

child reaches the age of fourteen years, or during the life of such child if said child shall die before reaching the age of fourteen years, such sum, not exceeding \$15 per month, as the Court shall by order direct, due regard being had to the circumstances of such accused person, and further to pay the whole or such part of the expenses incurred by the said mother during her confinement as the Court may direct, and to pay the reasonable funeral expenses of said child if he or she shall die under the age of fourteen years, and in default of such bond he shall be committed to jail or the House of Correction until said bond be given, but not exceeding two years.

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; *State v. Loden*, 117 Md. 336.

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.

The offense which the law punishes is fornication; meaning thereof. Evidence is admissible to show that the mother had intercourse with other men when in the course of nature the child might have resulted from such intercourse. Declaration of third person; admissibility of other evidence. *Jones v. State*, 132 Md. 143; *Baehr v. State*, 136 Md. 128.

The privilege of the prosecuting witness in bastardy proceedings of not answering questions, is personal to her and not to the traverser. *Burkentine v. State*, 131 Md. 691.

This section referred to in deciding that illegitimate children were not entitled to workmen's compensation benefits. *Scott v. Independent Ice Co.*, 135 Md. 348 (decided prior to the act 1920, ch. 456).

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 cannot 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 G. & J. 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 secs. 1, 2, 3 and 4.

An. Code, sec. 6. 1912, ch. 163.

6. The Court upon the trial of said person accused of being the father of the said bastard child, may in its discretion pass an order directing the mother thereof to give a bond in a penalty not exceeding \$500 with good