

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.

This section referred to in construing Sec. 80. *Stevenson v. Hill*, 171 Md. 572.

Statute changing time within which notice of injury must be given does not affect causes of action already barred and thus revive a lost right of action. *Baltimore v. Perticone*, 171 Md. 268.

Claim on account of death caused by hernia resulting from injury in course of employment, without pre-existing hernia, not governed by Ch. 363, 1931, amending this section. *Ross v. Smith*, 169 Md. 86.

Cited in *Stevenson v. Hill*, 170 Md. 678.

This section referred to in construing Sec. 72 and Art. 67. *Assurance Corp. v. B. & O. R. R. Co.*, 173 Md. 247.

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.

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*, 164 Md. 246.

If injured employee proceeds against contractor or sub-contractor (under sec. 77), liability of either is exclusive and only other right of such injured employee is under sec. 72. See notes to sec. 77. *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.

This section referred to in construing sec. 72—see notes thereto. *State v. Francis*, 151 Md. 149.

This section referred to in construing word "salary" in sec. 80—see notes thereto. *Koester Bakery v. Ihrie*, 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 77. *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 Nairn 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.