

And the said names so drawn in Baltimore, Frederick, Montgomery and Carroll counties shall be recorded, as hereinbefore directed [for the other counties, and thereupon the said judges shall forthwith order a *venire facias*, directed to the sheriffs of said counties, respectively, commanding them to summon as jurors to attend at the next ensuing term of said courts, the several persons whose names may be drawn, as aforesaid; if any such persons whose names are so drawn and embraced in said *venire facias* should be dead, sick, or otherwise unable to attend, or should be absent, and therefore not be found, it shall be the duty of said sheriff forthwith to return the fact of such death, disability or absence, and the said judges shall thereupon cause to be drawn from said box, in the manner hereinbefore directed, other names in the place and stead of the original who may be dead, disabled or absent, and shall cause the name or names of such person or persons so as last aforesaid drawn, to be inserted in said *venire facias* to be summoned as aforesaid; and it shall be the duty of the sheriff to summon the person named in said *venire facias* and make return thereof to the said court at the opening of its session; this section shall not apply to Prince George's county, nor to Dorchester, Wicomico or other counties, as to which special provision is made by the local law thereof.

Mills v. State, 76 Md. 280.

1890, ch. 62. 1892, ch. 153.

10. 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 said court to legibly write upon ballots, the names of the remaining forty-seven jurors, and after carefully folding said ballots separately, to place them in a box with a sliding top and said clerk shall draw said ballots therefrom one at a time, without looking into said box, and the first twenty-two names drawn, with the foreman previously appointed shall constitute the grand jury, and the remaining twenty five names shall constitute the petit jury for said term of court; whenever a vacancy shall occur in the position of foreman of the grand jury, either temporary or permanent, by death,