

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

or divert the water therefrom by ditches, flumes or otherwise and such person, association or corporation shall have the right of way through and over any tract or piece of land for the purpose of conveying said water by means of ditches, pipes, flumes or otherwise. Such right of way shall in all cases be so located as to do the least damage to public or private property, consistent with proper and economical engineering construction; providing, that such rights shall be acquired in the manner provided by law for taking of private property for public use.

§ 2. PROCEDURE.] Any person, association or corporation wishing to avail themselves of any of the rights hereinbefore mentioned shall file a location certificate with the state engineer, which certificate shall be published and proof of publication thereof filed in accordance with the statutes concerning publication of notice to appropriate water for irrigation or other purposes. Such certificate shall state:

First: The number of acre feet claimed.

Second: The purpose for which it is claimed and place of intended use.

Third: The place of diversion, together with the name and description of the stream, draw or coulee from which the water is to be taken.

Fourth: The date of the filing of the location certificate with the state engineer as hereinafter referred to.

Fifth: The names of the owners or claimants to and the description of the land upon which are to be located any dams over or through which shall pass any ditches, pipes, or flumes used in conveying such water.

Sixth: A notice that any adverse claimant to the water to be appropriated shall file objection to the granting of said water right with the state engineer within thirty days from the date of the last publication of said certificate.

§ 3. STATE ENGINEER APPROVES. RIGHTS OF CLAIMANT.] If no objections shall have been filed within thirty days after the expiration of the last publication of said certificate, the state engineer shall indorse his approval on the application, which, after recording in the office of the register of deeds in the county in which said land is situated, shall thereupon become a permit to appropriate water, providing that the permit so granted shall not interfere with any existing vested water rights. As soon as the state engineer approves of the application to appropriate said water, he shall immediately notify such applicant that a permit has been granted and within sixty days after the receipt of such permit from the state engineer the appropriator shall proceed to build and construct such dams or to dig such ditches as may be necessary for the purpose of holding or directing such waters, and shall proceed with due diligence to direct the same for beneficial purposes. In case objections shall

have been filed to the use of said waters by the appropriator by any person or persons, the laws governing the appropriation of water for larger streams in this state, as provided by chapter 37 of the code of civil procedure of the revised codes of North Dakota for 1905, shall govern in determining the rights of the claimants to said waters.

§ 4. AMOUNT ALLOWED. "ACRE FOOT" DEFINED.] The amount of water allowed to any person, association or corporation under this act shall not be in excess of two acre feet per acre for any one irrigation season, and in no case more than can be beneficially used. (An acre foot under this act shall be construed to mean the amount of water required to cover one acre of land one foot deep.)

§ 5. EMERGENCY.] Whereas, an emergency exists, this act shall take effect and be in force upon its passage and approval.

Approved March 13, 1909.

LABOR

CHAPTER 153.

[H. B. No. 207—Skulason]

REGULATING CHILD LABOR.

AN ACT to Regulate the Employment of Child Labor and to Prescribe Penalties for Violations of This Act.

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

§ 1. UNLAWFUL TO EMPLOY CHILD UNDER FOURTEEN YEARS.] No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any mine, factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session.

§ 2. EMPLOYMENT OF CHILD UNDER SIXTEEN YEARS.] No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any mine, factory, workshop or mercantile establishment unless the person or corporation employing him procures and keeps on file, and accessible to the superin-