

CHAPTER 599

JUDICIAL NOTICE AND PROOF; JUDICIAL RECORDS AND DECISIONS

599.01 LAWS OF FOREIGN COUNTRIES.

There is no presumption that a person knows the law of another state. Foreign laws are regarded as facts the same as other facts affecting the rights of the parties. *Whitney v Daniel*, 208 M 434, 294 NW 465.

-Statutory law of foreign states or nations must be proved by copy properly authenticated and unwritten law by testimony of persons acquainted with the law. *Pierce v Indseth*, 1 SC 418, 106 US 546.

Presumption as to foreign laws. 11 MLR 1.

Full faith and credit. 20 MLR 140, 187.

599.02 STATUTES OF OTHER STATES.

NOTE: The uniform proof of statutes act was adopted and promulgated by the national conference of commissioners on uniform state law in 1920. The uniform law is in force in the following states: Alaska, Arizona, California, Delaware, Hawaii, Idaho, Iowa, Illinois, Indiana, Kansas, Louisiana, Maryland, Michigan, Minnesota, New York, Nevada, North Dakota, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Virginia, Washington, and West Virginia.

See, Uniform Notice of Foreign Law Act, sections 599.04 to 599.10.

See, Published Laws of Minnesota as Evidence, section 645.06.

The courts of this state do not take judicial notice of the statutes of a sister state, and in the absence of pleading and proof there is no presumption that the statutory law of a sister state is the same as that of the forum. In the absence of proof it will be presumed that the common law of a sister state is the same as our own. *Farmers Bank v Walch*, 133 M 230, 158 NW 253.

The *lex fori* governs the conduct of litigation in all matters of procedure, including pleading, practice, and evidence. *Moore v Lillehaugen*, 150 M 492, 185 N NW 958.

599.03 COMMON LAW OF OTHER STATES.

In the absence of pleading or proof as to the statutory law of another state, it is to be presumed that the common law in force in such state and the rights of the parties will be determined under its rules applicable thereto. *Dettis v Western Union*, 141 M 362, 170 NW 334.

See, sections 599.04 to 599.10.

599.04 COURTS TO TAKE JUDICIAL NOTICE.

NOTE: The uniform judicial notice of foreign law act was adopted and promulgated by the national conference of commissioners on uniform state laws in 1936. It was adopted in Minnesota by L. 1939, c. 77, and coded as sections 599.04 to 599.10. It has been adopted by the following states: Connecticut, Delaware, Hawaii, Illinois, Indiana, Kentucky, Maine, Maryland, Minnesota, Montana, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Washington, and Wyoming.

The court will take judicial notice that the sun set at 4:36 on the day of the accident. *Cohen v Silverman*, 153 M 391, 190 NW 795.

MINNESOTA STATUTES 1947 ANNOTATIONS

1411

JUDICIAL NOTICE AND PROOF, ETC. 599.11

In passing on a motion for a directed verdict the judge cannot take judicial notice of the evidence at an earlier trial which has not been offered and is not before the jury. *McIntyre v Albers*, 175 M 411, 221 NW 526.

Plaintiff was injured by slipping on the floor of the restaurant. The court will not take judicial notice of the custom of cleaning restaurants and other public places during business hours. *Usher v Eckhardt*. 176 M 210, 222 NW 924.

Courts do not take judicial notice of the value of personal property or its use; evidence of its value is necessary to establish a counter-claim. *Sleeper v Zeiter*, 178 M 622, 227 NW 602.

The courts cannot take judicial notice of such facts as are known, if at all, only by a specially informed class of persons. *Lickfett v Jorganson*, 179 M 321, 229 NW 138.

Courts take judicial notice of the topography of the state. *Erickson v County of Stearns*, 190 M 433, 252 NW 219.

Judicial notice will not be taken of the fact that a county has adopted a local option statute. *Olson v Pederson*, 206 M 415, 288 NW 856.

Judicial notice of public acts under the full faith and credit clause. 12 MLR 439.

Validity of the acts of unrecognized de facto governments in the courts of non-recognizing states. 13 MLR 216.

The significance in conflict of laws of the distinction between interstate and international transactions. 17 MLR 361.

"Full faith and credit" in a federal system. 20 MLR 140.

Conflict of laws; judicial notice of foreign law. 25 MLR 646.

Recognition of foreign equitable decree regarding lands within the state. 26 MLR 264.

Technical aspects of the international revenue statutes and regulations. 28 MLR 377.

599.07 EVIDENCE.

Under the uniform judicial notice of foreign law act (sections 599.04 to 599.10) the courts are not required to take notice of the laws of other states unless the party interested gives reasonable notice to adverse parties by the pleadings or otherwise. *Whitney v Daniel*, 208 M 420, 294 NW 465.

Judicial notice of the statutes of sister states may be taken provided reasonable notice in the pleadings or otherwise is given to adverse parties. *Patterson v Consumers Co.* 209 M 50, 295 NW 401.

599.08 ISSUE FOR COURT.

Since the Declaration of Independence, the law of Great Britain and its dependencies is the law of a foreign country and, like any other foreign law, is a matter of fact with which the courts of this country cannot be presumed to be acquainted or take judicial notice of but which must be pleaded and proved. In the case at bar the defendant was not chargeable with constructive notice of a title deed recorded or registered in the province of Saskatchewan. *Greear v Paust*, 202 M 633, 279 NW 568.

Lex fori and lex loci; what law determines whether the question is for the jury. 12 MLR 263.

599.11 RECORDS OF FOREIGN COURTS.

Where the certified judgment roll contains a full record of the proceedings, including the declaration, summons, proof of service, verdict, and judgment, a foreign judgment is amply shown. *Bowman v St. Paul Ins. Co.* 58 M 176, 59 NW 943.

MINNESOTA STATUTES 1947 ANNOTATIONS

599.12 JUDICIAL NOTICE AND PROOF, ETC.

1412

In an action upon an Alabama judgment the record sufficiently supports the findings that the foreign court had jurisdiction and rendered a judgment in proper form against the defendant, but there must be a modification as to costs. *Patterson v Consumers Co.* 209 M 50, 295 NW 401.

Full faith and credit. 20 MLR 140, 187.

599.12 PRINTED COPIES OF STATUTES.

See, section 645.06.

Impeachment of legislative journals by parol evidence. 25 MLR 528.

599.13 MUNICIPAL ORDINANCES.

Courts take judicial notice of the provisions of city charters. *State v Overby*, 116 M 304, 133 NW 792; *City of St. Paul v Twin Cities Motor Bus Co.* 189 M 612, 250 NW 572; *Jedneak v Mpls. General Electric Co.* 212 M 226, 4 NW(2d) 326.

A provision in a municipal ordinance that a licensee must be a resident of the municipality and a resident voter for the period of a year is unlawful discrimination and therefore void. OAG Jan. 27, 1947 (477-B-4).

Proof of crime in civil proceedings. 13 MLR 556.

599.14 RECORDS OF SURVEYS, EVIDENCE WHEN.

A plat cannot be disregarded as inaccurate although received in evidence subject to correction and was not thereafter corrected. *Spencer v Mankato Mill*, 180 M 509, 231 NW 202.

599.19 PATENTS AND DUPLICATES.

A patent regular on its face, in proper form, signed by the proper officers, with the proper seal, is conclusive evidence of regular title, and in the instant case no facts were proved to avoid the prima facie effect of the patent. *Holland v Netterberg*, 107 M 380, 120 NW 527.