

1908, ch. 87, sec. 264B (p. 1038).

538. Instead of causing the names to be written upon ballots and placed in and drawn from a box, as provided in section eight of article 51 of the Code of Public General Laws, the judge or judges of said court may, in his or their discretion, in lieu thereof, require the clerk of said court, under his or their direction, to provide a box of sufficient dimensions, and to have the same divided into two compartments, and further to provide two hundred white balls, each of the same size, plainly and clearly marked with numbers from one to two hundred, respectively, which said balls shall be placed in one compartment of said box and thoroughly shaken and well mixed, and after the list of two hundred names shall have been selected and certified to as provided in the preceding section, the said judge or judges shall then cause the clerk or one of his deputies whom the said judge or judges shall designate, neither the one or the other, who may be so required to act, to be present at the selection of the said list of two hundred names, 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 be present, to draw from the compartment in which said balls have been placed, through the opening made by removing the sliding top thereof, as will only conveniently admit the hand, without in any way looking into said box, one by one, forty-eight of said balls, and as each of said balls is drawn from said box it shall be handed to the said judge or judges, who shall announce the number thereon, together with the name on the list of two hundred names corresponding to said number so drawn, and the said forty-eight names corresponding to the said forty-eight numbers so drawn shall, with said numbers, be duly recorded by said judge or judges, or by the clerk, in his or their presence and under his or their direction, in the order in which they shall be drawn, and shall number the names of those so drawn from one to forty-eight, inclusive, in the order in which they are drawn, and thereupon the said judge or judges shall forthwith order a venire facias provided in said article 51 of the Code of Public General Laws, and after the said forty-eight balls have been so drawn and the numbers thereon and the names corresponding thereto shall have been recorded and numbered as hereinbefore provided, the judge or judges shall place the said forty-eight balls in the compartment of said box other than the one from which they were drawn, together with the certified list of two hundred names, and shall cause the said box to be closed and locked and kept, and only opened as provided in said article 51 of the Code of Public General Laws; provided, however, that if for any of the reasons mentioned in said article 51 of the Code of Public General Laws, it shall become necessary to draw talesman or to fill vacancies, the judge or judges shall draw from said box as many balls as may be necessary therefor, in the same manner as the original forty-eight were drawn, and as each vacancy may be filled the one so drawn to fill the vacancy shall be substituted in said list of forty-eight under the same number and in the place of the one in whose place and stead said juror may be drawn, and the clerk of the court shall designate in his minutes of the proceedings of said court the name and