

Compensation under this Article to alien dependent widows, children and parents, not residents of the United States, shall be the same in amount as is provided in each case for residents, except that at any time within one year after an accident resulting in death the Commission may, in its discretion, convert any payments thereafter to become due to such beneficiaries into a lump sum payment, not in any case to exceed twenty-four hundred dollars, by paying a sum equal to three-fourths of the then value of such payments.

Non-resident alien dependents may be officially represented by the consular officers of the nation of which such alien or aliens may be citizens or subjects, and in such cases the consular officers shall have the right to receive, for distribution to such non-resident alien dependents, all compensation awarded hereunder, and the receipt of such consular officers shall be a full discharge of all sums paid to and received by them.

Dependents.

Except as to those relatives presumed to be wholly dependent, question of dependency in whole or in part and portion of period of eight years after injury during which fifty per cent. of weekly wages is to be paid to those partly dependent is to be determined by commission. When so determined obligation to pay and right of beneficiaries to receive compensation becomes definite and certain. The question of whether, where a dependent dies before completion of weekly payments, a right to a continuation of such payments devolves upon his personal representative, not passed on. This section referred to in construing sec. 54—see notes thereto. *Adleman v. Ocean Acci. & Guar. Cor.*, 130 Md. 577. And see *Accident Fund v. Jacobs' Admr.*, 140 Md. 627.

The words of paragraph 4 of this section, "the following persons shall be presumed to be wholly dependent for support upon a deceased employee," when read in connection with the concluding words of the sentence, do not make a case of total dependency, as a matter of law. Where a husband and wife have been divorced and latter given custody of children, and save for a brief period father made no provision for their support, though he made small cash gifts to them at times, a case of total dependency is not made out. The legal obligation to support must be coupled with a reasonable probability that such obligation will be fulfilled. *State Ind. Ac. Comn. v. Downton*, 135 Md. 414 (decided in 1919).

A woman who is not a man's wife, though she lives with him and is dependent upon him, is not entitled to compensation. Requisites of lawful marriage. Meaning of word "family." Since statute states who shall be entitled to compensation, no other persons are so entitled. *Scott v. Independent Ice Co.*, 135 Md. 344 (decided prior to act of 1920, ch. 456).

Evidence of support of mother by son held sufficient to go to jury on question of partial dependency. Meaning of phrases "actual dependent" and "who are dependents upon the deceased." *Prayers. Grant v. Kotwall*, 133 Md. 575.

Generally.

Prior to act of 1920, ch. 456, where a dependent died pending completion of payments which had been awarded her, her personal representative was entitled to unpaid portion of such benefits. Change made by the act of 1920. Striking similarity between Ohio workmen's compensation act and Maryland act. *Accident Fund v. Jacobs' Admr.*, 140 Md. 624.

In determining compensation under this section, the fact that employer furnishes board for employee is not to be taken into consideration, unless money value of such board was fixed at time of hiring. Term "earnings" is a more comprehensive one than "wages." *Picanardi v. Emerson Hotel Co.*, 135 Md. 96 (decided prior to act of 1920, ch. 456).

Compensation may be had for deafness and permanent paralysis; enumeration of certain injuries in this section is not exclusive. Where pain and suffering result in impairing employee's earning capacity or his ability to secure work, he may recover compensation therefor. See notes to secs. 45 and 58. *Jirout v. Gebelein*, 142 Md. 698.

Illegitimate children are not entitled to workmen's compensation benefits. *Scott v. Independent Ice Co.*, 135 Md. 350 (decided prior to act, 1920, ch. 456).