

1699. *February 28.* The EARL of CRAWFURD and MAJOR LINDSAY *against* ALEXANDER BRUCE.

THE Earl of Crawford and Major Lindsay, against Alexander Bruce, son to Broomhall, their quarter-master. This was a reduction of a decreet-arbitral, not upon iniquity, (for that is excluded by the late regulations,) but on nullities, as that it was *ultra vires compromissi*; and that it bore subscribed lists of debts which were not subscribed; and that it was indefinite and uncertain, *et sententia in quantitate incerta est nulla*; and that it was not truly signed of the date it bore, but made of the date of the minute, to be within the time prefixed for terminating the submission. All which were repelled, in respect of the answers made thereto.

At last Mr Bruce recurred to the reason of bribery; and, having no other way to prove it, he referred to the Major's oath, that, in a count betwixt him and the deceased George Clark, one of the arbiters, he had given him allowance of £33 sterling for nothing but only to favour him in the submission; which he denying, upon oath, it was moved Alexander Bruce should be censured for his rash calumny, and fined. But the Lords only ordained him, on his knees, to crave my Lord Crawford's pardon; but the Earl dispensed with it. So it was passed over.

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1699. *February 28.* GEORGE DENNISTON *against* THOMAS SMITH.

THERE being mutual complaints betwixt George Denniston and Thomas Smith, brewer, as to beating and calumniating him as a broken man, by which defamation none would trust him a boll of victual;—the Lords continued the advising the probation till June next.

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1699. *February 28.* JOHN MOWAT *against* WILLIAM MITCHEL.

MR John Mowat, advocate, craved an advocacy of a submission betwixt him and Mr William Mitchel, in regard the arbiters had committed iniquity.

The Lords thought this demand new, and refused the bill; seeing the design of submission is to sopite pleas; and the only remedy now is by reduction upon the head of nullities or corruption, but not upon iniquity and injustice.

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1699. *February.* WILLIAM STIRLING, Petitioner.

MR William Stirling, writer to the signet, in a petition presented to the Lords, addressed them thus:—"To my Lord Chancellor, and the Lords Extra-