

No 60.

In a suspension of this judgment, 'the LORDS found, That the devolution to the oversman, not being attested by witnesses, in terms of the statute 1681, was void and ineffectual.'

Lord Ordinary, *Alva.* A&C. *Little, R. Dundas.* Alt. *Maclaurin.* Clerk, *Tait.*  
*Fol. Dic. v. 3. p. 36. Fac. Col. No. 102. p. 195.*

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### Reduction of Decree-Arbitral.

1540. *February 11.* HAMILTON *against* HAMILTON.

No 61.

NA exception of iniquitie, nullitie, or uther quhatsumever, may be proponit or alledgit contrare the executioun of an decrete-arbitral lauchfullie gevin : Bot the proponer thairof fould use and alledge the famin be way of actioun gif he pleifis for reduction and retractatioun of the said decrete.

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

1541. JANET BLAK *against* ANDRO HAMILTON.

No 62.

DECRETE-ARBITRAL beand gevin be the arbiteris chosin be baith the pairties quhairby ather of the parties is heavilie and enormlie hurt in all his substance, gudis, or geir, or, in the mast part thairof, the famin decrete is of nane avail and may be reducit.

*Balfour, (ARBITRIE.) p. 414.*

1616. *July 25.* A. *against* B.

No 63.  
 Some heads of a decree-arbitral being *ultra vires*, it fell *in toto*.

IN an action of reduction of a decreet-arbitral, the LORDS found, That one or two heads being *ultra vires*, the rest should fall. *Item*, in the same cause, the LORDS refused to admit the exception founded upon consent of party to be proven by the Judge and witnesses insert.

*Kerse, MS. (ARBITERS.) fol. 181.*

1617. *January 7.* A. *against* B.

No 64.

THE LORDS found a submission null, because it was subscribed only by one notary, it being about the heritable right of an acre of land; and, when the truth