

cer having them in charge to conduct them into court. Upon their being brought into court the information required shall be given in the presence of, or after notice to, the parties or their attorneys.

New trial.

SEC. 2. Section 234 of said code of 1881 is amended to read as follows: In all cases where a jury are discharged or prevented from giving a verdict, by reason of accident or other cause, during the progress of the trial or after the cause is submitted to them, the action shall thereafter be for trial anew.

Duty of jury.

SEC. 3. Section 244 of said code of 1881 is amended to read as follows: When a verdict is found for the plaintiff in an action for the recovery of money, or for the defendant when a set-off for the recovery of money is established beyond the amount of the plaintiff's claim as established, the jury shall also assess the amount of the recovery; they may also, under the direction of the court, assess the amount of the recovery when the court gives judgment for the plaintiff on the pleadings.

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 26, 1891.

CHAPTER LXI.

[S. B. No. 97.]

ARBITRATION AND AWARD.

AN ACT in relation to arbitration and award, and amending sections 266 and 269 of the Code of Washington of 1881.

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

Oath.

SECTION 1. Section two hundred and sixty-six of the code of Washington of 1881 is amended to read as follows: The said arbitrators shall be duly sworn to try and determine the cause referred to them, and a just award

make out, under the hands and seals of a majority of them, agreeably to the terms of the submission. Said award, together with the written agreement to submit, shall be Agreement. sealed up by the arbitrators and delivered to the party in whose favor it shall be made, who shall deliver the same, without breaking the seal, to the clerk of the superior court of the district including the county wherein said arbitration is held, who shall enter the same on record in his office. A copy of the award, signed by said arbitrators Copy of award. or a majority of them, shall also be delivered to the party in whose favor it is rendered, who shall, if the matter be not settled, serve a copy of the same on the adverse party, and if no exceptions be filed against the same within twenty days after such service, judgment shall be entered as upon the verdict of a jury, and execution may issue thereon, and the same proceedings upon said award with like effect as though said award were a verdict in a civil action.

SEC. 2. Section two hundred and sixty-nine of the code of Washington of 1881 is amended to read as follows: If, upon exceptions filed, it shall appear to the said superior Exceptions. court that the arbitrators have committed error in fact or law, the court may refer the cause back to said arbitrators, directing the amendment of said award forthwith, returnable to said court, and on the failure so to correct said proceedings the court shall be possessed of the case and proceed to its determination.

SEC. 3. 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 26, 1891.