

**Chapter 4.40 RCW  
ISSUES**

**Sections**

- 4.40.010 Issues defined—Kinds.
- 4.40.050 Trial of issue of law.
- 4.40.060 Trial of certain issues of fact—Jury.
- 4.40.070 Trial of other issues of fact.

**RCW 4.40.010 Issues defined—Kinds.** Issues arise upon the pleadings when a fact or conclusion of law is maintained by one party and controverted by the other, they are of two kinds—first, of law; and second, of fact. [1893 c 127 § 28; Code 1881 § 200; 1877 p 42 § 204; 1854 p 163 § 179; RRS § 309.]

**RCW 4.40.050 Trial of issue of law.** An issue of law shall be tried by the court, unless it is referred as provided by the statutes relating to referees. [1893 c 127 § 32; Code 1881 § 204; 1877 p 42 § 208; 1854 p 164 § 183; RRS § 313.]

*Trial before referee: Chapter 4.48 RCW.*

**RCW 4.40.060 Trial of certain issues of fact—Jury.** An issue of fact, in an action for the recovery of money only, or of specific real or personal property shall be tried by a jury, unless a jury is waived, as provided by law, or a reference ordered, as provided by statute relating to referees. [1893 c 127 § 33; Code 1881 § 204; 1877 p 42 § 208; 1873 p 52 § 206; 1869 p 50 § 208; 1854 p 164 § 183; RRS § 314.]

**RCW 4.40.070 Trial of other issues of fact.** Every other issue of fact shall be tried by the court, subject, however, to the right of the parties to consent, or of the court to order, that the whole issue, or any specific question of fact involved therein, be tried by a jury, or referred. [1893 c 127 § 34; RRS § 315.]