the life estate of B continued. But the intervening life estate only suspended the remedy; for, after its termination, the reversioner, or remainderman might then bring his action against A for the waste done before that time.(*d*) Nor could any one maintain this action unless he had the estate of inheritance in him at the time the waste was committed; nor could it be sustained against an executor, for waste committed by his testator, it being a wrong which died with the person; nor could one coparcener bring an action of waste against another; although one joint tenant or tenant in common might have a writ of waste against his cotenant, compelling him either to make partition, and take the place wasted as his own share, or to give security not to commit any further waste.(*e*)

At the common law there was no process by which a threatened *trespass* upon a real estate, however great or irreparable, could be prevented. After the act was done the injured owner might bring his action of trespass against the wrongdoer, and recover satisfaction in damages; but, the common law gave him no means of preventing the execution of the designs and threats of any one, whose declared and settled purpose was to commit a trespass upon his lands. If however the claimant was not in possession, and he thought proper to bring an action to establish his right, and recover the estate; then, and in aid of such suit, and to prevent any injury from being done to the property, pending the controversy, the common law gave the writ of *estrepement.*(*f*) It would seem, that originally this writ could only be used as an aid to a real action for the recovery of the land itself; but, its scope having been extended by statute, it was afterwards used in connexion with actions in which no land was demanded, as in actions of waste, trespass, &c. It was not, however, allowed to be associated with a suit for partition; because the tenants, being both of them in possession, there was no reason why one should be restrained and not the other. A writ of *estrepement* might be sued out at the same time, and together with the original writ, commencing the action; and that too, in those cases where damages for waste done, pending the action, might be recovered; because it was injurious to the commonwealth that waste should be done, and peradventure he who committed it might not be able to satisfy the plaintiff his full damages.(*g*)

(*d*) Co. Litt. 53; Clifton's Case, 5 Co. 76.—(*e*) 2 Inst. 302, 305, 403; 3 Blac Com. 227.—(*f*) Jacob. L. Dic. verb. Estrepement.—(*g*) 2 Inst. 328.