

parties, if so proposed, or by such evidence as may be supplied from the remains of burnt papers or dockets or other papers in the office, and if such evidence shall be sufficient in their judgment, he shall certify such restored or re-established cause of action or trial paper to the Clerk of the Circuit Court for said county, who shall re-file such paper or papers and cause the proper docket entry or entries to be made thereof, and such re-filed paper and docket entry 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 extrinsic evidence touching the re-establishment of such paper, and shall, 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 Clerk of the Circuit Court for said county, who shall re-file such paper, and make the corresponding docket entries thereto, in conformity to the order passed in the premises, and such re-filed 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, that in all proceedings for the restoration of causes of action or trial papers, which cannot be established to the satisfaction of the Commissioner 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 served upon the opposite party, or his or their attorney on the record, according to such rules as the said Commissioner may prescribe, and from any judgment or order past by said Commissioner under the authority conferred by this act, either party may appeal to the circuit Judge for the county within thirty days after the passage of such order or judgment: and in all cases of appeal, it shall be the duty of the said Commissioner to certify to said Judge the record of all proceedings and evidence had before him in the matter, and appeal may be considered and determined by said Judge in or out of Court, at his election, and ac-

Proviso.