

instrument was drawn, endorsed, negotiated, deposited or paid without the authority of the principal.

Passed the House March 1, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 297.

[H. B. 270.]

FAMILY DESERTION.

AN ACT relating to family desertion and amending Section 6909 of Remington's Compiled Statutes.

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

SECTION 1. That section 6909 of Remington's Compiled Statutes be amended to read as follows: Sec. 8829,
Pierce's
Code.

Section 6909. In any case enumerated in the previous section, the court may render one of the following orders: Desertion of
family.

1st: Should a fine be imposed it may be directed by the court to be paid in whole or in part to the wife, or to the guardian, or to the custodian of the child or children, or to an individual appointed by the court as trustee. Fine
payable to
family.

2nd. The court in its discretion having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power, either before or after trial, conviction, or sentence, to make an order, with the consent of the defendant, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly during such time as the court may direct, to the wife or to the guardian, or custodian of the minor child or children, or to an individual appointed by the court, and to release the defendant from custody or probation during such time as the court may direct. Order of
court for
weekly pay-
ments to
family
during
suspension
of sentence.

Bond for
payment.

upon his or her entering into a recognizance, with or without sureties, in such sum as the court may direct. The condition of the recognizance to be such that if the defendant shall make his or her appearance in court whenever ordered to do so, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise to remain in full force and effect.

Violation
of order.

Original
sentence
enforced.

Bond
forfeited
and paid
to family.

If the court be satisfied that at any time the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original indictment, information or complaint, or sentence, or under the original conviction, or enforce the original sentence as the case may be, in addition to declaring a forfeiture of the defendant's recognizance. In case of forfeiture of a recognizance and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the wife or to the guardian or custodian of the minor child or children upon such terms or conditions as may to the court be just and proper.

Defendant
employed
upon public
work of
county.

Payment to
family for
work per-
formed by
defendant.

3rd. Where conviction is had and sentence to imprisonment in the county jail is imposed, the court may direct that the person so convicted shall be compelled to work upon the public roads or highways or any other public work, in the county where such conviction is had, during the time of such sentence. And it shall be the duty of the board of county commissioners of the county where such conviction and sentence is had, and where such work is performed by persons under sentence to the county jail, to allow and order the payment, out of the current fund, to the wife, or to the guardian, or the custodian of the child or children, or to an individual appointed by the court as trustee, at the end of each calendar month, for the support of such wife, child, or chil-

dren, ward or wards, a sum not to exceed one and fifty one-hundredths dollars for each day's work of such person.

4th. Whenever, during the pendency of such proceedings, it shall appear to the court that any moneys are due the defendant from any person, firm, or corporation, or that any person, firm, or corporation has funds or property of the defendant in his or its possession, the court may, upon application of the prosecuting attorney, enter an order requiring such person, firm, or corporation, to appear and answer, under oath, as to such moneys or property and if it appear at such hearing that such moneys or property should be applied to the support of said defendant's family, the court may enter judgment against the said person, firm, or corporation for the amount he or it was indebted to said defendant at the time of service of said order. If it appears that said person, firm, or corporation is not indebted to the defendant but at the time of service of said order upon it or at the time of judgment he or it has or had personal effects of the defendant in his or its possession, the court may make an order requiring said person, firm, or corporation to deliver up to the sheriff on demand such personal property or effects or so much as may be required for the support of the defendant's said family or dependants and said property and effects shall thereupon be sold by the sheriff as other chattels on execution and the proceeds of said sale applied to the support of the said dependants of said defendant. The provisions of this subdivision shall be ancillary to and may be invoked in addition to the remedies provided in subdivisions one (1), two (2) and three (3) of this section.

Proceedings pending.

Money due defendant or property delivered to sheriff for family.

Sale of personalty for family's support.

Passed the House February 28, 1927.

Passed the Senate March 8, 1927.

Approved by the Governor March 19, 1927.