

of said court, or one of his deputies, whom the said judge or judges shall designate, and who shall not have been present at the writing, folding and depositing of said ballots into the box, as herein directed, to appear before him or them, and then and there, in the presence of said judge or judges and such other persons as may choose to be present, to draw, without looking into the same, from said box forty-eight names, as follows: Eight names from compartment number one, six from number two, nine from number three, five from number four, nine from number five, five from number six, and six from number seven; and the names appearing on said ballots so drawn shall be recorded by the clerk of the said Circuit Court, in the presence of the said judge or judges, in the order drawn, and immediately thereupon said judge or judges shall order a *venire facias*, directed to the sheriff of said county, commanding him to summon as jurors, to attend at the first day of the next ensuing term of court, the forty-eight persons whose names shall be drawn as aforesaid; and if any of the persons so drawn are dead, sick or returned *non est* by the sheriff it shall be the duty of the sheriff to return the fact to the judge or judges, who shall thereupon cause to be drawn from the compartment or drawer from which the name of the person so dead, sick or returned *non est*, or excused by the judge or judges, was drawn another name or names to take the place of such person so dead, sick or returned *non est*, or excused, and shall cause the name or names last as 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 persons so last drawn as aforesaid, and to make returns thereof to the court at the opening of its session; provided, however, that no person shall be drawn and summoned to two successive terms of court.

1900, ch. 618, sec. 4.

251. On the first day of the term the judge or judges present shall designate one person from the forty-eight names so, as aforesaid, drawn to be foreman of the grand jury, and after selecting the said foreman and causing the said drawers or compartments to be emptied, the remaining forty-seven names, apportioned as near as may be to the several election districts, shall be deposited in the said drawers or compartments from which they were respectively drawn, and the clerk shall in the presence of the court draw therefrom from the several districts, beginning with the first district and so on successively; the remaining forty-seven names and the first twenty-two names drawn together 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; provided, however, that the foreman shall constitute and be counted as one in the apportionment for the election district in which he shall reside, it being the meaning of this Act that the grand jury and the petit jury shall be divided as equally as may be between the election districts of said county, and as soon as the grand and petit juries shall be drawn, the remaining one hundred and two names shall be, respectively, returned to their several