

CHAPTER LIII.

[S. B. No. 115.]

RELATING TO MAGISTRATES.

AN ACT in relation to magistrates.

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

SECTION 1. A magistrate is an officer having power to issue a warrant for the arrest of a person charged with the commission of a crime.

SEC. 2. The following persons are magistrates: 1. The justices of the supreme court. 2. The superior judges, and justices of the peace. 3. All municipal officers authorized to exercise the powers and perform the duties of a justice of the peace.

Approved February 26, 1891.

CHAPTER LIV.

[S. B. No. 112.]

POWERS OF COURTS AND JUDICIAL OFFICERS.

AN ACT in relation to the powers of courts and judicial officers.

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

SECTION 1. Every court of justice has power—1. To preserve and enforce order in its immediate presence. 2. To enforce order in the proceedings before it, or before a person or body empowered to conduct a judicial investigation under its authority. 3. To provide for the orderly conduct of proceedings before it or its officers. 4. To compel obedience to its judgments, decrees, orders and process, and to the orders of a judge out of court, in an action, suit or proceeding pending therein. 5. To control, in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected

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with a judicial proceeding before it, in every matter appertaining thereto. 6. To compel the attendance of persons to testify in an action, suit or proceeding therein, in the cases and manner provided by this code. 7. To administer oaths in an action, suit or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties.

SEC. 2. For the effectual exercise of the powers specified in the last section, the court may punish for contempt in the cases and the manner provided by law.

Judicial officer.

SEC. 3. 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. 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 in this code.

When disqualified.

SEC. 4. Any judicial officer may act as an attorney in any action, suit or proceeding to which he is a party or in which he is directly interested. A justice of the peace, otherwise authorized by law, may act as an attorney in any court other than the one of which he is judge, except in an action, suit or proceeding removed therefrom to another court for review; but no judicial officer shall act as attorney in any court except as in this section allowed.

SEC. 5. A judge may exercise out of court all the powers expressly conferred upon a judge as contradistinguished from a court and not otherwise.

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SEC. 6. Every judicial officer has power— 1. To preserve and enforce order in his immediate presence and in the

proceedings before him, when he is engaged in the performance of a duty imposed upon him by this code or other statute. 2. To compel obedience to his lawful orders as provided in this code. 3. To compel the attendance of persons to justify in a proceeding pending before him, in the cases and manner provided in this code. 4. To administer oaths to persons in a proceeding pending before him, and in all other cases where it may be necessary in the exercise of his powers and the performance of his duties.

SEC. 7. For the effectual exercise of the powers specified in the last preceding section, a judicial officer may punish for contempt in the cases and manner provided by law.

SEC. 8. The judges of the supreme and superior courts have power in any part of the state to take and certify — Judges of supreme and superior courts.
 1. The proof and acknowledgment of a conveyance of real property or any other written instrument authorized or required to be proved or acknowledged. 2. The acknowledgment of satisfaction of a judgment in any court. 3. An affidavit or deposition to be used in any court of justice or other tribunal of this state. 4. To exercise any other power and perform any other duty conferred or imposed upon them by statute. Powers of.

SEC. 9. Every other judicial officer may, within the county, city, district or precinct in which he is chosen —
 1. Exercise the powers mentioned in subdivisions 1, 2 and 3 of the last preceding section. 2. Exercise any other power and perform any other duty conferred or imposed upon him by other statute.

SEC. 10. A court or judicial officer has power to adjourn any proceeding before it or him from time to time, as may be necessary, unless otherwise expressly provided by law.

SEC. 11. If the proper authority neglects to provide any supreme or superior court with rooms, furniture, fuel, lights and stationery suitable and sufficient for the transaction of its business and for the jury attending upon it, if there be one, the court may order the sheriff to do so, at the place within the county designated by law for holding such court; and the expense incurred by the sheriff in carrying such order into effect, when ascertained and ordered to be paid by the court, is a charge upon the county.

SEC. 12. When jurisdiction is, by the constitution of this state or by statute, conferred on a court or judicial officer all the means to carry it into effect are also given; and in the exercise of the jurisdiction, if the course of proceeding be not specifically pointed out by statute, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of this code.

SEC. 13. Every court of record shall have the power to appoint a crier and as many bailiffs as may be necessary for the orderly and expeditious dispatch of the business.

Powers of superior judges.

SEC. 14. The superior courts, in the exercise of their jurisdiction of matters of probate, shall have power—1. To take proof of wills and to grant letters testamentary and of administration, and to bind apprentices as by law provided. 2. To settle the estates of deceased persons and the accounts of executors, administrators and guardians. 3. To allow or reject claims against the estates of deceased persons as hereinafter provided. 4. To hear and determine controversies between masters and their apprentices. 5. To award process, and cause to come before them all persons whom they may deem it necessary to examine, whether parties or witnesses, or who as executors, administrators or guardians or otherwise, shall be intrusted with or in any way accountable for any property belonging to a minor, orphan or person of unsound mind, or estate of any deceased person. 6. To order and cause to be issued all writs which may be necessary to the exercise of their jurisdiction.

SEC. 15. The judges of the superior courts may, at chambers, appoint appraisers, receive inventories and accounts, suspend the powers of executors, administrators or guardians in the cases allowed by law, grant letters of administration or guardianship, approve claims and bonds, and direct the issuance of all writs and process necessary in the exercise of their powers.

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