poration shall not be subject to any license fee or other corporate tax of commercial corporations.

SEC. 4. Any lodge or society, or the members thereof, having heretofore attempted to incorporate as a body under the provisions of an act entitled "An act to provide for the incorporation of associations for social, charitable and educational purposes," approved March 21st, 1895, such lodge or society may incorporate under its original corporate name by complying with the provisions of sections one and two of this act: *Provided,* That such lodge or society Waiver of original rights to corporate name. shall attach to and file with the articles of incorporation provided for in this act a certificate duly signed, executed and attested by the officers of the said corporation consenting to such re-incorporation and waiving all rights of the orignal corporation to such corporate name.

Passed the Senate February 17, 1903.

Passed the House March 6, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 81.

[H. B. No. 95.]

AMENDING ACT REGULATING THE PRACTICE AND PRO-CEEDINGS IN CIVIL ACTIONS.

AN ACT to amend Section 221 of an act entitled "An act to regulate the practice and proceedings in civil actions," approved December 1, 1881.

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

SECTION 1. That section 221 of an act entitled "An act to regulate the practice and proceedings in civil actions," approved December 1, 1881 (the same being section 4993 Sec. 4993 Ballinger's Code, of Ballinger's Code and section 607 of Pierce's Code), be Sec. 607 Pierce's Code. and the same is hereby amended so as to read as follows:

Section 221. When the jury has been sworn, the trial shall Procedure. proceed in the following order:

(1) The plaintiff must briefly state the cause of action Cause of action to be stated. and the evidence by which he expects to sustain it. The

defendant may in like manner state the defense and the
evidence he expects to offer in support thereof, but noth-
ing in the nature of comments or argument shall be allowed
in opening the case. It shall be optional with the de-
fendant whether he states his case before or after the close
of the plaintiff's testimony.

Plaintiff to   (2)   The plaintiff or the party upon whom rests the
first produce burden of proof in the whole action, must first produce his
evidence.
evidence; the adverse party will then produce his evidence.

Rebuttal.   (3)   The parties will then be confined to rebutting
evidence, unless the court for good reasons, in furtherance
of justice, permits them to offer evidence in the original
case.

Request for   (4)   When the evidence is concluded, either party may
charge to   request the judge to charge the jury in writing, in which
jury.
event no other charge or instruction shall be given, except
the same be contained in the said written charge; or either
party may request instructions to the jury on points of
law, and if the court refuse to give the same, the party
requesting may except. Either party shall also be entitled
to require of the judge that all interlocutory orders, in-
structions or rulings upon the evidence during the progress
of the trial of a cause, shall be reduced to writing, together
with any exceptions that may be made thereto and the same
shall be made a part of the record of the case, and any
refusal on the part of the judge trying the cause or making
the order to comply with all or any of the provisions of
this section shall be regarded error, and entitle the party
whose request shall have been refused to a reversal of the
judgment on a writ of error: *Provided, always,* That the in-
struction or ruling so requested is pertinent and consistent
with the law and evidence of the case, and that such refusal
has worked an injury to the party requesting the same: *Pro-
vided, further, That whenever in the trial of any cause, a
stenographic report of the evidence and the charge and in-*
Charge taken
by stenogra-   *structions of the court is taken, the taking of such charge*
pher—how
considered.   *or instructions by the stenographic reporter, shall be consid-
ered as a charge or instruction in writing within the mean-
ing of this section.*

          (5)   After the conclusion of the evidence and the filing
of request for charge in writing or instructions, the plaintiff
or party having the burden of proof may, by himself or

one counsel, address the court and jury upon the law and Address to court and facts of the case, after which the adverse party may address jury. the court and jury in like manner by himself and one counsel, or by two counsel, and be followed by the party or counsel of the party first addressing the court. No more than Limitation of speeches. two speeches on behalf of the plaintiff or defendant shall be allowed.

(6) The court shall then charge the jury upon the law Charge to jury. in the case. If no request has been made for said charge to be in writing, or if no instructions has been requested, said charge may be oral; but either party at any time before the jury return their verdict, may except to the same or any part thereof; but no exceptions shall be regarded by Exceptions not to be the Supreme Court, unless the same shall embody the spe- regarded by Supreme cific parts of said charge to which exception is taken. In Court. charging the jury the court shall state to them all matters of law necessary for the information of the jury in finding a verdict; and if it becomes necessary to allude to the evidence, it shall also inform the jury that they are the exclusive judges of all question of fact.

Passed the House February 19, 1903.

Passed the Senate March 5, 1903.

Approved by the Governor March 12, 1903.

CHAPTER 82.

[H. B. No. 19.]

PRESCRIBING THE LIMIT OF ASSESSMENT FOR LOCAL IMPROVEMENTS IN CITIES OF THE FIRST CLASS.

AN ACT prescribing the limit upon the assessment of abutting property for local improvements in cities of the first class and providing a method of computation for improvement districts, and declaring an emergency.

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

SECTION 1. It shall be lawful for any city of the first class to order any improvement, the cost of which is to be Limit of cost. charged to abutting property, when said cost shall not ex-