

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*, 169 Md. 152.

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, 31, 49, *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.

This section referred to in construing sec. 48. *Mech v. Storrs*, 169 Md. 152, 153.

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. 77.

This section (as it stood prior to act of 1920, ch. 456) did not permit dependents to proceed against "other person" and against employer for compensation, but only against one or other. Prayers containing no reference to compensation paid by either employer or insurer are defective. Count inapplicable to a suit under this section. Verdict under this section wholly and only for damages sustained by dependents because of death complained of, such verdict being apportioned among dependents, is reversible error. Effect of "cost plus" contract. *Steel Co. v. Concrete Pile Co.*, 141 Md. 87.

Where a widow secures workmen's compensation benefits, she cannot thereafter bring suit at law against a third party responsible for death of her husband; under this section she must elect between claiming compensation and suing at law. See, however, sec. 57. *Hagerstown v. Schreiner*, 135 Md. 651 (decided prior to act 1920, ch. 456). And see *Jirout v. Gebelein*, 142 Md. 697.

Where an injured man has been awarded compensation, a suit may be brought against a third party at fault and same measure of recovery applies as if injured employee had elected to pursue his remedy against such third party. That suit is in name of employer for benefit of insurance company and injured employee, if not in strict compliance with the statute, is immaterial, as act expressly directs application of amount recovered. *Bethlehem Steel Co. v. Variety Co.*, 139 Md. 325.

The agreement of a contractor engaged in operations upon railroad property to indemnify railroad company against liability for injuries sustained by any person because of such operations is not a bar to an action against railroad company under this section. Proper parties. *State v. N. Y., P. & N. R. Co.*, 141 Md. 307.

Prayers and evidence considered in a suit under this section, compensation having been paid by employer. No liability. *B. & O. R. R. Co. v. Walsh*, 142 Md. 231.

For a suit brought by employer against certain corporations in accordance with this section, see *Kaufman Beef Co. v. United Rwys. Co.*, 135 Md. 526.

Cited but not construed in *Hyde v. Blumenthal*, 136 Md. 451; *Hurt v. Casualty Ins. Co.*, 175 Md. 410; *Phosphate & Acid Works v. Travelers' Ins. Co.*, Daily Record, Dec. 2, 1939.

See notes to sec. 15.

1927, ch. 396.

73. 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.

An. Code, 1924, sec. 59. 1912, sec. 59. 1914, ch. 800, sec. 58.

74. If the provisions of this article relative to compensation for injuries to or death of employees become invalid because of any adjudication, or be repealed, the period intervening between the occurrence of an injury or death, not previously compensated for under this article by lump payment or completed periodical payments shall not be computed as a part