

*FALSA DEMONSTRATIO.*

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1736. *July 3.* WALKINSHAW *against* HIS MAJESTY'S ADVOCATE.

JOHN WALKINSHAW of Scotstown being attainted of treason, John Walkinshaw in Glasgow, only son of William Walkinshaw of Scotstown, alleged that he was not the person, at least that there was a misnomer in his surname, his place of abode Glasgow, and in his mystery or calling; all which the Lords repelled, and found there was no misnomer.

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No. 1.

1751. *December 20, 21.*

MACDONALD of Clanronald, Jun. *against* HIS MAJESTY'S ADVOCATE.

DONALD MACDONALD of Clanronald, jun. son of Donald Macdonald of Clanronald, being by act of Parliament attainted of high treason, two claims were presented, one in the name of the said Donald Macdonald the father claiming the liferent, which was not opposed by the Crown's lawyers, and another for Donald Macdonald his eldest son, now in France, (from whom a factory was produced) claiming the fee of the estate of Clanronald, which had been surveyed by the Barons of Exchequer. Answered, The claimant is the person attainted by the act, though by mistake he is called Donald instead of Ronald, which is only the variation of one letter, D for R. The claimant produced his charter, which was to Donald Macdonald, his grandfather in liferent, and after him to Ronald Macdonald, his father, the other claimant, and to this claimant Ronald and his issue in fee, whom failing to his brother Donald, &c. and the Court sustained the claim. *Reveniente* Leven and Justice Clerk, (but President and Kilkerran were absent.) We thought that it was improper to speak of nullities or misnomers in attainders by act of Parliament, for acts of Parliament must bind all the subjects.

No. 2.