

and that a notary could not be witness to his own deed, so that this bond came under the said act of Parliament. No. 97.

Act. Aiton & Mowat.

Alt. Cunningham & Primrose.

Clerk, Hay.

Durie, p. 315.

1627. November 21. ROBERTSON against ABERCROMBY.

In an action betwixt Robertson and Abercromby, for payment of the sum of £500, contained in a bond made by Robertson to Anderson, and whereto Anderson had made the said Abercromby assignee; the Lords found, that the bond could produce no action, because in effect it had but one witness inserted therein, and so it was null of the law, for there were only two witnesses inserted therein, whereof Anderson's self was one, and so he being made witness to the bond, conceived in his favours, (which the Lords found could not lawfully be) and there being but another besides him, the bond was found to be as if it had contained only one witness, for he could not be respected as witness, and so the bond was found null; which decision differs not much from the decision immediately preceding here noted, that a notary might not be witness to his own deed.

Clerk, Hay.

Durie, p. 315.

1629. January 29. GIBSON against HOWIE.

A decreet-arbitral being subscribed by one of the Judges, to whom the two parties had submitted, he being one of the four Judges to all whom it was submitted, they agreeing together, and the said Judge having subscribed as notary for both the parties submitters, and also as Judge aforesaid, the same was sustained, seeing it was for a matter of small concernment, viz. 80 merks, and betwixt two friends, which were but poor men, and done in landwart outwith burgh, where notaries are not frequent.

Act. Gibson.

Clerk, Gibson.

Durie, p. 419.

\* \* Spottiswood reports this case :

One Howie being charged for payment of 80 merks, conform to a decreet-arbitral pronounced between him and one Gibson, he suspended, and also intended reduction thereof, upon this reason, That the decreet was null, in respect that the notary who subscribed the submission for the parties submitters was one