

number of each juror drawn in whose place and stead another may be drawn, and the name of the juror drawn to fill said place and number in said list of forty-eight jurors.

1908, ch. 87, sec. 264C (p. 1039).

539. Instead of causing the names to be written upon ballots and placed in and drawn from a box as provided in section ten 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 to provide a box of sufficient dimensions, and further, to provide forty-eight white balls in addition to those provided for in the preceding section, each of the same size and plainly marked with numbers from one to forty-eight, inclusive, and of the forty-eight jurors drawn and summoned, the court, at the beginning of the term for which they were drawn and summoned, shall select and appoint one as foreman of the grand jury, and shall direct the clerk of the court to withdraw from the balls aforesaid the ball containing the number corresponding with the number of the one so selected and appointed as foreman, as the same appears in the list of forty-eight jurors as numbered upon the drawing thereof, as provided in the preceding section, and said remaining forty-seven balls shall be placed in said box by the judge or judges and thoroughly shaken and well mixed, and the said judge or judges shall then cause the clerk of said court to draw from the said box, through the opening made by removing the sliding top thereof, as will only conveniently admit the hand, and without in any way looking into said box, one by one, twenty-two of said balls, and as each of said balls is drawn from said box it shall be handed by said clerk to the said judge or judges, who shall announce the number thereon, together with the name on the list of forty-eight jurors drawn and summoned and numbered as aforesaid, corresponding to said number. And the said twenty-two names so announced corresponding to the twenty-two 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 directions, in the order in which they shall respectively be drawn, and said jurors so drawn, together with the foreman selected and appointed as aforesaid, shall constitute the grand jury for said term of court. If for any reason any person or persons drawn as a grand juror or as grand jurors, as aforesaid, shall fail to attend and be present at the conclusion of the drawing aforesaid, or be disqualified or excused for cause, the court shall forthwith proceed to fill such vacancy or vacancies from the remaining number of twenty-five names in the manner aforesaid, of those who are present in the order in which said vacancy or vacancies shall exist, the juror first drawn to fill such vacancy, and who shall be present to be substituted in the place and stead of the first vacancy on the list, and so on until all vacancies are filled. And the said judge or judges may thereupon, in his or their discretion, fill such vacancy or vacancies thus made in the petit jury by drawing the necessary number of additional names therefor in the manner provided in section 538 of this subtitle.*

*Sec. 2, ch. 87, 1908, repealed all laws inconsistent therewith.