Where salesman injured by automobile on highway after separating from credit manager whom he had accompanied to electric car, question as to whether injury occurred in course of employment and arose out of it was for jury; not necessary to submit two questions, whether injury occurred in employment and whether it arose out of it, there being single, combined issue presenting the question sufficiently. Weston-Dodson Co. *v.* Carl, 156 Md. 535.

Contractor for erection of building, with exception of electric equipment, was not statutory employer under sec. 77 of employee of contractor for electric equipment. Long Co. *v.* State Accident Fund, 156 Md. 639.

This section, together with secs. 31, 49 and other sections, indicates that employer is primarily liable for payment of compensation and payment may be enforced in case of insolvency of insurer. Owners' Realty Co. *v.* Bailey, 157 Md. 141.

Bright's disease is occupational disease and not compensable. Gunter *v.* Sharp & Dohme, 159 Md. 438.

Where person employed to clean street cars at a certain car barn was killed on the street by automobile, after working hours, as he was about to take a street car for another car barn to get his pay, which he could get at any one of four places in the city at such time as suited him, held that injury and death did not arise out of and in course of his employment within meaning of this section. Miller *v.* United Rys. & Elec. Co., 161 Md. 406.

"Accidental," as used in this article, may mean any fortuitous, casual and unexpected happening which causes personal disability or death which results from some unknown cause, etc., and a heat stroke or heat prostration may be an accident within that definition; conditions, etc. In particular case, held that evidence justified conclusion that employee of State Roads Commission died as result of heat prostration or sunstroke arising out of and in the course of his employment. State Roads Commission *v.* Reynolds, 164 Md. 539.

On claim for death of bus driver caused by monoxide gas as result of starting motor in employer's garage with doors and windows closed, held that evidence did not clearly show driver's knowledge of rule of employer against starting motor under such circumstances, etc., as to require ruling that, as matter of law, his death resulted from "wilful misconduct" on his part. Red Star Motor Coaches *v.* Chatham, 163 Md. 413.

See notes to secs. 33, 44, 48, 77 and 80.

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; Mattare *v.* Cunningham, 148 Md. 313.

Where an employer is sued for a negligent injury and he desires to raise his compliance with workmen's compensation law as a defense, 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. Solvuca *v.* Ryan & Reilly Co., 129 Md. 236.

Correct and incorrect prayers under this section and secs. 58 and 79. Intoxication is only a defense if it is *sole cause* of the injury or accident resulting in injury. Recovery under this article is without regard to negligence and contributory negligence is no defense. American Ice Co. *v.* Fitzhugh, 128 Md. 390; Baltimore Dry Docks Co. *v.* Webster, 139 Md. 628.

Claimant must show not only that injury was sustained in course of employment, but also that it arose out of his employment. The meaning of "arising out of and in the course of the employment" must be largely determined in connection with facts of each particular case (see notes to sec. 80). Where cause of death is in dispute, a prayer asking court sitting as jury to rule that if it found from evidence that decedent met his death as result of a fall occasioned by vertigo or a fit, then verdict must be for defendant, etc., properly refused, inasmuch as such prayer does not embrace a finding that injury was caused *solely* by such physical disability. Cases reviewed. Balto. Dry Docks Co. *v.* Webster, 139 Md. 618.

A man carrying a message relating to a supply of coal for a railroad company's use is not engaged in interstate commerce, and hence is subject to workmen's compensation act. Cases reviewed. Hines *v.* Baechtel, 137 Md. 518.

As to meaning of the term "personal injury," see White *v.* Safe Dep. & Trust Co., 140 Md. 600.

This section referred to in construing sec. 72—see notes thereto. Hagerstown *v.* Schreiner, 135 Md. 654 (decided prior to act of 1920, ch. 456). And see Jirout *v.* Gebelein, 142 Md. 698.

See notes to secs. 15, 48 and 66.

As to negligence causing death, see art. 67.