

Formalities of the Deed of Submission and Decree-Arbitral.

1549. *February 12.*

THE decree-arbitral fould be gevin conform to the compromit ; utherwayis gif the samin pass and excede the boundis thairof, na executioun may follow thair-upon.

No 33.

Balfour, (ARBITRIE.) p. 413.

1561. *December 19.*

ELIZABETH MAXWELL *against* JOHN WALKINSCHAW.

TWA decretis-arbitral beand gevin betwixt twa parties be the samin arbireris, the last makis derogatioun to the first.

No 34.

Balfour, (ARBITRIE.) p. 413.

1608. *January 30.*

HAMILTON *against* HAY.

IN an action of improbation, pursued by John Hamilton, against James Hay, for improbation of an decret-arbitral, which was pronounced upon the 18th of March, and instrument tane upon the pronounciation of the decret, the judge and witnesses being examined ; and, it being found, by their depositions, that they had agreed, by consent of parties, upon their decret, 18th March, and tane instruments upon their pronounciation ; and thereafter given direction to John Robertoun, to frame articles, and, upon the articles, to make ane decret : Whilk John Robertoun, after the expiring of the submission, had put in form, and delivered it to James Hay, who had insert it with his own hand upon the blank ; and the judges had subscribed the same, because the Lords found, by the depositions, that neither the minute, or warrant of the decret, was written or subscribed by them ; nor the decret insert upon the blank, and subscribed by them, before the day of the expiring of the submission : They ordained the decret to make no faith.

No 35.

A decree-arbitral found null, not having been written out before the expiry of the submission, although verbally pronounced before.

Fol. Dic. v. 1. p. 50. Haddington, MS. No 1432.