

said warrant out of any funds in the state treasury not otherwise appropriated.

Passed the Senate February 13, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER C.

[S. B. No. 230.]

VACATING CERTAIN PLATTED LANDS.

AN ACT to vacate the plat of the N. E. $\frac{1}{4}$ and N. $\frac{1}{2}$ S. E. $\frac{1}{4}$ section 36, township 21 N., range 2 east of Willamette Meridian.

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

Description.

SECTION 1. That the plat and dedication thereof of the N. E. $\frac{1}{4}$ and N. $\frac{1}{2}$ S. E. $\frac{1}{4}$ of section 36, Tp. 21, N. R. 2, E. Willamette Meridian, be and the same is hereby vacated and set aside.

Passed the Senate March 8, 1901.

Passed the House March 14, 1901.

Approved by the Governor March 16, 1901.

CHAPTER CI.

[S. B. No. 185.]

RELATING TO PAYMENT OF WITNESS FEES.

AN ACT relating to the payment of witness fees to public officers.

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

SECTION 1. That no state, county, municipal or other public officer within the State of Washington, who receives from the state, or from any county or municipality therein, a fixed and stated salary as compensation for services rendered as such public officer, shall be allowed or paid any per diem for attending or testify-

No state, county or municipal officers allowed per diem.

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 ^{Proviso.} 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: ^{Amendment.}

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. ^{Appeal from adjudication.}