

tuary or benefit funds, including reserve or special benefit funds, not less than sixty-five per cent (65%) of all premium receipts and all interest earnings thereon upon such life insurance policies that shall have been in force one year or more, and the entire amount of receipts upon post-mortem assessment certificates except the expense dues and charges therein provided. And no such funds heretofore or hereafter so appropriated to such mortuary or benefit fund, including reserve or special benefit funds, shall ever be used for the expense of conducting such business.

Provided, that every such corporation which issues a certificate or policy or makes an agreement with its members, by which, upon the decease of a member, a funeral benefit is to be paid, or funeral service is to be furnished, not exceeding two hundred dollars (\$200.00) in amount or value, and which pays no accident, disability or other benefits, shall set aside and appropriate exclusively to its mortuary or benefit funds, including reserve or special benefit funds, not less than sixty per cent (60%) of all premium receipts upon such insurance policies that shall have been in force one year or more, and the entire amount of receipts upon post-mortem assessment certificates except the expense dues and charges therein provided. And no such funds heretofore or hereafter so appropriated to such mortuary or benefit funds, including reserve or special benefit funds, shall ever be used for the expense of conducting such business.

The net accretions to the funds enumerated in this section derived from interest, rents, or other sources, shall also be set aside and appropriated exclusively to the fund producing said net accretions.

Approved April 19, 1913.

CHAPTER 378—H. F. No. 687.

An Act relating to foreign corporations which have been or hereafter may be prohibited by judgment under Section 5169, Revised Laws 1905 from continuing business within the state.

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

Section 1. Foreign corporations ousted from state, readmitted on certain conditions.—Any foreign corporation which has heretofore or may hereafter be prohibited by judgment under Section 5169, Revised Laws, 1905, from continuing its business within this state, and whose business at the beginning of the proceedings resulting in such judgment was and thereafter continued to be in whole or in part manufacturing within this state, shall be entitled to the rights, benefits and privileges of Section 2889, Revised Laws, 1905, by filing with the secretary of state

the affidavit specified in the next section, provided that such corporation shall within the times hereinafter specified apply for the assessment of and pay the fine mentioned in Section "3" hereof. Provided that at the time of filing said affidavit the said corporation shall deposit in court with the clerk thereof the sum of \$10,000.00, which sum or any part thereof shall be applied on any fine imposed upon such corporation under Section (3) hereof.

Sec. 2. What affidavit must contain and by whom made.—Said affidavit above mentioned shall be made by the president, secretary, general manager or other officer or agent of said corporation having knowledge of the facts, and shall state that the business of said corporation at the beginning of said proceedings was and thereafter continued to be in whole or in part manufacturing within the state, and that the said corporation does not at the date of said affidavit directly or indirectly violate any provision of Section 5168, Revised Laws 1905, and does not at said date in any way assist in carrying out any of the purposes of any pool, trust agreement, combination or undertaking mentioned in said Section 5168.

Sec. 3. Application to court to fix fine not exceeding \$10,000.—Within thirty days after the filing of said affidavit such corporation shall make application in the case in which such judgment was entered for an order of the court to assess and fix a fine upon said corporation in pursuance of this act. Eight days' notice of such application shall be given to the attorney general, and the court, after hearing, shall assess and fix said fine at such sum not exceeding ten thousand dollars (\$10,000) as to it shall seem just and reasonable under the circumstances shown in the record of said case. If said corporation shall fail to make within said thirty days such application for assessing and fixing said fine, or shall fail to pay said fine within said sixty days after the written notice of the amount thereof from the attorney general, all said rights, benefits and privileges under said Section 2889 shall cease.

Sec. 4. Application only to first judgment.—This act shall apply only to the first judgment entered against such corporation under said Section 5169, and shall be inapplicable to any subsequent judgment against it under said Section 5169, and said rights, benefits and privileges of said Section 2889 shall cease whenever the business of such corporation shall cease to be in whole or in part manufacturing within this state.

Sec. 5. Motion by attorney general and findings and judgment of court.—At any time after the filing of said affidavit the attorney general may make, in the case in which such judgment was entered, a motion for an order vacating said rights, benefits and privileges under said Section 2889. Said motion shall contain a specification of the grounds thereof and shall

be served on such corporation in the manner provided for the service of a summons. The court shall hear said motion in a summary manner on said specification and on the corporation's answer thereto and on such evidence as may be submitted at the hearing, and shall make its findings of facts and conclusions of law therein; and if it be found that such corporation has since the filing of said affidavit directly or indirectly violated any provision of said Section 5168, or has in any way assisted in carrying out any of the purposes of any pool, trust agreement, combination or understanding mentioned in said Section 5168, the court (by a supplementary judgment in said case) shall enter judgment vacating all of said rights, benefits and privileges or impose a fine not less than \$5,000 and not exceeding \$10,000.

Sec. 6. This act shall take effect and be in force from and after its passage.

Approved April 22, 1913.

CHAPTER 379—H. F. No. 835.

An Act providing for the payment of certain items of cost of public drainage ditches and of including same in the lien statement in certain cases.

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

Section 1. **Cost of installation of culverts to be added to ditch assessments in certain cases.**—That in all cases in this state where a public drainage ditch has been regularly established by order of the district or a judge thereof, pursuant to the provisions of Chapter Two Hundred Thirty (230) of the General Laws of Minnesota for 1905, and acts amendatory thereof or supplementary thereto, and where (first) in the course of construction of such ditch, it has been found necessary by the engineer in charge of the said ditch to install culverts in the said ditch to protect said ditch against the caving of banks or for any other reason, and (second) where in making his preliminary estimate of the cost and items of said ditch, the engineer making said estimate did not include therein the cost of the said culverts, and (third) where the added cost of the said ditch caused by the installation of said culverts increases by more than ten per centum the total original contract price for the construction of such ditch, and (fourth) where the total cost of the said drainage ditch, including the added cost of such culverts, does not exceed the total amount of the assessment for benefits as returned by the viewers and fixed by the court, and (fifth) where the engineer in the matter of said ditch makes certificate of the facts certifying to the foregoing requirements and files such certificate in the office of the county auditor of each county affected by such public drainage ditch, then and in that