

Contractor for erection of building, with exception of electric equipment, was not statutory employer under sec. 62 of the employee of contractor for electric equipment; contractor to erect building not liable for injuries received by employee of contractor for electric equipment due to breaking of joist where building contractor did all that average prudent and careful man would have done to make place of work safe. *Long Co. v. State Accident Fund*, 156 Md. 641.

This section contrasted with similar law of Texas in holding that Maryland courts are not justified in enforcing cause of action which insurance company might have under Texas Statutes. *London, etc., Co. v. Steamship Co.*, 161 Md. 145.

Prayers and evidence considered in a suit under this section, compensation having been paid by insurer of truck; error to grant instruction which on its face offers jury complete guide for arriving at verdict for plaintiff and fails to refer to defense of contributory negligence. *Hilton Quarries, Inc., v. Hall*, 161 Md. 518.

Damages recovered by self-insurer under this section not limited to award made by Accident Commission, but should be for the full amount of damages to which dependent is entitled. *Mech v. Storrs*, Daily Record, June 28, 1935.

The right of subrogation is not affected by this section other than to show how it shall be exercised by employee and person paying compensation; employer's or insurer's right of action not limited to two months. *Railway Co. v. Assurance Corp.*, 163 Md. 97.

This section referred to in construing secs. 14, 30, 37, *et seq.* *Owners' Realty Co. v. Bailey*, 157 Md. 143.

This section referred to in construing art. 67, sec. 2. *Storrs et al. v. Mech et al.*, 166 Md. 127.

Cited but not construed in *State v. C. & P. Tel. Co.*, 162 Md. 574; *Gordon Sleeprite Corp. v. Waters*, 165 Md. 355.

See notes to sec. 62.

1927, ch. 396.

**58A.** The Superintendent of the State Accident Fund, with the consent and approval of the State Industrial Accident Commission, shall have full power and authority to compromise and settle any claim which it may have against any person who is alleged to be legally liable for any accident in which compensation is paid by the State Accident Fund, provided, however, that no settlement shall be made by the State Accident Fund which shall prejudice the rights of the injured employee in any claim against any such person, without the consent and approval of the injured employee.

See sec. 16.

**59.**

This section referred to in construing sec. 58—see notes thereto. *State v. Francis*, 151 Md. 150; *Md. Cas. Co. v. Elec. Mfg. Co.*, 145 Md. 652.

**62.**

Principal contractor and its insurer entitled to participate in appeal of subcontractor from award by Commission against subcontractor and principal contractor and their insurers. Indemnity. Good practice. *Core Contracting Co. v. Schaeffer*, 151 Md. 500.

In case injured employee of subcontractor or his dependents proceed against contractor, latter becomes statutory employer of injured person, and hence may not be sued as third person at fault under sec. 58. Only where injury or death results from deliberate intention of employer may he abandon this article and sue at law. See notes to sec. 36. *State v. Bennett Bldg. Co.*, 154 Md. 162.

Contractor for erection of building, with exception of electric equipment, was not statutory employer, under this section, of employee of contractor for electric equipment. *Long Co. v. State Accident Fund*, 156 Md. 645.