

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.

Desertion may include offense of non-support, but offense of non-support may exist without desertion within the meaning of the statute. *Wald v. Wald*, 161 Md. 498.

1931, ch. 448, sec. 87A.

87A. The State's Attorney for the City of Baltimore, in addition to the powers and authority heretofore vested in him by law, shall be empowered upon personal knowledge, complaint or information that any person has deserted or failed to provide for the support and maintenance of his wife or minor child or children to require witnesses other than the person accused or to be accused to appear before him, the Deputy State's Attorney or any Assistant State's Attorney, for such examination of witnesses as may be deemed necessary.

Provided the State's Attorney has reason to believe it to be in the interest of the public that an investigation or inquiry be made with a view to the filing of any information to the Criminal Court of Baltimore, such as hereinafter provided.

1931, ch. 448, sec. 87B.

87B. After examination or inquiry shall have been made and completed as provided for herein, the State's Attorney may file an Information in the Criminal Court of Baltimore against the person under investigation charging him with offense or offenses of desertion and failing to support his wife or child or both, as the facts may warrant.

And the Court before whom such Information shall have been made is hereupon empowered, upon the written consent of the person complained of, to pass an order which shall be subject to change by it, from time to time, as the circumstances may require, directing the person complained against to pay a certain sum weekly or monthly for the space of three years for the support of the wife and child or children, if there be any, as the case may be, and to release the person complained against on such conditions as the Court may in writing impose.

And it is further provided that should the person named as defendant in the Information filed as aforesaid, fail or refuse to consent in writing as aforesaid, and demand a trial on the charge or charges therein made, his trial shall proceed in the same manner as provided for in the trial of other persons indicted for desertion or non-support, and the said Information shall take the place of Presentment and Indictment by the Grand Jury.

Nothing in the above section shall prevent the State's Attorney from submitting any such case to the Grand Jury for such action as it may deem proper, instead of proceeding by way of Information.