

detention of the same from him by the defendant, shall be entitled on verdict to a judgment for the return of such portion of said chattels as may have been elogned, or for their value as found by the verdict, as well as for any of said chattels actually taken under the writ, together with damages for the detention of all chattels mentioned in the writ which the jury shall have found were unlawfully detained from him by the defendant.

1904, art. 75, sec. 117. 1888, art. 75, sec. 111. 1888, ch. 269.

119. Whenever in replevin or detinue there shall be a judgment in the alternative for the return of chattels or the payment of their value, the judgment for the return or delivery of the goods may be enforced by a writ in the nature of a writ of *capias in withernam*, and by attachment of the party or parties adjudged to return or deliver the same, or either, unless the court, on good cause shown, shall otherwise order, or unless the party or parties entitled to such return or delivery shall agree of record to accept the value of the chattels as ascertained by the judgment in lieu of such return or delivery, but nothing herein contained shall prevent the party entitled to such judgment from having his execution besides for the damages, if any, given for the detention and his costs, and every judgment in detinue and replevin, and every verdict therein shall ascertain separately the value of the goods and chattels and the damages, if any, for their detention.

Although the verdict as originally rendered is erroneous under the last clause of this section, if it is properly corrected by the jury before its record, the error is cured. *Farmers' Packing Co. v. Brown*, 87 Md. 13.

Under this section, a verdict "in favor of the defendant for the return of the property replevied and one cent damages and costs," is erroneous. How such irregularity should be raised. *Standard Co. v. O'Brien*, 88 Md. 336.

A case remanded on account of the failure to comply with the last clause of this section, in order that the property might be valued, and judgment entered in accordance with this section. *B. & O. R. R. Co. v. Rueter*, 114 Md. 698.

Ibid. sec. 118. 1904, ch. 26, sec. 111 A.

120. From and after March 9, 1904, all bonds given by the plaintiff in any action of replevin hereafter instituted in any of the courts of law shall be given to the State of Maryland, and such bonds shall be for the use of any person interested in any way in the property taken under the suit of replevin; and any person having any interest in or right to such property may upon a breach of the condition of such bond maintain an action on such bond in the name of the State for the use of such person so having an interest in or right to such property.

Reservation of Points for Court in Banc.

Ibid. sec. 119. 1888, art. 75, sec. 112. 1868, ch. 441, sec. 1.

121. When at the trial of any cause any party to such cause shall require any point or question decided by the court to be reserved for the consideration of the court in *banc*, and either of the judges of the said court shall be disqualified to sit in such cause, then it shall be lawful