

Claims and Compensation; Benefits.**36.**

Dependents of deceased employee need not show that employee had been awarded compensation before his death; two separate and distinct classes to whom compensation may be awarded—injured employee and dependents. Award made to employee before death not deductible from award to dependents. *Sea Gull Specialty Co. v. Snyder*, 151 Md. 82.

Award of commission not a "judgment" within meaning of art. 57, sec. 3, but is a specialty within said section, and suit is not barred if instituted within twelve years from date of award. *Mattare v. Cunningham*, 148 Md. 310.

Sub-sec. 3 of this section does not affect power of commission in awarding compensation for permanent partial disability arising from injuries not specified in this section, to determine how or when compensation shall be paid. *Bottling Works v. Lilly*, 154 Md. 246.

If injured employee proceeds against contractor or sub-contractor (under sec. 62), liability of either is exclusive and only other right of such injured employee is under sec. 58. See notes to sec. 62. *State v. Bennett Bldg. Co.*, 154 Md. 162.

Where there are wholly dependent persons, partly dependent persons are not entitled to compensation. Prayers. Widow living apart—dependency. *Harvey v. Roche*, 148 Md. 367.

To third note to this section, page 3134, vol. 2, of Code, add *Holloway v. Safe Dep. Co.*, 151 Md. 335.

This section referred to in construing sec. 58—see notes thereto. *State v. Francis*, 151 Md. 149.

This section referred to in construing word "salary" in sec. 65—see notes thereto. *Koester Bakery v. Ihrie*, 147 Md. 222 (arose prior to act 1924, ch. 217—see sec. 65).

See notes to secs. 14, 35 and 65.

37.

This section referred to in construing sec. 58—see notes thereto. *Clough & Molloy v. Shilling*, 149 Md. 194; *Sudbrook v. State*, 153 Md. 195.

See notes to sec. 38.

38.

Failure to notify employer and commission, as provided in this section, may be excused in discretion of commission. *Victory Sparkler Co. v. Francks*, 147 Md. 381.

39.

Where delay beyond thirty days in filing claim was not raised as bar to proceeding in first instance, and where award was made and paid for nearly a year, and delay in filing claim is first raised on application for continuation of compensation, such delay cannot be considered. *Dickson, etc., Co. v. Beasley*, 146 Md. 571.

This section is mandatory in a death case, and commission may not excuse its non-compliance, notwithstanding sec. 63. Estoppel not made out. Notice not equivalent to application. Limitations must be specially pleaded. *Vang Constr. Co. v. Marcochia*, 154 Md. 403.

This section referred to in construing sec. 58—see notes thereto. *State v. Francis*, 151 Md. 150.

This section referred to in construing sec. 56—see notes thereto. *Owners' Realty Co. v. Bailey*, 153 Md. 278.

40.

See notes to sec. 36.

42.

Failure to accept medical attention; when question not open on appeal. *McCulloh v. Restivo*, 152 Md. 60 (*Of. dissenting opinion*, page 69).

See notes to sec. 65.