

# CHAPTER 602

## COMPETENT EVIDENCE

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602.01 Certain statements presumed to be fraudulent	602.03 Evidence of corporation or copartnership
602.02 Fact of marriage, how proved	602.04 Presumption of due care, negligence actions

**602.01 CERTAIN STATEMENTS PRESUMED TO BE FRAUDULENT.** Any statement secured from an injured person at any time within 30 days after such injuries were sustained shall be presumably fraudulent in the trial of any action for damages for injuries sustained by such person or for the death of such person as the result of such injuries. No statement can be used as evidence in any court unless the party so obtaining the statement shall give to such injured person a copy thereof within 30 days after the same was made.

[1929 c. 289 s. 4; 1945 c. 592 s. 1] (5687-8)

**602.02 FACT OF MARRIAGE, HOW PROVED.** When the fact of marriage is required or offered to be proved before any court, evidence of the admission of such fact by the party against whom the proceeding is instituted, or of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the fact may be inferred, shall be competent.

[R. L. s. 4740] (9899)

**602.03 EVIDENCE OF CORPORATION OR COPARTNERSHIP.** In actions brought by a corporation or by any persons as copartners, or by the endorsees of any such corporation or copartners, upon any written instrument for the payment of money only, executed by the defendant to such corporation by its corporate name, or to such copartners by their firm name, the production in evidence of the instrument upon which the action is brought shall be prima facie evidence of the existence of such corporation, or that the persons named as payees in such instrument are, and at the time of its execution were, such copartners.

[R. L. s. 4738] (9897)

**602.04 PRESUMPTION OF DUE CARE, NEGLIGENCE ACTIONS.** In any action to recover damages for negligently causing the death of a person, it shall be presumed that any person whose death resulted from the occurrence giving rise to the action was, at the time of the commission of the alleged negligent act or acts, in the exercise of due care for his own safety. The jury shall be instructed of the existence of such presumption, and shall determine whether the presumption is rebutted by the evidence in the action.

[1957 c 949 s 1]