
Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts (Scotland) Extracts Act 1892, SCHEDULE. (See end of Document for details)

SCHEDULE

1.—EXTRACT DECREE FOR PAYMENT

At Glasgow, the tenth day of June (and fourteenth day of July) 1889, in an action in the sheriff court of the county of Lanark, at Glasgow, at the instance of John Smith, merchant, Gallowgate, Glasgow, *pursuer*, against John Brown, 19, Newton Street, Glasgow, *defender*, the [^{F1}sheriff principal] (in absence) decerned the defender to pay to the pursuer one hundred pounds, with interest thereon from 1st January 1889, and five pounds ten shillings of expenses. (a) And the [^{F1}sheriff principal] grants warrant for all lawful execution hereon by instant arrestment, and also by pointing after a charge of [If an edictal charge is necessary, insert seven free days if the defender is within Scotland, and fourteen free days if furth thereof] seven free days. Extracted at Glasgow, this fifteenth day of August 1892, by me, sheriff-clerk of Lanarkshire.

Textual Amendments

F1 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

Geo. Sellar,

Sheriff-Clerk.

Notes.—

Where two or more counties are united in one sheriffdom, the court may be described thus:—“The Sheriff Court of the Sheriffdom of Stirling, Dumbarton, and Clackmannan, at Stirling.”

Where decree for expenses is given in favour of an agent, it may be expressed thus in the extract:—“And to pay to *A.B.*, writer, Glasgow, the pursuer’s agent, five pounds ten shillings of expenses.”

Where there are more actions than one in the same court between the same persons the action may be identified in the extract by giving the date of the first deliverance therein.

2.—EXTRACT DECREE OF AFFILIATION AND ALIMENT

(Preamble as in No. 1.) Decerned the defender to pay to the pursuer the sums after-mentioned in respect he was the father of an illegitimate male (*or* female) child of which the pursuer was delivered at , on the day of 189 , viz., for inlying charges, and per annum for years as aliment for said child, payable said aliment quarterly in advance, and beginning as from said date of birth, (*or*, as the case may be,) with interest thereon from the respective dates of payment, and of expenses. (*Continue from (a) in No. 1.*)

3.—EXTRACT DECREE FOR PAYMENT OF ALIMENT

(Preamble as in No. 1.) Decerned the defender to pay to the pursuer aliment at the rate of per, (*for the period of*), payable monthly, (*or*, as the case may be,) in advance, and commencing as on the day of , 189 , with interest thereon, from the respective dates of payment, and of expenses. (*Continue from (a) in No. 1.*)

Status: Point in time view as at 01/02/1991.

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4.—EXTRACT DECREE *COGNITIONIS CAUSA*

(*Preamble as in No. 1.*) The [^{F2}sheriff principal] found that the sum of with interest thereon from the day of , 189 , was a debt due by the deceased to the pursuer. Extracted, &c. (*as in No. 1.*)

Textual Amendments

F2 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

5.—EXTRACT DECREE OF MAILLS AND DUTIES

At the day of 189 , in an action of mailles and duties in the sheriff court of the county of at , at the instance of *pursuer*; against *principal debtor*; and the tenants named and designed in the schedule hereto subjoined, *defenders*, the [^{F3}sheriff principal] decerned the said tenants of (here describe shortly the subjects mentioned in the bond) to pay to the pursuer the rents, mailles, and duties specified in said schedule of the several possessions of said subjects occupied by them respectively, with the interest thereon from the dates when they became or shall become due respectively (together with such sums as may from time to time become due by them respectively)—at least of so much thereof as will pay the pursuer the principal sum of pounds sterling, contained in a bond and disposition in security over said subjects granted by (here describe the bond), together with the interest on said principal sum from the day of 189 ; and also decerned the principal debtor to pay to the pursuer of expenses. (*Continue from (a) in No. 1.*)

Textual Amendments

F3 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

A.B.,

Sheriff-Clerk.

Schedule before referred to

Names and Designations of Tenants	Rents due by them respectively	When Rents payable
John Brown, 14, Smith Street, Glasgow.	£5 0 0	Martinmas, 1892.
	£5 0 0	Whitsunday, 1893.

(and so on).

A.B.,

Sheriff-Clerk.

6.—EXTRACT DECREE OF POINDING THE GROUND

(*Preamble as in No. 1.*) Decerned and granted warrant to poind the readiest goods and effects of the defender, within or upon (shortly describe the property), in satisfaction, in whole or in part, of the principal sum of , contained in a bond and disposition in security over said subjects,

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts (Scotland) Extracts Act 1892, SCHEDULE. (See end of Document for details)

granted by (shortly describe the bond), with the interest on said principal sum from the day of 189 , (*or in satisfaction, in whole or in part of* , being the feu-duty (*or ground annual*), payable to the pursuer in respect of said subjects at the term of (*or as the case may be*) [*if there are tenants add*, but so far as regards the said tenants only to the extent of the rents due by them respectively]; and decerned the defender to pay to the pursuer of expenses. (*Continue from* (a) *in No. 1.*)

7.—EXTRACT DECREE OF MULTIPLEPOINDING

At , the day of , and day of 189 , in an action of multiplepounding in the sheriff court of the county of at , at the instance of *pursuer and nominal* (*or real raiser*) against *common debtor*, and and *claimants, defenders* (the said *E.F.* being the real raiser), the fund (*or subject*) *in medio* in which action consisted of (*here describe shortly the fund or subject in medio, and in whose hands or custody it was*), the [^{F4}sheriff principal] found the pursuer only liable in single payment (*or delivery*) of the fund (*or subject*) *in medio*, less (*or on payment of*) his expenses, which were fixed at and said fund having been consigned in court, less said expenses (*or and on delivery of the subject in medio*) exonerated him thereof; and (found the real raiser entitled to his expenses, which were fixed at) (and) found the *claimant A.B. primo loco* entitled to, and the *claimant C.D. secundo loco* entitled to (*or as the case may be*), and authorised the clerk of court to pay the fund consigned accordingly (*or decerned the pursuer to pay the fund*) (*or deliver the subject*) *in medio* accordingly (*or otherwise as the case may be*). (*Continue from* (a) *in No. 1.*)

Textual Amendments

F4 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

8.—EXTRACT DECREE OF FORTHCOMING

At the day of 189 , in an action of forthcoming in the [^{F5}sheriff principal] court of the county of at , at the instance of *pursuer*, against *debtor and arrestee, defenders*, the [^{F5}sheriff principal] decerned the arrestee to pay to the pursuer (state sum) in satisfaction (*or part satisfaction*) of the sums contained in a decree of the sheriff of shire of date the day of 189 , at the pursuer's instance against the debtor (*or as the case may be*) for the sum of (*Continue from* (a) *in No. 1.*)

Textual Amendments

F5 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

9.—EXTRACT WARRANT OF SUMMARY EJECTION

(*Preamble as in No. 1.*) Granted warrant summarily to eject the defender, his sub-tenants, dependents, and effects from (here describe shortly the subjects). Extracted, &c. (*as in No. 1.*)

10.—EXTRACT DECREE OF REMOVAL

(*Preamble as in No. 1.*) Decerned the defender to flit and remove himself, his sub-tenants, dependents, and effects from (here shortly describe the subjects) at the term of (*or on the day of* , 189), (*or at the term of as regards the and at the term of as regards the*), (a) And the [^{F6}sheriff

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts (Scotland) Extracts Act 1892, SCHEDULE. (See end of Document for details)

principal] grants warrant for all lawful execution hereon by ejection at the term or period (or respective terms) of removal if a charge of forty-eight hours be given prior thereto, or forty-eight hours after a charge thereafter [*if expenses add*, and by instant arrestment and also by poinding after a charge of seven free days)· Extracted, &c. (*as in No. 1.*)

Textual Amendments

F6 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

11.—EXTRACT DECREE OF REMOVAL FOR NONPAYMENT OF FEU-DUTY OR RENT UNDER A LONG LEASE, UNDER SECTION 32 OF 16 & 17 VICT. C. 80

At the day of 189 , in an action of removal for non-payment of feu-duty (*or rent*) brought in the sheriff court of the county of at , under section 32 of the Act 16 & 17 Vict. c. 80., at the instance of *pursuer*, against *defender*, the [^{F7}sheriff principal] found that the feu-duty of pounds payable yearly to the pursuer as immediate lawful superior of the subjects after-mentioned under a feu charter (or other deed) dated granted by the pursuer (*or by a predecessor of the pursuer*) in favour of the defender (*or a predecessor of the defender*) (*or the rent payable to the pursuer under a long lease, &c., describing it*), had remained unpaid for two whole and consecutive years; and therefore decerned the defender to flit and remove himself, his sub-tenants, dependents, and effects from said subjects, viz. (here describe the subjects), and that at the term of (*Continue from (a) in No. 10.*)

Textual Amendments

F7 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

12.—EXTRACT DECREE FOR PERFORMANCE

(*Preamble as in No. 1.*) Decerned the defender (here set forth shortly the particular act which the defender is to perform), and to pay to the pursuer of expenses. And the [^{F8}sheriff principal] grants warrant for all lawful execution hereon by instant arrestment, and also by poinding and imprisonment so far as competent after a charge of seven free days. Extracted, &c. (*as in No. 1.*)

Textual Amendments

F8 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

13.—EXTRACT DECREE OF INTERDICT

(*Preamble as in No. 1.*) The [^{F9}sheriff principal] interdicted the defender from (state the terms of the interdict); and decerned the defender to pay to the pursuer of expenses. (*Continue from (a) in No. 1.*)

Textual Amendments

F9 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

Status: Point in time view as at 01/02/1991.

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14.—EXTRACT DECREE OF ABSOLVITOR

At the day of and day of 189 , in an action in the sheriff court of the county of at, at the instance of *pursuer*, against defender, the first deliverance in which is dated the day of 189 , (a), and the petition in which craves the court to grant decree for pounds (or as the case may be, giving the principal conclusion), the [^{F10}sheriff principal] assoilzied the defender from the conclusions of the action, and decerned the pursuer to pay to the defender of expenses. (*Continue from (a) in No. 1.*)

Textual Amendments

F10 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

15.—EXTRACT DECREE OF DISMISSAL

(*Follow the immediately preceding form down to(a).*) The [^{F11}sheriff principal] dismissed said action. (*If expenses are decerned for, follow the immediately preceding example.*) (*Continue from (a) in No. 1.*)

Textual Amendments

F11 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

16.—EXTRACT APPOINTMENT OF A JUDICIAL FACTOR

At the day of 189 , in a petition in the sheriff court of the county of at , at the instance of *pursuer*, the [^{F12}sheriff principal] having found that the estate of the pupil (*or insane person*) after mentioned did not exceed one hundred pounds of annual value, appointed to be factor *loco tutoris* to a pupil, son of the deceased (*or to be curator bonis to an insane person*) with the usual powers, under the Judicial Factors (Scotland) Act, 1880, and relative statutes and acts of sederunt, the said before extract finding caution according to law. Extracted at this day of 189 , by me, sheriff-clerk of shire, caution having been found to the effect above mentioned.

Textual Amendments

F12 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

A.B.,

Sheriff-Clerk.

17.—EXTRACT DISCHARGE OF A JUDICIAL FACTOR

At the day of 189 , in the proceedings in the sheriff court of the county of at , following on the petition of (insert name and designation of the petitioner in the application for the appointment of the judicial factor) the [^{F13}sheriff principal] discharged of his whole actings and intromissions as factor *loco tutoris* (*or as curator bonis*) to, and authorised delivery of the bond of caution for him as factor (*or curator*) foresaid. Extracted, &c., (*as in No. 1.*)

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts (Scotland) Extracts Act 1892, SCHEDULE. (See end of Document for details)

Textual Amendments

F13 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4

18.—EXTRACT ACT OF CURATORY, AND UPON PRODUCTION OF INVESTORIES

At the day of and day of 189 , in an action of curatory, and for giving up inventories in the sheriff court of the county of at, at the instance of, child of the deceased *pursuer*, against and two of the nearest in kin to the pursuer on his father's side; and and two of the nearest in kin to the pursuer on his mother's side, and all others pretending to have interest in the matter, *defenders*, the [^{F14}sheriff principal] confirmed the choice by the minor of to be his curator during his minority; and said curator having taken the declaration required by law, and having lodged in triplicate (a) an inventory of the minor's means and estate, subscribed by the curator and by , whom the [^{F14}sheriff principal] had delegated to concur with the curator in the absence of the nearest in kin, the [^{F14}sheriff principal] appointed said inventories to be subscribed by the clerk of court and one thereof to be delivered to the curator, and the other two to be sealed up by the curator and delegate, and retained by the clerk of court for the minor's nearest in kin on the father and mother's side respectively, and said inventories were dealt with accordingly. In consequence of all which this act is extracted, the curator having found caution in terms of law. Extracted, &c. (*as in No. 1.*).

Textual Amendments

F14 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4

19.—EXTRACT ACT UPON PRODUCTION OF INVENTORIES BY CURATORS NOMINATE WITHOUT CONSENT OF NEAREST IN KIN

At the day of 189 , in an action for giving up curatorial inventories in the sheriff court of the county of at , at the instance of curator appointed to child of the deceased *pursuer*, against persons nearest in kin to the minor on his father's side, and persons nearest in kin to the minor on his mother's side, and all others having or pretending to have interest in the matter, *defenders*, the said curator having lodged in triplicate. (*Continue as in No. 18 from(a)leaving out the part about caution.*)

20.—EXTRACT ACT UPON PRODUCTION OF INVENTORIES BY CURATORS NOMINATE WITH CONSENT OF NEAREST IN KIN

(*May be modelled upon No.19 with the necessary variations.*)

21.—EXTRACT DECREE OF DECLARATOR

(*Preamble as in No. 1.*) The [^{F15}sheriff principal] found and declared (give substance of declarator). Extracted, &c. (*as in No. 1.*).

Status: Point in time view as at 01/02/1991.

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Textual Amendments

F15 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

22.—EXTRACT DISCHARGE TO A BANKRUPT

At the day of 189 , in the sheriff court of the county of, at , in the process of sequestration under the bankruptcy statutes of the estates of (give name and designation of the bankrupt), the [^{F16}sheriff principal] (a) discharged the said of all debts and obligations contracted by him for which he was liable at the date of the sequestration (14th June 1885) (or as the case may be). (If it is a discharge on composition add): Declared the sequestration to be at an end, and the said reinvested in his estates, reserving always the claims of the creditors for the composition against him and the cautioner; and appointed the bond of caution for the composition to be recorded in the said sheriff court books. Extracted, &c. (*as in No. 1.*). (*The extract will follow the deliverance as regards any limitations or qualifications.*)

Textual Amendments

F16 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

23.—EXTRACT DISCHARGE OF A TRUSTEE ON A SEQUESTERED ESTATE

(*Follow No. 22 down to(a), then proceed*) Discharged of his whole actings and intromissions as trustee on said sequestered estates, and authorised delivery of the bond of caution for him as trustee foresaid. Extracted, &c. (*as in No. 1.*).

24.—EXTRACT DECREE OF CESSIO

At the day of 189 , in action under the Cessio Acts, in the sheriff court of the county of at at the instance of *creditor, pursuer*, against *debtor, defender* (or at the instance of *debtor, pursuer*, against and others, his *creditors, defenders*) the [^{F17}sheriff principal] decerned the said debtor to execute a disposition *omnium bonorum* in favour of whom the [^{F17}sheriff principal] appointed trustee for behoof of the creditors of the debtors.* And the [^{F17}sheriff principal] grants warrant for all lawful execution hereon by imprisonment after a charge of seven free days. Extracted, &c. (*as in No. 1.*).

Textual Amendments

F17 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

**(Insert any finding about expenses.)*

25.—EXTRACT DISCHARGE TO A DEBTOR UNDER PROCESS OF CESSIO

At , the day of 189 , in the sheriff court of the county of, at , in the process under the Cessio Acts following on the decree of *cessio bonorum*, pronounced on the day of 189 , against (*name and*

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Sheriff Courts (Scotland) Extracts Act 1892, SCHEDULE. (See end of Document for details)

designate the debtor), the [^{F18}sheriff principal] discharged the said of all debts and obligations contracted by him, or for which he was liable at the date of said decree of cessio. Extracted, &c. (*as in No. 1.*).

Textual Amendments

F18 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

26.—EXTRACT WARRANT OF SALE

(Preamble as in No. 1.)

The [^{F19}sheriff principal] granted warrant to (state import of warrant). Extracted, &c. (as in No. 1.).

Textual Amendments

F19 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

**27.—EXTRACT DELIVERANCE UNDER THE
PRESUMPTION OF LIFE LIMITATION (SCOTLAND) ACTS**

At , the day of 189 , in a petition in the sheriff court of the county of, at , under the Presumption of Life Limitation (Scotland) *Acts* (specify Acts), at the instance of, *petitioner*, the [^{F20}sheriff principal] found (state the findings and matters authorised). Extracted, &c. (*as in No. 1.*)

Textual Amendments

F20 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

**28.—EXTRACT DELIVERANCES UNDER THE MARRIED
WOMEN'S PROPERTY (SCOTLAND) ACT, 1881**

(Extracts under the above or similar statutes may be modelled on No. 27.)

GENERAL DIRECTIONS

Where the [^{F21}sheriff principal] has adhered to the decree of the [^{F21}sheriff] the date of the [^{F21}sheriff principal's] decree only need be given.

Textual Amendments

F21 Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\), s. 4](#)

Status: Point in time view as at 01/02/1991.

Changes to legislation: *There are currently no known outstanding effects for the Sheriff Courts (Scotland) Extracts Act 1892, SCHEDULE. (See end of Document for details)*

In the extract the decree shall bear to have been given from the seat of the court.

Whether the decree has been given by the [F21sheriff principal or sheriff] the phrase to be used in the extract shall be [F21“the sheriff principal”]

Where an extract has more than one date, it shall not be necessary to specify what was done on each date.

It shall not be necessary to state by whom the extract has been written or collated.

It shall be sufficient that the import or substance of the decree is given in the appropriate form herein-before provided, although the cravings or conclusions of the action, or the decree itself, may be expressed in different or more redundant language.

The dues of extract shall be added to the expenses decerned for, and the total inserted in the extract.

The nature of the debt (such as that it is for aliment) shall be stated in the extract in all cases where payment of the debt can be enforced by imprisonment.

In any case where imprisonment is competent, a fiat or warrant of imprisonment must first be obtained in terms of the statutes.

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

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