

If there are no wholly dependent persons at the time of the death, but are partly dependent persons, those partly dependent shall receive compensation as follows: The weekly payments to such dependents shall be in amount not exceeding sixty-six and two-thirds per centum of the average weekly wages or (\$18.00) eighteen dollars per week, but may, in the discretion of the Commission, be for a less amount per week and to continue for all or such portion of the period of 416 weeks, after the date of the injury, as the Commission in each case may determine, and not to amount to more than a maximum of three thousand dollars.

The following persons shall be presumed to be wholly dependent for support upon a deceased employee: A wife or invalid husband ("invalid" meaning one physically or mentally incapacitated from earning), a child or children under the age of sixteen years (or over said age if physically or mentally incapacitated from earning) living with or dependent upon the parent at the time of the injury or death.

In all other cases, questions of dependency, in whole or in part, shall be determined in accordance with the facts in each particular case existing at the time of the injury resulting in death of such employee, but no person shall be considered as dependent unless such person be a father, mother, grandfather, grandmother, stepchild or grandchild, or brother or sister of the deceased employee, including those otherwise specified in this section.

The right to any compensation payable to any dependent and unpaid at the date of death of any such dependent shall survive to and be vested in the surviving dependents as the Commission may determine, if there be such surviving dependents, and if there be none such, then the compensation shall cease.

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 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. See *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.