

employee has a permanent partial disability resulting from the operation. If so, compensation shall be paid in accordance with the provision of this Act, with reference to permanent partial disability.

In case the injured employee refuses to undergo an operation for the cure of the said hernia, he shall be allowed compensation for a period of seven and one-half ($7\frac{1}{2}$) weeks, and if it be shown to the satisfaction of the Commission that because of age or previous physical condition, it is considered unsafe for the employee to undergo such operation, such refusal may be excused by the Commission, in which event the employee shall be allowed compensation for the period of actual disability resulting from such hernia, not to exceed fifty two (52) weeks, and in either event such payments shall be in lieu of all benefits for or on account of disability or death resulting or alleged to have resulted from such injury.

(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 twenty 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.

Whenever it shall appear than¹ any disability from which any employee is suffering following an accidental injury, is due in part to such injury, and in part to a pre-existing disease or infirmity, the Commission shall determine the proportion of such disability which is reasonably attributable to the injury and the proportion thereof which is reasonably attributable to the pre-existing disease or infirmity, and such employee shall be entitled to compensation for that proportion of his disability which is reasonably attributable solely to the accident, and shall not be entitled to compensation for that proportion of his disability which is reasonably attributable to the pre-existing disease or infirmity.

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 37 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.

¹ Evidently a typographical error.