

AVERAGE.

The average value of lands established, and the annual assessment to be imposed upon their amount, ascertained at the said average value—Nov. 1792, ch. 71, sec. 12, 13, 14, 288

AWARD.

See REFERENCE.

BAIL.

- On writs from the general court, special bail may be given before the return thereof before a judge of such court, or two justices of the county, with two sufficient freeholders, such as they shall approve of, such bail piece, to be delivered to the sheriff, to be returned with the writ—1715, ch. 28, sec. 2. 15
- The recognizance of bail taken by the judge or justices shall be transmitted to the general court, with a warrant of attorney to some attorney thereof to appear for the defendant—1715, ch. 28, sec. 4, 16
- The form of such recognizance prescribed instead of the one in the former act—Oct. 1778, ch. 21, sec. 4, 141
- Fees to the officers the same as if taken in court—1715, ch. 28, sec. 4, 16
- Allowance to the justices for taking such bail—1715, ch. 28, sec. 4, 16
- The judges of the general court may make rules for justifying bail, so as not to compel a personal appearance of the cognizors—1715, ch. 28, sec. 5, 16
- One or more county justices may take special bail in actions in the county courts, according to the rules for those in the general court 1715, ch. 28, sec. 7, 16
- Their allowance for taking such bail—1715, ch. 28, sec. 7, 16
- The judge or justices taking a recognizance of bail directed to examine into the sufficiency, and not to take persons who have not sufficient estate—October, 1778, ch. 21, sec. 5, 142
- But not to abridge the power of the courts to make rules and orders for justifying bail, or to examine the sureties on oath, as required by the act of 1715, ch. 28—1778, ch. 21, sec. 5, 142
- On judgment against the bail, execution may be issued as if for his own proper debt—1778, ch. 21, sec. 6, 142
- Special bail shall be awarded in actions against persons for not attending as witnesses when summoned—1715, ch. 37, sec. 5, 20
- May be awarded on affidavit in actions under the act to prevent injuring harbours—1774, ch. 18, 126
- May be awarded on affidavit or other proof in actions of trover and of detinue—1753, ch. 17, 100
- Manner of compelling bail from garnishees on attachment—1795, ch. 56, sec. 6, 352
- A recognizance in the nature of bail may be taken for the defendant's appearance on a warrant for small debts—1791, ch. 68, sec. 2, 278
- Mode of proceeding against such bail—1791, ch. 68, sec. 2, 278