

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.*

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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.*

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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.*

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## 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