

CHAPTER 303.

AN ACT to repeal and re-enact with amendments Sections 35 and 58 and Sub-Section 3 of Section 63 of Article 101 (C 1) of the Annotated Code of Maryland (Bagby's Edition), title "Workmen's Compensation," so as to make certain changes in the manner of administering and the extent of the application of Workmen's Compensation.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 35 of Article 101 (C 1) of the Annotated Code of Maryland (Bagby's Edition), title "Workmen's Compensation," be and the same is hereby repealed and re-enacted, with amendments, so as to read as follows:

Section 35. Whenever the State, county, city or any municipality shall engage in any extra hazardous work, within the meaning of this Act, whether for pecuniary gain or otherwise, in which workmen are employed for wages, this Act shall be applicable thereto. Whenever and so long as by State law, City Charter or Municipal Ordinance, provision equal or better than that given under the terms of this Act is made for municipal employes injured in the course of employment, such employes shall not be entitled to the benefits of this Act.

SEC. 2. *And be it further enacted,* That Section 58 of Article 101 (C 1) of the Annotated Code as the same was amended by Chapter 456 of the Acts of the General Assembly of 1920, be and the same is hereby repealed and re-enacted, with amendments, so as to read as follows:

Section 58. Where injury or death for which compensation is payable under this Act, was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the employee, or in the case of death, his personal representatives or dependents as hereinbefore defined, may proceed either by law against that other person to recover damages or against the employer for compensation under this Act, or in case of joint tortfeasors against both; and if compensation is claimed and awarded or paid under this Act, any employer, if he is self-insured, insurance company, association or the State Accident Fund, may enforce for their benefit, as the case may, the liability of such other person; provided, however, if damages are recovered in excess of the compensation already paid or awarded to be paid under this Act, and also any payments made for medical or