

## No 16.

1680. *January 16.*AITCHISON *against* KER.

The Director of the Chancery may recal commissions granted by him, and dismiss his Clerks at pleasure.

ANDREW AITCHISON having had commission from Sir William Ker, Director of the Chancery, to write in the Chancery, and being turned out by him, pursues him to repon him to his service. The defender *alleged*, Absolvitor; because the commission being a mandate, is revokable at pleasure, and bears no definite time; and it was never heard, that a servant in an office had any further right than during his master's pleasure, which is the common practice of all that have offices. It was *answered*, That special consideration ought to be had in the Chancery, there being so few alive who know the stile and forms of it, which being the record of the rights of the most important lands and estates in the kingdom, and of the services and retours of all heirs, none can serve therein, but such as have a particular breeding for that purpose, which the pursuer had for these 15 years with John Aitchison, who had been writer in the Chancery above 40 years, which being a public concern, Sir William should not be suffered to put a skilful servant out of the chamber, unless he can supply the same with a sufficient one.

THE LORDS found the defence relevant, that the Director might recal his commission, and put out his own servant at his pleasure, albeit it be a public concern, that the Chancery should be served with sufficient bred servants; as to which, the Council have given commission to those of their number, who are Lords of Session, to take inspection of the Chancery, how it is served, and the forms thereof observed.

*Fol. Dic. v. 2. p. 293. Stair, v. 2. p. 740.*

1680. *February 19.*The CLERK REGISTER *against* SIR WILLIAM PRIMROSE.

## No 17.

The Clerk of Notaries is, by his office, bound to call in and keep the prothocals of notaries.

THE Clerk of Register having given in a complaint against Sir William Primrose, Clerk of the Notaries, that he did not attend that office, he not residing in town, and that he was not qualified therefor, and had malversed therein, in so far as, by the act of Parliament 1617, cap. 22. it is statuted, that the prothocal of notaries shall, within 15 days after the notary's death, be brought in to Edinburgh, and delivered to the Clerk Register, or his deputes, to be retained and kept by his deputes appointed to that effect; likeas, the said Sir William Primrose being admitted to the said office upon the first day of November 1666, by his commission, inserted in the books of Sederunt, he is specially entrusted to call in and pursue for the notaries' prothocals, and to keep the same; and yet, to this day, he hath never called for one prothocal, to the great detriment of the lieges, albeit he hath taken caution for all the notaries admitted, for