

CHAPTER XXXIX.

[S. B. No. 64.]

RELATING TO JUDICIAL OFFICERS.

AN ACT to amend section one [three] of chapter fifty-four of the laws of 1891, otherwise known as section thirty-four of the Code of 1891.

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

SECTION 1. That section three of chapter fifty-four of the laws of 1891, otherwise known as section thirty-four of the Code of 1891, be and the same hereby is amended to read as follows: Section 34. A judicial officer is a person authorized to act as a judge in a court of justice. Such officer shall not act as such in a court of which he is a member in any of the following cases: (1) In an action, suit or proceeding to which he is a party, or in which he is directly interested. (2) When he was not present and sitting as a member of the court at the hearing of a matter submitted for its decision. (3) When he is related to either party by consanguinity or affinity within the third degree. The degree shall be ascertained and computed by ascending from the judge to the common ancestor and descending to the party, counting a degree for each person in both lines, including the judge and party and excluding the common ancestor. (4) When he has been attorney in the action, suit or proceeding in question for either party; but this section does not apply to an application to change the place of trial, or the regulation of the order of business in court. In the cases specified in subdivisions 3 and 4, the disqualification may be waived by the parties, and except in the supreme court shall be deemed to be waived unless an application for a change of the place of trial be made as provided by law.

Defining judicial offices and prescribing limitations.

Passed the senate February 18, 1895.

Passed the house March 6, 1895.

Approved March 8, 1895.