were neceſſary to conſtitute a jury; that is, if a jury was to conſiſt of twelve men, a liſt of forty-eight perſons ſo qualified; and then each party ſhould ſtrike out the names of twelve perſons from the ſaid liſt; after which the names of the twenty-four remaining jurymen ſhould be ſet down in a new liſt in the following order; to wit, firſt one at the nomination of the plaintiff, then one at the nomination of the defendant; then another at the nomination of the plaintiff, and then another at the nomination of the defendant; and ſo on; each of the parties alternately nominating one, till the whole number was exhauſted. And theſe perſons (whoſe names were thus ſet down in this new liſt in the aforeſaid order, and who would be enough in number to conſtitute two juries) ſhould all be ſummoned to attend the court on the day appointed for the trial of the cauſe, and ſhould be called over in the court in the order in which their names were ſet down in this new liſt. And if there appeared ſix or more of the twelve nominated by each of the parties, then the firſt ſix of thoſe nominated by the plaintiff that appeared when their names were called over, and the firſt ſix of thoſe nominated by the defendant that appeared at the ſame time, ſhould conſtitute the jury to try the cauſe. If fewer than ſix of thoſe nominated by one of the parties, as, for inſtance, only three, appeared in the court when the names in the jury-liſt were called over, thoſe three, or other number of perſons ſmaller than ſix, ſhould make a part of the jury which ſhould try the cauſe; and the other nine, or other number requiſite to make a full jury, ſhould be the firſt nine, or other ſuch requiſite number, of the twelve nominated by the other party that appeared upon this occaſion. The reaſon of ſummoning twice as many perſons as would be ſufficient to compoſe a jury is to provide againſt the non-attendance of ſeveral of them. If it was found by experience that the perſons ſummoned uſually attended very punctually, it might be ſufficient to ſummon only fourteen or fifteen, or perhaps only twelve, or the very number neceſſary to conſtitute a jury. In this laſt caſe the original liſt given in by the ſheriff ſhould conſiſt of only twenty-four names; out of which each of the parties ſhould ſtrike ſix names, and the remaining twelve perſons ſhould be ſummoned to try the cauſe. By this method of appointing a jury the diſagreeable and captious practice of challenging jurymen would be avoided, which is apt to give riſe to animoſities between the perſons challenged and the parties who object to them.

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