

other Evan Macphersons residing upon it ; it is not the custom of Scotland to design a man of a place from his residence, nor in England without some further addition.

No 6.

*Duplied,* The description neither relates to his right of property, nor place of residence, but is a popular appellation, well known in this country, where gentlemen are named of their estates, and retain the same titles after they have sold them ; which are also given to their eldest sons.

THE LORDS repelled the claim.

*Fol. Dic. v. 3. p. 206. D. Falconer, v. 2. No 104. p. 119.*

1749. December 16. CAMERON against The KING'S ADVOCATE.

JOHN CAMERON claimed the estate of Lochiel, surveyed by order of the Barons of Exchequer, as fallen to him by the decease of Donald Cameron his father ; for that he was not attainted.

*Answered,* He was attainted, by act of Parliament, by the name and description of Donald Cameron the younger of Lochiel.

*Replied,* This description does not apply to him, he having been the absolute and only proprietor of the estate ; John Cameron, the claimant's grand-father, was attainted by act of Parliament, on occasion of the rebellion in 1715 ; after which he was incapable of holding property within the kingdom ; and Sir Evan Cameron his father, disposed his estate to Donald the claimant's father, who was constantly and uniformly designed of Lochiel. This case differs from that of Cluny, wherein the heir apparent was held to be well described by reference to an estate, of which he had the expectancy, in consideration of the ordinary manner of speech in the country ; but John Cameron was in no sense whatever of Lochiel ; consequently the term younger could not apply to his son.

*Duplied,* John Cameron continued to be properly enough, according to the use of speech, called Lochiel, and old Lochiel, notwithstanding his attainder ; and, as he was attainted by that name, behoved, if he had got a pardon, to have been pardoned by the same ; people loose their rights by forfeiture, but not their ordinary names ; and these designations do not necessarily imply either the property or the right of apparenacy, to the estates from which they are taken, but are only popular descriptions, by which persons are sufficiently distinguished.

THE LORDS repelled the claim.

*Fol. Dic. v. 3. p. 206. D. Falconer, v. 2. No 112. p. 129.*

No 7.

Donald Cameron was designed in the act of attainder *younger* of Lochiel, his father being alive, although, as the estate belonged to himself, he ought not to have been designed *younger*. The Court found he was properly described.