

tion for water, gas, or oil. Drive point wells are excluded from the provisions of this sub-title.

A "well driller" is a person in responsible charge of the actual drilling, boring, coring, or digging, or construction, alteration or repair of any well.

An "owner" is a person who has the right to drill into and produce and appropriate the production of water, gas, or oil, either for himself, or for himself and another or others, and for others.

A "person" means any natural person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind.

"Underground water" means any supply of water which may be developed by any type of well or spring from beneath the surface of the ground whether the water flows therefrom by natural force or is withdrawn by pumping or other mechanical device or artificial process.

"Aquifer" means any formation of soil, sand, rock, gravel, limestone, sand-stone, or other material, or any crevice from which underground water is or may be produced.

37. Any person who shall engage in the trade, business or calling of well driller without a permit or license, as provided for by this sub-title, or who shall refuse to perform any duty or obey any order lawfully enjoined upon him by the Department, within the prescribed time, shall be deemed to have violated the provisions of this sub-title and shall be subject to a penalty of not less than \$10.00 nor more than \$50.00 for each and every violation. Each day of such violation shall constitute a separate offense. The display by any unlicensed person of any sign or the advertising in any way, or the acceptance by any unlicensed person of any money or other consideration for the construction of any well, contrary to the provisions of this sub-title, shall be deemed prima facie evidence of the violation of this sub-title.

38. If any part, section, sub-section, sentence, clause or phrase of this sub-title shall be held unconstitutional or void for any reason, such decisions shall not affect the validity of the remaining portions of this sub-title.

SEC. 2. *And be it further enacted*, That all Acts and parts of Acts inconsistent or in conflict with this Act are hereby repealed.

SEC. 3. *And be it further enacted*, That this Act shall take effect June 1, 1945.

Approved March 24, 1945.