

ment total disability shall be determined in accordance with the facts.

(b) 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.

(c) 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~~ *after such employee has been awarded compensation for a disability adjudged to be permanent under the provisions of Sub-section (1) of this section, and such death occurs before the employer or insurer has paid the employee a total of \$12,500.00 in compensation, exclusive of the cost the employer is required to pay under the provisions of Section 26 of this Article, then the difference between the total amount of compensation paid to such employee up to the date of death and the sum of \$12,500.00 shall be paid 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