

422.240 Commissioner to supply records of court.

- (1) If the records or papers of any court are lost, destroyed, defaced, or obliterated, the court shall appoint a commissioner, who shall have power and authority to fix on a convenient place to meet for the purpose of hearing evidence in regard to the lost records or papers, giving reasonable public notice thereof.
- (2) The commissioner shall be paid a reasonable compensation out of the county treasury and shall not remain in office longer than one (1) year.
- (3) The commissioner may, at the instance of any person, issue a summons and cause the attendance of witnesses, and take evidence, in writing, of such witnesses, relative to any record or paper so destroyed, defaced, or obliterated. The deposition shall be legal evidence, and shall be returned to the clerk of the court and safely kept by such clerk. Before any proof is taken, the party offering it must make and file with the commissioner an affidavit that there is no attested copy of the record or papers in existence known to him. If the affidavit is not made, no testimony taken shall be evidence.

Effective: October 1, 1942

History: Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 3994, 3995, 3996.