

CHAPTER 28.

[H. B. 49.]

FAMILY DESERTION.

AN ACT concerning domestic relations and to prevent and punish family desertion or non-support of wife or child or children, and providing for support bonds and suspension of trial and sentence, and authorizing and directing the county commissioners to work convicted persons and to pay certain monies to the wife, or child, or children for the labor performed by convicted persons; and providing the evidence required to prove, and the punishment of such offenses, and repealing sections 2444 and 5933 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

[This act repeals § 192, ch. 249 (Criminal Code), L. '09, and § 1, ch. 103, L. '07. Same being Rem.-Bal., §§2444, 5933; Pierce's Code, 1912, 135 § 383. See note to § 5933, Rem.-Bal. Ch. 103 was repealed by § 52, ch. 249, L. '09, and § 192 intended to cover subject.]

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

SECTION 1. Every person who,

1st: Having any child under the age of 16 years dependent upon him or her for care, education or support, deserts such child in any manner whatever, with intent to abandon it;

Desertion.

2nd: Wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his or her child or children or ward or wards;

Neglect.

3rd: Having sufficient ability to provide for his wife's support, or who is able to earn the means for such wife's support, who wilfully abandons and leaves his wife in a destitute condition, or who refuses or neglects to provide such wife with necessary food, clothing, shelter, or medical attendance, unless by her misconduct he is justified in abandoning her.

Abandonment.

Shall be guilty of a gross misdemeanor.

Punishment.

SEC. 2. In any case numerated in the previous section, the court may render one of the following orders:

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 paid to family.

2nd: Before trial, or after conviction, with the consent of the defendant, the court, in its discretion, having regard

Weekly pay-
ment on sus-
pension of
judgment.

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 individual appointed by the court, 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 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.

Prisoner to
be worked ;
wages to
support
family.

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

Proof
necessary.

SEC. 3. Proof of the abandonment or non-support of a wife, or the desertion of a child or children, ward or wards, or the omission to furnish necessary food, clothing, shelter, or medical attendance for a child or children, ward or wards, is *prima facie* evidence that such abandon-

ment or non-support, or omission to furnish food, clothing, shelter, or medical attendance is wilful. The provisions of section one are applicable whether the parents of such child or children are married or divorced and regardless of any decree made in said divorce action relative to alimony or to the support of the wife or child or children.

SEC. 4. Sections 2444 and 5933 of Remington & Ballinger's Annotated Codes and Statutes of Washington are hereby repealed.

[Repeal of §§ 2444 and 5933, Rem.-Bal.; Pierce's Code, 1912, 135 § 383.]

Passed the House February 4, 1913.

Passed the Senate February 26, 1913.

Approved by the Governor March 6, 1913.

CHAPTER 29.

[H. B. 300.]

EXTENSION OF TIME FOR REMOVAL OF TIMBER.

AN ACT relating to the sale and removal of timber from state school and granted lands.

[See also ch. 130, L. '1911; Pierce's Code, 1912, 477 § 53; also § 3, ch. 223, L. '09, and side note; Rem.-Bal., § 6667.]

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

SECTION 1. In all cases where any timber on any state school or granted lands has been heretofore sold separate from the land and, in the judgment of the board of state land commissioners, the interest of the state will be better served by granting an extension of time for the removal thereof, the said board may extend the time for the removal of such timber for a further period of not to exceed five years from and after the date upon which it may now be removed, upon application and satisfactory showing and upon the payment of the annual rental or charge of one dollar and fifty cents (\$1.50) per acre per year, the said rental to be paid into the various funds as now provided by law: *Provided*, That before any such extension be granted the applicant shall furnish to the board satisfactory proof that all state, county and other taxes levied or assessed upon such timber have been fully paid; *And*,

Extension of time for removal of timber.

Tax.