer or insurer was brought, if this is conceded. Entry to use of employer or insurer; apportionment of verdict. *Stark v. Gripp*, 150 Md. 657.

In suit against *tortfeasor* by insurer, defendant's liability is independent of fact and amount of award, the insurer being subrogated to rights of dependents, and measure of damages is same as if dependents had proceeded against him in first instance. Demurrer. Parties in interest. *Md. Casualty Co. v. Elec. Mfg. Co.*, 145 Md. 646.

Chauffeur of owner of truck while driving around city block at request of foreman of repair shop to test repairs not acting in scope of employment. *Trautman v. Warfield & Rohr Co.*, 151 Md. 418.

Provision authorizing employee or his dependents to sue if employer or insurer fails to bring suit within two months, does not restrict to such period employer's or insurer's right of action. Concurrent rights of action; one recovery. *State v. Francis*, 151 Md. 149.

Employer, if not self-insured, not necessary party to enforce liability of third person. Piling of freight. Contributory negligence. *Texas Co. v. W., B. & A. R. Co.*, 147 Md. 171.

Effect of failure of employer or insurer to sue within two months. *Md. Cas. Co. v. Elec. Mfg. Co.*, 145 Md. 652; *State v. Francis*, 151 Md. 151.

When employee of contracting firm loaned to another company, compensation having been awarded against contracting firm and suit brought against other company under this section, held question for jury whether he was servant of defendant or of contracting firm; contributory negligence also for jury. *Sugar Refining Co. v. Gilbert*, 145 Md. 254.

Duty of police officer to use care in performing duties; failure to use such care amounting to contributory negligence, he may not recover for injury. Collision with truck; excessive speed. *Sudbrook v. State*, 153 Md. 195.