

Claims and Compensation; Benefits.

1914, ch. 800, sec. 35. 1916, ch. 368. 1916, ch. 597, sec. 36.

36. Each employee (or in case of death his family or dependents), entitled to receive compensation under this Article shall receive the same in accordance with the following schedule, and except as in this Article otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

1. Permanent total disability. In case of total disability adjudged to be permanent fifty per centum of the average weekly wages shall be paid to the employee during the continuance of such total disability, exclusive of the first week, not to exceed a maximum of twelve dollars per week and not less than a minimum of five dollars per week unless the employee's established weekly wages are less than five dollars per week at the time of the injury, in which event he shall receive compensation in an amount equal to his average weekly wages, but not to exceed a total of \$5,000.00. Loss of both hands, or both arms, or both feet or both legs, or both eyes or of any two thereof shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts.

2. Temporary total disability. In case of temporary total disability fifty per centum of the average weekly wages shall be paid to the employee during the continuance thereof, but not in excess of a maximum of twelve dollars per week and not less than a minimum of five dollars per week, in which event he shall receive compensation equal to his full wages; but in no case to continue more than six years from the date of the injury or to exceed thirty-seven hundred and fifty dollars in the aggregate.

3. Permanent partial disability. In case of disability partial in character but permanent in quality the compensation shall be fifty per centum of the average weekly wages in no case to exceed twelve dollars per week or more than three thousand dollars in the aggregate, and shall be paid to the employees for the period named in the schedule as follows:

Thumb. For the loss of a thumb—fifty weeks.

First Finger. For the loss of a first finger, commonly called the index finger—thirty weeks.

Second Finger. For the loss of a second finger—twenty-five weeks.

Third Finger. For the loss of a third finger—twenty weeks.

Fourth Finger. For the loss of a fourth finger, commonly called the little finger—fifteen weeks.

The loss of the second or distal phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to