

The clause of this section with reference to the same proceedings being had "as in other criminal cases," means that there must be a presentment and indictment upon which the trial must proceed as in other criminal cases. *Norwood v. State*, 45 Md. 72.

The procedure under this section being criminal in its nature, must be begun within one year from the birth of the child, which is the consummation of the offense. *Bake v. State*, 21 Md. 426; *Neff v. State*, 57 Md. 391. As to the proceeding under this section being criminal, see *Sheay v. State*, 74 Md. 56; *Plunkard v. State*, 67 Md. 368; *Owens v. State*, 10 Md. 164; *State v. Phelps*, 9 Md. 27.

If the act of fornication was committed in Maryland, it is no defence that the child was born and the mother resides in another state. *Sheay v. State*, 74 Md. 56. *Cf. Owens v. State*, 10 Md. 164.

The indictment should show the mother's residence with that of the child. *Root v. State*, 10 G. & J. 376.

The father can not relieve himself from a violation of his recognizance by application under the insolvent laws. If the security becomes insufficient, the court may order the father to furnish a new bond. *Oldham v. State*, 5 Gill, 93; *Plunkard v. State*, 67 Md. 368; *State v. Phelps*, 9 Md. 27.

This section is for the benefit of the father, and it is his duty to give the proper recognizance, or if a mistake has been made, to remedy it promptly. *Huyett v. Slick*, 43 Md. 289.

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.

See notes to sections 1 and 2.

1904, art. 12, sec. 6. 1888, art. 12, sec. 6. 1860, art. 13, sec. 6.  
1785, ch. 47, sec. 2.

6. Every justice by whom any recognizance to indemnify the county shall be taken shall immediately return the same to the clerk of the circuit court for the county where he resides, or the clerk of the criminal court of Baltimore, if he reside in the city of Baltimore; and the clerk of the said court shall record the said recognizance among the proceedings of the court, and the court shall, when necessary, issue such process thereon as hereinafter provided for.

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

*Ibid.* sec. 7. 1888, art. 12, sec. 7. 1860, art. 13, sec. 7. 1796, ch. 34.

7. Any justice of the peace, upon application of the mother of any illegitimate child, or any person to whose custody such child may have been committed to be maintained, verified by the oath of such mother or other person that he or she has not received any sum or sums of money from the father of such child or either of his securities, his or their or either of their heirs, executors or administrators, for the use or maintenance of such child more than credit given, shall issue an order requiring such father, his security or securities, his or their heirs, executors or administrators, to pay the mother or other person having the custody of said child, such a sum of money as may appear adequate for the maintenance of such child, not exceeding thirty dollars per annum, until the said child shall arrive at the age of seven years.

The father and his sureties may be required to pay not exceeding thirty dollars a year for maintenance provided for the child, before the order as well as afterwards. The recognizance must indemnify the county from all charges for the child's maintenance from its birth until it is seven years old. *Eccleston v. State*, 7 G. & J. 316.