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# West Virginia Law Quarterly

## And THE BAR

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CAN DAMAGES BE RECOVERED IN AN ACTION OF UNLAWFUL ENTRY AND DETAINER INSTITUTED IN A CIRCUIT COURT?—This question would appeal to the writer as perhaps capable of being too easily answered to warrant discussion in the form of a note, if it were not for the fact that there seems to be a persistent impression among practitioners in West Virginia to the effect that damages for the detention of the property sued for is a legitimate item of recovery in an action of unlawful entry and detainer (or forcible entry and detainer, as it seems to be more usually designated) started in a circuit court. It can not be denied that such an impression may be readily justified by numerous analogies as to both common-law and statutory relief granted by the courts in West Virginia, in view of which the granting of damages for detention of the property would seem to follow as a part of the natural process of dealing out justice between the parties. In the action of detinue, both by the common law and by virtue of statute, damages for the detention of the property may be recovered.<sup>1</sup> Even in debt, the standard form of the declaration

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<sup>1</sup> W. VA. CODE, c. 102, § 6.