

by Chapter 344 of the Acts of 1949, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

89. (a). Any person who shall without just cause desert or wilfully neglect to provide for the support and maintenance of his wife or minor child shall be deemed guilty of a misdemeanor, and upon conviction in any court of the State having criminal jurisdiction shall be punished by a fine not exceeding One Hundred Dollars, or imprisonment in the Maryland House of Correction, or in jail, for not more than three years, or both, in the discretion of the Court. Any person charged with a violation of this section may be prosecuted in the jurisdiction where he or the wife or the child resides. The fine may be directed by the Court to be paid in whole or in part to the wife; 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 financial ability of the defendant, shall have the power to pass an order which shall be subject to change by it from time to time, as the circumstances may require, directing the defendant to pay a certain sum weekly for the space of three years to the wife, or to the person or institution having custody of the minor child or children if the conviction was for the non-support of a minor child or children, or if an agreement be had with respect to such child or children, and to release defendant from custody on probation for the space of three years upon his entering into a recognizance in such sum as the Court shall direct, with or without sureties. The condition of the recognizance shall be such that if the defendant shall make his personal appearance at the Court whenever ordered to do so within the three years, and shall further comply with the terms of the order, or of any subsequent modification thereof, then the recognizance shall be void, otherwise of full force and effect. If the Court be satisfied by information and due proof under oath, at any time during the three years, that the defendant has violated the terms of such order, it may forthwith proceed to the trial of the defendant under the original indictment, or sentence him under the original conviction, as the case may be. In the 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 the person or institution having custody of the minor child or children, as the case may be. Provided that in Anne Arundel, Carroll, Cecil, Charles, Dorchester, Fred-