

under this article, may have the same reviewed by a proceeding in the nature of an appeal and initiated in the circuit court of the county or in the common law courts of Baltimore City having jurisdiction over the place where the accident occurred or over the person appealing from such decision, and the court shall determine whether the Commission has justly considered all the facts concerning the injury, whether it has exceeded the powers granted it by the article, and whether it has misconstrued the law and facts applicable in the case decided. If the court shall determine that the Commission has acted within its powers and has correctly construed the law and facts, the decision of the Commission shall be confirmed; otherwise it shall be reversed or modified. Upon the hearing of such an appeal the court shall, upon motion of either party filed with the clerk of the court according to the practice in civil cases, submit to a jury any question of fact involved in such case. Provided, however, that in all appeals in which occupational diseases are involved, the findings of fact by the State Industrial Accident Commission shall be final and not subject to review or modification by the court or be submitted to a jury. The proceedings in every such an appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. No such appeal shall be entertained unless notice of appeal shall have been served personally upon some member of the Commission or the secretary of the Commission within thirty days following the rendition of the decision appealed from. An appeal shall not be a stay. If the decision of the Commission shall be changed or modified, the practice prevailing in civil cases as to the payment of costs and the fees of medical and other witnesses shall apply. [In all such appeals upon suggestion in writing, under oath, of either of the parties to said proceedings that such party cannot have a fair and impartial trial in the court in which the same may be pending, the said court shall order and direct the record of proceedings in such appeal to be transmitted to some other court of the circuit courts of the counties, or common law courts of Baltimore City for trial.]

Appeal shall lie from the judgment of the circuit court of the county, or the common law courts of Baltimore City to the Court of Appeals as in other civil cases [, and such appeals shall have precedence over all cases except criminal cases].

In all cases where compensation is awarded on appeal, whether by affirmance, reversal, or modification of an order of the State Industrial Accident Commission, the claimant shall be entitled to receive, in addition to the compensation awarded, interest at the rate of six per cent per annum on any installments of compensation not paid as they matured under the award of the Commission or would have matured had the same compensation been awarded by the Commission at the time of passing its orders from which the appeal is taken.

The Attorney General shall be the legal adviser of the Commission, and shall represent it in all proceedings whenever so requested by any of the Commissioners. In all court proceedings under or pursuant to this article, the decision of the Commission shall be prima facie correct and the burden of proof shall be upon the party attacking the same.

SEC. 44. *And be it further enacted by the General Assembly of Maryland, That this Act shall take effect June 1, 1957.*

Approved March 28, 1957.