

officer, in an action or proceeding. The exception must be taken at the time the decision is made, except as provided in sections three hundred and fifty-four and three hundred and ninety-seven.

How taken or  
disposed of.

SEC. 2. Section two hundred and sixty of the code of Washington of 1881 is amended to read as follows: Exceptions to any decision made after judgment may be presented to the judge at the time of such decision, and may be settled or noted as provided in section three hundred and ninety-two, and a bill thereof may be presented and settled afterward, as provided in section three hundred and ninety-three, and within like periods after entry of the decision.

SEC. 3. No exception need be taken or allowed with respect to any decision or ruling upon a matter of law when the same is entered in the journal or made wholly upon matters in writing and on file in the cause.

SEC. 4. The foregoing sections of this act shall be embodied in the code of procedure of this state, appropriately numbered, and shall be a part thereof.

Approved February 25, 1891.

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## CHAPTER XLVIII.

[S. B. No. 113.]

### IN RELATION TO JURIES.

AN ACT in relation to juries.

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

SECTION 1. A jury is a body of men temporarily selected from the qualified inhabitants of a particular district, and invested with power— 1. To present or indict a person for a public offense. 2. To try a question of fact.

SEC. 2. There shall be three kinds of juries— 1. A grand jury. 2. A petit jury. 3. A jury of inquest.

Grand.

SEC. 3. A grand jury is a body of men not less than

twelve nor more than seventeen in number, impaneled and sworn to inquire of public offenses committed or triable within the county.

SEC. 4. A petit jury is a body of men twelve in number <sup>Petit.</sup> in the superior court and six in number in courts of justices of the peace; drawn in the superior court by lot from the jurors in attendance upon the court at a particular session, and sworn to try and determine a question of fact; but in a justice's court the jury is drawn according to the mode specially provided for such court.

SEC. 5. A jury of inquest is a body of men six in num- <sup>Inquest.</sup> ber summoned from the qualified inhabitants of a particular district, before the coroner or other ministerial officer, to inquire of particular facts.

SEC. 6. A person is not competent to act as a juror unless <sup>Competency.</sup> he be — 1. An elector of the State of Washington. 2. A male inhabitant of the county in which he is returned, and who has been an inhabitant thereof for the year next preceding the time he is drawn or called. 3. Over twenty-one years of age. 4. In the possession of his natural faculties and of sound mind. 5. A person who has been convicted of a felony is not competent to act as a juror.

SEC. 7. Civil officers of the United States, civil and judi- <sup>Exceptions.</sup> cial officers of the state, attorneys at law, ministers of the gospel or priests, school teachers, practicing physicians, locomotive engineers, active members of the fire department of any city or village, all persons who have served twice as a juror within two years, and all persons over sixty years of age, shall not be compelled to serve as jurors, and in preparing jury lists the county commissioners shall omit the names of such persons; but no act of a grand or petit jury shall be invalid by reason of such person or persons aforesaid, qualified in other respects, serving thereon; nor shall any disqualification of any member of a grand or petit <sup>Effect of dis-qualified juror's action.</sup> jury affect the indictment or verdict, unless the juror for that specific cause was challenged or excepted to before the finding of the indictment or rendition of the verdict, and the challenge or exception overruled, and error specifically assigned upon the overruling of such challenge or exception. A person may be excused from acting as a <sup>Excuses.</sup>

juror when, for any reason, his interests or those of the public will be materially injured by his attendance; or when his own health, or the death or illness of a member of his family, requires his absence; but no person shall be excused on account of the causes in this section mentioned unless it appear that after he was summoned he could not, by reasonable precaution, have provided against them.

Open venire.

SEC. 8. If for any cause the court shall see fit to set aside the venire for grand or petit jurors, returned as above provided, an open venire may thereupon issue to the sheriff, who shall thereupon complete the panel by such open venire as speedily as possible.

SEC. 9. If for any cause a sufficient number of grand or petit jurors are not returned by the sheriff in the manner first herein contemplated, or if a sufficient number of grand or petit jurors are not in attendance, the court may order the panel filled by summoning a sufficient number by an open venire issued and directed to the sheriff.

Duty of sheriff.

SEC. 10. When a venire is delivered to the sheriff he shall without delay proceed to summon the jurors as therein directed, and shall immediately thereafter make and file in the court a return of his doings thereon.

Limit of service.

SEC. 11. No person shall be summoned as a petit juror in any superior court upon an open venire more than once in one year; and it shall be sufficient cause of challenge to any juror called to be sworn in any cause, that he has been summoned upon an open venire and attended said court as a juror at any session of said court held within one year prior to the time of such challenge; or that he has been summoned from the by-standers or body of the county, and has served as juror in any cause, upon such summons, within one year prior to the time of such challenge.

Approved February 25, 1891.