

STATUTES

Made at GLOUCESTER, 4 *Octobris*, Anno 6 EDW. I. and Anno
Dom. 1278.

CAP. I.

Several Actions wherein Damages shall be recovered.

II. And whereas before time Damages were not taxed, but to the Value of the Issues of the Land, (2) it is **79** *provided, that the Demandant may recover against the Tenant, the Costs of his Writ purchased, together with the Damages abovesaid. (3) And this Act shall hold place in all cases where the Party is to recover Damages. (4) And every Person from henceforth shall be compelled to render Damages, where the Land is recovered against him, upon his own Intrusion, or his own Act.

II. "Et la ou avant ces heures damages ne fueront taxes, forsque a le value des issues de la terre: Purview est, que le demandant puit recover vers le tenant les costages de son briefe purchase, ensemblement avec que les damages avantdits. Et tout ceo soit tenu en tous cases, ou home recover damages." Et soit desormais chescun tenu a render damages, la ou home recover vers luy de sa intrusion demesne, ou de son fait demesne.

2 Inst. 283.

The first part of this Statute was not applicable to the Province and therefore it is not included.

Although costs, as such, were not recoverable at common law by either plaintiff or defendant, yet they were generally included in the damages in those actions where the plaintiff recovered damages, 3 Black. Comm. 399. This Statute is, however, considered to be the original of costs *de incremento*, i. e. the increased damages taxed by the Court for the moderate fees of