

VALUE OF THE PROPERTY AND DAMAGES.

(B) ENFORCEMENT OF JUDGMENT IN ALTERNATIVE.

IF THE JUDGMENT IS RENDERED FOR THE RETURN OF THE PROPERTY, THE PLAINTIFF MAY ENFORCE THE JUDGMENT BY A WRIT OF CAPIAS IN WITHERNAM UNLESS THE COURT FOR GOOD CAUSE SHOWS ORDERS OTHERWISE OR THE PLAINTIFF AGREES ON THE RECORD TO ACCEPT THE VALUE OF THE PROERTY IN LIEU OF ITS RETURN.

REVISOR'S NOTE: This section is new language derived from Art. 75, §60A, as amended by Ch. 880, H.B. 1563, Acts of 1973. This section is modified by Ch. 880, H.B. 1563, Acts of 1973 to provide for enforcement of judgment only by a writ of capias in withernam.

SUBTITLE 2. MEASURE OF DAMAGES.

SEC. 11-201. JUDGMENT FOR AMOUNT DUE ON BOND, BILL, COVENANT, OR CONTRACT.

IF AN ACTION IS BROUGHT FOR THE PENALTY OF ANY BOND, BILL, COVENANT, OR CONTRACT WITH PENALTY, THE JUDGMENT SHALL BE FOR THE AMOUNT DUE.

REVISOR'S NOTE: This section is new language derived from Art. 75, §40.

The language of this section is similar to that of Rule 648.

SEC. 11-202. MEASURE OF DAMAGES FOR ABSTRACTING MINERALS FROM PLAINTIFF'S LAND.

(A) MEASURE OF DAMAGES IN ABSENCE OF FRAUD, NEGLIGENCE, OR WILLFUL TRESPASS.

IN THE ABSENCE OF FRAUD, NEGLIGENCE, OR WILLFUL TRESPASS, THE MEASURE OF DAMAGES FOR THE WRONGFUL WORKING AND ABSTRACTING OF ANOTHER'S MINERALS IS THE VALUE TO THE PERSON FROM WHOSE PROPERTY THEY WERE TAKEN AT THE TIME OF THE TAKING OF THE MINERALS IN THEIR NATIVE STATE, BEFORE SEVERANCE.

(B) MEASURE OF DAMAGES IF MINERAL ABSTRACTED FURTIVELY OR IN BAD FAITH.

IF THE MINEFALS WERE ABSTRACTED FURTIVELY OR IN BAD FAITH THE MEASURE OF DAMAGES IS THE VALUE OF THE