Ino Day appeared in discharge of his recognizance

for begetting a bastard child on the body of Sophia Pow

Griffin Stith atto for the deft moved the court to this

effect that the court being divided on the ~~former~~ motion

on a former recognizance entered into for the same offence

~~in this case~~ ~~heretofore~~ the deft was discharged operated

as a bar to any other motion & the opinion of the Co

being taken they decided unanimously in the negative

and the defe ~~by his~~ atto pleaded the act of limitation

stating that this was a penal statute and came

within meaning and purview of the act regulating

the limitations of actions the opinion of the court

being taken they unanimously decided that this

could not be considered as a penal statute and

to the extent of proving a father of which

could not apply the act of limitations, the court after examining

and that the act of limitations, the child ~~was~~ was chargeable to Dy

the parties ~~direct~~ that the said Ino Day find Dy for the

maintenance of the said child for the sum of 100 dollars

for 5 years. Whereupon the said Ino Day ~~with~~

~~Wm Hart~~ his Dy entered into and acknowledged themselves

bound to Wm H Cabell Governor of this commwlth the said

John Day in the sum of 100 dollars and the said Wm Hart

in the sum of 100 dollars each of their respective lands

and tenements goods and chattels to be levied yet

to be void on this condition that if the said Ino

Day shall pay to Overseer of this county the sum of

twenty dollars annually for 5 years for the maintenance

of the said child then