

or not being found, or from other causes, the Sheriff, upon being notified by any of said Judges what additional number of jurors is required for the court in which he presides, shall proceed to complete the said panel in which jurors are needed, by summoning in the stead of such jurors such number of persons as said Judge may direct, of the persons whose names are set down in the said jury book next after the regular panels, and after those persons who have been summoned as the reserve hereinbefore provided for; and he shall summon such persons, as near as he can reasonably do so, in the order in which they are set down in said book, and their names shall be called for empaneling in the order in which they appear in said book.

1860, ch. 308. 1882, ch. 67. 1884, ch. 450. P. L. L. (1888), Art. 4, sec. 594.

**610.** If at any trial of any cause in any of the several courts as aforesaid, *tales de circumstantibus*, shall be ordered, it shall be the duty of the Sheriff to summon such talesmen, those who are entered in said book and are not upon the regular panels as aforesaid; and such talesmen shall be summoned and called to be sworn or affirmed upon the *voir dire*, or otherwise, in the order in which their names are set down in said jury book, unless the Sheriff or his deputy in that behalf shall swear that he has made true and diligent search for such persons as do not appear, and that they cannot be found, or unless being summoned such persons have failed to appear, or unless the State's Attorney or his deputy, and counsel for the traverser, or the counsel for the parties litigant, with the consent of the court, shall waive said order for summoning and swearing or affirming such talesmen; but if said affidavit shall have been made by said Sheriff or his deputy, or if such persons shall fail to appear after having been summoned as aforesaid, or the said waiver shall be made with the consent of the court, then such of the talesmen as have been properly summoned and have appeared shall be called to be sworn in the order in which their said names are recorded in the jury book aforesaid; or whenever in either of said courts it shall be necessary to summon talesmen, the Judges of the said courts, respectively, instead of, or in addition to, resorting to the foregoing provisions of this section for the summoning of talesmen may order the Sheriff to summon as such talesmen, any of the jurymen in attendance upon either of the said courts, except said Criminal Court of Baltimore, who may not then be engaged as a part of any special panel; and if it should happen at any time in summoning talesmen for any of the said courts, the Sheriff shall exhaust the whole list of the names drawn from the said wheel, as provided in this sub-division of this Article, it shall be his duty immediately to make report thereof, verified by his affidavit or affirmation, to the Supreme Bench of Baltimore City, and thereupon the said Judges, or one of them, shall immediately cause the Sheriff, or his deputy to be designated by him, to appear before such Judge, in some one of the courtrooms in said city, and cause such additional number of names as shall be designated by the Judge of the Court for which such talesmen are needed, to be drawn from the names selected by said