

Nothing in this section shall be construed as preventing a workman from recovering compensation under this Article from the sub-contractor instead of from the contractor.

Whenever an employee of a sub-contractor files a claim under this Article against the principal contractor, the principal contractor shall have the right to join the sub-contractor or any intermediate contractors as defendant or co-defendant in the case.

Principal contractor and its insurer entitled to participate in appeal of sub-contractor 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. 72. Only where injury or death results from deliberate intention of employer may he abandon this article and sue at law. See notes to sec. 48. *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.

An. Code, 1924, sec. 63. 1912, sec. 61. 1914, ch. 800, sec. 60.

78. The rule that statutes in derogation of the common law are to be strictly construed shall have no application of this Article; but this Article shall be so interpreted and construed as to effectuate its general purpose.

This section referred to in construing sec. 72—see notes thereto. *Clough & Molloy v. Shilling*, 149 Md. 193.

This section construed in connection with sec. 77—see notes thereto. *Core Contracting Co. v. Schaeffer*, 151 Md. 502.

This section referred to in construing sec. 70. *Monumental Printing Co. v. Edell*, 163 Md. 551; *Boteler v. Gardiner-Buick Co.*, 164 Md. 481.

This section referred to in construing sec. 48. *Victory Sparkler Co. v. Gilbert*, 160 Md. 185.

Cited but not construed in *Balto. Pub. Co. v. Hendricks*, 156 Md. 80; *Broniszewski v. B. & O. R. R. Co.*, 156 Md. 452.

See notes to secs. 51 and 80.

Notwithstanding this section, illegitimate children are not entitled to workmen's compensation benefits. *Scott v. Independent Ice Co.*, 135 Md. 350 (decided prior to act of 1920, ch. 356).

This section referred to in construing sec. 48—see notes thereto. *Scott v. Independent Ice Co.*, 135 Md. 345.

This section referred to in construing sec. 70—see notes thereto. *Brenner v. Brenner*, 127 Md. 193.

An. Code, 1924, sec. 64. 1912, sec. 62. 1914, ch. 800, sec. 61. 1920, ch. 456, sec. 62.

79. In any proceeding for the enforcement of a claim for compensation under this Article, it shall be presumed in the absence of substantial evidence to the contrary:

(a) That the claim comes within the provisions of this Article.

(b) That sufficient notice thereof was given.

(c) That the injury was not occasioned by the wilful intention of the injured employee to bring about the injury or death of himself or of another.

(d) That the injury did not result solely from the intoxication of the injured employee while on duty.

(e) That there has been no prejudice caused by failure to file claim within thirty (30) days.

Cited in construing sec. 80. *Koester Bakery v. Ihrie*, 147 Md. 225 (decided prior to act 1927, ch. 217).

Whether car inspector, inspecting a loaded car, was engaged in interstate commerce, held for jury; burden of proving claimant was engaged in interstate commerce at time of accident is upon employer when trying to defeat claim for compensation on this ground. *Pa. R. R. Co. v. Stallings*, 165 Md. 615.