

The presumption that "claim comes within the provisions" has no weight when question is one of jurisdiction, for Legislature cannot confer on a jury the power which the State does not assume. *Arundel Corp. v. Ayers*, 167 Md. 576.

Cited but not construed in *Balto. Pub. Co. v. Hendricks*, 156 Md. 80.

Where commission, apparently acting within the scope of its authority, awards compensation and facts are alleged to deprive it of jurisdiction, the burden of establishing such facts is upon party asserting them. It does not follow from decedent's being engaged in longshore work that he was employed as a stevedore or in maritime work, or that he was on the navigable waters of harbor at time of his death. Jurisdiction of commission not open to collateral attack. *Taylor v. Ramsay Co.*, 139 Md. 123.

See notes to secs. 14 and 70.

An. Code, 1924, sec. 65. 1912, sec. 63. 1914, ch. 800, sec. 62. 1916, ch. 597. 1916, ch. 86. 1920, ch. 456, sec. 63. 1922, ch. 303, sec. 63. 1922, ch. 529, sec. 63. 1924, ch. 217, sec. 65. 1933, ch. 354. 1939, ch. 465, sec. 65.

80. Definitions as used in this Article:

(1) "Extra-hazardous employment" means a work or occupation described in Section 33 of this Article.

(2) "Employer," except when otherwise expressly stated, means a person, partnership, association, corporation, and the legal representatives of a deceased employer, or the receiver or trustee of a person, partnership, association or corporation employing workmen in extra-hazardous employments.

(3) "Employee" means a person who is engaged in an extra-hazardous employment in the service of an employer, carrying on or conducting the same upon the premises or at a plant, or in the course of his employment away from the plant of his employer, and shall not include farm laborers. "Farm laborers" as used in this Article, shall mean any employees who, at the time of the accident, are engaged in rendering any agricultural service, including the threshing or harvesting of crops, or who, at the time of the accident, are engaged in service incidental to and in connection with agricultural pursuits or developments, whether the employer be the farmer or other person undertaking or contracting with the farmer to perform any such agricultural service, pursuit or development. This Article shall not apply to cutters of cord wood or fire wood, farm laborers, domestic servants, nor to country blacksmiths, wheelwrights or similar rural employments, unless these employments elect to come under this Article as provided in Section 44, nor in any case where the accident occurred before this act takes effect, nor to casual employees or any employees who are employed wholly without the State. But for all purposes of this Article, casual, occasional or incidental employments outside of this State by the Maryland employer of an employee or employees regularly employed by said employer within this State shall be construed to be employment within this State; provided, however, if an employee or the dependents of an employee shall receive compensation or damages under the laws of any other State, nothing herein contained shall be construed so as to permit a total compensation for the same injury greater than is provided for in this Article.

(4) "Employment" includes employment only in a trade, business or occupation carried on by the employer for pecuniary gain.

(5) "Compensation" means the money allowance payable to an employee or to his dependents as provided for in this Article, and includes funeral benefits provided therein.

(6) "Injury," "Personal Injury" and "Accidental Personal Injury" means only accidental injuries arising out of and in the course of employment and such disease or infection as may naturally result therefrom, and