counsel and attorneys, &c. in the cause, or the costs of the trial.[1] After the making of it, it was agreed on as a rule that the jury should assess the damages and the costs given by them apart, so that it might appear to the Court that such costs were not considered in the damages, and if it were evident that the costs given by the jury were too little to answer the costs of the suit, the plaintiff prayed that the proper officer might tax the costs, which was inserted in the judgment; and hence such costs were said to be adjudged *ex assensu* of the plaintiff, a form of entry long preserved in the records here, as may be seen by the forms in Harris' Entries. Formerly if these words were omitted it was error, but this is helped by Stat. 16 & 17 Car. 2, c. 8, s. 1, and 4 & 5 Ann. c. 16, s. 2, *q. v.* For years back, however, it has been the practice of our Courts to enter judgment for the damages assessed by the jury and for the costs taxed by the Court, overlooking entirely the former method of finding a nominal sum by the jury and giving the judgment for costs as an increase of the nominal sum, Kierstead v. Rogers, 6 H. & J. 282, where an account of the practice here in entering costs is given.

To what cases Statute extends.—Under the Statute it is settled that the plaintiff has, generally speaking, a right to costs in all cases where he was entitled to damages antecedent to or by the provisions of the Statute of Gloucester, as in assumpsit, debt on contract, covenant, case, trespass, replevin, ejectment, dower, &c., Pilford's case, 10 Rep. 116 a; 2 Inst. 289; or where by a subsequent Statute *double* or *treble* damages are given in a case where *single* damages were before recoverable, as upon Stat. 8 H. 6, c. 9, for a forcible entry, or upon Stat. 2 & 3 W. & M. s. 1, c. 5, for rescuing a distress for rent, Lawson v. Storie, 1 Salk. 205; or where a certain penalty is given by Statute to the *party grieved.* This seems the result of the later cases. In Tyte v. Glode, 7 T. R. *267, an action against the sheriff **80** upon 29 Eliz. c. 4, for taking more than is allowed upon an execution, it was laid down, that where by any Act since the Stat. of Gloucester an action is given to the party grieved, he is entitled to costs though he had no remedy before the Act, and see Deacon v. Morris, 1 Chit. 137; Ward v. Snell, 1 H. Black. 10, an action on the Habeas Corpus Act for the penalty for not delivering a copy of the warrant of commitment, Gunthern v. the Hundred of Beale, 3 Burr. 1723; Wilkinson v. the Hundred of Calesworth, 1 T. R. 71; Creswell v. Houghton, 6 T. R. 355, and other cases, which seem to overthrow the distinction stated in Pilfold's case *supra*, that where before the Act a plaintiff did not recover damages and single damages are given by a subsequent Act, he shall not recover costs unless they are expressly given, which is indeed contrary to what Lord Coke himself says in 2 Inst. 289, and see Shore

[1] This Statute is the foundation of the plaintiff's right to costs and entitles him to recover them if he recovers damages. Butcher v. Henderson, L. R. 3 Q. B. 235; Mount v. Taylor, L. R. 3 C. P. 645; Levi v. Sanderson, L. R. 4 Q. B. 330.

When a final judgment or decree is pronounced, costs become a debt from the party against whom they are awarded to the party in whose favor they are awarded. Willson v. Williams, 108 Md. 522; Ruddell v. Green, 104 Md. 371.