

notice if in writing, shall contain the name and address of the employee, and state in ordinary language the time, place, nature and cause of the injury, and be signed by him or by a person on his behalf, or in case of death, by any one or more of his dependents, or by a person on their behalf. The failure to give such notice, unless excused by the Commission either on the ground that notice for some sufficient reason could not have been given, or on the ground that the State Accident Fund, Insurance Company, or employer, as the case may be, has not been prejudiced thereby, shall be a bar to any claim under this Article, provided, however, that the burden of proving that it or he has been prejudiced by such failure on the part of the employee or by delay in giving such notice shall be upon the State Accident Fund, Insurance Company, or employer, as the case may be.

Whenever an accident causing disability for a period of more than three days following the happening of such accident occurs to any employee it shall be the duty of the employer within ten (10) days after the receipt of notice of such accident, in writing, to report such accident and the injury resulting therefrom to the Commission, and also to any local representative of the Commission. Such report shall state (a) the time, cause and nature of the accident and injuries, and the probable duration of the injury resulting therefrom; (b) whether the accident arose out of or in the course of the injured person's employment; (c) any other matters the rules and regulations of the Commission may prescribe.

Any employer who shall fail to report any accident within the time prescribed in the preceding paragraph shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than Fifty Dollars (\$50).

Where injured employee died within seven days after the accident, there was no default in failing to give notice of accident as to preclude recovery by widow, she having given notice of death within 30 days after his death. Burden of proof to show prejudice by failure to give notice. *Spence v. Steel Co.*, 173 Md. 539.

Oral notice to employer of fatal accident sufficient compliance with statute. *Greenwald, Inc. v. Powdermaker*, 170 Md. 181.

Where notice of accident referred only to injury to hip, but evidence was presented to Commission as to injuries to hip and back, held that on appeal both injuries could be considered. *Butler Bros. v. Mabin*, 171 Md. 126.

The burden is on claimant to produce evidence before commission sufficient to excuse failure to give notice of accident within ten days, as provided by this section; contents of record on appeal; appeal should be dismissed. *Keystone Lime Co. v. Kabat*, 142 Md. 570.

Failure to notify employer and commission, as provided in this section, may be excused in discretion of commission. *Victory Sparkler Co. v. Francks*, 147 Md. 381.

This section referred to in construing secs. 14, 31, *et seq.* *Owners' Realty Co. v. Bailey*, 157 Md. 143.

This section construed in connection with sec. 70. *Shipbuilding Co. v. Praviewski*, 156 Md. 414.

This section referred to in construing sec. 51. *Broniszewski v. B. & O. R. R. Co.*, 156 Md. 456.

Cited but not construed in *Celanese Corp. v. Lease*, 162 Md. 589.

An. Code, 1924, sec. 39. 1912, sec. 39. 1914, ch. 800, sec. 38. 1916, ch. 597, sec. 39. 1920, ch. 456, sec. 39. 1931, ch. 339. 1935, ch. 237.

**51.** When an employee is entitled to compensation under this Article, he shall file with the Commission his application and the report of the physician, provided he was attended by a physician of his own selection, within sixty days after the beginning of his disability, for which compensation is claimed, and failure to do so, unless excused by the Commission, either on the ground that the insurance carrier or the employer has not been prejudiced thereby, or for some other sufficient reason, shall be