

jury, actually tripled in amount. The usual practice has been for the jury to find the single amount of the damages, and for the court, on motion, to order that amount to be trebled. 2 Tidd, Pr. 893, 894.

**TREBUCKET.** A tumbrel, castigatory, or cucking-stool. See James v. Comm., 12 Serg. & R. (Pa.) 227.

**TREET.** In old English law. Fine wheat.

**TREMAGIUM, TREMESIUM.** In old records. The season or time of sowing summer corn, being about March, the third month, to which the word may allude. Cowell.

**Tres faciunt collegium.** Three make a corporation; three members are requisite to constitute a corporation. Dig. 50, 18, 8; 1 Bl. Comm. 469.

**TRESAEL.** L. Fr. A great-great-grandfather. Britt. c. 119. Otherwise written "tresael," and "tresayle." 3 Bl. Comm. 186; Litt. § 20.

**TRESAYLE.** An abolished writ sued on ouster by abatement, on the death of the grandfather's grandfather.

**TRESPASS.** Any misfeasance or act of one man whereby another is injuriously treated or damaged. 3 Bl. Comm. 206.

An injury or misfeasance to the person, property, or rights of another person, done with force and violence, either actual or implied in law. See Grunson v. State, 89 Ind. 536, 46 Am. Rep. 178; Southern Ry. Co. v. Harden, 101 Ga. 263, 28 S. E. 847; Blood v. Kemp, 4 Pick. (Mass.) 173; Toledo, etc., R. Co. v. McLaughlin, 63 Ill. 391; Agnew v. Jones, 74 Miss. 347, 23 South. 25; Hill v. Kimball, 76 Tex. 210, 13 S. W. 59, 7 L. R. A. 618.

In the strictest sense, an entry on another's ground, without a lawful authority, and doing some damage, however inconsiderable, to his real property. 3 Bl. Comm. 209.

Trespass, in its most comprehensive sense, signifies any transgression or offense against the law of nature, of society, or of the country in which we live; and this, whether it relates to a man's person or to his property. In its more limited and ordinary sense, it signifies an injury committed with violence, and this violence may be either actual or implied; and the law will imply violence though none is actually used, when the injury is of a direct and immediate kind, and committed on the person or tangible and corporeal property of the plaintiff. Of actual violence, an assault and battery is an instance; of implied, a peaceable but wrongful entry upon a person's land. Brown.

**In practice.** A form of action, at the common law, which lies for redress in the shape of money damages for any unlawful injury done to the plaintiff, in respect either

to his person, property, or rights, by the immediate force and violence of the defendant.

**—Continuing trespass.** One which does not consist of a single isolated act but is in its nature a permanent invasion of the rights of another; as, where a person builds on his own land so that a part of the building overhangs his neighbor's land.—**Permanent trespass.** One which consists of a series of acts, done on successive days, which are of the same nature, and are renewed or continued from day to day, so that, in the aggregate, they make up one indivisible wrong. 3 Bl. Comm. 212.—**Trespass de bonis asportatis.** (Trespass for goods carried away.) In practice. The technical name of that species of action of trespass for injuries to personal property which lies where the injury consists in carrying away the goods or property. See 3 Bl. Comm. 150, 151.—**Trespass for mesne profits.** A form of action supplemental to an action of ejectment, brought against the tenant in possession to recover the profits which he has wrongfully received during the time of his occupation. 3 Bl. Comm. 205.—**Trespass on the case.** The form of action, at common law, adapted to the recovery of damages for some injury resulting to a party from the wrongful act of another, unaccompanied by direct or immediate force, or which is the indirect or secondary consequence of such act. Commonly called, by abbreviation, "Case." See Munal v. Brown (C. C.) 70 Fed. 968; Nolan v. Railroad Co., 70 Conn. 159, 39 Atl. 115, 43 L. R. A. 305; Christian v. Mills, 2 Walk. (Pa.) 131.—**Trespass quare clausum fregit.** "Trespass wherefore he broke the close." The common-law action for damages for an unlawful entry or trespass upon the plaintiff's land. In the Latin form of the writ, the defendant was called upon to show why he broke the plaintiff's close; i. e., the real or imaginary structure inclosing the land, whence the name. It is commonly abbreviated to "trespass qu. cl. fr." See Kimball v. Hilton, 92 Me. 214, 42 Atl. 394.—**Trespass to try title.** The name of the action used in several of the states for the recovery of the possession of real property, with damages for any trespass committed upon the same by the defendant.—**Trespass vi et armis.** Trespass with force and arms. The common-law action for damages for any injury committed by the defendant with direct and immediate force or violence against the plaintiff's property.

**TRESPASSER.** One who has committed trespass; one who unlawfully enters or intrudes upon another's land, or unlawfully and forcibly takes another's personal property.

**—Joint trespassers.** Two or more who unite in committing a trespass. Kansas City v. Eile, 60 Kan. 157, 55 Pac. 877; Bonte v. Postel, 100 Ky. 64, 58 S. W. 536, 51 L. R. A. 187.—**Trespasser ab initio.** Trespasser from the beginning. A term applied to a tort-feasor whose acts relate back so as to make a previous act, at the time innocent, unlawful; as, if he enter peaceably, and subsequently commit a breach of the peace, his entry is considered a trespass. Stim. Gloss. See Wright v. Marvin, 59 Vt. 437, 9 Atl. 601.

**TRESTORNARE.** In old English law. To turn aside; to divert a stream from its course. Bract. fols. 115, 234b. To turn or alter the course of a road. Cowell.

**TRESVIRI.** Lat. In Roman law. Officers who had the charge of prisons, and the execution of condemned criminals. Calvia.



