

been had they not been destroyed or in any way injured by fire.

149. When any cause of action or trial paper in any case, whether pending or settled at law or in equity, may have been wholly or partially destroyed by fire, the said commissioner is hereby authorized to cause the same to be restored or re-established by consent of parties if so proposed, or by such evidence as may be supplied from the remains of burnt papers or docket, or other papers in the office of the clerk of the circuit court for said county, and if such evidence shall be sufficient in his judgment the said commissioner shall certify such restored or re-established cause of action or trial paper to the said clerk, who shall refile such paper or papers and cause the proper docket entry or entries to be made thereof; and such refiled paper or papers and docket entry or entries shall have the same validity and effect as if the original paper had not been destroyed or injured by fire, and in case any cause of action or trial paper cannot be sufficiently established in the manner herein above prescribed, it shall be the duty of the said commissioner to hear intrinsic evidence touching the re-establishment of such paper, and if satisfied upon such evidence that such paper is fully re-established, certify such restored or renewed cause of action or trial paper to the said clerk, who shall refile such paper and make the corresponding docket entries thereto in conformity to the order passed in the premises, and such refiled paper and docket entries thereof shall have the same validity and force in law or equity as if the originals thereof had not been destroyed or injured by fire; *provided*, however, PROVISO. that in all proceedings for the restoration of causes of action or trial papers which cannot be established to the satisfaction of the commissioner aforesaid from the intrinsic evidence within the office of the said clerk or from certified office copies, or by consent of parties, no *ex parte* action shall be had by the said commissioner until after such notice shall have been

Ibid s 10.
Causes of action and trial papers.

7