

Until 1873 a debt or legal chose in action was unassignable, with a few exceptions governed by the law merchant.

To this very day seisin during coverture is an essential condition precedent of courtesy.

Even though these instances be viewed as archaic survivals, it is sufficiently evident that actual possession came close to the proverbial "nine points of the law." [In this connection it should be remarked that the modern instances of importance of possession as opposed to ownership afforded by the Bankruptcy Act, 1883 (reputed owner clause); the Bills of Sale Act Amendment Act, 1882 (voidance of unregistered bills of sale); and at common law (landlord's right to distrain on goods of strangers) are due to the second and third of the principles above referred to.]

In attempting to obtain redress for wrongs suffered the dispossessed owner had two courses open to him; he could either revert to man's primeval instinct and take the law into his own hands, and by pursuing the thief and recapturing the thing stolen in the case of chattels, return matters to the status quo ante; or he could apply to the courts for redress of grievance, when he would have to choose the proper form of action; and, if successful, damages would be awarded him, though specific restitution seldom or never.

For a detailed account of the various judicial remedies available to the dispossessed owner reference should be made to works such as Pollock and Maitland's *History of English Law*, etc., as in the present article it is intended to deal only with the first-mentioned mode of obtaining reparation for wrongs suffered, viz., by self-redress.

A characteristic feature of the stage of development in which the brutish ideas of the right of the strongest have given way to a higher moral consciousness, is that the executive is powerless to enforce the new principles resulting from the more advanced ideals, the result being a rigorous prohibition of the force incidental to self-redress, on the one hand in the interest of law and order with regard to the community at large, on the other for