

holding or exercising the duties of the said clerk to the county commissioners. Special local laws exist for Caroline, Somerset, Worcester, Anne Arundel, St. Mary's, Queen Anne's and Talbot counties.

Only a substantial compliance with the law relative to the drawing of jurors is required, although such law is mandatory. A non-jury term is a "regular term" and a congressional and presidential election is a "general election," within the meaning of this section. Where the names are taken from a list which is identical with the one provided by law, the jury is not invalidated. *Downs v. State*, 78 Md. 130.

An objection to the qualification of grand jurors or to the mode of summoning or impanelling them, must be made by motion to quash or plea in abatement. Although there may be technical objections to the latter, the proceedings will not be set aside unless they have prejudiced the accused. *Pontier v. State*, 107 Md. 387.

As to the necessity that the accused shall have been prejudiced, see also, *State v. Keating*, 85 Md. 198; *Mills v. State*, 76 Md. 281; *State v. Glasgow*, 59 Md. 211.

The duty imposed on the clerk of the commissioners to make out the list of male taxables *not known to be under 25*, is directory only. *Green v. State*, 59 Md. 124.

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.

For a case apparently now inapplicable to this section, by reason of changes in the law, see *Cooper v. State*, 64 Md. 45.

Cited but not construed in *State v. Denton*, 74 Md. 520.

See notes to sec. 11.

1904, art. 51, sec. 7. 1888, art. 51, sec. 7. 1867, ch. 329. 1868, ch. 316. 1870, ch. 96. 1870, ch. 220. 1870, ch. 331. 1876, ch. 353. 1878, ch. 369. 1888, ch. 432. 1890, ch. 28. 1890, ch. 627. 1892, ch. 182. 1896, ch. 329. 1900, chs. 121, 374, 451, 618. 1902, ch. 105. 1904, ch. 184.

7. It shall be the duty of the judges of the circuit courts for each of the counties, not less than fifteen days before the commencement of each term of the court at which jurors are required to attend, in the presence of such practising members of the bar of said court as shall think proper to attend, notice of the time and place having been first given to said bar through the criers of said courts, to proceed to select from the lists last furnished by the clerks of the county commissioners provided for in the preceding section and from the poll-books of the several election districts of said counties that shall be returned and filed in the clerk's office of said courts after any general election that may be last held previously to such selection, a panel to consist of the names of two hundred persons in the several counties of Baltimore, Washington, Montgomery, Carroll, Frederick, Prince George's, Harford, Cecil, Dorchester and Wicomico, and of one hundred and fifty persons in the several counties of Charles, Calvert, Kent and Talbot, to be fairly and impartially selected of the age aforesaid by the said judges, with special reference to the intelligence, sobriety and integrity of such persons and without the least reference to their political opinions; and of the names of such persons when so selected, a list shall be made and a certificate thereto appended by the said judges that the said list of names has been duly selected in conformity with and according to the spirit and intent of this article, and which said