

No 3.  
Arbiters may  
be applied to  
to interpret  
their decree.

1555. April 5. The LADY FLEMING *against* LORD FLEMING.

GIF an decreet-arbitral is difficile and obscure, in sic fort that it may not be cleirly understuid, the famin sould be interprit by the jugeis arbireris, gevaris thairof: And thairfoir, gif execution thairof be sought be ony partie before ane juge, he sould remit the interpretatioun thairof to the jugeis arbireris, gevaris of the famin.

*Balfour*, (ARBITRIE.) p. 415.

No 4.  
An arbiter  
has no power  
to enforce  
execution of  
his decree.

1583. November. WOOD *against* SCOTT.

IN a pursuit one Wood *against* Scott, for wrongous ejecting her out of a stead- ing whereof she had tack and assedation, *excepted*, That he entered thereto by virtue of decreet-arbitral, pronounced betwixt them.—*Replied*, Giving it had been, yet the defender should not have entered thereto by virtue thereof, before the authority of the Lords or other judges ordinary had been interponed, and that he had first sought the ordinary remeid of a warning; for an arbiter hath no power to put his own decreet in execution. *Quia licet arbitria sunt instar judiciorum, tamen arbiter nullam censetur habere jurisdictionem.*—THE LORDS found this reply relevant.

*Spottiswood*, (ARBITER.) p. 13.

No 5.  
The effect of  
a decree-ar-  
bitral passies  
to heirs.

1583. LAIRD of Lochinvar *against* The EARL of CASSILLIS.

*Effectus sententiæ arbitri transit in hæredes, licet de iis mentio facta non sit, ait Bartolus. juxta L. quamvis ff. de receptis qui arbitrium.*—According to which the LORDS decided betwixt these parties.

*Spottiswood*, (ARBITER.) p. 14.

No 6.

1611. December 12. LAIRD of Pharnehest *against* JOHN MOSCROFT.

IN an action of suspension of a decreet-arbitral, betwixt the Laird of Pharnehest and John Moscroft, the LORDS received the declaration of the judges upon mending the decreet-arbitral.

*Kerse*, MS. (ARBITERS.) fol. 18a.