

hereby respectively required to cause twenty-four persons to be summoned, of whom twelve shall be a jury for the trial of such action, and to proceed therein according to law: Provided always, That, if a number of jurors sufficient for the trial of such action having been duly summoned shall not appear to be sworn, it shall and may be lawful for the governor of the said island, and the surrogates in their several courts respectively, to nominate and appoint two proper persons to be assessors to the said chief justice, who, together with the said chief justice or surrogates respectively, shall proceed to the trial of such action, in like manner as if such jury had not been prayed.

Appeals may be made from judgement for sums exceeding 40 l. in the surrogate court, and exceeding 100 l. in the supreme court.

5. And be it further enacted, That upon any decree or judgement given in a surrogate court, for any sum exceeding forty pounds, it shall be lawful for the party against whom such decree or judgement shall be given, to appeal therefrom to the supreme court, having first given notice of such intention, and having entered into a security to the surrogate, in double the sum for which such judgement or decree was given or made, within two days after making or giving such judgement or decree, for duly prosecuting such appeal; and upon any decree or judgement given in the supreme court, for any sum exceeding one hundred pounds, it shall be lawful for the party, against whom such decree or judgement