

that if caused by the act of an individual could and would be abated by action in the courts and damages recovered therefor; that it is feasible to construct an adequate outlet for the waters of said Mustinka state ditch or for the surplus waters of said Mustinka river so as to abate said nuisance and injury and so as to prevent injury to the health of the inhabitants of the vicinity of said ditch and said river and to promote public health, at a cost of about thirty-five thousand dollars (\$35,000.00).

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

**State drainage commission to construct outlet of Mustinka state ditch in Traverse county.**—Section 1. The state drainage commission is hereby authorized, empowered and directed to construct, expeditiously as may be found feasible, an outlet of the Mustinka state ditch in Traverse county, Minnesota, of a capacity adequate to receive and carry off all the waters thereof, in order that the said waters thereof may be deflected from and prevented from flowing into the Mustinka river in said county, and in order to abate the public nuisance created by the overflow of waters from said Mustinka state ditch and prevent injury to the health of the inhabitants of the vicinity of said ditch and said river and the lands overflowed by the waters thereof, and to promote public health; *provided*, however, that if said commission shall find it feasible to deepen and widen the channel of the said river so as to make it feasible to use the channel of said river as an outlet to said ditch and duly safeguard the lands adjacent to said river against overflows thereof in the future, then the said drainage commission are hereby authorized and empowered so to construction an outlet for the said Mustinka state ditch, the total amount to be expended by the state therefor not to exceed thirty-five thousand dollars.

**\$35,000 appropriated.**—Sec. 2. The sum of thirty-five thousand dollars, or whatever part thereof may be found necessary to do what is authorized in section 1 hereof to be done is hereby appropriated out of any funds in the state treasury, not otherwise appropriated.

Approved April 13, 1911.

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CHAPTER 139—S. F. No. 23.

*An Act abolishing second trials in actions of ejectment and repealing sections 4430 and 4431 of the Revised Laws of Minnesota of 1905.*

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

**Second trials in actions of ejectment abolished.**—Section 1. That hereafter the trial of all actions of ejectment or of any other action in the courts of this state involving the possession

of real estate shall be conducted as are other civil actions, and the right to a second trial of such actions as heretofore allowed by the laws of this state is hereby abolished.

**Certain sections repealed.**—Sec. 2. Sections 4430 and 4431 of the Revised Laws of Minnesota of 1905 are hereby repealed.

**Not to affect proceedings now pending.**—Sec. 3. This act shall not affect any action or proceeding now pending in court or commenced prior to the passage thereof.

Sec. 4. This act shall take effect and be in force from and after its passage.

Approved April 13, 1911.

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#### CHAPTER 140—S. F. No. 426.

*An act to amend sections 1953, 1956 and 1959 of the Revised Laws of 1905, relating to the Railroad and Warehouse Commission.*

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

**Six year terms for railroad commissioners.**—Section 1. That section 1953, Revised Laws of 1905, be and the same is hereby amended so as to read as follows :

Section 1953. Election, etc.—The general supervision of railroads and express companies doing business as common carriers, and of public warehouses, is vested in a board of three railroad and warehouse commissioners, which shall be known as the "Railroad and Warehouse Commission." At the general election to be held in 1912 there shall be one commissioner elected for a term of four years, and one commissioner for a term of six years and at each biennial election thereafter there shall be one commissioner elected for a term of six years and until their successors qualify.

**Salary \$4,500 per year.**—Sec. 2. That section 1956 of the Revised Laws of 1905 be and the same is hereby amended so as to read as follows :

Section 1956. Oath,—Bond.—Salary.—Before entering upon the duties of his office, each commissioner shall take, subscribe and file with the secretary of state an oath as follows :

"I do solemnly swear that I will support the constitution of the United States and the constitution of this state, and that I will faithfully discharge my duties as a member of the railroad and warehouse commission of the State of Minnesota, according to the best of my ability, and that I am not in the employ of or holding any official relation to, any common carrier