

Correct and incorrect prayers under this section and secs. 46 and 64. Intoxication is only a defense if it is *sole cause* of the injury or accident resulting in injury. Recovery under this article is without regard to negligence and contributory negligence is no defence. *American Ice Co. v. Fitzhugh*, 128 Md. 390; *Baltimore Dry Docks Co. v. Webster*, 139 Md. 628.

Claimant must show not only that injury was sustained in course of employment, but also that it arose out of his employment. The meaning of "arising out of and in the course of the employment" must be largely determined in connection with facts of each particular case (see notes to sec. 65). Where cause of death is in dispute, a prayer asking court sitting as jury to rule that if it found from evidence that decedent met his death as result of a fall occasioned by vertigo or a fit, then verdict must be for defendant, etc., properly refused, inasmuch as such prayer does not embrace a finding that injury was caused *solely* by such physical disability. Cases reviewed. *Balto. Dry Docks Co. v. Webster*, 139 Md. 618.

A man carrying a message relating to a supply of coal for a railroad company's use is not engaged in interstate commerce, and hence is subject to workmen's compensation act. Cases reviewed. *Hines v. Baechtel*, 137 Md. 518.

As to meaning of the term "personal injury," see *White v. Safe Dep. & Trust Co.*, 140 Md. 600.

This section referred to in construing sec. 58—see notes thereto. *Hagerstown v. Schreiner*, 135 Md. 654 (decided prior to act of 1920, ch. 456). And see *Jirout v. Gebelein*, 142 Md. 698.

See notes to secs. 15, 36 and 54.

As to negligence causing death, see art. 67.

An. Code, sec. 15. 1914, ch. 800, sec. 15. 1916, ch. 597, sec. 15. 1920, ch. 456, sec. 15.

15. The employer shall secure compensation to his employees in one of the following ways:

(1) By insuring and keeping insured the payments of such compensation in the State Accident Fund, or

(2) By insuring and keeping insured the payments of such compensation with any stock corporation or mutual association authorized to transact the business of Workmen's Compensation Insurance in this State.

(3) Any such employer who does not, with the approval of said Commission, voluntarily insure the payment of the compensation by one of the methods designated in the preceding paragraphs of this section, must furnish satisfactory proof to the Commission of his financial ability to pay such compensation himself, in which case the Commission may, at any time and from time to time in its discretion require the deposit with the Commission of securities such as are accepted by the Equity Courts of Baltimore City for the investment of trust funds and in an amount or amounts to be determined by the Commission, to secure the liability of the employer to pay the compensation specified in this Article; and in order to be informed as to the continued financial responsibility of any such employer the Commission may require reports from him annually or at any such other times as the Commission may deem necessary or advisable, and may examine such employer under oath or make such other examination of his business as the Commission may determine. If he should fail to furnish such satisfactory proof, or give bond, or deposit such securities as required by the Commission, or if he should at any time fail to render satisfactory reports to the Commission or otherwise satisfy the Commission of his continued financial ability to pay the compensation himself, he shall be subject to the provisions of the first paragraph of this section of this Article, and shall be required by the Commission to insure as provided in the first paragraph of said this