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THE ANNOTATED CODE

of the

Public General Laws OF MARYLAND

Edited by

GEORGE P. BAGBY

of the Baltimore Bar

Comprising all the Public General Laws of the State in force to and inclusive of the Acts of Assembly of 1924, annotated with decisions of the Court of Appeals of Maryland, the Supreme Court of the United States and the Circuit Courts of Appeals and District and Circuit Courts of the United States, inclusive of 143 Maryland, 262 United States, 67 Law Edition and 296 Federal Reports



Containing also (1) the Constitution of the United States, and (2) the Constitution of Maryland, annotated

In Two Volumes

Volume II,

Containing Article 50, "Joint Obligations and Joint Tenancy," to Article 101, "Workmen's Compensation," of the Public General Laws, Index to the Statutes and Table of Acts of 1920, 1922 and 1924 appearing in this Code

Baltimore, 1924

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ARTICLE 50.

JOINT OBLIGATIONS AND JOINT TENANCY.

Joint Obligations.

1. Death of joint obligor.
2. Institution of more than one suit.
3. Death of joint obligor before suit brought.
4. Death pending joint action.
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6. Joint obligors residing in different counties.
7. Summons.

8. Consolidation of actions.
9. Execution against either defendant.
10. Judgment against less than whole number bound, effect of.
11. Executor and heirs bound.
12. Failure to prove joint liability; judgment.

Joint Tenancy.

13. Must be expressly created.

Joint Obligations.

An. Code, sec. 1. 1904, sec. 1. 1888, sec. 1. 1811, ch. 161, sec. 1.

1. Where two or more persons are jointly bound by bond, promissory note or by any other writing, whether sealed or unsealed, to pay money or do any other thing and one or more of such persons shall die, his or their executors and heirs shall be bound in the same manner and to the same extent as if the person so dying had been bound severally as well as jointly.

Since act of 1811, ch. 161, separate actions cannot be maintained on a joint promissory note. *Pike v. Dashiell*, 7 H. & J. 467. (See sec. 2.)

This section referred to as a removal of technical grounds of discharge. *Zollickoffer v. Seth*, 44 Md. 378.

See sec. 3.

An. Code, sec. 2. 1904, sec. 2. 1888, sec. 2. 1825, ch. 167, sec. 1. 1837, ch. 211. 1870, ch. 329.

2. No person shall institute more than one suit on a joint and several bond, promissory note, penal or single bill when the persons executing the same are alive and reside in the same county; and if more suits than one be instituted on any such bond, promissory note, penal or single bill, judgments of *non pros.* shall be entered against the plaintiff in such suits.

This section referred to in ruling that a joint and several note was admissible in evidence in a suit against one of makers, there being no variance in such case. *Wilson v. Kelso*, 115 Md. 169; *Sharp v. State*, 135 Md. 557.

Recovery may be had against one of obligors in a joint contract. If, however, obligee elects to sue only one of obligors, he cannot afterwards sue another residing in the same county on same instrument. (Citing 1 Poe, Pl. and Pr., sec. 382). *Sharp v. State*, 135 Md. 557.

In view of art. 13, secs. 82, 48 and 87, this section does not apply to a suit against an accommodation endorser. See notes to sec. 82 (art. 13). *Bradley v. Food Products Co.*, 139 Md. 387.

A motion for a *non pros.* under this section held properly overruled, the note in question not being joint and several. See notes to art. 13, sec. 87. *Leonard v. Union Trust Co.*, 140 Md. 202.

The object of act of 1825, ch. 167, is to prevent costs. Where one of defendants is dead, separate actions may be brought against survivor and representative of deceased. Nor does this section prevent only one of obligors being sued, although all obligors are alive and reside in same county. In such case, however, plaintiff will be non-suited if he brings a second suit. (See sec. 3.) *Blizzard v. Jacobs*, 3 G. & J. 70.

Where declaration shows that there is a co-obligor, the non-joinder must be accounted for, or declaration is bad. *Kent v. Holliday*, 17 Md. 393; *State v. Wheeler*, 14 Md. 109; *Merrick v. Bank of Metropolis*, 8 Gill, 60. See also *Annapolis, etc., Institution v. Bannon*, 68 Md. 461.

This section has no application to actions *ex delicto*. *Mitchell v. Smith*, 4 Md. 406.

This section has no application to an action on a covenant. *Cruzer v. McKaig*, 57 Md. 461.

See sec. 6.

An. Code, sec. 3. 1904, sec. 3. 1888, sec. 3. 1825, ch. 167, sec. 2.

3. If a joint obligor be dead when the suit is brought his representative may be sued.

An. Code, sec. 4. 1904, sec. 4. 1888, sec. 4. 1825, ch. 167, sec. 3.

4. If either of the obligors against whom a joint action shall be brought shall die pending the same, the plaintiff may suggest such death and the court shall cause the suggestion to be entered of record and shall direct the clerk to docket an action as of the same term in which the suggestion is entered in the name of the plaintiff against the obligor so dying; and in such action the same proceedings shall be had to make the executor or administrator of the deceased obligor a party thereto as if the original action had been brought separately against all the obligors.

In an action against two defendants on a joint obligation, if one of them dies, it is error to make administrator of deceased obligor a co-defendant in the same action; and a judgment rendered against surviving obligor and such administrator will be stricken out. *Wolfe v. Murray*, 96 Md. 738.

Object of this section. The creditor may sue both survivor and the representative, but if there are more than one survivor living in same county, both must be joined in one suit. *Blizzard v. Jacobs*, 3 G. & J. 67.

See sec. 11.

An. Code, sec. 5. 1904, sec. 5. 1888, sec. 5. 1825, ch. 167, sec. 4.

5. If any of the obligors against whom a joint action is brought and judgment obtained thereon shall die after judgment, the plaintiff may issue a *scire facias* on said judgment against the executors or administrators of the deceased defendant and such judgment shall be had on the said *scire facias* as if the judgment had been rendered in a separate action.

See sec. 11.

An. Code, sec. 6. 1904, sec. 6. 1888, sec. 6. 1825, ch. 167, sec. 7.

6. If the obligors in any bond, penal or single bill reside in different counties they may be sued in the counties in which they respectively reside, but all residing in the same county shall be sued in one action.

Where obligors live in different counties, creditor may sue in both or either. He is restricted, however, to one suit in each county. *Blizzard v. Jacobs*, 3 G. & J. 72.

In a case under this section declaration must explain non-joinder of obligor living in another county. *Annapolis, etc., Institution v. Bannon*, 68 Md. 461. See also *Kent v. Holliday*, 17 Md. 393.

See sec. 2.

An. Code, sec. 7. 1904, sec. 7. 1888, sec. 7. 1825, ch. 167, sec. 8.

7. When any writ against joint and several obligors shall be returned summoned as to one or more and *non est* as to the others the clerk may renew the writ against those upon whom it has not been served, and upon service upon the other obligors and return thereof the obligors may pray the court to consolidate the actions and the court may so consolidate such actions that no delay shall be caused thereby, but judgment shall be entered against the obligor last summoned at the same term as against the obligors first summoned, and in no case shall delay be occasioned by such consolidation.

This section has no application to actions *ex delicto*. *Mitchell v. Smith*, 4 Md. 406.

An. Code, sec. 8. 1904, sec. 8. 1888, sec. 8. 1825, ch. 167, sec. 5.

8. Where two or more actions or obligations conditioned for the payment of any money or two or more actions on the case arising *ex contractu* by and between the same plaintiff and the same defendant shall be brought at the same term, the court in which such actions are pending shall, on motion of the defendant, order the said actions to be consolidated and when consolidated shall direct the clerk to tax the cost of but one action.

Where separate suits are brought by same plaintiff against same defendant on two policies of fire insurance on adjoining properties destroyed by same fire, they may be consolidated under this section. *Bakhaus v. Caledonian Ins. Co.*, 112 Md. 695.

This section has no application to actions *ex delicto*. *Mitchell v. Smith*, 4 Md. 406.

This section has no application to suits before a justice of the peace. *Presstman v. Beach*, 61 Md. 205.

An. Code, sec. 9. 1904, sec. 9. 1888, sec. 9. 1825, ch. 167, sec. 6.

9. Any plaintiff in a judgment rendered on a joint and several bond, penal or single bill may levy the amount of said judgment upon either of the defendants therein.

As to attachments against joint debtors, see art. 9, sec. 40.

An. Code, sec. 10. 1904, sec. 10. 1888, sec. 10. 1839, ch. 14.

10. A judgment rendered against one or more members of a partnership or one or more persons jointly liable on any bill, bond, covenant, promissory note, bill of exchange, contract or agreement whatsoever less than the whole number of partners or persons so bound shall not work an extinguishment or merger of the cause of action on which such judgment may have been rendered as respects the liability of the partners or persons not bound by such judgment; and they shall remain liable to be sued as if their original responsibility had been joint and several; provided that but one satisfaction of the debt or demand shall be made.

This section changes common law. It applies to actions on implied contracts. If judgment has been satisfied, that defense must be availed of at trial. Fact that judgment by default was improperly entered against another defendant, is irrelevant. *Westheimer v. Craig*, 76 Md. 407.

Where a covenant is joint or joint and several, it is no defense that judgment has been entered against a co-covenantor, unless judgment has been satisfied. *Cruzen v. McKaig*, 57 Md. 461; *Gott v. State*, 44 Md. 337; *Thomas v. Mohler*, 25 Md. 45.

This section does not alter rule that all joint defendants (partners) must be joined, and omission so to do may be taken advantage of by plea in abatement, or in a proper case by demurrer. Object and effect of this section, discussed. *Loney v. Bailey*, 43 Md. 17. See also *Merrick v. Bank of Metropolis*, 8 Gill, 60.

This section is identical with art. 26, sec. 21—see notes thereto.

An. Code, sec. 11. 1904, sec. 11. 1888, sec. 11. 1825, ch. 167.

11. If any joint defendant in an action *ex contractu* dies either before or after judgment, his executor and heirs shall be bound in the same manner as if a separate action had been pending or a separate judgment been rendered against such defendant.

See secs. 4 and 5.

An. Code, sec. 12. 1904, sec. 12. 1888, sec. 12. 1888, ch. 482.

12. In suits brought against alleged joint debtors in actions *ex contractu* it shall not be necessary for the plaintiff to prove their joint liability as alleged in order to maintain his action; but he shall be entitled to recover as in actions *ex delicto* against such one or more of the defendants as shall be shown by the evidence to be indebted to him; and judgment shall be entered in his favor against such one or more of said defendants as fully as if the defendant or defendants against whom he shall fail to establish his claim had not been joined in the suit.

When plaintiff's claim is established against only one of the two or more joint defendants, the verdict and judgment should be for plaintiff as against the one defendant and for the other defendants. *Horner v. Plumley*, 97 Md. 281. See also *Boyd v. Wolff*, 88 Md. 342.

Prior to adoption of this section in a suit against husband and wife under act of 1872, ch. 270, although wife maintained her defense, judgment might be entered against husband. *Wilmer v. Gaither*, 68 Md. 349.

This section applied. *Meyer v. Frenkil*, 113 Md. 46; *Westheimer v. Craig*, 76 Md. 407.

Joint Tenancy.

An. Code, sec. 13. 1904, sec. 13. 1888, sec. 13. 1822, ch. 162.

13. No deed, devise or other instrument of writing shall be construed to create an estate in joint tenancy, unless in such deed, devise or other instrument of writing it is expressly provided that the property thereby conveyed is to be held in joint tenancy.

Application of this section.

This section inverts rule of common law. It has no application to tenancy by entireties. *Brewer v. Bowersox*, 92 Md. 572; *Marburg v. Cole*, 49 Md. 412; *Masterman v. Masterman*, 129 Md. 170.

This section applied. *Walsh v. McBride*, 72 Md. 60 (dissenting opinion); *McPherson v. Snowden*, 19 Md. 230; *Purdy v. Purdy*, 3 Md. Ch. 552.

This section held to have no application to devises or grants made to trustees for the benefit of third parties. *Gray v. Lynch*, 8 Gill, 424.

This section held to have no application, because a joint tenancy was not created. *Craft v. Wilcox*, 4 Gill, 506. See also *Fladung v. Rose*, 58 Md. 20; *Moody v. Elliott*, 1 Md. Ch. 290 (involving a will); *Purdy v. Purdy*, 3 Md. Ch. 552.

Generally.

Tenancies in common, joint tenancies and estates in coparcenary, distinguished. *Gilpin v. Hollingsworth*, 3 Md. 194.

Requisites of joint tenancies. They are viewed with disfavor. *Chew v. Chew*, 1 Md. 171.

Husband and wife may become joint tenants where the deed expressly so provides. *Fladung v. Rose*, 58 Md. 20.

This section referred to by way of example. *Preston v. Clabaugh*, 90 Md. 709.

Prior to the adoption of this section the law was to the contrary. *Hannon v. Towers*, 3 H. & J. 149. And see *Mayburry v. Brien*, 15 Pet. 37.

Cited but not construed in *Lannay v. Wilson*, 30 Md. 552.

As to partition of property among co-owners, see art. 16, sec. 152.

ARTICLE 51.

JURIES.¹**Qualification and Selection of Jurors.**

1. Age of juror.
2. Judges of orphans' court ineligible.
3. Persons exempt.
4. No property qualification.
5. Persons having matter of fact depending for trial at same term not to be selected.
6. Clerk of county commissions to prepare lists; penalty. Special laws for certain counties.
7. Selection of panel. Special laws for certain counties.
8. Drawing and summons. Special provisions for certain counties; other counties excepted.
9. Residue of names to be kept sealed in box; selection of additional talesmen.

10. Grand jury; petit jury; Prince George's and Talbot counties excepted.
11. Selection of disqualified persons; coercion of jurors.
12. Emptying box before new panel.
13. Petit jury in civil cases, how selected.
14. Refusal by party to strike out.
15. Talesmen to be summoned.
16. Dispensing with full panel.
17. Criminal cases where no peremptory challenge.
18. Trial of alien.
19. Peremptory challenge.
20. Pay and mileage; not applicable to Baltimore city and certain counties.
21. In cases of forcible entry and detainer.
22. Grand jury to visit jail.
23. Court may resummon grand or petit juries after their discharge in special criminal cases. Non-jury terms.

Qualification and Selection of Jurors.

An. Code, sec. 1. 1904, sec. 1. 1888, sec. 1. 1797, ch. 87, sec. 5.

1. No person shall be selected and placed upon a panel as a juror who shall not have arrived at the age of twenty-five years.

This section is directory merely; to invalidate indictment upon ground of non-age of a juror, it must appear that traverser was prejudiced thereby. *Hollars v. State*, 125 Md. 370.

Fact that two of jurors were under age, though unknown to losing party, is no ground for new trial. A cause for challenge cannot be relied on if right of challenge was not exercised. *Johns v. Hodges*, 60 Md. 220; *Hollars v. State*, 125 Md. 371.

The 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.

This section is applicable to Baltimore city by reason of act of 1860, ch. 308, sec. 1, which provides that jurymen shall be selected from those "qualified under the law of this state." *Albert v. White*, 33 Md. 306.

See notes to secs. 3 and 11.

¹ Art. 26, sec. 9, of the An. Code, referred to in holding that constitutional right of jury trial is not infringed by compulsory appointment of an auditor in an action of law involving intricate accounts, with a view to his making a report which will simplify issues for jury. Power to appoint auditor inherent in district court as a trial court. Limitations on right of jury trial. *Matter of Walter Peterson*, 253 U. S. 308.

An. Code, sec. 2. 1904, sec. 2. 1888, sec. 2. 1832, ch. 170.

2. No judge of the orphans' court shall be selected to serve as a juror in any case whatever.

This section is applicable to Baltimore city by reason of act of 1860, ch. 308, sec. 1, which provides that jurymen shall be selected from those "qualified under the law of this state." *Albert v. White*, 33 Md. 306.

See notes to secs. 1, 3 and 11.

An. Code, sec. 3. 1904, sec. 3. 1888, sec. 3. 1715, ch. 37, sec. 4. 1797, ch. 87, sec. 7. 1858, ch. 139. 1912, ch. 737.

3. All persons over seventy years of age and all delegates, coroners and constables during their continuance in office, and all schoolmasters, physicians and pharmacists shall be exempt from attendance as jurors.

The fact that one of grand jurors, and one of petit jurors, were over seventy, is no ground for writ of error or arrest of judgment. This section does not create a disability, but gives an exemption which party affected may waive. *Green v. State*, 59 Md. 125; *Hollars v. State*, 125 Md. 371.

This section is applicable to Baltimore city by reason of act of 1860, ch. 308, sec. 1, which provides that jurymen shall be selected from those "qualified under the law of this State." *Albert v. White*, 33 Md. 306.

See notes to secs. 1 and 11.

An. Code, sec. 4. 1904, sec. 4. 1888, sec. 4. 1777, ch. 15, sec. 10. 1812, ch. 178.

4. No property qualification shall be required in any juror.

See notes to sec. 6.

An. Code, sec. 5. 1904, sec. 5. 1888, sec. 5. 1715, ch. 37, sec. 9. 1778, ch. 21, secs. 2, 3.

5. No person shall be selected to serve as a juror in any court where he hath any matter of fact depending for trial at the same court he is selected to serve in, and no person having such matter of fact depending for trial shall be admitted as a qualified juror between party and party during the sitting of the court in which such matter of fact shall be or expected to be tried, and such disqualification shall be allowed as a good cause of challenge of any juror, but no verdict of a jury shall therefor be set aside or judgment thereon stayed, arrested or reversed.

This section does not refer to grand jurors, but to petit jurors. *Pontier v. State*, 107 Md. 388.

An. Code, sec. 6. 1904, sec. 6. 1888, sec. 6. 1867, ch. 329, sec. 1. 1870, ch. 410, sec. 1. 1888, ch. 432. 1890, ch. 28. 1890, ch. 627. 1892, ch. 182. 1894, ch. 497. 1896, ch. 329. 1900, ch. 618. 1902, ch. 105. 1904, ch. 184.

6. It shall be the duty of the clerk of the county commissioners for each of the counties of this State to make out and file with the clerks of the circuit courts for said counties, not less than twenty days before the beginning of the second regular term of said courts after each and every general election a fair and complete list of the male taxable inhabitants or residents of said county, whose names appear on the tax books of said county, and who are not known to said clerk to be under the age of twenty-five years, and to which said lists so to be made and filed the said clerks, respectively, shall append a certificate that said list is fully and fairly made; and for making such list the said clerk shall receive such compensation as the county commissioners shall deem right and proper; and for

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

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 lists and certificates shall be filed with the clerks of the said courts and by them preserved as other proceedings of the said courts are kept. Modified as to Howard, Garrett, Allegany, Anne Arundel, Worcester, Somerset, St. Mary's, Caroline, Queen Anne's and Talbot counties and special laws enacted.

The method prescribed for drawing jurors is mandatory, and must be substantially complied with to make jury legal. The duty of judge with reference to the age of persons selected is directory only. *Green v. State*, 59 Md. 124. See also *Avirett v. State*, 76 Md. 534; *State v. McNay*, 100 Md. 627; *Hollars v. State*, 125 Md. 373.

It is strongly intimated that the provision for selection of jurors fifteen days before commencement of term, is directory only. *State v. Vincent*, 91 Md. 724.

Any one of circuit judges may discharge duty prescribed by this section. A certificate by judge held to be in compliance with this section. *Friend v. Hamill*, 34 Md. 300.

As to how and when list of names from which grand jury is to be drawn, should be made up, see *State v. Keating*, 85 Md. 190; *Avirett v. State*, 76 Md. 534; *State v. McNay*, 100 Md. 627.

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.

Cited but not construed in *Cooper v. State*, 64 Md. 46.

See notes to secs. 6 and 11.

An. Code, sec. 8. 1904, sec. 8. 1888, sec. 8. 1867, ch. 329. 1868, ch. 316. 1870, ch. 220. 1882, ch. 496. 1886, ch. 390. 1888, ch. 432. 1890, ch. 28. 1890, ch. 533. 1890, ch. 627. 1892, ch. 182. 1894, ch. 299. 1894, ch. 497. 1896, ch. 155. 1896, ch. 329. 1898, ch. 376. 1900, chs. 374, 451, 618. 1902, chs. 105 and 621. 1904, chs. 184 and 303. 1910, ch. 325 (p. 160).

8. When said list of names selected as directed in the preceding section is made and certified as therein provided for, immediately thereupon the said judges of the said respective courts, in the presence of the members of the bar, as aforesaid, and such other persons as may think proper to be present, shall cause all the names selected and placed in the list as aforesaid to be legibly written upon ballots, which shall be of equal size and of the same color and appearance, and shall be closely rolled or folded, and in each of the counties, except Baltimore, Frederick, Montgomery and Carroll counties, placed by the said judges with their own hands before the drawings herein provided for in a cubi-form box, with a sliding top of the square of eight inches, to be procured for that purpose by the clerk of said court, under the direction of the said judges, and after so depositing said ballots the said box shall be closed and the said judges shall then cause the clerk, or one of his deputies, whom the said judges shall designate (neither the one nor the other who may be so required to act to be present at the writing, rolling or folding and depositing said ballots into the box as herein directed) to appear before them and then and there, in the presence of the said judges and such other persons as may choose to be present after well and thoroughly shaking the said box, so that the ballots be well mixed, to draw from said box through such opening made by removing the sliding top thereof as will only conveniently admit the hand and without in any manner

looking into said box one by one, forty-eight of said ballots, and the names appearing on said ballots as drawn shall be duly recorded by said judges or by the clerk, in their presence and under their direction, in the order in which they shall be drawn.

In Baltimore county a box shall be procured, as aforesaid, of the form aforesaid, and of sufficient size, and said box shall be divided into fifteen compartments, which shall be numbered to correspond with the districts of the said county, and the names of the persons selected as aforesaid shall be placed by the said judges in the said compartments of the said box, respectively, which bear the numbers of the districts where the persons so selected respectively reside, and there shall be then drawn in the manner hereinbefore provided for the other counties four names from compartment No. 1, three from No. 2, four from No. 3, three from No. 4, two from No. 5, three from No. 6, three from No. 7, four from No. 8, four from No. 9, two from No. 10, three from No. 11, four from No. 12, two from No. 13, two from No. 14 and four from No. 15.

In Frederick county there shall be procured by the clerk of the circuit court a jury box of convenient size, which shall be divided into as many compartments as there may from time to time be election districts in said county, and which compartments shall be numbered to correspond with the districts of the county, and the names of the persons selected by the judges of the circuit court for said county, in the manner prescribed in this article, shall be placed by said judges in said compartments of said box, respectively, which bear the numbers of the districts where the persons so selected, respectively, reside; and it shall be the duty of said judges when selecting the panel of two hundred persons as provided for in section 7, to select twenty-five of said names from Election District No. 2, and the remaining one hundred and seventy-five names from the remaining election districts of the county, equally as nearly as possible, and there shall then be drawn in the manner provided in this article for the other counties nine names from compartment No. 2, and the other thirty-nine names necessary to make up the full number of forty-eight shall then be drawn from the remaining compartments, so that at least one and not more than two names shall be drawn from each of said other compartments, the said judges designating from which of said compartments but one name shall be drawn; provided, that in drawing the jurors for the December term of the circuit court for said county the twenty-five names required shall be taken from those remaining in the box after the drawing of the preceding August term, five to be drawn from the compartment No. 2, and one from each of the other compartments, so long as there are twenty-one election districts in said county, and whenever the number of election districts in said county shall exceed twenty-one, then five names shall be drawn from said compartment No. 2 and the remaining twenty shall be made up by drawing one from each of twenty other districts, to be designated by said judges; and no name which may be so drawn to serve as a regular juror in Frederick county at any term of court shall be replaced in said box for the period of two years thereafter.

In Montgomery county a box of the form aforesaid shall be procured as aforesaid and of convenient size, and said box shall be divided into as many compartments as there may be election districts in said county, which shall be numbered to correspond with the election districts in said county, and the names of the persons selected as aforesaid shall be placed by the said judges in the said compartments of said box, respectively, which bear the numbers of election districts where the persons so selected respectively reside, and there shall then be drawn in the manner hereinbefore provided for the other counties three names from compartment No. 1, three from No. 2, four from No. 3, six from No. 4, four from No. 5, three from No. 6, three from No. 7, four from No. 8, four from No. 9, three from No. 10, three from No. 11, three from No. 12 and five from No. 13.

In Carroll county, a box of the form aforesaid shall be procured as aforesaid, and of convenient size, and said box shall be divided into as many compartments as there may be election districts in said county, which shall be numbered, respectively, to correspond with the election districts in said county, and the names of the persons selected, as aforesaid, shall be placed by the said judges in the said compartments of the said box, respectively, which bears the numbers of the districts where persons so selected, respectively, reside; and it shall be the duty of the judges of the circuit court for Carroll county, when selecting the panel of two hundred persons, as provided for in the preceding sections of this article, to select sixteen of said names from the First Election District, sixteen from the Second Election District, twelve from the Third Election District, nineteen from the Fourth Election District, fourteen from the Fifth Election District, twenty-two from the Sixth Election District, thirty-six from the Seventh Election District, thirteen from the Eighth Election District, eight from the Ninth Election District, eight from the Tenth Election District, twelve from the Eleventh Election District, eight from the Twelfth Election District, seven from the Thirteenth Election District and nine from the Fourteenth Election District; and there shall then be drawn in the manner hereinbefore provided for the other counties, four names from compartment No. 1, four from No. 2, three from No. 3, four from No. 4, three from No. 5, five from No. 6, nine from No. 7, three from No. 8, two from No. 9, two from No. 10, three from No. 11, two from No. 12, two from No. 13 and two from No. 14; provided, that in drawing the jurors for the February term of the circuit court for said county, the twenty-five names required shall be taken from those remaining in the box after drawing for the preceding November term, two to be drawn from compartment No. 1, two from No. 2, two from No. 3, two from No. 4, one from No. 5, three from No. 6, four from No. 7, two from No. 8, one from No. 9, one from No. 10, two from No. 11, one from No. 12, one from No. 13 and one from No. 14; if from any cause the number of names remaining in said compartments after the drawing for the November term of said courts, be less than one hundred in the aggregate, then in that event the judge or judges of said court shall, before the drawing for the February term of said court, place in said compartments in proper proportion a sufficient number of names as aforesaid to make the aggregate number one hundred.