

But the Superior's written Declaration acknowledging *de praterito* such a Person or his predecessors to be his Vassals, or to have his obligation for granting the Fee to them, which is no present dispositive Act, nor refers to any future Disposition, will not supply the Want of a Charter, tho' neces so express, and clothed with real Disposition, or an Instrument of Seisin *propria manibus*, *habeat* *scilicet*. In some Cases Seisin may be ad mimulated by an obligation to grant the same, tho' the immediate Warrant of the Seisin be lost: as likewise to Wives for *substitu* *provisione* or very ancient Seisins, or where there is no Competitor upon a better Right, which supported by an obligation to invest will stand good not only against the Superior and his Heirs, but also a gainst singular Successors *habeat* *scilicet*.

Tit. 2.
of Seisins

Because Delivery is necessary to complete all Rights Charters or other Writs held as equivalent to them, never make a real Right hit. Seisin follow thereon, which from the French *Seisne* imports a laying hold of or taking Possession. So that the Questions which Seisin and Possession be distinct, and which of the two most of them are altogether needless. For tho' the Solemnity of Instruments of Seisin was introduced, Possession was necessary to make a real Right. Which Possession was either natural position *pedum* by dwelling or manuring or stocking the ground, or civil by splitting the Fruits and Rents, or symbolical position *pedum* by entering upon the Ground as Vassal by the Superior's Warrant. And it is in vain here to debate how in those ancient Times the Vassal entered to possess, or what Warrant he got from the Superior: Seeing that was profus from the Possessor itself. But some Light in that Matter may be had from Craig *Lib. 2. Tit. 7. §. 1.* K. James the first of Scotland when released from his long Confinement at a Prisoner in England, brought Home from thence the Solemnity of Seisin about the Year 1430 which the English had from France by the Word Seisin imports Craig *Lib. 2. Tit. 2. §. 7.* At length they soon felt the Advantages and Conveniences of Instruments of Seisin made them last

so frequent and usual, that they were not only sustained as a Means to prove that Seisin or Possession was given or taken; but required as necessary Solemnities to perfect real Rights, which could not be supplied by any Equivalent as the Confession of the Superior or his Heirs that he gave Seisin, *Craig Lib. 2. §. 6.* Hence the vulgar Maxim *usula sasina. nulla terra loquitur*.

Seisin is Delivery of Possession of the subject containing a Charter or Disposition by the Superior or his Heirs to the Vassal with Acc- ternity upon the ground of the Fee. Which is done by ceremony or proper Symbols according to the Value of the Fee or Fee's, *ut supra*. Thus for Lands the Bag and Sapper is a Seal, a Donkey for an Annuity, a Ket and Cook for a Rent, a Donkey for an Annuity of Money, a Horse for a Rent for a Burial, a Donkey for an Annuity of Corn, a Cart for an Annuity of Wool, or the like. *ut supra*. In the Burghs of Glasgow, Perth, Aberdeen, Dundee, &c. Seisin was made by the delivery of a Bag and Sapper, or a Ket and Cook, or a Donkey, or a Horse, or a Cart, or the like, as a Symbol of the Delivery of the Possession of the Fee. And this Ceremony is now still continued in the Burghs of Glasgow, Perth, Aberdeen, Dundee, &c. In the Burgh of Edinburgh, Seisin was made by the delivery of a Bag and Sapper, or a Ket and Cook, or a Donkey, or a Horse, or a Cart, or the like, as a Symbol of the Delivery of the Possession of the Fee. And this Ceremony is now still continued in the Burgh of Edinburgh. In the Burgh of Glasgow, Seisin was made by the delivery of a Bag and Sapper, or a Ket and Cook, or a Donkey, or a Horse, or a Cart, or the like, as a Symbol of the Delivery of the Possession of the Fee. And this Ceremony is now still continued in the Burgh of Glasgow. In the Burgh of Perth, Seisin was made by the delivery of a Bag and Sapper, or a Ket and Cook, or a Donkey, or a Horse, or a Cart, or the like, as a Symbol of the Delivery of the Possession of the Fee. And this Ceremony is now still continued in the Burgh of Perth. In the Burgh of Aberdeen, Seisin was made by the delivery of a Bag and Sapper, or a Ket and Cook, or a Donkey, or a Horse, or a Cart, or the like, as a Symbol of the Delivery of the Possession of the Fee. And this Ceremony is now still continued in the Burgh of Aberdeen. In the Burgh of Dundee, Seisin was made by the delivery of a Bag and Sapper, or a Ket and Cook, or a Donkey, or a Horse, or a Cart, or the like, as a Symbol of the Delivery of the Possession of the Fee. And this Ceremony is now still continued in the Burgh of Dundee. In the Burgh of Edinburgh, Seisin was made by the delivery of a Bag and Sapper, or a Ket and Cook, or a Donkey, or a Horse, or a Cart, or the like, as a Symbol of the Delivery of the Possession of the Fee. And this Ceremony is now still continued in the Burgh of Edinburgh. In the Burgh of Glasgow, Seisin was made by the delivery of a Bag and Sapper, or a Ket and Cook, or a Donkey, or a Horse, or a Cart, or the like, as a Symbol of the Delivery of the Possession of the Fee. And this Ceremony is now still continued in the Burgh of Glasgow. In the Burgh of Perth, Seisin was made by the delivery of a Bag and Sapper, or a Ket and Cook, or a Donkey, or a Horse, or a Cart, or the like, as a Symbol of the Delivery of the Possession of the Fee. And this Ceremony is now still continued in the Burgh of Perth. In the Burgh of Aberdeen, Seisin was made by the delivery of a Bag and Sapper, or a Ket and Cook, or a Donkey, or a Horse, or a Cart, or the like, as a Symbol of the Delivery of the Possession of the Fee. And this Ceremony is now still continued in the Burgh of Aberdeen. In the Burgh of Dundee, Seisin was made by the delivery of a Bag and Sapper, or a Ket and Cook, or a Donkey, or a Horse, or a Cart, or the like, as a Symbol of the Delivery of the Possession of the Fee. And this Ceremony is now still continued in the Burgh of Dundee. In the Burgh of Edinburgh, Seisin was made by the delivery of a Bag and Sapper, or a Ket and Cook, or a Donkey, or a Horse, or a Cart, or the like, as a Symbol of the Delivery of the Possession of the Fee. And this Ceremony is now still continued in the Burgh of Edinburgh.