

perty; but means the present right thereto or to the enjoyment thereof (*Ren v. Bulkeley*, 1 Doug. 292), as distinguished from reversion, remainder, or expectancy, as illustrated by the old conveyancing phrase, "In possession, reversion, remainder, or expectancy." The learned author cites the case, which came before Mr. Justice North, of *Re Morgan's Estate*, 48 L.T. Rep. 964; 24 Ch. Div. 114, where his Lordship expressed the opinion that the words "in possession" in s. 58, sub-s. 1, of the Settled Land Act, 1882, 45 & 56 Vict. c. 38, clearly mean possession properly so called as distinguished from possession in remainder or reversion.

Whether by prefixing the word "actual" to "possession" any force or intensity is added to the meaning of that word is seemingly a matter of some uncertainty. It is noticeably a word much favoured by the legislature, appearing as it does in innumerable Acts of Parliament. And the manifest object of adopting it is to fortify and give emphasis to the expression to which it is prefixed. It is true that in the case of *Gladstone v. Padwick*, 25 L.T. Rep. 96; L. Rep. 6 Ex. 203, Baron Bramwell, speaking of the words "actual seizure" in s. 1 of the Mercantile Law Amendment Act, 1856, 19 & 20 Vict. c. 97, observed that the word "actual" is of no peculiar force, and that "actual seizure" means no more than "seizure." Singularly, in regard to "occupation," which is required by s. 18 of the Representation of the People Act, 1832, 2 Will. 4, c. 45. It was laid down in *Reg. v. West Riding Justices*, 2 Q.B. 505, that "occupation"—even "actual occupation"—does not, necessarily, mean residence, although, as was admitted by Mr. Justice Patteson in that case, "ninety-nine persons in one hundred would so understand it." But that "actual," when expressly used in statutes and legal instruments, is usually designed to accentuate the meaning of any words to which it is prefixed is scarcely open to question. For example, inasmuch as the statute 1 Will. IV. c. 18, requires in terms that a house or building or land shall be "actually occupied" for the purpose of a person acquiring a settlement in a parish, it was held in *Re v. Inhabitants of St. Nicholas, Rochester*, 5 B. & Ad. 219, that a constructive occupation would not satisfy the statutory requirement.