CHAPTER XVI.

OF IMPERFECT JUDGMENTS AND PROCEEDINGS AFTER THEM TOWARDS FINAL JUDGMENT.

1. An imperfect judgment is given when the court, although they see from the proceedings, that one party is entitled to succeed in the case, are not yet informed as to the extent of his right of recovery.

2. Imperfect judgments are either by default, by confession, or on questions of law, or after an imperfect verdict.

3. Judgments by default are given in the cases provided for in the second chapter, or other parts of this ordinance; and whenever a party formally abandons his claim or defence, and refuses to prosecute his case, or to resist the claim of his adversary before a jury is affirmed, after the jury is affirmed there must be a verdict. A plaintiff may, before the jury is affirmed, abandon his claim, reserving expressly his right to renew his action.

4. Judgments by confession are, where either party confesses that the other is right, and that he is wrong. If the confession stops there, the judgment must be imperfect, but the parties may go on and ascertain the debt or damages and costs also by confession, and in that case a final judgment shall at once be given.

5. Judgments on questions of law are given when any action has been decided by the court without a jury, either because the case presented no question of fact, or because it turned solely upon the existence of a record.

6. Judgments after an imperfect verdict are given either after a special verdict, in which the jury have neglected to find the debt or damages, or after the jury shall have reported their opinions as to the amount of debt or damages to the court, under the provisions of the twelfth section of the ninth chapter; and also in all actions of special performance.

7. The form of an imperfect judgment, except in injunction, shall always be—'The court adjudge that the plaintiff is [*or is not*] entitled to recover.'

8. The form of an imperfect judgment in injunction may be either 'The court adjudges that the injunction ought to be made perpetual,' or 'The court adjudges that the injunction ought to be dissolved.' If the injunction have been once dissolved on motion, and the court

on the final trial should think that it ought to be renewed, the imperfect judgment may be—'The court adjudges that the injunction ought to be renewed and made perpetual.' If the court shall in any way modify the original injunction, they may modify the imperfect judgment to suit the circumstances of the case.

9. In case of an imperfect judgment for the plaintiff, in an action of debt, in which there is a written instrument or instruments, ascertaining the amount of the debt, or in an action of replevin, where the goods, at the time of the imperfect judgment, are in the hands of the plaintiff, it shall be the duty of the court to ascertain the debt or the damages to be recovered from the defendant.

10. In all other actions of debt or replevin, and in all actions of contract or damages, it shall be the duty of the court, except in the cases hereinafter otherwise provided for, to cause a jury to ascertain the debt or damages.

11. In all actions of replevin, where the goods are in the hands of the plaintiff, and the judgment is for the defendant, the court shall cause a jury to inquire into the value of the goods, if the defendant demand such inquiry, or, by consent of parties, the court may ascertain such value themselves.

12. In all cases whatever, it shall be the duty of the court to ascertain the costs, and consequently to complete all judgments for the defendant.

13. In actions of specific performance and injunction, where the plaintiff has recovered, it is the duty of the court to ascertain what is the injunction which ought to be made perpetual, or to what specific performance the plaintiff is entitled, as well as to ascertain the costs, and consequently to complete all judgments in those actions.

14. As there are ordinarily no damages in ejectment, it is the duty of the court to complete all judgments in that action, except in the case provided for in the next section.

15. It shall be lawful for a plaintiff in ejectment, who has succeeded in obtaining a verdict or an imperfect judgment, to file a petition to the court, praying that he may have judgment, for the damages he has sustained by the detention of his land; and the court, giving reasonable notice to the other party, shall cause a jury to inquire into the extent of such damages, and complete the judgment accordingly. The provisions of this section shall not be deemed to apply to ejectments, brought for lands forfeited for non-payment of rent. In such cases the plaintiff can have no damages.

Maryland Historical Society

The Maryland State Colonization Society Papers

XIII. Colonization Pamphlets

1. The Declaration of Rights,
The Constitution of the
State of Md. in Liberia
(rough draft, engrossed copy, printed copy)