

1856 Bouvier's Definition for Seised-Seisin:

1856 Bouvier's Definition for Livery of Seisin:

SEISIN, estates: The **possession** of an **estate** of **freehold**. 8 N. H. Rep. 57; 3 Hamm. 220; 8 Litt. 134; 4 Mass. 408: **Seisin** was used in contradistinction to that precarious kind of **possession** by which **tenants** in **villanage** held their **lands**, which was considered to be the **possession** of their **lords** in, whom the **freehold** continued.

2. **Seisin** is either in **fact** or in **law**.

3. Where a **freehold estate** is conveyed to a **person** by **feoffment**, with **livery of seisin**, or by any of those conveyances which derive their **effect** from the **statute of uses**, he acquires a **seisin in deed** or in **fact**, and a **freehold in deed**: but where the **freehold** comes to a **person** by **act of law**, as by **descent**, he only acquires a **seisin in law**, that is, a **right of possession**, and his **estate** is called a **freehold In law**.

4. The **seisin in law**, which the **heir** acquires on the **death** of his **ancestor**, May be defeated by the entry of a stranger, **claiming a right** to the **land**, which is called **an abatement**. (q. v.)

5. The actual **seisin** of an **estate** may be lost by the forcible entry of a stranger who thereby ousts or dispossesses the **owner** this act is called a **disseisin**. (q. v.)

6. According to Lord Mansfield, the various alterations which have been made in the **law** for the last three centuries, "have left us but the name of **feoffment**, **seisin**, **tenure**, and, **freeholder**, without any precise knowledge of the thing originally signified by these sounds."

7. In the **United States**, a conveyance by **deed** executed and acknowledged, and properly recorded according to **law**, and the **descent** casts upon the **heir** are, in general, considered as a **seisin in deed** without entry; and a **grant** by **letters-patent** from the commonwealth has the same **effect**. 4 Mass. R. 546; 7 Mass. R. 494; 15. Mass. R. 214 1 Munf. R. 170. The **recording** of a **deed** is equivalent to **livery of seisin**. 4 Mass. 546:

LIVERY OF SEISIN, estates. A delivery of **possession of lands, tenements, and hereditaments**, unto one **entitled** to the same. This was a ceremony used in the **common law** for the conveyance of **real estate**; and the **livery** was in **deed**, which was performed by the **feoffor** and the **feoffee** going upon the **land**, and the latter receiving it from the **former**; or in **law**, where the gain was not made on the **land**, but in **side of it**. 2 Bl. Com. 315, 316.

2. In most of the **states**, **livery of seisin** is unnecessary, it having been dispensed with either by **express law** or by **usage**. The **recording** of the **deed** has the same **effect**. In **Maryland**, however, it seems that a **deed** cannot operate as a **feoffment**, without **livery of seisin**. 5 Harr. & John. 158. Vide 4 Kent, Com. 381 2 Hill, Ab. c. 26, s. 4; 1 Misso. R. 553; 1 Pet. R. 508; 1 Bay's R. 107; 5 Har. & John. 158; Fairf. R. 318; Dane's Abridgment, h. t.; and the article Seisin.