

writing obligatory, upon which the suit was brought, or upon legal and satisfactory proof of the correctness and amount of the claim where the suit was brought to recover a debt due upon open account, shall assess the damages and order the judgment to be extended for the amount so found to be due, and interest on the same till paid, and costs of suit. In all other cases in which an interlocutory judgment, or judgment by default has been, or shall hereafter be entered, the judge of the court where such judgment is, shall, on motion of the plaintiff, or his attorney, make an order in the nature of a writ of inquiry, to charge the jury in attendance in such court 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 the court shall order such judgment to be extended in accordance with the terms of such finding of the jury.

Harris v Jaffray, 3 H. & J 543 *Wilmer v. Harris*, 5 H & J. 1. *Kiersted v. Rogers*, 6 H. & J 288. *Hopewell v. Price*, 2 H. & G 275. *Laidler v. State*, 2 H & G. 277. *Cushwa v. Cushwa*, 9 Gill, 244. *Green v. Hamilton*, 16 Md. 329. *Huston v. Ditto*, 20 Md 306. *Griffith v Lynch*, 21 Md. 575. *Davidson v. Myers*, 24 Md. 538. *Stansbury v. Hack*, 29 Md. 361. *Horner v. O'Laughlin*, 29 Md. 465.

P. G. L., (1860,) art. 75, sec. 63. 1785, ch. 80, sec. 13.

87. In all cases of actions brought for the penalty of any bond, bill, covenant or contract with penalty, the jury may, under the direction of the court, upon the plea of payment, or performance of the conditions or terms of the contract, ascertain and by their verdict find what sum of money is really and justly due to the plaintiff; and upon such finding, judgment shall be entered by the court for the penalty, to be released upon payment of the sum of money so found to be due, and interest on the same till paid, and costs of suit; and the sum really due as aforesaid, or in any other manner ascertained, upon bonds and other instruments of writing, with penalty, shall be considered in law as the true debt, and shall be so pleaded by and allowed to administrators and others.

State v. Wilson, 38 Md. 338. *State v. Tabler*, 41 Md 236. *Orendorff v Utz*, 48 Md. 298.