

# ARTICLE 51.

## JURIES.<sup>1</sup>

### Qualification and Selection of Jurors.

1. Age of juror.
2. Judges of orphans' court ineligible.
3. Persons exempt.
4. No property qualification.
5. Persons having matter of fact depending for trial at same term not to be selected.
6. Clerk of county commissioners to prepare lists; penalty. Special laws for certain counties.
7. Selection of panel. Special laws for certain counties.
8. Drawing and summons. Special provisions for certain counties; other counties excepted.
9. Residue of names to be kept sealed in box; selection of additional talesmen.
10. Grand jury; petit jury; Prince George's and Talbot Counties excepted.

11. Selection of disqualified persons; coercion of jurors.
12. Emptying box before new panel.
13. Petit jury in civil cases, how selected.
14. Refusal by party to strike out.
15. Talesmen to be summoned.
16. Dispensing with full panel.
17. Criminal cases where no peremptory challenge.
18. Trial of alien.
19. Peremptory challenge.
20. Pay and mileage; not applicable to Baltimore City and certain counties.
21. In cases of forcible entry and detainer.
22. Grand jury to visit jail.
23. Intermediate sessions of grand or petit juries; court may resummon.
24. Jury may be kept together or permitted to separate.
25. Alternate jurors.

### Qualification and Selection of Jurors.

An. Code, 1924, sec. 1. 1912, sec. 1. 1904, sec. 1. 1888, sec. 1. 1797, ch. 87, sec. 5.

1. No person shall be selected and placed upon a panel as a juror who shall not have arrived at the age of twenty-five years.

This section is directory merely; to invalidate indictment upon ground of non-age of a juror, it must appear that traverser was prejudiced thereby. *Hollars v. State*, 125 Md. 370.

Fact that two of jurors were under age, though unknown to losing party, is no ground for new trial. A cause for challenge cannot be relied on if right of challenge was not exercised. *Johns v. Hodges*, 60 Md. 220; *Hollars v. State*, 125 Md. 371.

The selection of jurors is not essentially a judicial function, and hence an act is constitutional which authorizes Governor to appoint a jury commission. *State v. McNay*, 100 Md. 626.

This section is applicable to Baltimore City by reason of act of 1860, ch. 308, sec. 1, which provides that jurymen shall be selected from those "qualified under the law of this state." *Albert v. White*, 33 Md. 306.

See notes to secs. 3 and 11.

An. Code, 1924, sec. 2. 1912, sec. 2. 1904, sec. 2. 1888, sec. 2. 1832, ch. 170.

2. No judge of the orphan's court shall be selected to serve as a juror in any case whatever.

As to inspection by jury in civil cases of property or place, see art. 75, sec. 105.

<sup>1</sup> Art. 26, sec. 9, of the An. Code, referred to in holding that constitutional right of jury trial is not infringed by compulsory appointment of an auditor in an action of law involving intricate accounts, with a view to his making a report which will simplify issues for jury. Power to appoint auditor inherent in district court as a trial court. Limitations on right of jury trial. *Matter of Walter Peterson*, 253 U. S. 308.