

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. 1, 3 and 11.

An. Code, 1924, sec. 3. 1912, sec. 3. 1904, sec. 3. 1888, sec. 3. 1715, ch. 37, sec. 4. 1797, ch. 87, sec. 7. 1858, ch. 139. 1912, ch. 737.

3. All persons over seventy years of age and all delegates, coroners and constables during their continuance in office, and all schoolmasters, physicians and pharmacists shall be exempt from attendance as jurors.

The fact that one of grand jurors, and one of petit jurors, were over seventy, is no ground for writ of error or arrest of judgment. This section does not create a disability, but gives an exemption which party affected may waive. *Green v. State*, 59 Md. 125; *Hollars v. State*, 125 Md. 371.

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An. Code, 1924, sec. 4. 1912, sec. 4. 1904, sec. 4. 1888, sec. 4. 1777, ch. 15, sec. 10. 1812, ch. 178.

4. No property qualification shall be required in any juror.

See notes to sec. 6.

An. Code, 1924, sec. 5. 1912, sec. 5. 1904, sec. 5. 1888, sec. 5. 1715, ch. 37, sec. 9. 1778, ch. 21, secs. 2, 3.

5. No person shall be selected to serve as a juror in any court where he hath any matter of fact depending for trial at the same court he is selected to serve in, and no person having such matter of fact depending for trial shall be admitted as a qualified juror between party and party during the sitting of the court in which such matter of fact shall be or expected to be tried, and such disqualification shall be allowed as a good cause of challenge of any juror, but no verdict of a jury shall therefor be set aside or judgment thereon stayed, arrested or reversed.

This section does not refer to grand jurors, but to petit jurors. *Pontier v. State*, 107 Md. 388.

An. Code, 1924, sec. 6. 1912, sec. 6. 1904, sec. 6. 1888, sec. 6. 1867, ch. 329, sec. 1. 1870, ch. 410, sec. 1. 1888, ch. 432. 1890, chs. 28, 627. 1892, ch. 182. 1894, ch. 497. 1896, ch. 329. 1900, ch. 618. 1902, ch. 105. 1904, ch. 184. 1933, ch. 66.

6. It shall be the duty of the clerk of the county commissioners for each of the counties of this State to make out and file with the clerks of the circuit courts for said counties, not less than twenty days before the beginning of the second regular term of said courts after each and every general election a fair and complete list of the male taxable inhabitants or residents of said county, whose names appear on the tax books of said county, and who are not known to said clerk to be under the age of twenty-five years, and to which said lists so to be made and filed with the said clerks, respectively, shall append a certificate that said list is fully and fairly made; and for making such list the said clerk shall receive such compensation as the county commissioners shall deem right and proper; and for failure to perform the duty hereby imposed the said clerk to said commissioners shall forfeit and pay a fine to the State of not less than five hundred dollars nor more than one thousand dollars in the discretion of the court to be recovered by indictment as for a misdemeanor, and he shall be thenceforth wholly incapable of holding or exercising the duties of the said clerk to the county commissioners. Nothing in this section shall