

cipe quod reddat may be brought against him as tenant of the freehold; but *if one abates, the precipe quod reddat* must, in that case, be against the *abator*, he being *tenant of the freehold in fact*. *Brook*, tit. *Seisin*, pl. 13. And as the *abator* and *intruder* became actual tenants of the freehold by the abatement or intrusion, so did the disseisor by his disseisin. Disseisin is an *ouster from a freehold in deed*. 3 *Blk. Com.* 169. Disseising is *dispossessing the tenant and substituting oneself to be tenant of the lord*. *Ibid.* 171. Every entry is not a disseisin, but there must also be an *ouster of a freehold*. *Co. Litt.* 181, a. Disseisin, therefore, must mean some way or other of dispossessing and turning the tenant out of his tenure, and usurping his place and feudal relation, &c. *Taylor vs. Horde*, 1 *Burr.* 107. Disseisin was a complicated fact, and differed from *dispossessing*. The freeholder by disseisin differed from a possessor by wrong. *Ibid.* 108. A disseisin made the disseisor tenant to every demandant, and *freeholder de facto*, in spite of the true owner. *Ibid.* 111. And hence, though the disseisee might punish the disseisor for the *act of disseisin*, it being an injury to his freehold, of which he had at that time the actual possession, yet the disseisee could not bring actions of trespass against the disseisor, for subsequent injuries to the property, before he obtained the possession of the freehold by entry; because those subsequent injuries were acts of a *freeholder de facto*. But when he re-entered on the disseisor, he was by relation considered as having ever remained in possession of his freehold, and therefore could sustain trespass against the disseisor. These remarks explain the passages in *Buller*, *Blackstone* and *Espinasse*, which have been cited, and others which may be found in other elementary writers; they relate to such wrongful *oustings* as gave the wrongdoer a *freehold de facto*, until defeated by entry; and though the *consequences of actual disseisins*, (and also of actual abatements and intrusions,) considered *as such in England*, as Lord Mansfield in *Taylor vs. Horde*, 1 *Burrows*, 112, informs us, still exist; yet such has been long since the alterations of tenure, and of alienation of real property, that there cannot be an *actual disseisin*, abatement or intrusion; for disseisin by *election* is very different from *actual disseisin*, and the *freeholder, by disseisin*, differed from a possessor by wrong. *Ibid.* 108, 111. As the

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