

## CHAPTER 33.

[S. B. 127.]

## RELATING TO CARNEGIE PENSION FUND FOR TEACHERS.

AN ACT to authorize the boards of regents of the University of Washington and the State College of Washington to apply for participation in the fund of the Carnegie Foundation for the Advancement of Teaching.

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

SECTION 1. That the Board of Regents of the University of Washington and the Board of Regents of the State College of Washington are authorized to apply for participation by the said University and State College of Washington in the fund of the Carnegie Foundation for the Advancement of Teaching, and from time to time to make application for allowances for such persons as may be eligible to receive the same under the rules laid down by the Board of Trustees of the Carnegie Foundation for the Advancement of Teaching.

Passed by the Senate February 4, 1909.

Passed by the House February 24, 1909.

Approved March 2, 1909.

## CHAPTER 34.

[H. B. 67.]

## RELATING TO NEW TRIALS.

AN ACT amending section 5071 and repealing section 5073 of Ballinger's Annotated Codes and Statutes of Washington in relation to new trials.

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

SECTION 1. That section 5071 of Ballinger's Annotated Codes and Statutes of Washington be, and the same is, hereby amended to read as follows: Section 5071. The former verdict or other decision may be vacated and a new trial granted, on the motion of the party aggrieved, for

[Am'd. §5071.  
Bal.]

any of the following causes materially affecting the substantial rights of such party: 1. Irregularity in the proceedings of the court, jury or adverse party, or any order of the court, or abuse of discretion, by which such party was prevented from having a fair trial; 2. Misconduct of prevailing party or jury; and whenever any one or more of the jurors shall have been induced to assent to any general or special verdict to a finding on any question or questions submitted to the jury by the court, other and different from his own conclusions, and arrived at by a resort to the determination of chance or lot, such misconduct may be proved by the affidavits of one or more of the jurors; 3. Accident or surprise which ordinary prudence could not have guarded against; 4. Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the trial; 5. Excessive or inadequate damages appearing to have been given under the influence of passion or prejudice; 6. Error in the assessment of the amount of recovery, whether too large or too small, when the action is upon a contract, or for the injury or detention of property; 7. Insufficiency of the evidence to justify the verdict or the decision, or that it is against law; 8. Error in law occurring at the trial and excepted to at the time by the party making the application.

Irregularities.

Misconduct of party.

Accident or surprise.

New evidence.

Excessive or inadequate verdict.

Amount.

Insufficient evidence.

Mistake in law.

§ 5073 Bal.  
repealed.

SEC. 2. That section 5073 of Ballinger's Annotated Codes and Statutes of Washington be, and the same is, hereby repealed.

Passed by the House February 16, 1909.

Passed by the Senate February 24, 1909.

Approved March 4, 1909.