

CHAP. 69.

Passed Jan. 2, 1803

Preamble.

* See 1797, ch. 87.
In criminal cases
twenty persons to
be drawn.

Provisos.

CHAP. LXX.

An Act for extending the benefit of Struck Juries to Criminal Cases.
Lib. JG. No. 4, fol. 276.

WHEREAS it is just and reasonable that in criminal prosecutions, wherein the liberty and reputation of individuals are principally concerned, the same advantage of exception to particular jurors on the pannels should be allowed as is now usefully experienced in civil cases; * therefore,

2. BE IT ENACTED, by the General Assembly of Maryland, That in all criminal causes to be brought to trial in the several courts of this state, in which a jury shall be necessary according to the constitution and the laws, (except in prosecutions for capital felonies or treasons, wherein the right of peremptory challenges is already allowed,) twenty persons from the pannel of petit jurors shall be drawn, by ballot, by the clerks, under the direction of the respective courts, and the names of the twenty persons shall be written upon two lists, and one of the said lists shall be forthwith delivered to the party indicted, or his or her counsel, and the other to the attorney prosecuting in behalf of the state; and it shall and may be lawful for the party indicted, or his or her counsel, and for the attorney prosecuting in behalf of the state, to strike out four persons from each respective list, and the remaining twelve persons shall thereupon be immediately impannelled and sworn as the petit jury in such prosecution; and if the party indicted, or his or her counsel, or the attorney prosecuting in behalf of the state, shall decline or refuse to strike out from such respective lists the number of persons hereby allowed, it shall and may be lawful for the several courts aforesaid to direct their clerks to strike out from the list of the party, or the attorney so declining or refusing, the number of persons herein before mentioned, and the remaining twelve persons shall be impannelled and sworn as aforesaid; *Provided nevertheless*, that nothing herein contained shall be deemed or construed to take away the right of any person or persons to challenge the array or polls of any pannel returned, or any particular juror, for just cause, in the manner always allowed by the law of this state; *And provided also*, that by mutual consent the drawing of a pannel of twenty jurors may be dispensed with in prosecution, and the trial thereof may be had by a petit jury drawn as heretofore; and if by reason of lawful challenges, or the absence of jurors, the number of twenty persons shall not remain to be drawn, the several courts aforesaid shall direct so many of the by-standers to be summoned by the respective sheriffs as shall be necessary to complete the lists herein before directed to be written and delivered as aforesaid.

See a similar provision November, 1809, ch. 136, s. 14.

CHAP. LXX.

Passed Jan. 9, 1803 *An Act to provide for the Elections of Representatives of this State in the Congress of the United States, and of Electors on the part of this State for choosing a President and Vice-President of the United States.* Lib. JG. No. 4, fol. 277.

A Supplement, ch. 103.

This act was repealed by 1825, ch. 97.