

1904, art. 12, sec. 1. 1888, art. 12, sec. 1. 1860, art. 13, sec. 1.
1781, ch. 13, sec. 1. 1882, ch. 339.

1. Any justice of the peace, upon information given him of any woman having an illegitimate child, may issue his warrant to a constable of the county or city, and the said constable shall thereupon take such person before some justice of the peace of the county, who shall require her to give security to indemnify the county from any charge that may accrue by means of such child; and upon neglect or refusal, shall commit her to the custody of the sheriff of the county, to be by him kept until she shall give such security.

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.

Ibid. sec. 2. 1888, art. 12, sec. 2. 1860, art. 13, sec. 2. 1781, ch. 13, sec. 1.
1894, ch. 108.

2. But if the said person shall on oath discover the father of such child, the justice shall discharge her, and shall cause to be arrested and brought before him such father, if a resident of the county, and shall cause him to give security in the sum of eighty dollars (\$80) to indemnify the county from all charges that may arise for the maintenance of such child; and upon the failure of such putative father to enter into security, the justice shall commit him to the custody of the sheriff of the county for the period of twelve months.

The preliminary proceedings before the justice form no part of the record, and need not be set out in the indictment. The object in requiring the justice to issue his warrant is that he may get jurisdiction of the person of the father, and if the latter is present, it makes no difference whether the warrant was issued to a constable of one or another county, or whether he appeared voluntarily. *Norwood v. State*, 45 Md. 72.

As this section provides for a special proceeding, its requirements must be strictly complied with. *Cushwa v. State*, 20 Md. 281; *Root v. State*, 10 G. & J. 374; *State v. Chaney*, 93 Md. 72.

The father is to be committed for twelve months, unless in the meantime he gives the required security. There is nothing in the act of 1894, ch. 108, which imposes any additional penalty upon the father, but that act was for the benefit of the accused. *Lynn v. State*, 84 Md. 80; *State v. Smith*, 84 Md. 83.

The indictment of the father need not allege the residence of the mother, but must show in what county the child is at the time of the indictment. Anyone maintaining the child has the right to proceed by *scire facias* to collect from the father and his sureties. *Robinson v. State*, 68 Md. 618.

The affidavit of the mother may properly be made in the county in which she and the child reside, and be transmitted to the county in which the supposed father resides. *Root v. State*, 10 G. & J. 376.

The father may plead in bar that the mother appeared before a justice and declined to disclose the name of the father, and herself gave the requisite security. *State v. Trimble*, 33 Md. 470.

Cited but not construed in *Huyett v. Slick*, 43 Md. 289; *State v. Phelps*, 9 Md. 27.

See notes to sections 1 and 5.

Ibid. sec. 3. 1888, art. 12, sec. 3. 1860, art. 13, sec. 3. 1781, ch. 13, sec. 1.

3. If the father be a resident of any other county, the justice shall transmit, under his hand and seal, a copy of the proceedings in such