

No 1. payment presently of the duty of the taxed marriage, because this Lord of Kintaile was of age for marriage. This was done in Exchequer the penult day of January 1612.

Fol. Dic. v. 1. p. 349. Haddington, MS. No 2382.

1687. February. BLAIR DRUMMOND *against* INNERNYTIE.

No 2.
Gifts of ward
do not com-
prehend tax-
ward lands
unless expres-
sed.

BLAIR DRUMMOND having, for the behoof of my Lord Chancellor, pursued Innernytie for the taxward-duties of the barony of Kinnaird,

Alleged for the defender; That Sir William Paterson had a gift of his ward in general, which comprehended taxwards also.

Answered; By the custom of Exchequer, gifts of ward do not comprehend taxward, unless expressed, in respect taxward is looked upon as a part of his Majesty's property, and of the nature of a feu-duty, for which the ground and lands may be poided; whereas simple ward is of the nature of a temporary infestment, and the intromitters only liable; and a gift is compounded for in Exchequer as a casualty. *2do*, The defender had other ward lands untaxed, which were the proper subject of the said gift.

THE LORDS repelled the defences, and decerned.

Fol. Dic. v. 1. p. 349. Harcarse, (WARD.) No 1009. p. 285.

1687. February 24. LORD CHANCELLOR *against* INNERNYTIE.

No 3.

THE Chancellor as donatar to the wards and marriages, pursuing Stewart of Innernytie, the LORDS found a gift of taxward did not defend against, nor comprehend a simple ward.

Fol. Dic. v. 1. p. 349. Fountainball, v. 1. p. 449.

SECT. II.

Gift of Ward and Non-entry.

1610. February 14.

J. LIVINGSTON of Baldoran *against* MAXWELL of Dunwiddie.

No 4.

A non-entry subjoined to a gift of ward, marriage and relief, will last but three terms after the expiry of the ward. And albeit the gift of the ward and