

against everyone but the person truly entitled, and capable of being made right and perfect by a release from that person to the person in actual seisin." (Pollock & Wright on Possession, 94.) This is very instructive. The law insisted on livery of seisin, but when once a person had been put in possession by this means he was capable of taking a release by deed of an estate in remainder. Here we see that the real owner could perfect the title of a disseisor by giving him a release, no livery of seisin being necessary.

The necessity of possession as a root of title explains the rule of common law which prevented a person from conveying to himself. "The ancient common law essayed to wield the land itself—the most ponderous and immovable of all the elements.' Hence all its rules and forms regarded real property as more or less identified with actual possession. The single consideration that *livery* was the primitive mode of conveyance, for which other forms were but substitutes, and that a man could not deliver seisin to himself, explains many otherwise inexplicable doctrines." Hayes' *Elementary View of Uses* (1840), 80.

A person occupying land without any title has a devisable interest therein, and if he settles it by his will for successive estates those estates take effect as against a person who enters upon the land, and ejectment may be maintained accordingly. *Asher v. Whitlock*, *supra*.

And the interest of a mere possessor may also be inherited or conveyed. Moreover if the land be taken compulsory he is entitled to compensation. *Perry v. Clissold* (1907), *Law Reports, Appeal Cases* 73.

In the last cited case, the decision in *Doe d. Mary Carter v. Barnard* (1849), 13 *Queen's Bench* 945, was disapproved of as being inconsistent with *Asher v. Whitlock*, already cited, and with the views of Mr. Preston, Mr. Joshua Williams, Professor Maitland and Mr. Justice Holmes. The reporter adds a reference to an article by Professor J. B. Ames in the *Harvard Law Review*, vol. 3, p. 324(n). In the above cited case of *Doe v. Barnard* the plaintiff in ejectment, though having had thirteen