

**posse** (pos-ee). [Latin] **1.** A possibility. See IN POSSE. Cf. IN ESSE. **2.** Power; ability.

**posse comitatus** (pos-ee kom-ə-tay-təs), *n.* [Latin "power of the county"] A group of citizens who are called together to assist the sheriff in keeping the peace. — Often shortened to *posse*.

**possess**, *vb.* To have in one's actual control; to have possession of. — **possessor**, *n.*

**possessio** (pə-zes[h]-ee-oh). [Latin] The de facto relation between the holder of a thing and the thing itself.

**pedis possessio** (pee-dis or ped-is pə-zes[h]-ee-oh). [Latin] A foothold; an actual possession of real property, implying either actual occupancy or enclosure or use. See PEDIS POSSESSIO DOCTRINE.

**possessio bona fide** (pə-zes[h]-ee-oh boh-nə fi-dee). [Latin] Possession in good faith. Cf. *possessio mala fide*.

**possessio bonorum** (pə-zes[h]-ee-oh bə-nor-əm). [Latin] *Roman law*. Possession of goods.

**possessio civilis** (pə-zes[h]-ee-oh sə-vi-lis). [Latin] *Roman law*. Legal possession; that is, possession accompanied with an intent to become the owner. • *Possessio civilis* served as the basis for acquiring property by prescription (*usucapio*). Cf. *possessio naturalis*.

**possessio fratris** (pə-zes[h]-ee-oh fray-tris or fra-tris). [Latin] *Hist.* The possession or seisin of a brother; that is, a possession of an estate by a brother that would entitle his full sister to succeed him as heir, to the exclusion of a half-brother.

**possessio mala fide** (pə-zes[h]-ee-oh mal-ə fi-dee). [Latin] Possession in bad faith. Cf. *possessio bona fide*.

**possessio naturalis** (pə-zes[h]-ee-oh nach-ə-ray-lis). [Latin "natural possession"] *Roman law*. The simple holding of a thing, with no intent of keeping it permanently. — Also termed *nuda detentio*. See *natural possession* under POSSESSION. Cf. *possessio civilis*.

**possession**. **1.** The fact of having or holding property in one's power; the exercise of dominion over property. **2.** The right under which one may exercise control over something to the exclusion of all others; the continuing exercise of a claim to the exclusive use of a material object. **3.** (*usu. pl.*) Something that a person owns or controls; PROPERTY (2). **4.** A territorial dominion of a state or nation. Cf. OWNERSHIP; TITLE (1).

"[A]s the name of Possession is . . . one of the most important in our books, so it is one of the most ambiguous. Its legal senses (for they are several) overlap the popular sense, and even the popular sense includes the assumption of matters of fact which are not always easy to verify. In common speech a man is said to possess or to be in possession of anything of which he has the apparent control, or from the use of which he has the apparent power of excluding others. . . . [A]ny of the usual outward marks of ownership may suffice, in the absence of manifest power in some one else, to denote as having possession the person to whom they attach. Law takes this popular conception as a provisional groundwork, and builds up on it the notion of possession in a technical sense, as a definite legal relation to something capable of having an owner, which relation is distinct and separable both from real and from apparent ownership, though often concurrent with one or both of them." Frederick Pollock & Robert Samuel Wright, *An Essay on Possession in the Common Law* 1-2 (1888).

"In the whole range of legal theory there is no conception more difficult than that of possession. The Roman lawyers brought their usual acumen to the analysis of it, and since their day the problem has formed the subject of a voluminous literature, while it still continues to tax the ingenuity of jurists. Nor is the question one of mere curiosity or scientific interest, for its practical importance is not less than its difficulty. The legal consequences which flow from the acquisition and loss of possession are many and serious. Possession, for example, is evidence of ownership; the possessor of a thing is presumed to be the owner of it, and may put all other claimants to proof of their title." John Salmond, *Jurisprudence* 285 (Glanville L. Williams ed., 10th ed. 1947).

**actual possession**. Physical occupancy or control over property. Cf. *constructive possession*.

**adverse possession**. See ADVERSE POSSESSION.

**bona fide possession**. Possession of property by a person who in good faith does not know that the property's ownership is disputed.

**civil possession**. *Civil law*. Possession existing by virtue of a person's intent to own a property even though the person no longer occupies or has physical control of it.

**constructive possession**. Control or dominion over a property without actual possession or custody of it. — Also termed *effective possession*; *possessio fictitia*. Cf. *actual possession*.

**corporeal possession**. Possession of a material object, such as a farm or a coin. — Also termed *natural possession*; *possessio corporis*; (Ger.) *Sachenbesitz*.

**derivative possession**. Lawful possession by one (such as a tenant) who does not hold title.

**direct possession**. See *immediate possession*.