

one being given by his father, though not signed by the accused, does not oust the jurisdiction of the court. Nor does the failure of the justice to keep a copy of the bond affect the jurisdiction of the court. Object of the bond. This section construed in connection with sec. 7. *O'Brien v. State*, 126 Md. 272.

In view of the interpretation put on this section in *O'Brien v. State*, 126 Md. 272, this section does not violate the 14th amendment of the Federal Constitution. *Hamilton v. State*, 127 Md. 313.

As there should be something more than a comma before the words "in default" in this section and also before the words "in case," a period is substituted in both places. *O'Brien v. State*, 126 Md. 273.

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.

See notes to secs. 1 and 4.

An. Code, sec. 4. 1912, ch. 163.

4. At the hearing before said justice of the peace, it shall be his duty to take down and reduce to writing the testimony of the woman making complaint, together with the cross-examination of said woman by the accused, or his attorney, which testimony shall be signed and sworn to by said woman, and he shall transmit the same with the original papers in the case to the Circuit Court of the county or to the Criminal Court of the City of Baltimore, as the case may be, and such testimony shall be admitted in evidence at the trial of the accused person under section 5 of this article, if said accusing witness should die prior to the time of such trial.

Where the papers are taken by the justice and mailed to the clerk of the court, but are lost, the state may prove their contents. History of this article. The justice does not render judgment; the proceeding before him is simply preliminary. When action may be taken. When the documents have been lost, the proper practice is to have copies made and filed. The testimony of the complainant and the cross-examination, if taken down and lost, may be proved by parol. Submission to jury of issues on pleas of jurisdiction, held unnecessary; jurisdiction upheld. Evidence. *O'Brien v. State*, 126 Md. 272.

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

See notes to secs. 1, 3 and 5.

An. Code, sec. 5. 1912, ch. 163. 1920, ch. 564, sec. 5. 1924, ch. 442.

5. Immediately upon the passage of said order, said justice of the peace shall transmit the original papers and a transcript of the proceedings had before him to said Circuit Court or the Criminal Court of the City of Baltimore, as the case may be, and thereupon, but not before said woman shall have been delivered, and same proceedings shall be had as in other criminal cases, and if the accused person 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 bond to the State of Maryland in a penalty not exceeding \$500, with good and sufficient securities, conditioned to pay for the maintenance and support of said child, to the mother, or to the person having said child in custody, or to the county or to the City of Baltimore, as the case may be, if said child be a public charge, until said

Care should be exercised to determine whether the notes under the sections of this article, particularly under secs. 3, 5, 7 and 8, relate to the section as it now stands.