

- No. 99. of the arbiters, *in quem fuerat compromissum*, and it cannot stand in law that one man should be both Judge and notary subscriber for the parties; yet the Lords sustained the decret in respect of the meanness of the matter, and that they were but poor parties, and dwelled far in the country where notaries could not be easily had.

Spottiswood, p. 15.

1630. March 11. TOWN OF EDINBURGH *against* TOWN OF LEITH.

No. 100.

A bond of servitude, dated 1398, was not found null for want of witnesses, being sealed and subscribed by the party, and it was not the common practice to adhibit witnesses in these days.

Durie.

* * This case is No. 2. p. 14500. *voce* SERVITUDE.

1631. June 28. FERGUSON *against* CAMPBELL.

No. 101.

An acquittance, although subscribed by the party without witnesses, not sustained, although the user of the acquittance found that the acquittance was truly subscribed by the party who was dead before the heir or executor pursued for the debt; but the Lords ordained the defender either to allege that the acquittance was holograph, or to use some other adminicle to supply the acquittance.

Auchinleck MS. p. 8.

1632. December 1. HUNTER *against* HALLIBURTON.

No. 102.

It being objected, That a submission, and a decret-arbitral following there-upon, wanted witnesses, the objection was repelled, because the submission was signed by the parties and four arbiters; and the blank on the back of the submission, in which the decret was filled up, was signed by the parties, and three of the arbiters, which was sufficient, being only for a sum of money, not exceeding £1000.

Durie.

* * This case is No. 292. p. 11620. *voce* PRESCRIPTION.