

and counselor by another person who is not an attorney and counselor. 5. For the commission of any act involving moral turpitude, dishonesty or corruption, whether the same be committed in the course of his relations as an attorney or counselor at law, or otherwise, and whether the same shall constitute a felony or misdemeanor or not; and in the event that such act shall constitute a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disbarment or suspension from practice therefor. 6. In all cases where an attorney is removed or suspended by a superior court, the judgment or order of removal or suspension may be reviewed on appeal by the supreme court.

Passed by the Senate February 4, 1909.

Passed by the House March 5, 1909.

Approved March 9, 1909.

CHAPTER 73.

[S. B. 109.]

RELATING TO JURORS.

AN ACT relating to the selection, exemption, and service of jurors in the superior courts of the state.

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

SECTION 1. No person shall be competent to serve as a juror in the superior courts of the state unless he be,

- (1) An elector and taxpayer of the State of Washington. Qualifications.
- (2) A resident of the county in which he is called for service for more than one year preceding such time.
- (3) Over twenty-one years of age.
- (4) In full possession of his faculties and of sound mind.
- (5) Able to read and write the English language.

SEC. 2. Officers of the United States and of the state, ^{Who dis-}attorneys-at-law, school teachers, practicing physicians, _{qualified.}

active members of the fire or police department of any municipality, and all persons over sixty years of age, shall not be compelled to serve as jurors, and in preparing jury lists the names of such persons shall, if it be known that they are entitled to be excused from jury service, be omitted from the jury list: *Provided, however,* That the right of any such person to be excused from jury service shall not be cause for challenge as to his competency if he desires to serve.

Jury dis-
tricts.

Lists to be
prepared.

SEC. 3. Upon the taking effect of this act, the judge or judges of the superior court of each county in the state shall divide the county into not less than three nor more than six jury districts, following the lines of voting precincts, and arranging the districts in such manner that the population in each district shall be equal, so nearly as may be. The fixing of the boundaries of the district shall be evidenced by an order made by the court and entered upon its records. During the month of July of each year, the county clerk of each county in the state shall make up a jury list containing the names of all the qualified jurors in the county so far as he may be able to ascertain the same from the latest tax rolls and poll books of the county, or from any other official sources of information, and shall ascertain, so far as possible, the voting precinct and place of residence of each juror, and if these cannot be ascertained, the school district in which he resides. He shall provide boxes sufficient in number to correspond with the number of jury districts fixed by the court, and numbered to correspond therewith, and, having written the names of the jurors in each district upon slips of paper, which shall be similar in size, quality of paper, and writing, he shall deposit such slips in the jury box of the proper district. The jury list shall be revised from year to year, new lists being made up each year, adding thereto the names of new residents, and omitting therefrom the names of persons who may have removed from the county, or who have served as jurors within five years theretofore (unless they shall be necessary to make up a sufficient list),

and the names of the new list shall be deposited in the boxes for service for that year, as hereinbefore provided.

SEC. 4. Jury terms shall commence on the first Monday in each month, unless postponed to a later date by order of the judge or judges of the superior court, but it shall not be necessary to call a jury for any month in any county unless the judge or judges of the superior court of that county shall consider that there is sufficient business to be submitted to a jury to require that one be called. When the judge or judges of the superior court of any county shall deem that the public business requires a jury term to be held, he or they shall require the county clerk to draw a jury to serve for the ensuing month. The county clerk on the second Saturday of the calendar month preceding the month on which the jury is to be called to serve, shall be blind-folded and in the presence of the judge or judges of the superior court, shall draw from the jury boxes such number of names as the judge or judges may have ordered to be summoned as jurors for the ensuing month. The names shall be drawn in equal number from each jury box, and before the drawing is made the box shall be shaken up so that the slips bearing names thereon may be thoroughly mixed, and the drawing of the slips shall depend purely upon chance. The names of persons so drawn to serve as jurors shall be struck from the jury list by the county clerk, and they shall not be called to serve as jurors for five years thereafter, unless their services shall be necessary because there are not sufficient competent jurors to be found within the county who have not served within that time.

SEC. 5. Whenever the judge or judges of the superior court of any county in the state shall desire to summon a grand jury, the names of persons to serve as grand jurors shall be drawn from the jury list as hereinbefore provided: *Provided, however,* That the names of the persons who so serve as grand jurors shall not be stricken from the jury list, and such service shall not excuse them from service

upon the petit jury as though they had not been summoned on the grand jury.

Additional jurors.

Open venire.

SEC. 6. If, for any reason, the jurors drawn for service upon the petit jury for any month shall not be sufficient to dispose of the pending jury business, the judge or judges of the superior court may draw from the jury list such additional names as they may consider necessary, and the persons whose names are so drawn shall thereupon be summoned to serve as jurors forthwith. By stipulation or agreement made in open court as a part of the record the parties to any action may agree that an open venire may issue to make up the jury in that action, and upon order of the court approving of such stipulation and directing the number of jurors to be drawn, the clerk shall issue an open venire and the sheriff shall fill the same by summoning from the by-standers, or elsewhere, a sufficient number of persons to fill the open venire.

Juror excused, when.

Name of excused juror re-entered.

SEC. 7. A person summoned as a juror may be excused from acting as such on account of any of the reasons stated in section two hereof, when his own health requires, on account of death in his family, or if illness in his family of such character that he is required to be in attendance thereupon, or when his business interests would be seriously prejudiced by such service. No person, however, shall be excused from service as a juror on account of business reasons unless his service as such would lead to the waste or destruction of his property, and unless it shall appear that after having been summoned as a juror he had made every reasonable effort to permit of his serving as a juror without causing waste or destruction to his property. When excused for any of the foregoing reasons, the name of the juror so excused shall be placed upon the jury list from which jurors are drawn to serve at the next succeeding jury term, and he shall be summoned with the other jurors to serve at such term. Any person applying to be excused from jury service for any of the causes herein specified, shall be placed upon oath (or affirmation) to testify truly in all respects as to the cause for such ex-

cuse, and that he will answer truly any question put to him by the judge with respect thereto.

SEC. 8. In no action or proceeding whatsoever, except felony cases, shall the jury sworn to try the issues therein be kept together and in custody of the officers of the court, save during the actual progress of the trial, until the case shall have been finally submitted to them for their decision. Whenever the jury are kept together in custody of the officer, when the trial is not in progress, they shall be supplied with meals at regular hours, and with comfortable sleeping and toilet accommodations.

Jury kept together, when.

Passed by the Senate February 10, 1909.

Passed by the House March 5, 1909.

Approved March 10, 1909.

CHAPTER 74.

[S. B. 359.]

RELIEF OF VAUGHAN & MORRILL CO.

AN ACT for the relief of Vaughan & Morrill Co.

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

SECTION 1. There is hereby appropriated out of the general fund of the state, not otherwise appropriated, the sum of two hundred and eighty-nine dollars, fifty-five cents (\$289.55) for the relief of Vaughan & Morrill Co. for supplies furnished to the legislature for the year 1907.

Appropriation
\$289.55.

Passed by the Senate March 2, 1909.

Passed by the House March 5, 1909.

Approved March 10, 1909.