

20 March 1630 Stand contra Glumb. Contending parties having submitted to the Arbitration, and one per Expression, with full power to the Arbitrator to Determine as they should think fit; and these Arbitrators having Determined the Special Differences, and Referred another particular to the Determination of a third party. The Lord had raised the Decree Except as to the Delegated particular, and finally passed from the same 26 Feb. 1709. & Lady Invernylle contra Mance of P. 16.

A Decree Arbitral Must be pronounced before the time Express or prescribed in the Submission be Expired; Other ways (as Null and Reducible as Ultra Vires Compromissive l. 1) Edw. Reidy l. 23 Feb. 1672 Wallace contra Wallace 13 Feb. 1679 Maxwell contra Lindsay. Because the power of the Arbitrator Determined at the time admitted by the Compromise, after which time is Expired they are no longer Arbitrators. Year 2 sent till after Elapsing of the day because it was not substituted Minute of it was pronounced to the parties before a Minute of a Decree Arbitral was substituted and Judgment De' con; the Decree may be Expired of the day appointed to that day Conform to the substance and substance after in that Minute 27 March 1693 Forrester contra Gowlays Writs in Execution and profertum of their Decree submission 30 July 1719 Erskine contra Socheran. Because they having given their Decision which might hold to Expire the Words at their Sight the day and Modus of Execution might be after the Decree. Arbitrators having once given their Decree they cannot Retract it Nor Change any thing in it l. 28 ff de Recup. For the Compromise was only to Impower them to give their Decree Arbitral, and when that is done their power is at an End. But the power of Arbitration doth not Expire by an Interlocutory Sentence, or an Incident in the Cause, and they may give Diffinitive Interlocutory Sentences on such Incidents, as often as Occasion Requires l. 19 § ult. ff de Recup.

A Decree Arbitral is Not Reducible for Not pronouncing the Claims and Damands thereof; Because these are not prescribed and Noticed after Decree, as in Counts of Record 22 July 1673 Brown contra Brown. Formerly Decree Arbitral might have been Reduced upon Iniquity or Error of Law 20 Feb. 1633 Lady Athol contra Es. Athol. 23 Feb. 1672 Wallace contra Wallace M. Finrie Jun. l. 6. 7 Feb. 3 89. But now

A Decree Arbitral proceeding Upon a submitted Submission pronounced in the terms those of in Decima; cannot be Reduced for any Error or Reason what soever; except upon Corruption, Bribery, or fraud in the Arbitration Act of Capite, 670 Art. 25 Which is applicable to the Law of England. For in Arbitration named by Compromise differ from those persons to whom it is referred to Make an Estimate of any thing. Vid. sup. pag. 783. 834. 854. 1585. A party having Reited and Insisted in a Revocation of a Decree Arbitral he was not allowed to Return to Claim the benefit thereof 21 Decemb. 1630. Invernylle contra Bruce. The Effect of a Submission is to oblige him who has it refered to perform the Decree Arbitral, to pay the Penalty, l. 2. For Receipt, qui Arbitr. Days on which arbitrating words in the act and contract of arbitrators and respective powers and duties called for in the act.

Chapter 2. Of Jurisdiction.

Jurisdiction, is a right to Remit the power Judicially; that is to hear and Determine causes according to the Extent of the Authority of the court which hath it, and to Execute the same as well the Extent or Compass of Land within which a Judge may Exercise Jurisdiction is said either his Territory, if it were his own ground, or his District, because he hath power to determine there as well in the Civil law we find that Nature and found a lion's principles of Jurisdiction in General Nicely Described, & Complicated, Usage or Nation of Modern Jurisdiction is Not to be Gallard from the Knowledge of that Law; or from the Traditions or Dictates of the Doctors thereof in their learned and Copious Writings on the Subject. For according to the Different Constitutions of States and Governments, there are several Jurisdiccions and Distinctions of the offices of Justice, and a vast odds between the present and Ancient Policy; that therefore without much Noticing what is foreign or of small use in our Constitution Confine my self Mainly to what is Now observed in Scotland.

Jurisdiction is either Ecclesiastical, or secular and temporal.

Tit. 1. Of Ecclesiastical Jurisdiction.

Ecclesiastical Jurisdiction is that which belongs to the Clergy; Who bind and loose the forward part of Man, and have no other ways for punishing offenders or Correcting of Manners, than by Inflicting such penalties as may be proper to Reclaim them to the Duties which they have Violated, viz. Denance, Excommunication and other censures of the Church, and 69 Paul 6th 6. For they cannot bind or loose properly