

failure to perform the duty hereby imposed the said clerk to said commissioners shall forfeit and pay a fine to the State of not less than five hundred dollars nor more than one thousand dollars in the discretion of the court to be recovered by indictment as for a misdemeanor, and he shall be thenceforth wholly incapable of 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.

In light of secs. 4 and 7, and since list provided for in this section is a list of male taxable inhabitants or residents of the county only, poll books are given as an alternative or additional source from which jurors may be obtained. A list in possession of a judge held to be the kind of list set out in this section as a proper source from which names are to be selected. *Hollars v. State*, 125 Md. 373.

Only a substantial compliance with the law relative to 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 one provided by law, the jury is not invalidated. *Downs v. State*, 78 Md. 130.

An objection to 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 latter, proceedings will not be set aside unless they have prejudiced accused. *Pontier v. State*, 107 Md. 387.

As to necessity that 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; *Hollars v. State*, 125 Md. 373.

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

Selection of jurors is not essentially a judicial function, and hence an act is constitutional which authorizes 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.

An. Code, sec. 7. 1904, sec. 7. 1888, 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