

a justice of the peace, having criminal jurisdiction, of being the father of the said bastard child, such justice of the peace shall by his warrant cause such person to be brought before him, and if the said accused person is not to be found in the county or City of Baltimore, as the case may be, then said justice of the peace shall transmit a warrant to the sheriff of the county or City of Baltimore, as the case may be, in which said accused person is to be found, who shall cause the arrest of the said accused person and deliver him into custody of an officer of the county or City of Baltimore, as the case may be, from which the said warrant issued, to be taken before said justice of the peace.

Under the broad provisions of the bastardy law, a prosecution may be instituted either where the father resides or the child lives; it need not be in the county where the alleged offence was committed. Nature and objects of the bastardy law. Consummation of the offence. Appeal dismissed. *State v. Hardesty*, 132 Md. 175; *Klein v. State*, 151 Md. 487.

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 meantime he gives the required security. There is nothing in the act of 1894, ch. 108, which imposes any additional penalty upon the father, that act was 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 secs. 1, 3, 4 and 8.

Requirements of this section as to the mother are directory and not mandatory—jurisdiction upheld. Purpose of act 1912, ch. 163. Evidence. Docket entries. Penalty. Appeal. *Kelly v. State*, 151 Md. 91; *Klein v. State*, 151 Md. 494; *Smith v. State*, 169 Md. 476.

An. Code, 1924, sec. 3. 1912, sec. 3. 1912, ch. 163. 1939, ch. 182, sec. 3.

3. Upon the appearance of said accused person, the justice of the peace shall pass an order requiring said accused person to give bond to the State of Maryland in a penalty not exceeding \$500, with good and sufficient securities, conditioned that he will appear at the next term of the Circuit Court of the county from which said warrant issued, or the Criminal Court of the City of Baltimore, as the case may be, or to any later term of such Court, after the birth of said child, in default of such security, said accused person shall be committed to the custody of the sheriff until such bond is given or until final judgment is rendered by said Court, in case the bond provided for by this section shall be forfeited, the Court may from time to time direct that the proceeds thereof be applied for the maintenance and support of said bastard child. Immediately upon passage of said order, said justice of the peace shall transmit the original papers and a transcript of the proceedings had before him to the Circuit Court of the County 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, the same proceedings shall be had as in other criminal cases.