

pointed by this Act, any record in the office of the Clerk of the Circuit Court for said county shall have been so burnt or defaced as to be wholly destroyed by fire, and the general index or the index to such record may supply the titling to such record, he shall take and accept such index as auxiliary evidence, and shall, if any original paper or a certified copy thereof, properly evidenced as of record be produced, order and direct such original paper or copy, as the casemay be, to be recorded anew; and shall endorse such order on said paper, which endorsement and new record of such paper shall be prima facie evidence of the verity of the record so made and available for all purposes for which the original record if it had not been destroyed by fire would have been available in evidence.

Sec. 6. *And be it enacted*, That in all cases where any record, paper or instrument of writing shall be wholly destroyed or injured by fire, and the original or certified copy thereof cannot be procured, it shall be the duty of the said Commissioner, if the said record, paper or instrument of writing be found indexed, to hear and receive such other evidence, if any there be, within the office of the Clerk of the Circuit Court for said county, either to be devised from the indexes, remains of the burnt record or otherwise, and such extrinsic evidence as the parties interested may supply, and shall determine and adjudge in the premises whether the said record, paper or instrument of writing be fully established, and if satisfied by such evidence, it shall be the duty of the said Commissioner of the party or parties grantor shall supply a new instrument of writing correspondent to the one destroyed by fire and confirmatory of the same, to accept such instrument of writing, endorse the same and order it to be recorded, which endorsement and record shall secure to the party or parties concerned all the rights, title and interest which was designed and intended to be vested by the original record, deed, paper or instrument of writing, as fully as if the record or the original had not been destroyed by fire; but if for any reason the grantor or grantors should not supply a new or confirmatory deed or instrument of writ-

When original or certified copy cannot be procured.