

total disability shall be determined in accordance with the facts.

Whenever any person who has suffered the loss, or loss of use of a hand, arm, foot, leg or eye, shall enter into a contract of employment, it shall be permissible for the employee to waive in writing, either in the contract of employment, or by a separate written instrument, any right to compensation to which he would be entitled because of the pre-existing permanent partial disability, in the event of subsequent accidental injury, and in such cases the employee so suffering an additional accidental injury, shall be entitled to the compensation for the disability resulting solely from such additional accidental injury. No such waiver shall be effective unless the pre-existing permanent partial disability shall be plainly described therein, nor unless the same be executed by the employee with knowledge of its contents prior to the time of the accident upon which the claim is based.

The compensation for the foregoing specific injury shall be paid in addition to, and consecutively with, the compensation hereinafter provided in Sub-section (2) of this section. If any employee dies from any cause or causes not compensable under this Article, the right to any compensation payable under this sub-section, unpaid at the date of his death, shall survive to his surviving dependents as the Commission may determine, if there be such surviving dependents, and if there be none such, then to his wife and children under twenty-one years of age if there was, at the time of his death, a legal obligation on the part of said employee to support his wife, and if there was no such obligation, then to his children under twenty-one, if any, alone.

(2) (Temporary Total Disability.) In case of temporary total disability, sixty-six and two-thirds per centum of the average weekly wages shall be paid to the employee during the continuance thereof, but not to exceed a maximum of twenty-five dollars per week, and not less than a minimum of ten dollars per week, unless the employee's established weekly wages are less than ten dollars per week at the time of the injury, 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 sixty-six and two-thirds per centum