

register of deeds in the proper county within which such water right is located and situated. A copy of such certificate shall be posted at or near the head of such ditch, flume or canal and shall contain the name of the locators, the date of location, number of inches of water claimed or appropriated, and the purpose of the appropriation, and in no case shall the number of inches of water claimed exceed the conveying capacity of the first twenty feet of the flume, ditch or canal. Nor shall said ditch, flume or canal be enlarged to the prejudice or injury of a subsequent appropriator before such enlargement.

§ 10. WHEN APPROPRIATION DEEMED ABANDONED.] On failure to commence construction of any such dam, ditch, flume, dyke or canal or any of them, within 60 days from date of filing of location, and prosecute such dam, ditch, flume or dyke to a final completion without unnecessary delay, such appropriation shall be deemed abandoned.

Approved March 8, 1899.

WITNESSES.

CHAPTER 174.

[H. B. 209.]

WITNESSES IN CRIMINAL ACTIONS.

AN ACT to Amend Section 7960 of the Revised Codes of North Dakota, Relating to Examination of Witnesses in Criminal Actions.

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

§ 1. AMENDMENT.] That section 7960 of the Revised Codes of the State of North Dakota be amended to read as follows:

§ 7960. The witnesses must be examined in the presence of the defendant, and may be cross-examined in his behalf. And on demand of the state or the defendant all the testimony in the case must be reduced to writing in the form of depositions, or the testimony may be taken by stenographer if the state and the defendant consent thereto.

§ 2. EMERGENCY.] Whereas, there is now no law adequately providing for the taking of testimony in criminal actions, an emergency exists; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1899.

CHAPTER 175.

[H. B. 199.]

WITNESSES RESIDING OUT OF THE COUNTY

AN ACT to Amend Section 8369 of the Revised Codes of North Dakota.

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

§ 1. AMENDMENT.] That section 8369 of the Revised Codes be and the same is hereby amended to read as follows:

§ 8369. No person is obliged to attend as a witness before a court or magistrate out of the county where the witness resides or is served with the subpoena, unless the committing magistrate before whom the defendant is brought or the judge of the court in which the offense is triable, or a judge of the District Court or a judge of the Supreme Court upon an affidavit of the state's attorney or prosecutor, or of the defendant, or his counsel, stating that he believes the evidence of the witness is material, and his attendance at the examination or trial necessary, shall indorse upon the subpoena an order for the attendance of the witness.

Approved March 8, 1899.

CONCURRENT RESOLUTIONS.

CHAPTER 176.

PENSIONS FOR UNION SOLDIERS.

CONCURRENT RESOLUTION.

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the senators and representatives of the State of North Dakota in the National Congress be requested to favor and assist in securing a fair and liberal service pension to every union soldier veteran of the Civil War, not already a pensioner, regardless of any disability accruing from said service or since, whenever said soldier shall have arrived at the age of sixty-two years.