

ARTICLE 12.

BASTARDY AND FORNICATION.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Warrant for mother; disclosure of father. 2. Warrant for father; arrest. 3. Bond for father's appearance. 4. Testimony of mother to be taken down; transmission to court; evidence. 5-7. Proceedings on an information filed by States' Attorney. 8. Trial of father; bond; support of child; expenses of mother; funeral | <ol style="list-style-type: none"> expenses of child; modification of order. 9. Probation; conditions. 10. Bond; failure to give; penalty. 11. Bastardy Information Docket. 12. Modification of court's orders. 13. Writs to enforce bonds. 14. Death of father. 15. Limitations. 16. Discharge of surety. |
|---|---|

An. Code, 1924, sec. 1. 1912, sec. 1. 1912, ch. 163.

1. Any justice of the peace in any of the counties of the State or any justice of the peace in Baltimore City, having criminal jurisdiction, shall, upon written information given him under oath, of any woman being pregnant with or having been delivered of a bastard child, by his warrant, cause such woman to be brought before him, and shall cause said woman upon failure to disclose the father of said infant as prescribed by section 2 of this Article, to give bond to the State of Maryland, with good and sufficient securities in the penalty of an amount not exceeding five hundred dollars, conditioned that she will indemnify the county or city, as the case may be, for any charge that may accrue for maintenance and support of said child and upon neglect or refusal to give such bond, the justice of the peace may commit her to jail or any other institution, for a term not exceeding one year, or until such bond be given, provided, however, that the justice of the peace may suspend sentence and parole the said woman for the term of two years.

This section applied in *Kennard v. State*, Daily Record, Feb. 1, 1940.

While under the bastardy law the offence is not consummated and the indictment cannot be found until the birth of the child, yet the *time* of the birth is not of the essence of the offence and need not be proved as alleged. Plea of limitations. Immaterial error in indictment; see art. 27, sec. 620. *Allen v. State*, 128 Md. 266.

Under the broad provisions of the bastardy law, a prosecution may be instituted either where the father resides or the child lives; it need not be in the county where the alleged offence was committed. Nature and objects of the bastardy law. Consummation of the offence. Appeal dismissed. *State v. Hardesty*, 132 Md. 173.

Nature and purpose of the bastardy laws. For a case upholding the validity of this section as it stood in the Code of 1860, see *Plunkard v. State*, 67 Md. 368.

Cited but not construed in *Wagaman v. Byers*, 17 Md. 183; *State v. Phelps*, 9 Md. 27; *Oldham v. State*, 5 Gill, 93.

See notes to art. 46, sec. 6, and to secs. 2, 3, 4 and 8 (this article).

An. Code, 1924, sec. 2. 1912, sec. 2. 1912, ch. 163.

2. Whenever any woman who has been delivered of or who is pregnant with a bastard child, shall in writing under oath, accuse any person before

A "saving" clause is contained in sec. 13 of the act of 1912, ch. 163—see also sec. 1 of that act.

As to the penalty for bastardy, see art. 27, sec. 14.

Care should be exercised to determine whether the notes under the sections of this article, particularly under secs. 3, 8, 11 and 12, relate to the section as it now stands.