

ing on behalf of the State of Washington or any county, or municipality therein, at any trial or other judicial proceeding, in any state, county or municipal court within this state; nor shall such officer, in any case, be allowed nor paid any per diem, for attending or testifying in any state or municipal court of this state, in regard to matters and information that have come to his knowledge in connection with and as a result of the performance of his duties as a public officer as aforesaid: *Provided*, That if a public officer be subpoenaed <sup>Proviso.</sup> and required to appear or testify in judicial proceeding in a county other than that in which he resides, then said public officer shall be entitled to receive per diem and mileage as provided by statute in other cases.

Passed the Senate March 6, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

## CHAPTER CII.

[S. B. No. 244.]

### AMENDING BALLINGER'S CODES AND STATUTES RELATIVE TO APPEALS.

AN ACT to amend section 5645 of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section 5645 of Ballinger's Annotated Codes and Statutes of Washington, be, and the same hereby is, amended to read as follows: <sup>Amendment.</sup>

Sec. 5645. Either party may appeal from the order of the court adjudicating or refusing to adjudicate that the contemplated use of the property sought to be appropriated is really a public use or a private use for a private way of necessity, and ordering or refusing to order a jury to be summoned for the assessment of damages, within thirty days after the entry of said order. <sup>Appeal from adjudication.</sup>

Either party  
may appeal.

Before Su-  
preme Court.

Proviso.

Further  
proviso.

Provided  
further.

Emergency.

Either party may also appeal from the judgment and decree of appropriation within thirty days after the entry of said judgment and decree, and such appeal shall bring before the Supreme Court the propriety and justness of the amount of damages in respect to the parties to the appeal, and also the legality, propriety and necessity of the appropriation: *Provided, however,* That no bonds shall be required of any person interested in the property sought to be appropriated by such corporation; but in case a corporation appropriating such land, real estate, premises or other property, is appellant, it shall give a bond like that prescribed in the next following section, to be executed, filed and approved in the same manner: *And provided further,* That if the owner of the land, real estate, premises or other property accepts the sum awarded by the jury, the court or the judge thereof, he shall be deemed thereby to have waived conclusively an appeal to the Supreme Court, and final judgment by default may be rendered in the Superior Court, as in other cases: *And be it further provided,* That the right of appeal herein given shall be applicable to and shall exist in all condemnation proceedings hereafter brought, now pending, and in which judgment has been rendered, and the time for appeal herein provided has not elapsed.

SEC. 2. An emergency exists, and this act shall take effect immediately.

Passed the Senate March 9, 1901.

Passed the House March 13, 1901.

Approved by the Governor, March 16, 1901.