

Subsec. 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. Ihrle*, 147 Md. 222 (arose prior to act 1924, ch. 217).

Receipt by employee of greater wages after than before the accident does not bar the award of compensation, especially in the case of a boy with natural expectation of increased earning capacity. *Balto. Pub. Co. v. Hendricks*, 156 Md. 75.

This section referred to in construing secs. 14 and 62. *Long Co. v. State Accident Fund*, 156 Md. 644.

"Total disability" means incapacity to do further work of any kind and not only the kind he was accustomed and qualified to do at the time of the accident; previous accidents. *Congoleum Nalrn v. Brown*, 158 Md. 285.

Evidence of contributions towards support of father and stepmother; partial dependency. *Engineering Co. v. Harris*, 157 Md. 490.

Where child was adopted by husband and wife, under laws of Delaware and after husband's death the wife became dependent upon the adopted son for her support, she is a dependent mother within the meaning of the Workmen's Compensation Law and entitled to compensation for death of adopted son. *Victory Sparkler Co. v. Gilbert*, 160 Md. 184.

An appeal from an order of the Commission denying a claim for total disability cannot be prosecuted by claimant's administratrix for benefit of his estate. *Cambridge Mfg. Co. v. Johnson*, 160 Md. 248.

Award under this section rescinded on death of employee and award made to widow under sec. 54. See notes thereto. *Gratz v. Bethlehem Steel Co.*, 162 Md. 34.

On application to reopen case to determine whether there had been increase of disability from injury for which award had been made, held that physician's testimony as to possible effect of injury upon a pre-existing diseased condition was insufficient to show further disability after the award. *Radiator Co. v. Masenheimer*, 163 Md. 651.

Where award is within limit fixed for permanent partial disability under "other cases", but did not show how the amount was determined, it could not be claimed that the Commission did not comply with the statute that compensation shall be 50% of the difference between his average weekly wages and his earning capacity after the accident. *Balto. Tube Co. v. Dove*, 164 Md. 88.

Grandson of deceased employee, his daughter's illegitimate child, who was member of employees household at time of latter's death, and was supported by him, was a grandchild and a dependent within the meaning of Compensation Act and on death of his grandmother, entitled to unpaid portion of compensation which had been awarded her on death of her husband. *Baking Co. v. Reissig*, 164 Md. 17.

Compensation cannot be allowed for hernia following accidental injury unless the injury causing the hernia was reported within forty-eight hours of its occurrence. *Lloyd v. Webster*, 165 Md. 575 (decided prior to act of 1935, ch. 487).

Executor of sole dependent may recover accrued installments of compensation awards payable to such dependent until time of her death. *Moller Motor Car Co. v. Unger*, 166 Md. 198.

This section referred to in construing art. 67, sec. 2. *Storrs et al. v. Mech et al.*, 166 Md. 127.