

from the sheep—in protecting the innocent from the wrongdoers so ready to avail themselves of the doors of broad judicial construction, left wide open for them to pass through.

*Dating.*—The other element of written documents that has largely degenerated from a condition to a mere theory, is the *dating* thereof.

The time of a transaction is of supreme importance, and for the sake of convenience, as well as to have a ready record thereof, the date is generally set forth in written documents of every kind. The stated date is of course supposed to represent the true date, but as it is quite often a merely arbitrary statement of the time, it is well to consider its real status.

There is—apart from statute—no necessity for any date to be named, as it can be proven *aliunde*, if you have the evidence to do so; and if it be actually set forth in the document, the parties are not bound thereby, but may shew by other evidence that it is, or is not, the correct date. Such evidence is not construed as tending to vary the terms of a written contract and hence is admissible, by way of explanation or ascertainment of the true date.

Of course the *primâ facie* presumption is that a paper is executed on the date it bears; but the presumption that a note was executed and delivered on its date exists only in the absence of evidence to the contrary. On the other hand, the mere dating on a note is no evidence of the maker's presence at such time and place nor is the mere dating of a forged instrument sufficient evidence of venue to give the Court of the district named jurisdiction of a charge of forgery of such document. Neither ante-dating, nor post-dating is, *per se* fatal to a paper, but (when shewn) may become potent evidence of fraud thereby sought to be carried out.

*Sunday Dates.*—The mere fact that an executory paper is made or dated on Sunday will put the taker on inquiry, but will not invalidate it, if it be delivered or executed on a secular day; where dated on a Sunday it is only presumed to have been also delivered then, in the absence of proof to the contrary. A document that is legally void by reason of its execution and delivery on a Sunday, of course, cannot be the subject of forgery.