

shall enquire and ascertain if such Lists of Grand Jurors, as required by the said Act hereby continued and amended, or made valid by this Act, have been prepared and returned; and if none such shall have been so prepared and returned, the said Supreme Court shall thereupon, by rule or order of said Court, nominate and appoint three Justices of the Peace, of said County, who shall be sworn to the faithful discharge of their duty forthwith to prepare such Lists with the Sheriff or his Deputy, agreeably to the said fourth section of the said Act; and it shall be the duty of the said three Justices and of the said Sheriff, or his Deputy, forthwith to assemble and prepare such Lists, and to return the same to the said Supreme Court, before the adjournment thereof, which said Court shall fix and determine what number of such Grand Jurors for each of the Townships and Settlements in said County shall be summoned to serve as such, and the said Sheriff and Prothonotary shall, at the time of drawing such Jury, have the names of such Jurors for each of the said Townships or Settlements compared with the Lists, and placed in separate boxes, wherein such names shall be kept, and at the time of drawing the said Grand Jury, the Prothonotary shall draw, from such boxes respectively, the number so fixed and determined by such Court, and those so drawn shall be summoned in the usual manner.

Grand Jurors; Justices of Supreme Court may order them to be prepared

V. *And be it further enacted*, That such three Justices so to be appointed as last aforesaid, shall be held and taken to be the Justices for revising the Lists of Grand Jurors agreeably to the Act hereby continued and amended, and shall revise such Lists from time to time with the Sheriff or his Deputy, unless such Justices shall have been altered or changed by the Courts of General Sessions, agreeably to the said Act hereby continued and amended.

Revisal of Lists of Grand Jurors

VI. *And be it further enacted*, That the third section of the Act hereby continued and amended shall be, and the same is hereby repealed, and that it shall be the duty of the three Justices appointed, or to be appointed, under the Act hereby continued and amended, or under this Act, to prepare and return with the Sheriff or his Deputy, once in every Year, in the month of December, to the Prothonotaries or Clerks of the several Courts in which such Juries shall be required to serve, Lists of all persons not exempted and qualified to serve on Petit Juries, and such Prothonotaries or Clerks shall thereupon cause the names of such persons to be written on distinct and similar pieces of paper, which shall be then severally folded up and put together in boxes to be kept by them respectively for that purpose; and such Sheriffs, Deputy Sheriffs, and Justices, or any of them, in order to make up such Lists, shall have the right of free access to all Public Documents, in whosoever custody they may be; *Provided always*, that no person returned as a Petit Juror, shall be put on the Grand Jury List.

Sec. 3 of 1 Vict. repealed

Lists of Petit Jurors to be prepared

VII. *And be it further enacted*, That the fourteenth section of the Act hereby continued and amended, shall be, and the same is hereby repealed; and that, if by reason of any cause, a sufficient number of persons summoned either as Grand or Petit Jurors, should not be likely to attend in any particular Term, Sessions, or Year, it shall be in the discretion of the Court to return the names of the persons so summoned, or of such of them as the Court may think fit, into the box, as though they had not been drawn, and to draw others in their stead, who shall be forthwith summoned by the Sheriff, and be subject to all the consequences of non-attendance, as in the said Act hereby continued and amended, provided, and in every case where a full Jury for the trial of any cause shall not appear, or appearing, shall, by challenge of either of the parties, or otherwise prove deficient, a *tales de circumstantibus* shall be awarded and immediately returned at the instance of either party in manner as heretofore practised.

Proviso

Sec. 14 of 1 Vict. repealed

Non-attendance of Jurors

Continuation of Act

VIII. *And be it further enacted*, That this Act shall continue and be in force for three years, and from thence to the end of the then next Session of the General Assembly.

CAP. IX.

An Act for enabling Persons indicted for Felony, to make their Defence by Counsel.

(Passed the 18th Day of January, 1840.)

WHEREAS, it is just and reasonable that persons accused of offences against the Law, should be enabled to make their full answer and defence to all that is alleged against them:

Preamble