

4. For hearing an application for writs of habeas corpus, injunction, prohibition and attachment.

SEC. 3. If any legal holiday happen to be a day appointed for the sitting of a court, or to which it is adjourned, such sitting shall be deemed appointed for or adjourned to the next day which is not a legal holiday.

SEC. 4. All prior acts upon the subject of legal holidays are repealed, excepting an act entitled "An act declaring labor day a legal holiday."

Approved February 25, 1891.

CHAPTER XLII.

[S. B. No. 87.]

PROCEEDINGS IN THE NATURE OF *NE EXECAT*.

AN ACT in relation to proceedings in the nature of *ne execat*, and amending sections 637, 638 and 642 of the Code of Washington of 1881.

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

SECTION 1. Section 637 of the code of Washington of 1881 is amended to read as follows: At the time of filing the affidavit the plaintiff shall also file his complaint in the action, and thenceforth the action shall proceed as other actions at law, except as otherwise provided in this chapter.

SEC. 2. Upon such affidavit and complaint being filed, the clerk shall issue an order of arrest and bail, directed to the sheriff, which shall be issued, served and returned in all respects as such orders in other cases; before such order shall issue the plaintiff shall file in the office of the clerk a bond, with sufficient surety, to be approved by the clerk, conditioned that the plaintiff will pay the defendant such damages and costs as he shall wrongfully sustain by reason of the action, which sureties shall justify as bail upon an arrest.

SEC. 3. Section 638 of said code of 1881 is amended to read as follows: The sheriff shall require the defendant to

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