

the Act 1661 had nothing to do, which only respected the preference of adjudgers among themselves.

---

1755. November 25. ANDREW STEUART *against* THE FREEHOLDERS of LARKSHIRE.

[Kaimes, No. 110.]

THE question here was, Whether the office of coroner and serjeant, with its perquisites and emoluments, of the bailiary of the regality of Kilbride, returned to forty shillings of old extent in the 1649, gave a title to vote?

The Lords were of opinion, that though the regality was taken away by act of Parliament, yet the office of coroner and serjeant within that territory still remained, and that the coroner and serjeant might still officiate, as officers to the jurisdiction still in being, such as the sheriff and justiciary. They were also of opinion, that, as there were certain rents still paid in corn out of certain lands to this office, that was possession sufficient, though there was no exercise of the office. The general question, whether such a subject entitled to vote, they did not determine, though several of the Lords gave their opinion,—some that it did not, as Kaimes and Prestongrange; others that it did, as the President; but they rejected the vote upon this ground, that a part of the casualties of this office, particularly the serjeant corn, as it was called, appeared to them to have been given away from the office since the 1649; and as they thought the office, with its whole casualties, was extended to forty shillings, they did not think that the claimant was in the possession of all the subject which made the forty shillings of old extent. See the papers on the subject, which are very learned.

---

1755. November 27. PRIMROSE *against* PRIMROSE.

[*Fac. Coll.* No. 183.]

A MAN, who had been ill of the gout for thirty years, made a deed of settlement of his estate, at a time when he was under no immediate fit of that disease, but was rather in a better state of health than usual. In about a month thereafter, he was seized with a kind of apoplectic fit, and died in about a week after that, within sixty days from the date of the deeds.

The Lords reduced the deed, on the head of death-bed; *diss. Præside.* See *infra*, January 28, 1756.