

they, after selecting from the taxables and voters, as required by law, the list of names to be placed in the box for the drawing, and certifying to the list, shall cause the names on the list to be numbered, commencing with the first name thereon, numbering upwards consecutively, and then, instead of requiring the names on the selected list to be written on ballots and placed in and drawn from the box, the said judge or judges drawing the jury, in his or their discretion, and option and in lieu of such written ballots, may cause the Clerk of the Circuit Court for the County wherein they are to be used to provide a number of white marbles or balls, each of the same size and plainly marked with numbers from one consecutively upwards to the highest number on the selected list of names certified to by said judge or judges, which said marbles or balls shall be placed in the box from which drawings are made in the case where ballots are used; where the drawings are made by districts, the marbles or balls shall be deposited in the district compartments in such way that their numbers shall correspond, in each district, with the names on the judge's or judges' selected list and the numbers thereof; the said judge, or judges, shall then cause the Clerk of the Court for the County in which the drawing is being made, or one of his deputies whom the said judge, or judges, shall designate, neither the one nor the other who may be so required to act to be present at the selection of the said list of names or the numbering of the same, to appear before him or them, and then and there in the presence of the said judge or judges, and such other persons as may choose to attend, to draw from the box in which the balls are placed, in the same order and way that ballots would be drawn, without in any way looking into said box, one by one forty-eight of said marbles or balls; and as each marble or ball is drawn from the box it shall be handed to the judge or judges, who shall announce the number thereon and the name on the said selected and certified list whose number corresponds therewith; and the forty-eight names corresponding by numbers to the forty-eight numbers on the marbles or balls so drawn and the said numbers, shall be duly recorded in the presence of the said judge or judges, who shall forthwith order a venire facias for the persons whose names have been so drawn. The forty-eight marbles or balls drawn shall be sealed up safely, and preserved by the Clerk; the marbles or balls that were not drawn shall remain in the box, or boxes, wherein they were deposited, which shall be locked or sealed, to be used in filling vacancies that may occur in the jury, in the same way they might be filled if the drawing had been made by ballots. The intent and meaning of this Act is not to supersede or repeal the laws now regulating the drawing of juries by ballot, but simply to provide another way of drawing them, leaving the judges in said Judicial Circuit free to use either the ballot system or the marble or ball system as may be most convenient and satisfactory to the judge or judges drawing a jury.

1912, ch. 498.

348. Whenever any petit jurors, or talesmen sworn in a case, shall be required to attend and sit in the trial of a case at a night session of the