

case had, to a justice of the peace of the county in which such father shall reside, and the justice to whom the same shall be sent shall forthwith proceed against the father as by this article is directed.

As this section directs the justice to transmit a copy of the proceedings, the original affidavit of the mother is not a compliance. *State v. Chaney*, 93 Md. 71.

This section applied. *Root v. State*, 10 G. & J. 376.

Cited but not construed in *State v. Trimble*, 33 Md. 470; *State v. Phelps*, 9 Md. 27.

1904, art. 12, sec. 4. 1888, art. 12, sec. 4. 1860, art. 13, sec. 4. 1785, ch. 47, sec. 3.

4. Every constable, as often as he may have knowledge of any woman having an illegitimate child within his district, shall give information thereof to some justice of the peace of his county, who, upon such information, shall proceed as hereinbefore directed.

Cited but not construed in *State v. Trimble*, 33 Md. 470.

See notes to sec. 1.

*Ibid.* sec. 5. 1888, art. 12, sec. 5. 1860, art. 13, sec. 5. 1781, ch. 13, sec. 2.  
1880, ch. 33. 1894, ch. 108.

5. But if any person charged with being the father of an illegitimate child shall feel aggrieved by the judgment of the justice, he shall have the right to enter into his personal recognizance for his appearance at the next circuit court for the county, or the criminal court of Baltimore, if in the city of Baltimore, and the said court shall take cognizance thereof, and such proceedings shall be thereupon had as in other criminal cases; and if the person so charged shall be found guilty by the verdict of a jury, or by the court, if the case be tried before the court, the court shall immediately order such person to give security to indemnify the county from any charges that may occur for the maintenance of said child; and if he shall neglect or refuse to give such security he shall be committed to the custody of the sheriff until he comply; provided, that such custody shall not continue longer than twelve months, nor less than six months in the discretion of the court; but such personal recognizance shall not entitle him to be discharged from the custody of the sheriff, unless he shall enter into an additional recognizance, to be taken in the name of the State, with good and sufficient sureties, to indemnify the county from all charges that may arise from the maintenance of such child in case he shall fail to make his appearance and abide by and perform such order as shall be passed therein; and such last-named recognizance shall be liable to be proceeded against as is provided in sections 7 and 8 of this article.

The validity of the bastardy law has never been questioned, notwithstanding it does not provide for a jury trial. *State v. Glenn*, 54 Md. 604; *Lynn v. State*, 84 Md. 81.

This section set out and explained—if there ever was any question about the constitutionality of the bastardy law, this section removes it. This section is not open to the objection that it provides two different penalties for the same offense. Sentence sustained. *Lynn v. State*, 84 Md. 80.

If the justice renders no judgment and requires no recognizance, the circuit court has no jurisdiction, since it sits as an appellate, and not as an original court. *Cushwa v. State*, 20 Md. 281.