

MONRO of CULCAIRN *against* FRAZER of TORBRECK.

THE law with regard to the reduction of trust-rights is now fixed by the decisions of the Court. The latest is *Monro of Culcairn against Frazer of Torbreck*, where it was decided, that a trust for behoof of the granter's whole creditors might indeed be challenged on the Act 1696, but could not on the Act 1621, which goes only to gratuitous deeds made to the disappointment of creditors, and never can be extended to deeds granted in their favour; so that, now, such a trust-right can only be challenged on the Act 1696, or upon grounds of fraud at common law.

---

1778. *March* 10. WALFOLES *against* JOHN WALKER.

IT was upon the last of these grounds, chiefly, that Messrs Walpoles brought a reduction of the trust-right granted by Mr William Alexander to John Walker, in which they prevailed, 10th March 1778.

As to unreasonable clauses in trust-rights, upon which often the above challenge is founded, see the above case, *Walpoles against Walker*; also, *Kilk.* p. 52.

---

CREDITORS of WOODSTONE *against* COLONEL SCOTT.

IN the case of the Creditors of Woodstone against Colonel Scott, it was declared by the House of Peers,—“That Alexander Turnbull having been arrested, and actually in the custody of a messenger, upon the caption at the suit of Sir William Ogilvie, was imprisoned, within the true intent and meaning of the Act of Parliament 1696.”

In a case observed by Lord Elchies in his manuscript, reported by Lord Newhall, 9th July 1736; the Lords found, that when a messenger apprehends a person upon caption, and lets him go on a bond of presentation, the act of apprehending was imprisonment in the sense of the Act of Parliament 1696.

Though the decision of the House of Peers, in the case of Woodstone, was not generally approved of by the best lawyers, yet it has been since followed in several cases; and the point was finally understood to be fixed in a case decided 5th July 1774, *Frazer against Monro*. This is the latest decision on the point.

See a case decided 1771, *M'Ilwraith and Others against M'Adam of Craighgillan and Others*.