

PUBLIC OFFICER.

1611. *January 10.* GRAHAM *against* LIVINGSTON of Dinterran. No 1.

THE mother making her daughter assignee to a liferent-contract of L. 20, albeit the assignation be not subscribed by two notaries together, but at several times and places; yet, if the mother concur in the pursuit with the daughter, the assignation will be sustained, and he who is debtor of the annualrent, may not impugn the same.

Haddington, MS. No 2075.

1612. *February 29.* INNES *against* NOTARIES of ELGIN. No 2.

A MAN having required a notary to accompany him to take instrument in his hand, of his offer to pay his taxation, and upon refusal of that first notary, having made the like requisition to other two, who also refused him; he pursued them to hear and see them punished in their persons and goods for refusing to serve him in their office upon his reasonable expenses, he being the King's free liege. THE LORDS sustained the summons to be proved by the notaries' oaths or authentic writ, and no otherwise.

Fol. Dic. v. 2. p. 293. Haddington, MS. No 2416.

1624. *January 15.* Ld DRUMLANRIG *against* BAILIES of HAWICK. No 3.

A TOWN-CLERK is not a magistrate; and therefore he being charged for performance of the town's obligation along with the Magistrates, the charge was found null.

Fol. Dic. v. 2. p. 294. Durie.

* * * This case is No 13. p. 2509. *voce* COMMUNITY.