

No 52.

Answered: 1mo, The word 'Award' is an expression used by the writers on the law of Scotland as synonymous with that of decreet-arbitral. *2do,* The contract by which parties submit to the decision of an arbiter, and the decree pronounced by the arbiter, are things evidently distinct and separate from each other; and the writing of two different deeds on the same sheet of stamped paper is a direct transgression of the law.

THE LORD ORDINARY found, 'That the deed in question is not duly stamped and therefore reduced in terms of the libel.'

A reclaiming petition against this judgment having, with answers, been advised by the Court, it was

Observed on the Bench: Submissions and decreets-arbitral forming together the essential contract of the parties, have been usually written on the same sheet of paper. Nor do the late statutes appear to introduce any change in this matter.

THE LORDS therefore altered the Lord Ordinary's interlocutor, and repelled the above mentioned reason of reduction. (*See WRIT.*)

Lord Ordinary, *Hailes.* Aft. *M'Gormick.* Alt. *Dean of Faculty.* Clerk, *Sinclair.*

Fol. Dic. v. 3. p. 36. Fac. Col. No 302. p. 466.

Stewart.

Overfman.

1561. *March 29.* ALEXANDER PATERSON *against* DAVID CHIESLAW.

No 53.

ANE decrete-arbitral gevin be the maist part, or be the half of the arbitris, with the overfman, is sufficient and valzieable. Albeit the arbitris gevaris thair of, be thay quha wer chofin for the ane part allendarlie, and the arbitris electit for the uther part, wer not present at the geving of the said decrete; for it is sufficient, gif they wer present at the time of the compromit, and acceptit the famin on thame.

Balfour, (ARBITRIE.) p. 413.

1562. *May 4.* JAMES WILKIE *against* MARGARET MAVER.

No 54.

DECRETE-ARBITRAL may be gevin and pronouncit be the oversman allanerie, gif the parties, efter the making of the compromit, consent and aggre thairto.

Balfour, (ARBITRIE.) p. 413.