

lists and certificates shall be filed with the clerks of the said courts and by them preserved as other proceedings of the said courts are kept. Modified as to Howard, Garrett, Allegany, Anne Arundel, Worcester, Somerset, St. Mary's, Caroline, Queen Anne's and Talbot counties and special laws enacted.

The method prescribed for drawing jurors is mandatory, and must be substantially complied with to make the jury legal. The duty of the judge with reference to the age of persons selected is directory only. *Green v. State*, 59 Md. 124. See also, *Avirett v. State*, 76 Md. 534; *State v. McNay*, 100 Md. 627.

It is strongly intimated that the provision for the selection of jurors fifteen days before the commencement of the term, is directory only. *State v. Vincent*, 91 Md. 724.

Any one of the circuit judges may discharge the duty prescribed by this section. A certificate by the judge held to be in compliance with the requirements of this section. *Friend v. Hamill*, 34 Md. 300.

As to how and when the list of names from which a grand jury is to be drawn, should be made up, see *State v. Keating*, 85 Md. 190; *Avirett v. State*, 76 Md. 534; *State v. McNay*, 100 Md. 627.

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

Cited but not construed in *Cooper v. State*, 64 Md. 46.

See notes to sec. 11.

1904, art. 51, sec. 8. 1888, art. 51, sec. 8. 1867, ch. 329. 1868, ch. 316. 1870, ch. 220. 1882, ch. 496. 1886, ch. 390. 1888, ch. 432. 1890, ch. 28. 1890, ch.

533. 1890, ch. 627. 1892, ch. 182. 1894, ch. 299. 1894, ch.

497. 1896, ch. 155. 1896, ch. 329. 1898, ch. 376. 1900,

chs. 374, 451, 618. 1902, chs. 105 and 621.

1904, chs. 184 and 303. 1910, ch.

325 (p. 160).

8. When said list of names selected as directed in the preceding section is made and certified as therein provided for, immediately thereupon the said judges of the said respective courts, in the presence of the members of the bar, as aforesaid, and such other persons as may think proper to be present, shall cause all the names selected and placed in the list as aforesaid to be legibly written upon ballots, which shall be of equal size and of the same color and appearance, and shall be closely rolled or folded, and in each of the counties, except Baltimore, Frederick, Montgomery and Carroll counties, placed by the said judges with their own hands before the drawings herein provided for in a cubi-form box, with a sliding top of the square of eight inches, to be procured for that purpose by the clerk of said court, under the direction of the said judges, and after so depositing said ballots the said box shall be closed and the said judges shall then cause the clerk, or one of his deputies, whom the said judges shall designate (neither the one nor the other who may be so required to act to be present at the writing, rolling or folding and depositing said ballots into the box as herein directed) to appear before them and then and there, in the presence of the said judges and such other persons as may choose to be present after well and thoroughly shaking the said box, so that the ballots be well mixed, to draw from said box through such opening made by removing the sliding top thereof as will only conveniently admit the hand and without in any manner looking into said box one by one,