

livering to their authorized agents the coupons or other evidence of interest as the same become due, but if any company fails to deposit additional securities when and as called for by the insurance commissioner, or pending any proceedings to close up or enjoin it, the insurance commissioner shall collect such dividends or interest and add the same to such securities.

§ 7. EXCEPTION TO ACT.] None of the provisions of this act shall apply to fraternal beneficiary associations.

§ 8. EMERGENCY.] Whereas, an emergency exists in this, that there is now no provision of law providing for the deposit of securities by life insurance companies organized under the laws of this state, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 16, 1909.

INSTRUMENTS LEGALIZED

CHAPTER 151.

[S. B. No. 308—Plain]

LEGALIZING CERTAIN ACKNOWLEDGMENTS.

AN ACT to Legalize the Execution and Acknowledgment of Certain Deeds, Mortgages and Other Instruments in Writing, and the Record Thereof, and Making the Same or Certified Copies Thereof, Admissible in Evidence.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. EXECUTION, ACKNOWLEDGMENT, FILING AND RECORDING LEGALIZED.] The execution, acknowledgment, filing and recording of all deeds, mortgages and other instruments in writing, affecting the title to real property in this state, in good faith made, taken or certified to prior to the first day of January, 1909, and which have been filed or recorded in the proper counties of this state, be and the same are hereby declared to be legal and valid for all purposes, anything in the laws of the territory of Dakota or the state of North Dakota, or of any other state, territory or country at the time of such execution, acknowledgment, witnessing, filing or recording, to the contrary notwithstanding.

§ 2. ACTS OF EXECUTORS, ADMINISTRATORS, DEPUTIES, OFFICERS OR ATTORNEYS IN FACT LEGALIZED.] The acts of all properly appointed and constituted executors, administrators, officers of corporation, deputy public officials and attorneys in fact, done in good faith, in the execution and acknowledgment of such instru-

ments, are hereby declared to be legal and valid for all purposes, notwithstanding the fact that such executor, administrator, officer, deputy officer or attorney in fact may not have signed the same in the form provided by law in force at that time, or that the same was not sealed or stamped as required by laws in force at the time of such execution, and notwithstanding the fact that the certificate of acknowledgment thereon may not be in the form required or sealed as required by any laws in force at the time of making the same.

§ 3. ACKNOWLEDGMENTS LEGALIZED.] The acts of all notaries public or other officers, done in good faith in taking or certifying to the acknowledgments of such instruments, whether such officers were qualified or otherwise by law at the time to do so or not, are hereby declared legal and valid for all purposes.

§ 4. GOOD FAITH PRESUMED.] Good faith shall be presumed on the part of all persons and officers in the execution, acknowledgment, filing and recording of such instruments, and it shall be prima facie presumed that such officer acted within the scope of his authority.

Approved March 15, 1909.

IRRIGATION

CHAPTER 152.

[S. B. No. 188—Overson]

REGULATING USE OF WATER.

AN ACT Authorizing the State Engineer to Grant Permits for the Appropriation of Flood Waters of Draws, Coulees or Streams and Water Courses. Which for the Greater Part of the Year Flow Less Than One-third of One Cubic Foot Per Second.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. WATER MAY BE APPROPRIATED.] Any person, association or corporation who may have or hold any possession, right or title to any agricultural lands within the limits of this state who desires to direct the flood waters of any draw, coulee, stream or water course, having a flow of not to exceed one-third of one cubic foot of water per second during the greater part of the year, which crosses or from which can be irrigated any parcel of land to which said person, association or corporation may have or hold any possession, right or title, for irrigation or stock purposes, may build or construct dams across any such draw, coulee, stream or water course