

Ibid s 6
What done
when original
or certified
copy cannot be
procured.

145. 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 derived 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, if 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 were 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 writing, as the case may be, correspondent to the original or the record which was destroyed by fire, then the said commissioner shall execute, acknowledge and deliver, in his capacity as commissioner aforesaid, a new and confirmatory deed or instrument of writing as the case may be, under his hand and seal, to take the place of the record, deed, paper or instrument of writing destroyed by fire, and shall endorse and order the same to be recorded, which endorsement and record shall secure to the party or parties interested the same rights, title and interest which were designated and intended to