

1787. June 16. ELIZABETH CHRISTIE, Petitioner.

JURISDICTION.

A man having died, leaving his wife with child, the Court named a factor for managing the funds, until the birth of the child *in utero*.

ELIZABETH CHRISTIE applied to the Court by petition, setting forth that her husband, George Veitch, an undertaker for the building of houses in Edinburgh, died lately, without issue existing, but leaving her with child: That George Veitch had, before his death, contracted for the building of certain houses within a limited time, under a penalty: That, in this case, there was no one who could serve to him, and that a tutor could not be named to a child *in utero*; yet that there might arise damage from a delay in finishing the works begun; and therefore praying that William Veitch, the nearest agnate, might be appointed factor, or *curator bonis*, with power to him to complete the buildings.

The Lords declined to interpose their authority for bestowing such ample powers; but,—

On the 16th June 1787, “The Lords named William Veitch factor for managing the funds, &c. until the birth of the child *in utero*.”

For the petitioner,—Allan M'Connochie.

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1787. June 21. JOHN M'KENZIE, LORD M'LEOD, *against* Sir JOHN ROSS of BALNAGOWAN, Bart.

THIRLAGE.

No multure can be demanded for grain due to the superior of the astricted lands, although he shall accept of a sum of money in lieu of it.

[*Faculty Collection*, X. 37; *Dict.* 16,070.]

HAILES. Lord Cromarty's manifesto, or declaration, call it what you will, is not probative; and there can never be a *jus quæsitum* to the suckeners from