

**ALEXANDER LEE, Appellant, Vs. REPUBLIC OF LIBERIA, Appellee.**

**LRSC 12; 1 LLR 115 (1878)**

[January Term, A. D. 1878.]

*Appeal from the Court of Quarter Sessions and Common Pleas, Sinoe County.*

Bastardy.

The appellant in his bill of exceptions says the court below erred in adjudging that the defendant's motion was not sufficient; and from this decision an appeal was taken, which brought the case before this court.

On reviewing the records in this case we find the examination of Mary Jane Morel, in respect to the father of the bastard child, was had by two justices of the peace, which was in violation of the jurisdictional power given to justices of the peace over such cases; therefore the action taken in the premises by the two justices of the peace, and the subsequent proceedings had thereupon by the said Court of Quarter Sessions, is void ab initio.

To compel any person, who may be charged upon the oath of any woman who shall be delivered of a bastard child, to enter into bond with sufficient security (not less than fifty dollars) for his appearance at the Court of Quarter Sessions, and to abide the order thereof, some citizen must state the condition of the woman, and the likelihood of the child becoming chargeable to the public; and upon the statement so made to the justice of the peace, a warrant shall issue to apprehend the person charged with being the father of the child.

The court below erred in its opinion and decision given on the defendant's motion in the court below, and in the giving of the final judgment in the case. Therefore this court adjudges that the judgment of the Court below in this case is hereby reversed and made void! and of no effect, and that the case be dismissed and the appellant discharged from the obligation of the said judgment, and that the appellant recover for his costs in this action the sum of twenty dollars.