

*(e) A motion for a rehearing may be filed within seven days from the date of the decision of the Commission, only upon grounds of error of law, or newly discovered evidence. In the event that the seventh day falls on a day on which the offices of the Commission are legally closed, then the time for the filing of such motion shall be extended until the next day on which the offices of the Commission are legally open. Such motion shall be in writing and state the reasons therefor, and shall not be a stay of the decision of the Commission. The filing of such a motion by one party shall operate as a stay of the time within which such party may appeal from the decision until thirty days after the ruling by the Commission on the motion. Such motion by one party shall not operate to stay the right of the other parties to the cause to file an appeal under this section. Such motions shall be heard and determined promptly by the Commission, even though an appeal by the other party may be pending. If the appeal shall be heard by the Court prior to the hearing of such motion, then the Court shall determine all questions of fact and law, including questions of fact and law involved in the unheard motion. If the appeal shall be heard subsequent to the ruling by the Commission on the motion, then the Court shall determine all questions of fact and law arising under the original order or under such order, or orders as the Commission may have made pursuant to such motion.*

59. Where injury or death for which compensation is payable under this Article, was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the employee, or in the case of death, his personal representative or dependents as hereinbefore defined, may proceed either by law against that other person to recover damages or against the employer for compensation under this Article, or in case of joint tortfeasors against both; and if compensation is claimed and awarded or paid under this Article, any employer, if he is self-insured, insurance company, association or the State Accident Fund, may enforce for their benefit, as the case may be, the liability of such other person; provided, however, if damages are recovered in excess of the compensation already paid or awarded to be paid under this Article, and also any payments made for medical or surgical services, funeral expenses or for any of the other purposes enumerated in Section [49] 35 of this Article, then any such excess shall be paid to the injured employee, or in case of death to his dependents less the expenses and costs of action incurred by the employer, insurance company, association or State Accident Fund as the case may be. If any such employer, insurance company, association or State Accident Fund shall not, within two months from the passage of the award of this Commission, start proceedings to enforce the liability of such other person, the injured employee, or in case of death, his dependents, may enforce the liability of such other person provided, however, that if damages are recovered the injured employee or in case of death his dependents may first retain therefrom the expenses and costs of action incurred by the said employee or in case of death his dependents, and the employer, insurance company, association or the State Accident Fund, as the case may be, shall be reimbursed for the compensation already paid or awarded and any amount or amounts paid for medical or surgical services, funeral expenses or for any of the other purposes enumerated in Section [49] 35 of this Article, except court costs and counsel or attorney's fees,