

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Award under this section rescinded on death of employee and award made to widow under sec. 66. 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 employee's 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.

Fact showing that unmarried sister was wholly dependent on brother was held sufficient to entitle her to damages for death of brother. *Mech v. Storrs*, 169 Md. 150.

See notes to secs. 14, 46 and 80.

Dependents.

Except as to those relatives presumed to be wholly dependent, question of dependency in whole or in part and portion of period of eight years after injury during which fifty per cent. of weekly wages is to be paid to those partly dependent is to be determined by commission. When so determined obligation to pay and right of beneficiaries to receive compensation becomes definite and certain. The question of whether, where a dependent dies before completion of weekly payments, a right to a continuation of such payments devolves upon his personal representative, not passed on. This section referred to in construing sec. 66—see notes thereto. *Adleman v. Ocean Acci. & Guar. Cor.*, 130 Md. 577. And see *Accident Fund v. Jacobs' Admr.*, 140 Md. 627.

The words of paragraph 4 of this section, "the following persons shall be presumed to be wholly dependent for support upon a deceased employee," when read in connection with the concluding words of the sentence, do not make a case of total dependency, as a matter of law. Where a husband and wife have been divorced and latter given custody of children, and save for a brief period father made no provision for their support, though he made small cash gifts to them at times, a case of total dependency is not made out. The legal obligation to support must be coupled with a reasonable probability that such obligation will be fulfilled. *State Ind. Ac. Comm. v. Downton*, 135 Md. 414 (decided in 1919).

A woman who is not a man's wife, though she lives with him and is dependent upon him, is not entitled to compensation. Requisites of lawful marriage. Meaning of word "family." Since statute states who shall be entitled to compensation, no other persons are so entitled. *Scott v. Independent Ice Co.*, 135 Md. 344 (decided prior to act of 1920, ch. 456). *Holloway v. Safe Dep. Co.*, 151 Md. 335.

Evidence of support of mother by son held sufficient to go to jury on question of partial dependency. Meaning of phrases "actual dependent" and "who are dependents upon the deceased." *Prayers. Grant v. Kotwall*, 133 Md. 575.

Generally.

Prior to act of 1920, ch. 456, where a dependent died pending completion of payments which had been awarded her, her personal representative was entitled to unpaid portion of such benefits. Change made by the act of 1920. Striking similarity between Ohio workmen's compensation act and Maryland act. *Accident Fund v. Jacobs' Admr.*, 140 Md. 624.

In determining compensation under this section, the fact that employer furnishes board for employee is not to be taken into consideration, unless money value of such board was fixed at time of hiring. Term "earnings" is a more comprehensive one than "wages." *Picanardi v. Emerson Hotel Co.*, 135 Md. 96 (decided prior to act of 1920, ch. 456).

Compensation may be had for deafness and permanent paralysis; enumeration of certain injuries in this section is not exclusive. Where pain and suffering result in impairing employee's earning capacity or his ability to secure work, he may recover compensation therefor. See notes to secs. 57 and 72. *Jirout v. Gebelein*, 142 Md. 698.