

1782. November 20. ALEXANDER RAMSAY *against* GEORGE ROBERTSON.

ARBITRATION.

Award, though signed by the arbiters, and delivered to their clerks, may be altered by them.

[*Fac. Coll. IX. 171; Dict. 653.*]

BRAXFIELD. Arbiters may draw up and sign twenty decreets-arbitral, and successively cancel every one of them. An arbiter does nothing effectual until he either delivers or registers his decreet.

HAILES. The error in the suspender's argument lies here: He supposes that the clerk to a submission is the servant of the parties submitters; and that the lodging a decreet-arbitral with him is the same thing as delivering it to the parties: but that is not the case. The clerk is the servant of the arbiters, and his possession is their possession.

On the 20th November 1782, "The Lords found the letters orderly proceeded;" adhering to Lord Braxfield's interlocutor.

*Act.* Charles Hay. *Alt.* Sir John Ramsay.

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1782. November 21. KATHARINE and BARBARA WALLACE *against* WILLIAM WALLACE.

WRIT.

A missive letter not holograph, containing an obligation of relief, is not a ground of action, though the subscription be judicially acknowledged.

[*Faculty Collection, IV. 109; Dict. 17,056.*]

BRAXFIELD. Writing is essential to cautionary obligations; and whenever writing is necessary, no acknowledgment of subscription will serve to supply legal imperfections in the deed.

PRESIDENT. The petitioner quotes many decisions; and it must be confessed that the Court wavered as to this point. But the later decisions support Lord Braxfield's opinion.

HAILES. Lord Coalston combated long that opinion; but at length, with great candour and propriety, he yielded.

On the 21st November 1782, "The Lords assoilyied;" adhering to Lord Braxfield's interlocutor.

For the petitioner, G. B. Hepburn.