

69-1-3 Transmitting agreements for payment of money -- Burden of proof.

Checks, due bills, promissory notes, bills of exchange and all orders or agreements for the payment or delivery of money or other thing of value may be made or drawn by telegraph, and when so made or drawn shall have the same force and effect to charge the maker, drawer, endorser or acceptor thereof, and shall create the same rights and equities in favor of the payee, drawee, endorsee, acceptor, holder or bearer thereof, as if duly made or drawn and delivered in writing. Except as provided in Section 69-1-4, whenever the genuineness or execution of any such instrument received by telegraph shall be denied on oath by or on behalf of the person sought to be charged thereby it shall be incumbent upon the party claiming under or alleging the existence of the same to prove the existence and execution of the original writing from which the telegraphic copy was transmitted. The original message shall in all cases be preserved in the telegraph office from which the same is sent.

Amended by Chapter 20, 1995 General Session