

tified to the several county auditors in the same manner as other State taxes are required to be certified, and shall be collected and retained as other public funds, by the county treasurer, until paid out in the usual manner prescribed by law. The county treasurer shall certify to the State Auditor the amount of money so held. It shall be the duty of the State Auditor within thirty days after the date at which county treasurers are required to transmit State funds to the State Treasurer, to certify to the Superintendent of Public Instruction the amount of all State annual school funds in the hands of the State Treasurer and county treasurer subject to apportionment. In the event that there shall be an excess over the amount apportioned in the hands of any county treasurer, the same shall be transmitted to the State Treasurer. In the event that there shall not be in the hands of any county treasurer sufficient to pay the amount apportioned to his county, the deficiency shall be paid by the State Treasurer.

Certification to Superintendent of Public Instruction.

Passed the House February 15th, 1907.

Passed the Senate March 1st, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 103.

[H. B. 223.]

PREVENTION OF FAMILY DESERTION AND NON-SUPPORT.

AN ACT to prevent and punish family desertion or non-support and to provide for support bonds and for suspension of trial and sentence.

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

SECTION 1. Any person who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support and maintenance of his wife who is in destitute or necessitous circumstances, or any person who shall, without lawful excuse, desert or wilfully neglect or refuse to provide for the support and maintenance of his or her minor children under the age of sixteen years who are in destitute or necessitous circumstances, shall, on conviction

Desertion or failure to provide for family—penalty.

thereof, be punished by a fine of not more than five hundred dollars, or by imprisonment in the penitentiary at hard labor for not more than three years, or in the county jail for not more than twelve months, or by both such fine and imprisonment; and 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 custodian of the minor child or children: *Provided*, That before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, 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 to make an order, 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 organization or individual approved by the court as trustee, and to release the defendant from custody or probation during such time as the court may direct 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 shall be such that if the defendant shall make his or her personal 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 of full force and effect.

Court may order payment of allowance to family.

Recognizance.

Procedure on failure to comply with order.

SEC. 2. If the court be satisfied by information or complaint and due proof, under oath, 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 or information, or sentence him under the original conviction, or enforce the original sentence, as the case may be. 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.

Forfeiture of recognizance.

SEC. 3. No other evidence shall be required to prove Evidence. marriage of such husband and wife, or that such person is the lawful father or mother of such child or children, than is or shall be required to prove such facts in a civil action. In all prosecutions under this act any existing provisions of law prohibiting the disclosure of confidential communications between husband and wife shall not apply, and both husband and wife shall be competent witnesses to testify for or against each other to any and all relevant matters, including the fact of such marriage and the parentage of such child or children. Proof of the desertion of such wife, child or children in destitute or necessitous circumstances or of neglect to furnish such wife, child or children necessary and proper food, clothing or shelter is *prima facie* evidence that such desertion or neglect is wilful.

Passed the House February 26th, 1907.

Passed the Senate March 1st, 1907.

Approved by the Governor March 11th, 1907.

CHAPTER 104.

[H. B. 229.]

AMENDING ACT GRANTING RIGHTS-OF-WAY TO RAILROAD COMPANIES OVER STATE LANDS.

AN ACT amending an act entitled "An act granting rights-of-way to railroad companies over the lands of the State of Washington, and providing for the appraisalment and disposition of the lands included within and used for such rights-of-way, and declaring an emergency," approved March 18th, 1901.

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

SECTION 1. That said section one of an act entitled "An Act granting rights of way to railroad companies over the lands of the State of Washington, and providing for the appraisalment of the lands included within and used for such rights of way, and declaring an emergency," approved March 18th, 1901, is hereby amended to read as follows: Section 1. That a right of way through, over and across the public lands of the State of Washington,