

CHAPTER 601

LOST INSTRUMENTS

601.01 PROOF OF LOSS.

HISTORY. R.S. 1851 c. 95 s. 73; P.S. 1858 c. 84 s. 73; G.S. 1866 c. 73 s. 67; G.S. 1878 c. 73 s. 75; G.S. 1894 s. 5735; R.L. 1905 s. 4716; G.S. 1913 s. 8432; G.S. 1923 s. 9871; M.S. 1927 s. 9871.

To establish a lost deed the evidence must be something more than a mere preponderance. It must be clear and convincing. *Buttruff v Robinson*, 181 M 46, 231 NW 414.

601.02 EVIDENCE OF CONTENTS OF LOST INSTRUMENTS.

HISTORY. R.S. 1851 c. 95 s. 74; P.S. 1858 c. 84 s. 74; G.S. 1866 c. 73 s. 68; G.S. 1878 c. 73 s. 76; 1879 c. 52 s. 1; G.S. 1894 s. 5736; R.L. 1905 s. 4717; G.S. 1913 s. 8433; G.S. 1923 s. 9872; M.S. 1927 s. 9872.

Effect of payment by bank of a check endorsed without authority. *McFadden v Follrath*, 114 M 85, 130 NW 542.

In order to cash a lost warrant issued by a town now non-existent, and where a new warrant cannot be issued, the claimant may furnish an affidavit and bond. OAG July 5, 1944 (442b-7).

601.03 BOND.

HISTORY. R.S. 1851 c. 95 s. 75; 1852 amend. pp. 20, 21; P.S. 1858 c. 84 s. 75; G.S. 1866 c. 73 s. 69; G.S. 1878 c. 73 s. 77; 1879 c. 52 s. 1; G.S. 1894 s. 5737; R.L. 1905 s. 4718; G.S. 1913 s. 8434; G.S. 1923 s. 9873; M.S. 1927 s. 9873.

In an action on a negotiable promissory note, the plaintiff must produce and file it, before he can be allowed to recover on it; except where it has been lost or destroyed, in which case he must file the bond required by section 601.03. *Armstrong v Lewis*, 14 M 406 (308); *First National v McConnell*, 103 M 340, 114 NW 1129.

601.04 DEED OR COURT RECORDS DESTROYED; ABSTRACT OF TITLE AS EVIDENCE.

HISTORY. 1905 c. 193 s. 1; G.S. 1913 s. 8435; G.S. 1923 s. 9874; M.S. 1927 s. 9874.

601.05 COPIES AS EVIDENCE.

HISTORY. 1905 c. 193 s. 2; G.S. 1913 s. 8436; G.S. 1923 s. 9875; M.S. 1927 s. 9875.