

content to find the allegiance relevant, of consent; and albeit it had been subscribed by one of the arbiters, after expiring, yet being subscribed by a quorum, before expiring (which they might draw up in write) cannot be reduced. *2do*, Offers to prove the haill arbitrators command on the haill articles of the said decret, before expiring; which they might draw up in write after the expiring; and that Baruchan, one of the arbitrators, ratified the same thereafter.—To which it was *replied*, That the submission being made to four parties, jointly, who were all to agree in one voice, and to pronounce, and insert the said decret; so that the major part was no quorum, who could pronounce; seeing four concurring in one voice are only empowered. And as to Baruchan's ratification after the expiring, it is *answered*, The reason is opposed, and that no submission of one of the arbiters, after expiring of the day, could be sufficient, or supply the same. *2do*, Albeit the haill arbitrators had, within the day, made a minute of the decret, and subscribed the same; the same might have been extended after elapsing of the day, there being no difference, *quoad substantialia*, betwixt the minute and the decret so extended; yet it is absurd to pretend, that a verbal communing among arbitrators, within the time limited by the submission, could, after elapsing of the day, be extended in a decret, there being no minute subscribed by the arbitrators within the day.—THE LORDS found the reason of reduction relevant and proven; and therefore reduced.

*Fol. Dic. v. 1. p. 50. Newbyth, MS. p. 60.*

1680. December 2.

PITCAIRN against MORE.

MR DAVID PITCAIRN pursues reduction of a decret-arbitral, on this reason, That it was *ultra vires compromissi*, not being perfected by writ, till the time of the submission was expired.—It was *answered* for the defender, That albeit the extension of the decret was after that time, yet there was a minute of it pronounced to the parties before that time.—It was *replied*, That the minute was not subscribed before the day.

THE LORDS found the decret-arbitral null; because neither it, nor the minute, was subscribed within the day prefixed for that effect.

*Fol. Dic. v. 1. p. 50. Stair, v. 2. p. 811.*

1694. June 30.

WILSON against HADDO.

IN a cause between Wilon and Haddo, it fell to be debated, where a submission bore that they should determine betwixt and the 6th of January, if it was exclusive of the 6th or inclusive, seeing the decret-arbitral was on the 6th.—THE LORDS were clear, that in all these favourable cases, the day betwixt and which it was to be done, was included; so that the decret pronounced on that

No 44.

No 45.

A decree-arbitral found null, subscribed after the submission was expired, though pronounced within the time.

No 46.

A decree-arbitral sustained, (as in No 37.) though pronounced *in ipso termino*.