

on account of any contract made by or transaction had on behalf of said business, the defendant may plead such failure in abatement of the action; on all proceedings had in said action shall thereupon be stayed until the certificate provided for by this act is duly filed, and the defendant in case he prevails in said action, shall also be entitled to tax five dollars (\$5.00) costs in addition to such other statutory costs as are now allowed by law, and in case he does not prevail in said action, shall be entitled to deduct said five dollars (\$5.00) from the judgment otherwise recoverable therein.

Approved April 19, 1911.

CHAPTER 272—H. F. No. 519.

An Act to punish the giving of checks or drafts on any bank or other depository wherein the person so giving such check or draft shall not have sufficient funds or credit for the payment of the same.

Be it enacted by the Legislature of the State of Minnesota:

Issuing of checks on bank wherein person insufficient funds a gross misdemeanor.—Section 1. Any person who with intent to defraud shall make or draw or utter or deliver any check, draft or order for the payment of money upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has not sufficient funds in or credit with such bank or other depository for the payment of such check, draft or order in full upon its presentation, shall be guilty of a gross misdemeanor and upon conviction thereof shall be fined not more than one thousand (\$1,000), or imprisoned not more than one year, or both. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

Sec. 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 19, 1911.

CHAPTER 273—H. F. No. 545.

An Act to legalize the rate of interest charged, levied and assessed by county auditors on ditch assessments where no bonds were issued by the county.

Be it enacted by the Legislature of the State of Minnesota:

Certain levy of interest in ditch proceedings confirmed.—Section 1. That in all cases where a county auditor, in ditch proceedings under chapter 230 of the Laws of 1905, establish-