

Though witnesses in jurisdiction of court, testimony from record before commission may be read; error, however—though not prejudicial in this case—for counsel of claimant to read jury evidence introduced by employer and insurer. *Savage Mfg. Co. v. Magne*, 154 Md. 51.

Conclusion of commission that injury arose out of employment places burden upon party appealing of proving contrary; when only trial court may withdraw case from jury. *Todd v. Furniture Co.*, 147 Md. 354 (decided prior to act 1927, ch. 587).

In view of this section, court may not on appeal from commission, where there is conflict of evidence, decide as matter of law that finding by commission of permanent partial disability was error. *Bottling Works v. Lilly*, 154 Md. 244.

Failure to accept medical attention. When granting of erroneous issue and refusal of proper one not prejudicial; prayers—burden of proof. See notes to sec. 42. *McCulloh & Co. v. Restivo*, 153 Md. 68 (decided prior to act 1927, ch. 587).

Decision of commission on question of wilful misconduct *prima facie* correct. Court of Appeals does not review questions of fact, but of law only; burden of proof. *Harris v. Dobson & Co.*, 150 Md. 75 (decided prior to act 1927, ch. 587).

Where contract is indefinite or evidence conflicting, question as to whether one is independent contractor or employee is for jury; facts undisputed; question of law; erroneous prayers. *Bogatsky v. Swerdlin*, 152 Md. 22; *Hygeia Ice, etc., Co. v. Schaeffer*, 152 Md. 235 (decided prior to act 1927, ch. 587).

Amendment by adding wife and next friend as appellant, proper; no exception. *Bramble v. Shields*, 146 Md. 507.

This section referred to in construing sec. 58—see notes thereto. *Md. Casualty Co. v. Elec. Mfg. Co.*, 145 Md. 652.

Jury trial on issues of fact not essential to validity of Workmen's Compensation Law; provision that appeal from award shall not act as stay is valid. *Branch v. Indemnity Ins. Co.*, 156 Md. 483.

The provisions of this section as to burden of proof after award by the Commission held to apply. *Weston-Dodson Co. v. Carl*, 156 Md. 535.

Refusal or failure of Commission to excuse delay of claimant is reviewable on appeal. *Shipbuilding Co. v. Praviewski*, 156 Md. 412.

When facts are conceded or undisputed, and there is no dispute as to inferences to be drawn, their legal significance is a matter of law to be determined by the court. *Engineering Co. v. Harris*, 157 Md. 491.

This section referred to in construing secs. 14, 30, *et seq.* *Owners' Realty Co. v. Bailey*, 157 Md. 143.

Where accident occurred in Baltimore County, held that Baltimore City Court had jurisdiction of an appeal from rejection of her petition on account of husband's death, as there was evidence that she continued to reside for considerable periods in the city and declared she intended to reside there. *Bethlehem Steel Co. v. Traylor*, 158 Md. 117.

Where evidence is to effect that disease (Bright's) complained of did not arise out of or in the course of employment, but can only be ascribed to the inherent nature and probable course of employment, without any supervening accidental injury, the question of right to compensation is one of law for the court. *Gunter v. Sharp & Dohme*, 159 Md. 438.

Where claimant fails to appeal within thirty days from order disallowing his claim, he cannot appeal from a subsequent order of the Commission refusing to reopen the case. Question as to whether Commission should reopen case is not question for the jury. *Gold Dust Corp. v. Zabawa*, 159 Md. 664.

To first note under heading "Burden of proof" on page 3141, vol. 2, of Code, add *Aetna Life Ins. Co. v. Bittinger*, 159 Md. 268.

The requirement that the decision of the Commission shall on appeal be taken as *prima facie* correct does not apply where only question is one of statutory construction. *Beyer v. Decker*, 159 Md. 291.

The Baltimore City Court has no jurisdiction to hear appeal from Industrial Accident Commission by resident of Baltimore County on account of accident which occurred in that county. *Miller v. Bethlehem Steel Co.*, 160 Md. 659.

Statutory provision that in case of appeals, the correctness of the decision of the Commission shall be determined from the record made before the Commission applies to appeals then pending, the former provision having been repealed