

embraced in said venire facias shall be dead, sick or otherwise unable to attend, or shall be absent and therefore not to be found, it shall be the duty of the sheriff forthwith to return the fact of such death, disability or absence to the court; and the said judge or judges shall thereupon cause to be drawn from said box in the manner hereinbefore directed, other names in the place and stead of the original persons who may be dead, under disability or absent; and shall cause the name or names of such persons so as last aforesaid drawn to be inserted in the venire facias to be submitted as aforesaid. It shall be the duty of the sheriff to summon the persons named in the venire facias and to make return thereof to said court at the opening of its session.

917. Of the jurors so drawn in accordance with the preceding section and summoned, not less than fifty-eight nor more than [sixty-eight] *ninety-three (93)*, including the Foreman of the Grand Jury previously selected, to be designated in the venire facias as the first week's jury shall be required to attend the opening session of the court, from which is to be selected the Grand Jury and the first week's Petit Jury. The next group of jurors drawn and summoned in accordance with the preceding section, after those designated as the first week's jury, consisting of not less than thirty-five, nor more than [forty-five] *seventy (70)*, shall be designated in the venire facias as the second week's jury and shall not be required to attend until the second week. The third group so drawn and summoned in accordance with the preceding section, after those designated as the second week's jury, consisting of not less than thirty-five, nor more than [forty-five] *seventy (70)*, shall be designated in the venire facias as the third week's jury and shall not be required to attend until the third week. Of the not less than fifty-seven nor more than [sixty-seven] *ninety-two (92)* jurors, the foreman of the Grand Jury having been previously selected, drawn and summoned to attend at the opening session, the said Court at said session, shall direct the Clerk to legibly write upon ballots the names of said jurors, and after carefully folding said ballots separately, to place them in a box with a sliding top, and said Clerk shall draw said ballots therefrom one at a time without looking into said box and the first twenty-two names drawn therefrom, with the foreman previously appointed, shall constitute the Grand Jury and the remaining names shall constitute the Petit Jury for the first week of said term. If for any reason any person or persons drawn as a Grand Juror or Grand Jurors shall fail to attend and be present at the conclusion of the drawing or be disqualified or excused for cause the Court shall forthwith proceed to fill such vacancy or vacancies from the aforesaid remaining names of those who are present in the order in which the names were drawn from the box and may thereupon in its discretion fill such vacancy or vacancies thus made in the Petit Jury by drawing from the jury box other names in the place and stead of those originally drawn and who may be disqualified, excused or absent.

SEC. 2. *And be it further enacted*, That this Act shall take effect June 1, 1959.

Approved April 28, 1959.