

missioner to be named by the arbiters, and that within the shire in which the witnesses live; and in these terms granted diligence in this case.

Fol. Dic. v. 3. p. 35. Kilkerran, (ARBITRATION.) No p. 34.

No 19.

Time of Endurance.

1491. *May 17. MARION CUNINGHAME against ROBERT DRUMMOUND.*

GIF ony compromit be maid be certane parties, anent ony debate or contraverfie betwix thame, and ony jugeis arbireris chosen be thame to that effect, with this restrictioun and conditioun, that the saidis jugeis fall give furth thair decrete and deliverance in the said matter ather incontinent or befor ony certane day prefixt and agreit upon betwix the saidis partis, and expremitt in the said compromit; and it happin that the saidis arbireris deliver ane decrete after the said day contenit in the said compromit, na prorogatioun of the day beand maid with consent of the parties; the samen deliverance and decrete is be way of exceptioun null, and fould have na execution aganis the parties quha consentit not to the geving thairof, or to the prorogatioun of the day of the compromit.

Balfour, (ARBITRIE.) p. 414.

No 20.
A decree pronounced after the term expires is null.

1505. *March 7.*

JOHNE BONAR of Rossie *against* DAVID BALFOUR of Carristoun.

CERTANE parties beand compromittit in arbireris and amicable compositouris to ane certane day and place, gif thairafter it happinis that the saids parties continue the compromit to ane uther day, and als wa change the place thairof to ane uther place, and the arbireris give the sentence and decrete befor the day to the quhilk the compromit was continent, the said decrete obliesses not the parties, nather can have executioun aganis thame, except thay willinglie of thair awin consent obey and fulfil the samen.

Balfour, (ARBITRIE.) p. 414.

No 21.
A submission prorogated to a different day and place from those originally named, was not obligatory, if the arbiters pronounced decree before the day.

1593. *March. L. SILLARTOWNHILL against PRIOR of BLANTYRE*.*

IN an action betwixt the Laird of Sillartownhill, and the Pryour of Blantyre, the LORDS found, that the Pryour having submitted himself by his bond to abide at the determination of the Chancelar and the Provist of Lincluden, what right he, his airs and assignees, fould mak to my Lord Provand, his heirs and assignees, of the teinds of Provand, in all time coming; the bond being onlie maid and sub-

No 22.
A bond, wherein a man submitted himself to the determination of certain persons therein nam-

* The names are not mentioned in Fol. Dic.