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AN ORDINANCE

FOR INQUESTS,

Made 18 *Septembris*, Anno 33 EDW. I, Stat. 4, and A. D. 1305.

He that challengeth a Jury or Juror for the King shall shew his Cause.

Of Inquests to be taken before any of the Justices, and wherein our Lord the King is party howsoever it be; it is agreed and ordained by the King and all his Council, that from henceforth, notwithstanding it be alledged by them that sue for the King, that the Jurors of those Inquests, or some of them, be not indifferent for the King, yet such Inquests shall not remain untaken for that cause; (2) but if they that sue for the King will challenge any of those Jurors, they shall assign of their Challenge a Cause certain, and the Truth of the same Challenge shall be enquired of according to the Custom of the Court; and let it be recovered to the Takers of the same Inquisitions, as it shall be found if the Challenges be true, or not, after the Discretion of the Justices.

Rast. 115. Fitz. Chall. 17, 63, 65, 107. Bro. Chall. 22, 154.

This Statute extended to civil as well as criminal causes to which the king was party, Bac. Abr. Juries, E. 10.¹ But the practice of the English Courts has been long established, that if the king do challenge a juror, the cause of the challenge need not be shewn till the whole panel be gone through with, and it appear that there will not be a full jury without the party so challenged, and the rule was affirmed after argument in Frost's

¹ At common law the prosecution in criminal cases had the right of peremptory challenges to an unlimited extent. This was changed by the above Statute which, while it took away this right, was nevertheless construed by the courts to allow the prosecution a qualified right of peremptory challenge, which was exercised by allowing it the privilege of setting aside jurors when called, without assigning cause, until the panel was exhausted, when, if the full number was obtained, such jurors were not called, but if not, their names were afterwards called on the general list. Turpin v. State, 55 Md. 465.