

two in the order in which they were drawn shall with the foreman selected as aforesaid constitute the grand jury, and the remaining twenty-five shall constitute the petit jury for the term of court for which they have been drawn, and said names shall be recorded as drawn for the respective juries to which they belong; and thereupon the said Judge or Judges shall forthwith order a venire facias, directed to the Sheriff of said County, commanding him to summon as grand jurors to attend on the first day of the next ensuing term of said Court the several persons whose names have been drawn and selected as grand jurors as aforesaid, and also commanding the said Sheriff to summon as petit jurors to attend on the first Thursday of the next ensuing term of said court the several persons whose name have been drawn as petit jurors 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 Judge or Judges shall cause to be drawn from said box, in the manner hereinbefore directed, other names in the place and stead of the original grand or petit jurors who may be dead, sick or otherwise unable to attend, or absent and not found, or who are disqualified, or who are for sufficient cause excused by the Court prior to that time, the first named in order drawn to constitute additional grand jurors to fill vacancies occurring as aforesaid, and the remainder drawn to be petit jurors to fill vacancies thus occurring; and shall cause the name or names of such person or persons so as last aforesaid drawn, to be inserted in the venire facias, to be summoned as grand or petit jurors, as the case may be, and it shall be the duty of the Sheriff to summon the persons named in said venire facias and make return thereof to the said Court at or before the beginning of the term.

If the person selected as aforesaid as foreman of the grand jury be not present at the beginning of the term for which he was selected, or be excused by the Court from serving as such foreman, the Court shall on the first day of the term select as foreman some other person drawn and summoned to serve as a grand juror, but one so excused from serving as foreman may in the discretion of the court be required to serve as a grand juror, unless disqualified or exempt.

If vacancies are to be filled before the beginning of a term as herein provided for, the court may by its order in writing au-