

Case No. 1,999.

BROWN et al. v. CORCORAN.

[5 Cranch, C. C. 610.]¹

Circuit Court, District of Columbia.

Nov. Term, 1839.

ACTION OF THE CASE—TRESPASS.

The reversioner cannot maintain an action upon the case against a stranger, who, by persuasion or threats, induces the tenant to attorn to a third person, it not being maliciously done.

At law. Action upon the case [by James Brown and wife against W. W. Corcoran].

The declaration averred that the east half of lot No. 2, in square No. 348, in the city of Washington, with buildings thereon, was in the possession and occupation of one Clement Woodward, as tenant thereof, to the plaintiff's wife, Sarah Jane, the reversion being still in her; that the defendant, well knowing the premises, but contriving and wrongfully and unjustly intending to injure the said Sarah Jane in her reversionary estate and interest in the said parcel of land and premises, while the same was so in possession and occupation of the said Woodward, as tenant thereof, to the said Sarah Jane, entered thereupon, and falsely and deceitfully represented &c., and threatened, &c., to dispossess the said tenant, unless he would acknowledge himself tenant of the Bank of the United States. The plaintiff then denies the truth of the representations thus made, and avers that the tenant, being deceived by the said false representations, and being also intimidated by the threats of the defendant to dispossess him as aforesaid, renounced his tenancy and holding from the said Sarah Jane, and acknowledged himself tenant to the said Bank of the United States, and refused any longer to pay rent for the said property to the said Sarah Jane.

There was a second count varying from the first in the allegations respecting the false representations and threats, but substantially like the first in all other respects. To this declaration the defendant filed a general demurrer.

R. S. Coxe, for defendant.

The doctrine of attornment has nothing to do with this case. There is no injury to the freehold, or to the reversion; nor even a trespass upon the possession of the tenant. The act complained of is not averred to have been done maliciously, and there was no force or violence; nothing but a conversation between the defendant and the tenant.

R. J. Brent, for plaintiff, cited 1 Wheat Selw. N. P. 371; 1 Saund. Pl. & Ev. 335; 1 Com. Dig. 272a, 404, 411a, No. 6; 1 Rolle, Abr. p. 108, L, 2; 2 Wheeler, Abr. 569, § 16; Egremont v. Pulman, 22 Serg. & L. 341 [22 E. C. L. 551]; 1 Com. Dig. 279, "Action," A; 2 Chit Prec. 778, from which precedent this declaration was drawn.

THE COURT rendered judgment upon the demurrer for the defendant.

¹ [Reported by Hon. William Cranch, Chief Judge.]

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