

In all claims for compensation for hernia, compensation may be allowed only upon definite proof to the satisfaction of the Commission.

First. That there was an accidental injury causing hernia, arising out of and in the course of the employee's employment.

Second. That the hernia did not exist prior to the injury for which compensation is claimed; provided that if as the result of an accidental injury arising out of and in the course of the employee's employment a pre-existing hernia becomes so strangulated that an immediate operation is necessary, the provision of this sub-paragraph requiring proof that hernia did not exist prior to the injury for which compensation is claimed shall not apply.

Third. That, anything in this Article respecting notice to the contrary notwithstanding, such injury was reported to the employer within ten days next following its occurrence.

All hernia, inguinal, femoral or otherwise, so proven to be the result of such injury, shall be treated in a surgical manner by operation whenever practicable. If death results from such operation, the death shall be considered as a result of the injury, and compensation paid in accordance with the provisions of this section. In non-fatal cases, time loss only shall be compensated, unless it is shown by special examination that the injured employee has a permanent partial disability resulting from the operation. If so, compensation shall be paid in accordance with the provisions of this Article, 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.

SEC. 2. *And be it further enacted*, That this Act shall take effect June 1, 1943.

Approved May 4, 1943.