

such judgment granted, or issued forth, upon any appeal or writ of error, from any such court or courts of record, to the court before whom such appeal ought to be brought, or writ of error ought to be heard and determined, unless such person or persons in whose name such appeal or writ of error shall be made or brought, or some other in his, her, or their behalf, shall, upon making such appeal, or suing out such writ of error, enter into bond, with sufficient sureties, (such as the justices of the court by whom judgment shall be given, or the keeper of the seal for the time being, to whom application shall be made for such writ of error, shall approve of) in double the sum recovered by such judgment obtained, with condition, "That if the party appellant, or party suing out such writ of error as aforesaid, shall not pursue the directions of this act hereafter mentioned, at the next court ensuing, before whom such appeal or writ of error ought to be tried as aforesaid, and prosecute the same writ with effect; and also satisfy and pay to the said party, his executors, administrators or assigns, in case the said judgment shall be affirmed, as well all and singular the debts, damages and costs adjudged by the court before whom such action was first brought, and from whose judgment such appeal shall be made, or thereon a writ of error brought as aforesaid, as also all costs and damages that shall be awarded by the court before whom such appeal or writ of error shall be heard, tried, and determined as aforesaid; then the said bond to be and remain in full force and virtue; otherwise of no effect.—1713, c. 4, § 2.

WRITTS OF INQUIRY.

1. **I**N all cases where an interlocutory judgment is entered in the general court, or in any of the county courts, whereby the right of the plaintiff is established, but the damages sustained by him cannot be ascertained without the intervention of a jury, the court where such judgment is given may and shall, on the motion of the plaintiff, or of his attorney, make an order in the nature of a writ of inquiry, to charge the jury attending at the same, or at the next term, to inquire of the damages and costs sustained by the plaintiff in such action, which said inquiry shall be made, and the evidence given, in open court, in the same manner, and under the same regulations, as in other jury trials; and after the said jury, charged as aforesaid, shall have considered thereof, they shall forthwith return their inquisition, under their hands and seals, and thereupon the said court shall proceed to judgment, as upon inquisitions of that kind returned by the sheriff.—1794, c. 46, § 2.

2. The act for the amendment of the law, and the speedier advancement of justice in relation to the assessing of damages, repealed.—*ibid.*

§ 5. See *Administration bonds*, 5. *Replevin*, 9, 10.