

parties interested or by the county, as the said Commissioner may prescribe.

Notice to be given.

Sec. 4. *And be it enacted*, That the said Commissioner shall notify, by circular or otherwise, all persons having original deeds or other instruments of writing or papers which have been recorded in the office of the Clerk of the Circuit Court of said county, the record of which has been wholly or partially destroyed by fire, to file said originals with the Clerk of the said Circuit Court, and shall also prescribe the time and place of sitting of the said Commissioner, which shall be at the court house in said county.

Index as evidence.

Sec. 5. *And be it enacted*, That in all cases where, in the judgment of the Commissioner appointed 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 index to such record, or the general index, may supply the titling to such records, he shall take and accept said index as auxiliary evidence, and shall, if the original papers are a certified copy thereof, properly evidenced, as of record, be produced, order and direct such original paper or copy, as the case may be, to be recorded anew by the Clerk of the Circuit Court for said county, 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.

Commissioner to hear evidence.

Sec. 6. *And be it enacted*, That in all cases where any record or paper shall be wholly destroyed by fire, and the original or certified copy thereof cannot be procured, it shall be the duty of the Commissioner, if the said record be found indexed, to hear and receive such other evidence, if any there be within the record office, either to be derived from the 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 or paper be fully established, and if satisfied by such evidence, it shall be his duty, if the party or parties