

evidence his Title to the Lands, but a Copy of the Rolls made in his
Lord or Superior's Court, containing a Note of Tenants admitted there to
any Parcel of Land or Tenement belonging to the Manor. Some of which
Copyholders are said to hold by the Vertge, and are called Tenants by the
Vertge from their holding a Rod or Stick in their Hands when admitted
to the Tenants.

The general Law and Custom of Scotland with us require Writ
necessary to the Constitution as a Feudal Right, not only as a solemnity
a Solemnity without which it is not real: except in the case of a
Land, where by a peculiar immemorial custom is necessary, and with
out Writ have been sustained. In some ancient Statutes it is
said that the Heritor of Lands may be cognosed by an Inquest of the King
= Court, who may proceed not only upon Admissio, sed Writ, but upon
upon the Testimonies of unexceptionable Witnesses. But that it is a
Vigilant Writ and Endowment have existed in some of our ancient
= Laws, as in the Statute in the 1st of James VI. concerning
also with the Incessible the past Memory of James VI. in the
the right Heritor by performing to us my Lord of the Law
For it was never sustained in a competition with others in holding
Right by written Titles and Testimonies, as the Lord of the
2. Tit. 8. §. 13. etc. further the Law of the Kingdom of Scotland
by Inquest sustained sufficient to any claim, but the Inquest of the
the Foreigner: We claim Property to be Land, except that we
to the Government has a justly as the Inquest of the Law as by
For the Law of the Kingdom of Scotland, and the Law as supreme,
prior exclusive and ancient Heritor, as the Law of the Kingdom
by judicial Authority, in which case it is not appropriate to the
Rights or Estates made in the Kingdom, that the Holding is Blench, or
it will be to be sustained according to the Verdict of the Judge,
a Charter will be granted by the King in Scotland. But in that
where a King's Writ happens to be destroyed, or lost, there is a
failure, they must be made up in the legal Way by proving to the

Book 3.

How real and heritable Rights are constituted, what the
Vassal gets thereby, and what remains with the Superior.

Chap. 1.

How real and heritable Rights are constituted.
Real and heritable Rights are constituted by Charter and Seisin, *ut supra*

which jointly are called *infundationes*, *Infestment*, or *Investiture*. *investitur* (Charter
the Latin in and vestire to clothe) is used by some of the feudal Writers for the Right
of investing any one in delivering possession to him, by which it is taken from the
Lord of immediately him or the Lord of possession to him, but not in the
by *investitur* Charter and *Seisin* jointly being said to be the same.

Art. 1.
Of Charter.

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paper to the Vassal, by which he is invested in the possession of the Land,
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