

elected to each of the two Houses of the General Assembly, the same shall take effect on May 5, 1941.

Approved May 6, 1941.

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CHAPTER 527.

(Senate Bill 391)

AN ACT to repeal and re-enact with amendments Section 72 of Article 101 of the Annotated Code of Maryland (1939 Edition), title "Workmen's Compensation", sub-title "Miscellaneous", to clarify the provisions of said section.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 72 of Article 101 of the Annotated Code of Maryland (1939 Edition), title "Workmen's Compensation", sub-title "Miscellaneous", be and it is hereby repealed and re-enacted with amendments to read as follows:

72. Where injury or death for which compensation is payable under this Article, 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 Article, or in case of joint tortfeasors against both; and if compensation is claimed and awarded or paid under this Article, any employer, if he is self-insured, insurance company, association or the State Accident Fund, may enforce for their benefit, as the case may be, 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 Article, and also any payments made for medical or surgical services, funeral expenses or for any of the other purposes enumerated in Section 49 of this Article, then any such excess shall be paid to the injured employee, or in case of death to his dependents less the expenses and costs of action incurred by the employer, insurance company, association or State Accident Fund as the case may be. If any such employer, insurance company, association or State Accident Fund shall not, within two months from the passage of the award of this Commis-