

such other person; provided, however, if damages are recovered in excess of the compensation already paid or awarded to be paid under this Act, then any such excess shall be paid to the injured employe or, in case of death, to his dependents, less the employer's expenses and costs of action.

SEC. 58. If the provisions of this Act relative to compensation for injuries to or death of employes become invalid because of any adjudication, or be repealed, the period intervening between the occurrence of an injury or death, not previously compensated for under this Act by lump payment or completed periodical payments shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death. Provided, that such action be commenced within one year after such repeal or adjudication, but in any such action any sum paid to the employe on account of injury for which the action is prosecuted, shall be taken into account or disposed of as follows: If the defendant employer shall have insured himself as provided for in this Act without delinquency, such sums as may have been paid to the employe or his dependents on account of injury or death, shall be credited upon recovery as payment thereon.

SEC. 59. If any employer shall be adjudicated to be outside the lawful scope of this Act, the Act shall not apply to him or his employes; if any employe shall be adjudicated to be outside the lawful scope of this Act, because of remoteness of his work from the hazard of his employer's work, any such adjudication shall not impair the validity of this Act in other respects, and in every such case an accounting in accordance with the justice of the case shall be had of moneys received.

SEC. 60. The rule that statutes in derogation of the common law are to be strictly construed shall have no application to this Act; but this Act shall be so interpreted and construed as to effectuate its general purpose.

SEC. 61. In any proceeding for the enforcement of a claim for compensation under this Act, it shall be presumed in the absence of substantial evidence to the contrary:

- (a) That the claim comes within the provisions of this Act.
- (b) That sufficient notice thereof was given.
- (c) That the injury was not occasioned by the wilful intention of the injured employe to bring about the injury or death of himself or of another.