

CHAPTER 600

DOCUMENTS AS EVIDENCE

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|---------|---|--------|---|
| Sec. | | Sec. | |
| 600.01 | Business | 600.14 | Instruments acknowledged; evidence |
| 600.02 | Business records as evidence | 600.15 | Bills and notes; endorsement; signature to instruments presumed |
| 600.03 | Interpretation | 600.16 | Endorsement of money received |
| 600.05 | Account books; loose-leaf system | 600.17 | Copies of government records and documents |
| 600.06 | Book entries by a person deceased | 600.18 | Federal census; population |
| 600.07 | Books proved by deposition | 600.19 | Abstracts of title to be received in evidence |
| 600.08 | Letterpress copies | 600.20 | Marriage certificate and record |
| 600.09 | Affidavits, taken out of state | 600.21 | Copies of record of death; recordation in office of register of deeds |
| 600.10 | Affidavit of publication | 600.22 | Instruments, records thereof, and copies |
| 600.11 | Printer's affidavit | 600.23 | Registers and clerks |
| 600.12 | Affidavit of officer of historical society as to publication | 600.24 | Finding of presumed death under Federal Missing Persons Act |
| 600.13 | Official records prima facie evidence; certified copies; certified copies of decrees of probate courts; when seal not necessary | 600.25 | Prima facie evidence |
| 600.135 | Photographic copies of business and public records | 600.26 | Authority presumed |

600.01 BUSINESS. The term "business" shall include every kind of business, profession, occupation, calling or operation of institutions, whether carried on for profit or not.

[1939 c. 78 s. 1] (9870-1)

600.02 BUSINESS RECORDS AS EVIDENCE. A record of an act, condition, or event shall, in so far as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business, at or near the time of the act, condition, or event, and if, in the opinion of the court, the sources of information, method, and time of preparation were such as to justify its admission.

[1939 c. 78 s. 2] (9870-2)

600.03 INTERPRETATION. Sections 600.01 to 600.04 shall be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them.

[1939 c. 78 s. 3] (9870-3)

600.04 [Unnecessary]

[1939 c 78 s 4] (9870-4)

600.05 ACCOUNT BOOKS; LOOSE-LEAF SYSTEM. When a party in any cause or proceeding shall produce at the trial his account books, and prove that the same are his account books kept for that purpose, that they contain the original entries for moneys paid, goods or other articles delivered, services performed or material furnished; that such entries were made at the time of the transactions therein entered; that they are in his handwriting or that of a person authorized to make charges in such books, and are just and true to the best knowledge and belief of the person making the proof, such books, subject to all just exceptions as to their credibility, shall be received as prima facie evidence of the charges therein contained. If any book has marks which show that the items have been transferred to a ledger, it shall not be received unless the ledger is produced. The entry of charges or credits, involving money, goods, chattels, or services furnished or received, when the furnishing or receipt thereof constitutes a part of the usual course of business of the person on whose behalf such entry is made, shall be received as evidence tending to prove the fact of the furnishing or receiving of such moneys, goods, chattels, or services, whether the same be contained in an account book, or in a so-called loose-leaf, card, or similar system of keeping accounts, and whether the same be made by handwriting, typewriting, or other similar means, if it shall appear that such entry was made by a duly authorized

MINNESOTA STATUTES 1953

600.06 DOCUMENTS AS EVIDENCE

4064

person contemporaneously with the transaction therein referred to, as a part of the general system of accounts of the person on whose behalf the entry is made, and that the same is made in the usual and ordinary course of such business.

[R. L. s. 4719; 1909 c. 251 s. 1] (9876)

600.06 BOOK ENTRIES BY A PERSON DECEASED. Entries made in any book by a person authorized to make the same, he being dead, may be received as evidence in a case proper for the admission of such book as evidence on proof that the same are in his handwriting and in a book kept for such entries, without further verification.

[R. L. s. 4720] (9877)

600.07 BOOKS PROVED BY DEPOSITION. When such books or entries therein are proved by deposition, the production of the books before the officer taking the deposition shall be equivalent to producing the same at the trial, and copies of the entries therein contained desired to be introduced in evidence may be attached to the deposition as exhibits, and shall be evidence of like force and effect as the books.

[R. L. s. 4721] (9878)

600.08 LETTERPRESS COPIES. The production of a letterpress copy of any letter, before the officer taking the deposition, shall be equivalent to producing the same at the trial and, when so produced, a copy thereof may be attached to the deposition as an exhibit, and shall be evidence of like force and effect as the letterpress copy itself; but such copies shall not be used if the original letters are produced at the trial.

[R. L. s. 4722] (9879)

600.09 AFFIDAVITS, TAKEN OUT OF STATE. All oaths and affidavits taken out of the state before any officer authorized to administer oaths, and certified by the clerk of a court of record, may be used and read upon the argument of any motion, with the same effect as if taken within this state. If such affidavit be taken before a notary public or commissioner for this state, the clerk's certificate shall not be required.

[R. L. s. 4684] (9838)

600.10 AFFIDAVIT OF PUBLICATION. When notice of any application to a court or judicial officer is required by law to be published in a newspaper, an affidavit by the printer of such newspaper, or his foreman or clerk, annexed to a printed copy of such notice taken from the newspaper in which it was published, specifying the times when, and the newspaper in which, such notice was published, may be filed with the proper officer of the court, or with the judicial officer before whom such proceeding is pending, at any time within six months after the last day of the publication of such notice, unless sooner specially required. A like affidavit of such printer, foreman, or clerk may within the same time be filed for record with the register of deeds of the county where any real estate affected by such notice is situated.

[R. L. s. 4705] (9859)

600.11 PRINTER'S AFFIDAVIT. The original affidavit of the printer of any newspaper, or of his foreman or clerk, of the publication of any summons, notice, order, resolution, or other advertisement which by law is required or authorized to be published in such newspaper, and copies of the same, or of the record thereof, certified by the officer in whose custody the same may be, shall be prima facie evidence of such publication and of the facts stated therein. If any such publication relates to the sale of real estate, such affidavit may be filed for record with the register of deeds of the county in which the real estate lies.

[R. L. s. 4706] (9860)

600.12 AFFIDAVIT OF OFFICER OF HISTORICAL SOCIETY AS TO PUBLICATION. When a legal notice appears in any newspaper, purporting to have been published in this state prior to 1900 and filed with the state historical society, the affidavit of any officer of such society, setting forth a copy of such notice, and stating that it is a true copy of the same as contained in such newspaper, and naming the place where it purports to have been published and the dates of the different issues thereof so on file containing such notice, may be recorded in the office of the register of deeds of any county in which there is real estate which may be affected

by such notice; and such affidavit or record shall be prima facie evidence that the newspaper containing the notice was regularly published at the time and place so stated.

[*R. L. s. 4707; 1909 c. 19 s. 1*] (9861)

600.13 OFFICIAL RECORDS PRIMA FACIE EVIDENCE; CERTIFIED COPIES; CERTIFIED COPIES OF DECREES OF PROBATE COURTS; WHEN SEAL NOT NECESSARY. The original record made by any public officer in the performance of his official duty shall be prima facie evidence of the facts required or permitted by law to be by him recorded. A copy of such record, or of any document which is made evidence by law and is preserved in the office or place where the same was required or is permitted to be filed or kept, or a copy of any authorized record of such document so preserved, when certified by the person entitled to the official custody thereof to have been compared by him with the original and to be a correct transcript therefrom, shall be received in evidence in all cases, with the same force and effect given to such original document or record; but if such officer have, by law, an official seal, his certificate shall be authenticated thereby. No part of this section relating to the form of certification shall apply to documents or records kept in the departments or offices of the United States government.

In all cases where a decree of probate court, assigning or distributing property of a decedent, embraces real estate or other property situated in more than one county, the probate court shall furnish, upon request therefor, certified copies of parts of such decrees, excluding from such certified copy all descriptions of real or other property included in such decree excepting description of such real estate and other property as appears from the face of the decree to be situated in any one or more counties designated by the applicant for such certified copy. The probate court shall indicate the omission hereby permitted, in the certified copy, by the words "and other property situated in county, or counties, Minnesota" inserted in the certified copy at the points where the omissions occur. Such certified copy shall be entitled to record in the office of the register of deeds and in the office of the registrar of titles of the county, or counties, in which the real estate or other property in the certified copy described, or any part thereof, is situated. Such certified copy, or a copy of any authorized record of such certified copy, certified by the person entitled to the official custody thereof to have been compared by him with the original or the record thereof and to be a correct transcription therefrom, shall be received in evidence in all cases with the same force and effect given to such original decree relative to the matter in the certified copy or the record thereof contained. If such officer have by law an official seal, his certificate shall be authenticated thereby.

This section shall not be construed to require the affixing of the seal of the court to any certified copy of a rule or order made by such court, or to any paper filed therein, when such copy is used in the same court or before any officer thereof.

[*R. L. ss. 4708, 4709; 1927 c. 365 s. 1*] (9862, 9863)

600.135 PHOTOGRAPHIC COPIES OF BUSINESS AND PUBLIC RECORDS.

Subdivision 1. Records; destruction, photographic copies. If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

Subd. 2. "In the regular course of business". The phrase "in the regular course of business" as used in subdivision 1 with reference to making reproductions of originals not held in a custodial or fiduciary capacity nor required by law to be pre-

served and also with reference to destroying such originals shall be construed to include reproducing at any time and destroying at any time, respectively, if done in good faith and without intent to defraud, and with reference to making reproductions of originals held in a custodial or fiduciary capacity shall be construed to mean reproducing at any time in good faith and without intent to defraud and whether or not made with the intention of thereafter destroying such originals. Neither the manner in which an original is destroyed, whether voluntarily or by casualty or otherwise, nor the fact that it was destroyed while it was held in a custodial or fiduciary capacity shall affect the admissibility of a reproduction. This subdivision shall not be construed to exclude from evidence any document or copy thereof which is otherwise admissible under the rules of evidence.

Subd. 3. **Uniform.** This section shall be so interpreted and construed as to effectuate its general purpose of making uniform the law of those states which enact it.

[1951 c 125 s 1-3; 1953 c 190 s 1]

600.14 INSTRUMENTS ACKNOWLEDGED; EVIDENCE. Every written instrument, except promissory notes, bills of exchange, and the last wills of deceased persons, may be acknowledged in the manner now provided by law for taking the acknowledgment of deeds, and the certificate of the proper officer endorsed thereon shall entitle such instrument to be read in evidence in all courts and elsewhere without other proof of execution.

[R. L. s. 4710] (9864)

600.15 BILLS AND NOTES; ENDORSEMENT; SIGNATURE TO INSTRUMENTS PRESUMED. In actions brought on promissory notes or bills of exchange by the endorsee, the possession of the note or bill shall be prima facie evidence that the same was endorsed by the person by whom it purports to be endorsed. Every written instrument purporting to have been signed or executed by any person shall be proof that it was so signed or executed until such person shall deny the signature or execution of the same by his oath or affidavit; but this shall not extend to instruments purporting to have been signed or executed by a person who has died before the requirement of such proof.

[R. L. s. 4730] (9887)

600.16 ENDORSEMENT OF MONEY RECEIVED. An endorsement of money received on any promissory note, which appears to have been made when it was against the interest of the holder to make it, is prima facie evidence of the facts therein stated.

[R. L. s. 4731] (9888)

600.17 COPIES OF GOVERNMENT RECORDS AND DOCUMENTS. (1) Copies of any books, records, papers or other documents in any of the executive departments of the United States Government, or of any corporation all of the stock of which is beneficially owned by the United States, either directly or indirectly, shall be admitted in evidence equally with the originals thereof, when duly authenticated under the seal of such department or corporation, respectively.

(2) Books or records of account in whatever form, and minutes, or portions thereof, of proceedings, of any such executive department or corporation, or copies of such books, records, or minutes authenticated under the seal of such department or corporation, shall be admissible as evidence of any act, transaction, occurrence, or event as a memorandum of which such books, records, or minutes were kept or made.

(3) The seal of any such executive department or corporation shall be judicially noticed.

[R. L. s. 4715; 1945 c. 405 s. 1] (9869)

600.18 FEDERAL CENSUS; POPULATION. The governor shall obtain from the director of the federal census such certified copies thereof as will show the population of the several political divisions of this state, which certified copies shall be filed in the office of the secretary of state, and thereafter the several political divisions of the state for all purposes, unless otherwise provided, shall be deemed to have the population thereby disclosed. Copies thereof, duly certified to by the secretary of state, shall be prima facie evidence of the facts therein disclosed in all the courts of this state.

[1911 c. 200 s. 1] (9892)

600.19 ABSTRACTS OF TITLE TO BE RECEIVED IN EVIDENCE. In any action wherein the title to real property is in controversy, any abstract of title thereof, duly certified by any bonded abstractor or by any register of deeds of any county wherein such real property is situated, shall be received as prima facie evidence of all instruments therein referred to, together with the records thereof as recorded in the office of the register of deeds of such county.

[1915 c. 283 s. 1] (9896)

600.20 MARRIAGE CERTIFICATE AND RECORD. The original certificate and record of marriage, made by the person solemnizing such marriage as prescribed by law, and the record thereof or a duly certified copy of such record, shall be prima facie evidence of such marriage.

[R. L. s. 4739] (9898)

600.21 COPIES OF RECORD OF DEATH; RECORDATION IN OFFICE OF REGISTER OF DEEDS. In all cases of joint tenancy in lands, and in all cases where any estate, title interest in, or lien upon, lands, has been or may be created, which estate, title interest, or lien was, or is, to continue only during the life of any person named or described in the instrument by which such estate, title, interest, or lien was created, a copy of the record of the death of any such joint tenant, or of the person upon whose life such estate, title, interest, or lien was, or is, limited, duly certified by any officer who is required by the law of the state or country in which such record is made, to keep a record of the death of persons occurring within the jurisdiction of such officer, may be recorded in the office of the register of deeds of the county in which such lands are situated, and such certified copy or such record thereof in such office, or a duly certified copy of such last mentioned record, shall be prima facie evidence of the death of such person and the termination of such joint tenancy and of all such estate, title, interest, and lien as was, or is, limited upon the life of such person. When a certified copy of such death certificate is attached to an affidavit of survivorship or other instrument describing decedent's interest in such estate, title, interest, or lien, the same shall, prior to recordation in the office of the register of deeds or registrar of titles, be presented to the county auditor of the county wherein such estate, title, interest, or lien is situated and such county auditor shall note the transfer on his books and shall inscribe upon the instrument over his official signature the words "Transfer entered." Until so presented and indication made thereon, said instrument shall not be entitled to record in the office of the register of deeds or registrar of titles of said county.

[1913 c 251 s 1; 1953 c 150 s 1] (9870)

600.22 INSTRUMENTS, RECORDS THEREOF, AND COPIES. All original instruments and certified copies thereof authorized by law to be recorded and, if recorded, the record thereof, or a duly certified transcript of such record, shall be received in evidence without further proof, subject to rebuttal.

[R. L. s. 4737] (9895)

600.23 REGISTERS AND CLERKS. Subdivision 1. **Deposit of papers.** Every register of deeds, and every clerk of a court of record, upon being paid the legal fees therefor, shall receive and deposit in his office any instruments or papers which shall be offered him for that purpose and, if required, shall give to the person depositing the same a receipt therefor.

Subd. 2. **Endorsed and filed.** Such instruments or papers shall be filed by the officer receiving the same, and so endorsed as to indicate their general nature, the names of the parties thereto, and time when received, and shall be deposited and kept by him and his successors in office in the same manner as his official papers, but in a place separate therefrom.

Subd. 3. **Withdrawal.** Papers and instruments so deposited shall not be withdrawn from such office except upon the written order of the person depositing the same, or his executors or administrators, or on the order of some court for the purpose of being read in such court, and then to be returned to such office. When so deposited, they shall be open to the examination of any person desiring the same upon payment of the fees, if any, allowed by law.

Subd. 4. **Certificate that instrument cannot be found.** The certificate of any officer to whom the legal custody of any instrument belongs, stating that he has made diligent search for such instrument and that it cannot be found, shall be prima facie evidence of the fact so certified to in all cases, matters, and proceedings.

[R L s 4711, 4712, 4713, 4714] (9865, 9866, 9867, 9868)

MINNESOTA STATUTES 1953

600.24 DOCUMENTS AS EVIDENCE

4068

600.24 FINDING OF PRESUMED DEATH UNDER FEDERAL MISSING PERSONS ACT. A written finding of presumed death, made by the Secretary of War, the Secretary of the Navy, or other officer or employee of the United States authorized to make such finding, pursuant to the Federal Missing Persons Act (56 Stat. 143, 1092, and 58 Stat. 679; 50 U.S.C. Ann. Supp. 1001-17), as now or hereafter amended, or a duly certified copy of such finding, shall be received in any court, office or other place in this state as prima facie evidence of the death of the person therein found to be dead, and the date, circumstances and place of his disappearance.

[1947 c 229 s 1]

600.25 PRIMA FACIE EVIDENCE. An official written report or record, or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, made by any officer or employee of the United States authorized by the act referred to in section 600.24 or by any other law of the United States to make same, shall be received in any court, office or other place in this state as prima facie evidence that such person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, as the case may be.

[1947 c 229 s 2]

600.26 AUTHORITY PRESUMED. For the purposes of section 600.24 and section 600.25 any finding, report or record, or duly certified copy thereof, purporting to have been signed by such an officer or employee of the United States as is described in said sections, shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and the person signing same shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority so to certify.

[1947 c 229 s 3]