

manner provided by section 8 of this article. This section is modified as to Prince George's County and Talbot County.

The grand jury is not a judicial, but an accusing, body, permitted to act upon knowledge obtained by its members from any source; the fact that nine grand jurors were depositors in the bank and embittered against the defendant, the foreman having publicly declared this hostility, does not invalidate indictment. *Coblentz v. State*, 164 Md. 570.

Indictment found by a number of grand jurors less than minimum provided by law, is invalid unless defect is waived by pleading to merits. Where defect appears on face of indictment it will be quashed upon demurrer; otherwise defect should be raised by plea in abatement. This section extends to Prince George's County only so far as to authorize appointment of substitute foreman. This section compared with local law applicable to Prince George's County. *State v. Vincent*, 91 Md. 724-726. Cf. *State v. McNay*, 100 Md. 630.

A discrepancy in middle name of a juror as drawn from the box and as sworn on panel, there being no mistake as to identity of the person, is no ground for arrest of judgment. *Munshower v. State*, 56 Md. 516.

This section expressly recognizes the power of court to excuse jurors for cause and to select others in their place. Such power has existed from the adoption of first law regulating selection of juries; it should, however, only be exercised in pursuance of sound discretion. Plea in abatement held demurrable. *Mills v. State*, 76 Md. 280.

For discussion of when law regulating drawing of jurors is directory, and when mandatory, see *State v. McNay*, 100 Md. 631; *State v. Glasgow*, 59 Md. 212.

See notes to sec. 11.

An. Code, 1924, sec. 11. 1912, sec. 11. 1904, sec. 11. 1888, sec. 11. 1867, ch. 329, sec. 6. 1870, ch. 410, sec. 6. 1904, ch. 144.

11. The name of no person disqualified or exempted by existing law from serving as a juror, or whom by existing law the sheriff is forbidden to summon as such, shall be selected and placed upon the panel or list from which the drawing is to be made as directed by this article; nor shall any person be drawn and summoned to two successive terms of court; but the selection or drawing of any person disqualified as a juror under this article shall not invalidate the drawing or selection, but such error may be corrected by drawing another person from the box in place of the person improperly selected or drawn; and the said court shall have full power and authority to coerce the attendance of jurors drawn and summoned under this article and to punish by fine or imprisonment or both for any default or contempt committed in disregarding such summons.

Objection to qualification of grand jurors, or to mode of summoning or impanelling them, must be made by motion to quash or plea in abatement. Although there may be technical objections to the latter, proceedings will not be set aside unless they have prejudiced accused. *Pontier v. State*, 107 Md. 388.

As to necessity that accused shall have been prejudiced, see also *State v. Keating*, 85 Md. 198; *Mills v. State*, 76 Md. 281; *State v. Glasgow*, 59 Md. 211.

The disqualification arising from the fact that a person's name was recommended or suggested to sheriff, still prevails. *Avirett v. State*, 76 Md. 537.

See notes to sec. 1, 3, 6 and 7.

An. Code, 1924, sec. 12. 1912, sec. 12. 1904, sec. 12. 1888, sec. 12. 1867, ch. 329, sec. 7.

12. Before the drawing of any new panel of jurors from the tax lists and poll books as provided in sections 7 and 8, it shall be the duty of the said courts to have the box in which the names of jurors have been deposited emptied of any and all the ballots therein remaining.

An. Code, 1924, sec. 13. 1912, sec. 13. 1904, sec. 13. 1888, sec. 13. 1797, ch. 87, sec. 9.

13. In all civil cases called for trial in any court in which a jury shall be necessary, according to the constitution and laws of this State, twenty persons from the panel of petit jurors shall be drawn by ballot by the clerk under the direction of the court, and the names of the twenty persons shall