

LEGAL NOTES

R. J. BORYER

This department is open to all the patrons of The Ranch. Inquiries on legal matters will be answered free in these columns. If a reply by letter is desired enclose a fee of One Dollar to R. J. Boryer, care The Ranch

The validity and negotiable character of an instrument are not affected by the fact that:

(1) It is not dated; (2) does not specify the value given, or that any value has been given therefor; or (3) does not specify the place where it is drawn or the place where it is payable; or (4) it bears a seal; or (5) designates a particular kind of current money in which payment is to be made. But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

Instrument is payable on demand: (1) When it is expressed to be payable on demand, or at sight, or on presentation; or (2) in which no time for payment is expressed. Where an instrument is issued, accepted, or indorsed when overdue, it is, as regards the person issuing, accepting, or indorsing it, payable on demand.

The interest is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of: (1) A payee who is not maker, drawer, or drawee; or (2) the drawer or maker; or (3) the drawee; or (4) two or more payees jointly; or (5) one or more of the several payees; or (6) the holder of an office for the time being. Where the instrument is payable to order, the payee must be named or otherwise indicated therein with reasonable certainty.

The instrument is payable to bearer: (1) When it is expressed to be so payable; or (2) when it is payable to a person named therein or bearer; or (3) when it is payable to the order of a fictitious or non-existing person, and such fact was known to the person making it so payable; or (4) when the name of the payee does not purport to be the name of any person; or (5) when the only or last endorsement is an endorsement in blank.

Presumption as to Date.—Where the instrument or an acceptance or any endorsement therein is dated, such date is deemed prima facie to be the true date of the making, drawing, acceptance or indorsement as the case may be.

Ante-dated and Post-dated.—The instrument is not invalid for the reason only that it is ante-dated or post-dated, provided this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

When Date May Be Inserted.—Where an instrument expressed to be payable at a fixed period after date, is issued undated, or where the acceptance of an instrument payable at a fixed period after sight, is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly.

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The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

Fruit Outlook in the Kittitas.

The Ellensburg Capital, in sizing up the fruit outlook in the valley for the present year, says: "The situation is now fairly well outlined and yet it is decidedly mixed, for the reason that each locality is governed by different phases, some sections having suffered more from late frosts than others. On the west side, so Adam Stevens informs the Capital, no noticeable damage has been done, and some of the fruit is so well formed that there is no guess work about it and the situation can be correctly sized up. From other parts of the valley, especially the south end, the reports are not so encouraging, and there is no doubt that the freezes did considerable damage. However, it is generally claimed that the trees were greatly overloaded with blossoms, and that if only one-third remain to produce fruit there would still be a large enough crop. So, taken altogether, it is likely that we will have a fair, if not an average crop of fruit and berries, even the peaches having passed through the ordeal in a remarkably surprising manner.

Cascade Canal Is Completed.

The new Cascade irrigation canal, in Kittitas county, has been completed and water is now running in it. For several days the flood waters from Nanum and Wilson creeks have been turned into the lower section of the canal, and those who were ready for the water were able to have all they wanted, but very few were ready, and consequently the water rolled on toward the lower end, where a large force is putting on the finishing touches. The big ditch was found to be in fine condition and no trouble whatever was experienced. The water was also turned in at the upper end early in the week before last and was carried to the tunnel where the canal enters the valley. The test was in every way satisfactory, and the fluming met every expectation, not the slightest break occurring.

There was water enough at the intake when the headgate was opened to supply 10,000 inches of water in the canal. When it is borne in mind that the great storage dam is holding back an immense volume of water at Lake Katches, it will be seen that no one under the ditch need worry about an adequate supply for the canal and lands under it. The water will be turned into the canal for full service just as soon as the railroad company completes the bridge at the crossing.

The Bellingham chamber of commerce is negotiating, through Secretary Teck, with parties looking to the establishment of a fruit and vegetable cannery there.

The census bureau has issued an irrigation bulletin devoted to Montana. It shows that in 1902 there were 1,140,694 acres under cultivation in the state, covering 9,496 farms and costing \$5,576,975.

A dispatch from Touchet says another irrigation ditch is being added to the many now in operation near the Oregon line in Walla Walla county, Whitman Station farmers, east of here, having a ditch well under way to cover a small area near that point. Water is to be taken from Mill creek during the flood period.

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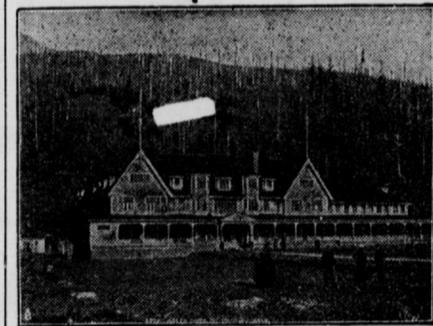
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