

No. 239. parties-contracters, but it was sufficient in law if the Duke's principal was signed by Smith and his counter-part by the Duke ; and it was so found lately, in a case of Sinclair of Ossory in Caithness ; and therefore sustained the marginal note, though not signed by the Duke, seeing it was contained in his own double uncancelled : But in regard the said clause, in the two copies, seemed materially to differ, the Lords appointed them to be heard thereupon before the Ordinary.

Fountainhall, v. 2. p. 113.

1706. *January 1.*

Row against Row.

No. 240.

The Lords sustained this reason of reduction relevant to reduce a decret-arbitral, That the blank on the back of the submission was subscribed by the arbiters at the same time that the submission was subscribed, and not after inserting the decret-arbitral ; and they found the allegiance proved by the docquet of the submission, in the following words, " And the parties and arbiters in token of their acceptance have subscribed these presents, with the blank on the back thereof, the said 7th January, &c."

Forbes.

* * This case is No. 219. p. 16971.

1708. *July 7.*

PATON against LEITH.

No. 241.

In a cause depending before the privy council, a committee of their number being delegated to examine witnesses, and the cause being submitted to this committee, a decree-arbitral, not signed by the plurality, but only by him who was chosen preses of the meeting, while they acted as a committee, was found null.

Forbes.

* * This case is No. 221. p. 16969, (16973.)

1716. *July 3.*

POOR MARGARET CUBBISON and her Husband, against JOHN CUBBISON.

No. 242.

Three doubles of a writ having been made, it was found no nullity that in two of them the writer's designation was neglected, the third having been formal.

There being mutual claims betwixt these parties, at length there was a communion set on foot betwixt John Sloan the pursuer's husband, and David Cubbison younger of Cullenoch the defender's son, which ended in an agreement ; and three doubles of a contract being drawn up, (one whereof only mentions the writer's designation), and the son having communed for his father, subscribes the same, but not the father, though it runs in Cullenoch's name, only these words occur in the body of the paper, " Cullenoch's son has offered 1500 merks," and in the end these are adjected, " David Cubbison of Cullenoch is the party here.