

of the time limited by law for the commencement of any action relating to such injury or death. Provided, that such action be commenced within one year after such repeal or adjudication, but in any such action any sum paid to the employee on account of injury for which the action is prosecuted, shall be taken into account or disposed of as follows: If the defendant employer shall have insured himself as provided for in this article without delinquency, such sums as may have been paid to the employee or his dependents on account of injury or death, shall be credited upon recovery as payment thereon.

This section referred to in construing sec. 72—see notes thereto. *State v. Francis*, 151 Md. 150; *Md. Cas. Co. v. Elec. Mfg. Co.*, 145 Md. 652.

The workmen's compensation act is not in violation of either Federal or Md. Constitution. Scheme of 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. 265.

An. Code, 1924, sec. 60. 1912, sec. 59A. 1916, ch. 597, sec. 59A.

75. It shall be the duty of the clerk of the Court to which a case is sent on appeal, under the preceding section, to send to the Commission a duly certified copy of the docket entries, and judgment of the Court in each case heard and determined on appeal.

An. Code, 1924, sec. 61. 1912, sec. 60. 1914, ch. 800, sec. 59.

76. If any employer shall be adjudicated to be outside the lawful scope of this Article, the Article shall not apply to him or his employees; if any employee shall be adjudicated to be outside the lawful scope of this Article, because of remoteness of his work from the hazard of his employer's work, any such adjudication shall not impair the validity of this Article in other respects, and in every such case an accounting in accordance with the justice of the case shall be had of moneys received.

See notes to sec. 44.

An. Code, 1924, sec. 62. 1912, sec. 60A. 1916, ch. 597, sec. 60A.

77. When any person as a principal contractor, undertakes to execute any work which is a part of his trade, business or occupation which he has contracted to perform and contracts with any other person as sub-contractor, for the execution by or under the sub-contractor, of the whole or any part of the work undertaken by the principal contractor, the principal contractor shall be liable to pay to any workman employed in the execution of the work any compensation under this Article which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from or proceedings are taken against the principal contractor, then, in the application of this Article, reference to the principal contractor shall be substituted for reference to the employer, except that the amount of compensation shall be calculated with reference to the earnings of the workman under the employer by whom he is immediately employed.

Where the principal contractor is liable to pay compensation under this section, he shall be entitled to indemnity from any employer, who would have been liable to pay compensation to the employee independently of this section, and shall have a cause of action therefor against such employer.