

military Office, or a Scroll Book or Cape for a Civil Office, is sufficient only where. But where the Fee hath a particular Ground or Place, Seisin must be taken there, upon the Spot. Nor is it sufficient to take it in the View of the Ground, except Law or Custom so order otherwise in Cases of Necessity. As when Infeftment of Lands in nova Scotia was appointed to be taken at the Castle Gate of Edinburgh. A Seisin bearing these Things to be done upon the Ground of the Lands, is null and false, if the Parties stood not upon the fixed Ground of the Lands, but had only part of the Earth thereof brought to view within the Sides of their Shoes: Which Craig (see Lib. 2. Tit. 8. p. 8. d.) insinuates to have been cunningly practised in his Time. If no place Ground where Seisin should be taken is expressed, Seisin upon any part of contiguous Tenements of one Kind ~~will~~ will serve for the whole, these being naturally united. But Lands being discontiguous Tenements of several Kinds as Lands, Mills, or held of different Superiors be the same Holding, or of the same Superior by different Holdings, require the exchange of different Seisins. The Seisin serves for all Lands united in one Tenement, or parcel by Division into a Barony, the thing being discontiguous, or be of different Kinds (Craig Tit. Stat. s. 10. c. 4. p. 11. c. 2. p. 12. c. 3. s. 17. 2.) the Instrument must bear that such thing were done at a certain Year of a certain Day, the legal Recitations require to be done in Day-Light, that all Persons having Interest may compare, and presently Seisin may be taken (as goods may be delivered or Writs subscribed) under view of Night, if Nothing of Latency or Fraud be questioned. As in Novembris 1672. Janet and her Spouse contra Turner. Sair s. 2. p. 2. c. 3. if most mention that these things were done before two Witnesses at least who must subscribe with a Notary Act 5. Par. 3. Ch. 2. The same ~~Writ~~ <sup>Writs</sup> require to the Subscription of Writs of Importance by Notaries for Parties who cannot write. As in the Buchanan contra Baillie 15 July 1600. Aberdeen contra H. Kilmere. For the common use two Witnesses used to subscribe Seisins, more than two are necessary. Writs on Act 4. Par. 9. c. 6. No. 11. it is necessary to mention the Name and Designation of the Writer of a Seisin. 26 June 1634. L. Johnston contra E. Queensbury.

So the last Part of an Instrument of Seisin, viz. the Notary's Attestation, bears the Authority of his Creation, and these Words vidi scivi et audivi & that he saw knew and heard the Things contained in the Instrument truly so done before such Witnesses, and took Notice thereof; Whereupon he attended a formal Instrument, and inserted the same in his Protocol. A Seisin was annulled for wanting these Words vidi scivi et audivi. Hope Tit. Seisin Primrose contra Sair s. 2. p. 18. To this Instrument the Notary subscrijues his Sign the Notarion contained in his Commission relative to his Fidelity in the Office of a Notary, and his Name or the initial Letter thereof

thereof, and the Witnesses subscribe it.

All the Formalities aforesaid are not indispensably necessary in every Instrument of Seisin: Tho' the Notary may for omitting any of them be excommunicated and punished by the Lords of Session. For a Seisin labouring under some considerable Defect has been sustained, if ancient; or if there was not one more competent in competition. And a Seisin not bearing Delivery of such and such Symbols, but only actual real and corporal Possession was a Seisin. The Party in feft Baillie and Notary deus act done long before it was questioned 17 June 1630. S. Wigham contra S. Crichton. And in another case both Delivery of the common Symbols and the delivery of some special annuities, Hope s. 2. p. 1. See contra S. Laidlaw contra S. Johnston. The only Delivery of the Land according to the Decept, without expressing Earth and Stones, or repeating the Decept, was preferred as a more solemn Seisin taken after the manner of Scotland, s. 2. p. 1. c. 1. c. 2. c. 3. c. 4. c. 5. c. 6. c. 7. c. 8. c. 9. c. 10. c. 11. c. 12. c. 13. c. 14. c. 15. c. 16. c. 17. c. 18. c. 19. c. 20. c. 21. c. 22. c. 23. c. 24. c. 25. c. 26. c. 27. c. 28. c. 29. c. 30. c. 31. c. 32. c. 33. c. 34. c. 35. c. 36. c. 37. c. 38. c. 39. c. 40. c. 41. c. 42. c. 43. c. 44. c. 45. c. 46. c. 47. c. 48. c. 49. c. 50. c. 51. c. 52. c. 53. c. 54. c. 55. c. 56. c. 57. c. 58. c. 59. c. 60. c. 61. c. 62. c. 63. c. 64. c. 65. c. 66. c. 67. c. 68. c. 69. c. 70. c. 71. c. 72. c. 73. c. 74. c. 75. c. 76. c. 77. c. 78. c. 79. c. 80. c. 81. c. 82. c. 83. c. 84. c. 85. c. 86. c. 87. c. 88. c. 89. c. 90. c. 91. c. 92. c. 93. c. 94. c. 95. c. 96. c. 97. c. 98. c. 99. c. 100. c. 101. c. 102. c. 103. c. 104. c. 105. c. 106. c. 107. c. 108. c. 109. c. 110. c. 111. c. 112. c. 113. c. 114. c. 115. c. 116. c. 117. c. 118. c. 119. c. 120. c. 121. c. 122. c. 123. c. 124. c. 125. c. 126. c. 127. c. 128. c. 129. c. 130. c. 131. c. 132. c. 133. c. 134. c. 135. c. 136. c. 137. c. 138. c. 139. c. 140. c. 141. c. 142. c. 143. c. 144. c. 145. c. 146. c. 147. c. 148. c. 149. c. 150. c. 151. c. 152. c. 153. c. 154. c. 155. c. 156. c. 157. c. 158. c. 159. c. 160. c. 161. c. 162. c. 163. c. 164. c. 165. c. 166. c. 167. c. 168. c. 169. c. 170. c. 171. c. 172. c. 173. c. 174. c. 175. c. 176. c. 177. c. 178. c. 179. c. 180. c. 181. c. 182. c. 183. c. 184. c. 185. c. 186. c. 187. c. 188. c. 189. c. 190. c. 191. c. 192. c. 193. c. 194. c. 195. c. 196. c. 197. c. 198. c. 199. c. 200. c. 201. c. 202. c. 203. c. 204. c. 205. c. 206. c. 207. c. 208. c. 209. c. 210. c. 211. c. 212. c. 213. c. 214. c. 215. c. 216. c. 217. c. 218. c. 219. c. 220. c. 221. c. 222. c. 223. c. 224. c. 225. c. 226. c. 227. c. 228. c. 229. c. 230. c. 231. c. 232. c. 233. c. 234. c. 235. c. 236. c. 237. c. 238. 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c. 989. c. 990. c. 991. c. 992. c. 993. c. 994. c. 995. c. 996. c. 997. c. 998. c. 999. c. 1000. c. 1001. c. 1002. c. 1003. c. 1004. c. 1005. c. 1006. c. 1007. c. 1008. c. 1009. c. 1010. c. 1011. c. 1012. c. 1013. c. 1014. c. 1015. c. 1016. c. 1017. c. 1018. c. 1019. c. 1020. c. 1021. c. 1022. c. 1023. c. 1024. c. 1025. c. 1026. c. 1027. c. 1028. c. 1029. c. 1030. c. 1031. c. 1032. c. 1033. c. 1034. c. 1035. c. 1036. c. 1037. c. 1038. c. 1039. c. 1040. c. 1041. c. 1042. c. 1043. c. 1044. c. 1045. c. 1046. c. 1047. c. 1048. c. 1049. c. 1050. c. 1051. c. 1052. c. 1053. c. 1054. c. 1055. c. 1056. c. 1057. c. 1058. c. 1059. c. 1060. c. 1061. c. 1062. c. 1063. c. 1064. c. 1065. c. 1066. c. 1067. c. 1068. c. 1069. c. 1070. c. 1071. c. 1072. c. 1073. c. 1074. c. 1075. c. 1076. c. 1077. c. 1078. c. 1079. c. 1080. c. 1081. c. 1082. c. 1083. c. 1084. c. 1085. c. 1086. c. 1087. c. 1088. c. 1089. c. 1090. c. 1091. c. 1092. c. 1093. c. 1094. c. 1095. c. 1096. c. 1097. c. 1098. c. 1099. c. 1100. c. 1101. c. 1102. c. 1103. c. 1104. c. 1105. c. 1106. c. 1107. c. 1108. c. 1109. c. 1110. c. 1111. c. 1112. c. 1113. c. 1114. c. 1115. c. 1116. c. 1117. c. 1118. c. 1119. c. 1120. c. 1121. c. 1122. c. 1123. c. 1124. c. 1125. c. 1126. c. 1127. c. 1128. c. 1129. c. 1130. c. 1131. c. 1132. c. 1133. c. 1134. c. 1135. c. 1136. c. 1137. c. 1138. c. 1139. c. 1140. c. 1141. c. 1142. c. 1143. c. 1144. c. 1145. c. 1146. c. 1147. c. 1148. c. 1149. c. 1150. c. 1151. c. 1152. c. 1153. c. 1154. c. 1155. c. 1156. c. 1157. c. 1158. c. 1159. c. 1160. c. 1161. c. 1162. c. 1163. c. 1164. c. 1165. c. 1166. c. 1167. c. 1168. c. 1169. c. 1170. c. 1171. c. 1172. c. 1173. c. 1174. c. 1175. c. 1176. c. 1177. c. 1178. c. 1179. c. 1180. c. 1181. c. 1182. c. 1183. c. 1184. c. 1185. c. 1186. c. 1187. c. 1188. c. 1189. c. 1190. c. 1191. c. 1192. c. 1193. c. 1194. c. 1195. c. 1196. c. 1197. c. 1198. c. 1199. c. 1200. c. 1201. c. 1202. c. 1203. c. 1204. c. 1205. c. 1206. c. 1207. c. 1208. c. 1209. c. 1210. c. 1211. c. 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