

(4) Temporary partial disability. In case of temporary partial disability, except the particular cases mentioned in Subdivision Three of this Section, an injured employee shall receive fifty per centum of the difference between his average weekly wages and his wage-earning capacity thereafter in the same employment or otherwise, if less than before the accident, but not to exceed (\$18.00) eighteen dollars per week, during the continuance of such partial disability, but not in excess of three thousand five hundred dollars, except as otherwise provided in this Article.

In case the injury causes death within the period of three years the benefits shall be in the amounts and to the persons following:

If there be no dependents, the disbursements shall be limited to the expense provided for in Section Thirty-seven hereof.

If there are wholly dependent persons at the time of death, the payment shall be sixty-six and two-thirds per cent of the average weekly wages, not to exceed, however, a maximum of eighteen dollars per week, and not less than a minimum of (\$8) eight dollars per week, unless the deceased employee's established weekly wages were less than eight dollars per week at the time of injury, in which event the compensation shall be an amount equal to the average weekly wages, and to continue for the remainder of the period between the date of death and four hundred and sixteen weeks after the date of injury, and not to amount to more than a maximum of five thousand dollars, nor less than a minimum of one thousand dollars.

If there are no wholly dependent persons at the time of the death, but are partly dependent persons, those partly dependent shall receive compensation as follows: The weekly payments to such dependents shall be in amount not exceeding sixty-six and two-thirds per centum of the average weekly wages or (\$18.00) eighteen dollars per week, but may, in the discretion of the Commission, be for a less amount per week and to continue for all or such portion of the period of 416 weeks, after the date of the injury, as the Commission in each case may determine, and not to amount to more than a maximum of three thousand dollars.

The following persons shall be presumed to be wholly dependent for support upon a deceased employee: A wife or invalid husband ("invalid" meaning one physically or mentally incapacitated from earning), a child or children under the age of sixteen years (or over said age if physically or mentally incapacitated from earning) living with or dependent upon the parent at the time of the injury or death.

In all other cases, questions of dependency, in whole or in part, shall be determined in accordance with the facts in each particular case existing at the time of the injury resulting in death of such employee, but no person shall be considered as dependent unless such person be a father, mother, grandfather, grandmother, stepchild or grandchild, or brother or sister of the deceased employee, including those otherwise specified in this section.

The right to any compensation payable to any dependent and unpaid at the date of death of any such dependent shall survive to and be vested in the surviving dependents as the Commission may determine, if there be such surviving dependents, and if there be none such, then the compensation shall cease.