

goods after being out of possession for however long a time may hold them as in his former right against all the world. The effect of a recapture by force after the expiration of the time limited for bringing an action seems open to doubt. It might be held that possession so taken was so wrongful as not to be capable of coalescing with the true title. On the other hand, it might be held that the force was a personal wrong for which an action might be brought, but that this made no difference in the character of the possession once acquired, and did not prevent the combination of it was the right to possess—a right not extinguished, though no longer enforceable by action—from constituting a full revival of property in the true owner. It could not be held lawful, it is conceived, to retake one's goods by force, after the right of action had been barred. For the use of force could be justified only after demand of the goods and refusal to deliver them (*Blades v. Higgs*), but where an action would not lie for the recovery of the goods, or recompense in damages, the actual possessor would not be bound to redeliver them on request, in other words, there could not be any lawful demand of possession. The right of recapture may be extinguished by sale of the goods in market overt, or, in the case of negotiable instruments, by transfer to a bona fide holder for value. In these cases the property is conclusively changed."

The second view here propounded by Sir F. Pollock (viz. that the wrongful holder can have his action for the force employed against him, but not for the return of the goods taken from him, by the rightful owner) is analogous to what is now recognised as being the law relating to land, and in *Blades v. Higgs*, Erle, C.J., held that it applied equally to chattels. In America the courts seem to have extended the prohibition to peaceable recaption: "Where the statute would be a bar to a direct proceeding by the original owner, it cannot be defeated by indirection within the jurisdiction where it is law. If he cannot replevy he cannot take with his own hand. . . . A title which will not sustain a declaration will not sustain a plea." On what grounds this decision was arrived at does not appear, and it would seem