

enter into a bond, with sufficient surety, personally to appear within the time allowed by law for answering the complaint, and to abide the order of the court; and in default thereof the defendant shall be committed to prison until discharged in due course of law; such special bail shall be liable for the principal, and shall have a right to arrest and deliver him up, as in other cases, and the defendant may give other bail.

SEC. 4. Section 642 of said code of 1881 is amended to Before justices. read as follows: The proceedings provided for in this chapter may be had before justices of the peace in all cases within their jurisdiction.

SEC. 5. The foregoing sections of this act shall be embodied in the code of procedure of this state under appropriate numbers, and shall be a part thereof.

Approved February 25, 1891.

CHAPTER XLIII.

[S. B. No. 88.]

HABEAS CORPUS.

AN ACT relating to proceedings upon habeas corpus.

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

SECTION 1. Section six hundred and seventy-seven of the code of Washington of 1881 is amended to read as follows: No court or judge shall inquire into the legality of any judgment or process whereby the party is in custody, or discharge him when the term of commitment has not expired, in either of the cases following: 1. Upon any process issued on any final judgment of a court of competent jurisdiction. 2. For any contempt of any court, officer or body having authority in the premises, to commit; but an order of commitment, as for a contempt upon proceedings to enforce the remedy of a party, is not included in any of the foregoing specifications. 3. Upon

a warrant issued from the superior court upon an indictment or information.

SEC. 2. The foregoing section shall be embodied in the code of procedure of this state, under appropriate number, and be a part thereof.

Approved February 25, 1891.

CHAPTER XLIV.

[S. B. No. 85.]

JUDGMENTS.

AN ACT relating to judgments upon promissory notes and similar instruments.

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

SECTION 1. In all judgments on promissory notes and similar instruments in writing, whether secured by mortgage or not, an attorney's [fee] may be allowed when specially contracted to be paid by the terms of the note or mortgage in any amount so specially contracted.

Approved February 25, 1891.

CHAPTER XLV.

[S. B. No. 111.]

IN RELATION TO SHERIFFS.

AN ACT in relation to sheriffs.

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

SECTION 1. The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of his office it is his duty—1. To arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses. 2. To defend