

Black's Law Dictionary (11th ed. 2019), absolute

ABSOLUTE

Bryan A. Garner, Editor in Chief

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absolute *adj.* (14c) **1.** Free from restriction, qualification, or condition <absolute ownership>. **2.** Conclusive and not liable to revision <absolute delivery>. **3.** Unrestrained in the exercise of governmental power <absolute monarchy>. — **absolute**, *n.*

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Black's Law Dictionary (11th ed. 2019), coverture

COVERTURE

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coverture (kəv-ər-chər *also* -tyoor) *n.* *Archaic.* (16c) The condition of being a married woman <under former law, a woman under coverture was allowed to sue only through the personality of her husband>. See *feme covert* under FEME. — **covert** (kəv-ərt), *adj.*

“*Coverture*, is a french word signifying any thing that covereth, as apparell, a coverlet ... It is particularly applied in our common lawe, to the estate and condition of a married woman, who by the lawes of our realme, is in (*potestate viri*) and therefore disabled to contract with any, to the prejudice of her selfe or her husband, without his consent and privity; or at the least, without his allowance and confirmation.” John Cowell, *The Interpreter* (1607).

“*Coverture* is by law applied to the state and condition of a married woman, who is *sub potestate viri*, (under the power of her husband) and therefore unable to contract with any to the damage of herself or husband, without his consent and privity, or his allowance and confirmation thereof. When a woman is married she is called a *Femme couverte*, and whatever is done concerning her during marriage is said to be done during coverture.” *The Pocket Lawyer and Family Conveyancer* 96 (3d ed. 1833).

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Black's Law Dictionary (11th ed. 2019), seisin

SEISIN

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seisin (see-zin) *n.* (14c) **1. Hist.** Completion of the ceremony of feudal investiture, by which the tenant was admitted into freehold. **2.** Possession of a freehold estate in land; ownership. **3. Louisiana law.** The right that the law accords universal successors to own and possess a person's estate directly and immediately upon that person's death. La. Civ. Code arts. 935 et seq. — Also spelled *seizin*. — Also termed *vesture*; *seisina*; (in Scots law) *sasine*.

“Originally, seisin meant simply possession and the word was applicable to both land and chattels. Prior to the fourteenth century it was proper to speak of a man as being seised of land or seised of a horse. Gradually, seisin and possession became distinct concepts. A man could be said to be in possession of chattels, or of lands wherein he had an estate for years, but he could not be said to be seised of them. Seisin came finally to mean, in relation to land, possession under claim of a freehold estate therein. The tenant for years had possession but not seisin; seisin was in the reversioner who had the fee. And although the word ‘seisin’ appears in modern statutes with a fair degree of frequency, it is usually treated as synonymous with ownership.” Cornelius J. Moynihan, *Introduction to the Law of Real Property* 98–99 (2d ed. 1988).

“It is difficult to define seisin satisfactorily. It has nothing to do with ‘seizing,’ with its implication of violence. To medieval lawyers it suggested the very opposite: peace and quiet. A man who was put in seisin of land was ‘set’ there and continued to ‘sit’ there. Seisin thus denotes quiet possession of land, but quiet possession of a particular kind ... Although it seems impossible to frame a satisfactory definition ..., to call it ‘that feudal possession of land which only the owner of a freehold estate in freehold land could have’ is to express the most important elements.” Robert E. Megarry & M.P. Thompson, *A Manual of the Law of Real Property* 27–28 (6th ed. 1993).

- **actual seisin.** See *seisin in deed*.
- **constructive seisin.** See *seisin in law*.
- **covenant of seisin.** See COVENANT (4).
- **customary seisin.** See *quasi-seisin*.
- **equitable seisin.** (18c) **1.** Possession or enjoyment of a property interest or right enforceable in equity. **2.** See *seisin in law*.
- **fictitious seisin.** See *seisin in law*.
- **legal seisin.** See *seisin in law*.
- **livery of seisin.** See LIVERY OF SEISIN.
- **primer seisin** (*prim-ər or pri-mər see-zin*) (15c) *Hist.* A right of the Crown to receive, from the heir of a tenant who died in possession of a knight's fee, one year's profits of the inherited estate (or half a year's profits if the estate was in reversion); FIRST FRUITS (1).
- **quasi-seisin.** (1814) A copyholder's possession of lands, the freehold possession being in the lord. — Also termed *customary seisin*.
- **seisin in deed.** (17c) Actual possession of a freehold estate in land, by oneself or by one's tenant or agent, as distinguished from legal possession. — Also termed *seisin in fact*; *actual seisin*.
- **seisin in fact.** See *seisin in deed*.
- **seisin in law.** (17c) The right to immediate possession of a freehold estate in land, as when an heir inherits land but has not yet entered it. — Also termed *legal seisin*; *constructive seisin*; *equitable seisin*; *fictitious seisin*.

"Seisin in law is, when something is done, which the law accounteth a *seisin*; as an inrollment." 2 Ephraim Chambers, *Cyclopaedia: Or, an Universal Dictionary of Arts and Sciences* (1743), s.v. SEISIN IN FACT.

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