

that clause of the sasine, which bears, *acta erant*, &c. no mention being made by the notary that the same was done *in turri*, but only *in fundo dictarum terrarum*, whereby the defender alleged, that seeing *turres* are *inter regalia*, and that sasine thereof is not taken *per expressum*, at the tower and fortalice, as it ought to be, therefore that the pursuer cannot seek removing from the tower by virtue thereof; this allegiance was repelled, and the sasine sustained, bearing, that the sasine was taken of the land and tower, albeit the clause of *acta erant*, &c. made no mention of the tower.

Act. Mowat.

Ait. Stewart.

Gibson, Clerk.

Fol. Dic. v. 2. p. 363. Durie, p. 525.

No. 21.

SECT. V.

Sasine in favour of Heirs without naming them.

1740. November 7.

BLACKWOOD *against* The EARL of SUTHERLAND, and the Representatives of COLVIL and RUSSEL.

A SASINE was found null, in respect it proceeded on a precept for infefting the representatives of Robert Robert Colvil and Andrew Russel, without particularly naming and designing those representatives.

Fol. Dic. v. 4. p. 263. Kilkerran, (SASINE) No. 2. p. 503.

No. 22.

1794. February 14.

JOHN MELVILLE *against* The CREDITORS of GEORGE SMITON.

LADY DIANA MIDDLETON conveyed her estate to trustees by a deed, which directed them to settle, upon good, real, or personal security, one half of the residue, after the other purposes of the trust were accomplished, for behoof of Lady Gordon, "in liferent, for her liferent use allenary, during all the days of her life, and to her son George Gordon, and her daughter Diana Gordon, equally, and their heirs and assignees, in fee."

George Gordon survived Lady Diana Middleton. After his death the trustees lent £1000, part of the residue of the trust-fund, to George Smiton, upon an heritable bond in favour of Lady Gordon, "in liferent, for her liferent use allenary, during all the days of her life, and to her said daughter Diana Gordon, and the

No. 23.

An infeftment taken in favour of the heirs of a person deceased, without naming or designing them, is ineffectual.