



# Debtors (Scotland) Act 1838

1838 CHAPTER 114

## **VII Execution at the Instance of a Person acquiring Right to extract.**

And be it enacted, That where any Person shall acquire Right to an Extract of a Decree or Act issued as aforesaid it shall be competent to him to present in the Bill Chamber the Extract, with the Execution of Charge (if a Charge shall have been given), and Certificate of Registration (if the same shall have been registered), and a Minute endorsed thereon, in the Form of the Schedule (Number 5.) hereunto annexed (or as near thereto as Circumstances will permit), subscribed by a Writer to the Signet, with the Assignation, Confirmation, or other legal Evidence of such acquired Right, praying for Authority (as the Case may be) to arrest, charge, poind the Effects of, or (as the Case may be) to imprison, the said Debtor or Obligant, and open shut and lockfast Places; and the Clerk shall, if there be no lawful Cause to the contrary, write on the Extract this Deliverance, "*Fiat ut petitur*," and he shall date and subscribe the same, and endorse the same Date on the Documents produced, and subscribe with his Initials the Date so endorsed ; and the Extract with such Deliverance shall be a Warrant to arrest, charge, poind, and open shut and lockfast Places, or (as the Case may be) to search for, take, apprehend, and imprison as aforesaid, at the Instance of such Person.