



Clan Maitland

CHARLES MAITLAND

(Extracted from the Great Seal)

Whitehall, 4th December 1660.

CHARTER, with consent. etc., (2) (4), granting and confirming to CHARLES MAITLAND, third lawful son of the late John, Earl of Lawderdaill, etc., and Elizabeth Lawder, younger daughter of Mr. Richard Lawder of Haltoun, his spouse, and to the longest liver of them in conjunct fee, and their heirs male, who must take the name of Lawder and bear the arms of the house of Haltoun; whom failing, to their eldest heir female, without division, which heir female shall be obliged to be married to a man of the name of Lawder, bearing the arms of the family of Haltoun, or to a man who will assume the name of Lawder, and bear the arms of Haltoun; and failing heirs as well male and female of the said Charles Maitland and Elizabeth Lawder, to the nearest lawful heirs male of the said Charles Haltoun, and failing them, to their nearest lawful heirs male whosoever, assignees and successors, who must assume the name of Lawder and bear the arms of the family of Haltoun in all time:- With this special provision, that if it should happen that the heirs male of the said Charles Maitland (unless according to the provision after-written, failing heirs male of the family of Lawder, to whom the said Charles and his heirs may be able to succeed, and failing heirs of the earldom of Lawderdaill, and estate thereof, to which also the said Charles and his heirs male in the cases foresaid are destined to succeed), or the heirs of taillie and provision before and after-written, who are destined to succeed or do succeed to the lands, barony, and estates of Haltoun, accept and use any other family name and arms than the name of Lawder and the arms of the family of Haltoun (unless according to the explanation and declaration underwritten), then and in that case this charter, with all that may follow thereon, shall thereby be made void and null, and they shall be totally excluded from the right of succession to the said lands and barony of Haltoun, and from all benefit thereof which in all future time they might be able to claim, and the next heirs of the said Richard Lawder shall obtain a declarator of right to the said lands, barony, and estate of Haltoun assuming the family name of Lawder and bearing the arms of the family of Haltoun for all time: and in corroboration of the said provision of nullity and without prejudice thereto, it shall be lawful to the next lawful heir of the said Richard Lawder claiming the right to the said lands and barony of Haltoun in the name of Lawder, or who may assume that name and bear the arms of the family of Haltoun, to redeem the said lands and barony from the person or persons disclaiming the family name of Lawder and the arms of the family of Haltoun, by payment within the session of the burgh of Edinburgh, or by consignation in the hands of some responsible man, the sum of twenty merks Scots on forty days premonition in presence of a notary and witnesses as accords, in which case also the heirs of the said Mr. Richard Lawder shall have full recourse and access in and to the said lands and barony of Haltoun, parts, pendicles, etc., in the same state and condition, and with freedom from all debts and burdens, just as the same was affected in the time of the entry of the disclaimer. As also it is provided and declared that all dispositions, infefments, and other writings to be made in future by any persons destined to succeed as of taillie, disclaiming the family name of Lawder and the arms of the family of Haltoun, shall be invalid and of no effect to the persons, receivers, and acquirers thereof. And notwithstanding the clause of nullity and reversion foresaid, made in corroboration thereof, nevertheless since it is far removed from the sense and intention and strength thereof that the said Charles Maitland, or his heirs male, by assuming the family name of Lawder and the arms of the family of Haltoun, should be prejudiced in their succession to the estate of Lundie, failing heirs of the body of the late Robert Maitland of Lundie to succeed thereto, or that they should be in any manner excluded therefrom, or that they should be prejudiced in the dignity of the earldom of Lawderdaill and estate thereof, or be excluded in any manner of way therefrom, failing heirs male of the body of John, Earl of Lawderdaill, brother german of the said Charles, and failing heirs male of the body of the said Robert Maitland to succeed to the same:-**Therefore by this present charter it is declared by the mutual consent of both parties, that if it should happen that the said Charles Maitland succeed to the inheritance and estate of Lundie, or to the dignity of the Earldom of Lawderdaill, inheritance and estate thereof; then and in these cases and either of them, it is lawful to the said Charles and his heirs male to refuse and disclaim the said family name of Lawder and arms of the family of Haltoun, and to**

take and adopt the family name of Lundie of that Ilk, and to use it for himself and his successors for all time, failing heirs male of the body of the said Robert Maitland, and to take and adopt the dignity of Earl of Lawderdaill and earldom thereof, and to enjoy the family name and arms of Maitland, failing heirs male of the said John, Earl of Lawderdaill; the said Charles is bound, as in these cases he has bound himself and his foresaids and has been obliged to make a lawful disposition and resignation of the said lands and barony of Haltoun, and pertinents to his second or younger son, and failing sons in favour of his eldest daughter, who shall be obliged to be married to a man bearing the family name and arms of Lawder, or who will bear the assumed name of Lawder and carry the arms of the family of Haltoun for all time in the manner prescribed. And failing both sons and daughters, in favour of any other person soever or persons as to himself may seem expedient, who, with his successors, shall be bound to assume the name of Lawder and bear the arms of the family of Haltoun, with and under provision and explanation concerning the quartering the arms in manner after expressed of the house of Haltoun, with the arms of Maitland and of the family of Lawderdaill; otherwise they shall lose and forfeit the right of the said lands and barony of Haltoun, according to the nullity and reversion above mentioned, the lands of Nortoun with tenants, etc., the lands of South and North Platts, with buildings, etc., which are proper parts and pendicles of the lands and barony of Haltoun, under the conditions and restrictions underwritten in the parish of Ratho and sheriffdoms of Edinburgh and of Renfrew, by annexation to be enjoyed by the said Charles Maitland and Elizabeth Lawder, his spouse, and the longest liver of them under the conditions and restrictions following:- That during the life of the said Mr. Richard Lawder, the said Elizabeth Lawder shall after the decease of her husband, if it shall happen that the former survives the latter, the said lands of Nortoun with pertinents, with five chalders and four bolls of victual of sufficient quality, and proportionally as the tenants pay annually, levied from the said lands of South and North Platts, with pertinents, and after his decease, the remaining part of the dues of the said lands of South and North Platts shall accrue and belong to her during all the days of her life, according to the tenor of her infeftment thereof, and of the said lands of Nortoun to follow under this charter, which infeftment to be in full satisfaction of all claims she may have after the decease of the said Charles Maitland, if by chance she shall survive him; and likewise the said Charles Maitland is bound during the life of the said Mr. Richard Lawder to make provision for his said wife from the said lands of Nortoun, and the said annual dues of five chalders and four bolls victual levied from the foresaid lands of South and North Platts, the remainder of the said dues to belong to the said Mr. Richard Lawder during his life;- Also granting to the said Charles Maitland, and his heirs male lawfully begotten between him and the said Elizabeth Lawder, who shall be bound to assume the family name of Lawder and to bear the arms of the family of Haltoun, whom failing to the eldest heir female begotten of the said marriage without division, who shall be bound to be married to a man as aforesaid, and failing heirs male and female of the said marriage, to the nearest heirs male of the successors and assignees of the said Charles Maitland, who shall be bound to assume the name and bear the arms, as aforesaid, for all time with the nullity as before written, except in the case before mentioned of their succession both to the estate of Lundie and the dignity and estate of Lawderdaill. In which case, or either of them, the said Charles Maitland shall make a disposition of the lands and Barony of Haltoun in favour of his second or younger son, etc., as above; the remaining portions of the said lands and barony of Haltoun, which barony comprehends the lands of Haltoun, the mains of Haltoun with pertinents, etc., the said lands of Norton with tenants, etc., the said lands of Westhall and Northraw of Ratho, and the mill thereof called Kirkmill and mill-lands thereof, the lands called Priestlands and the said lands of South and North Platts, with pertinents in the parish of Ratho and said sheriffdom of Edinburgh, and by annexation in the said sherrifdom of Renfrew. Reserving to the said Mr. Richard Lawder the liferent of the said lands and barony of Haltoun, excepting only the said lands of Nortoun and the said five chalders and four bolls of victual from the lands of South and North Platts, provided in conjunct fee for the said Charles Maitland and his spouse, and also reserving to Mary Scot, lady Haltoun, her liferent of fourteen chalders of victual or thereby in conjunct fee, or the liferent of the said Mr. Richard, according to their marriage-contract, from the said lands and barony of Haltoun, and likewise reserving power to the said Mr. Richard Lawder to make provision for a second wife in the event of his surviving the said Mary Scot and marrying again:- And also under provision that the heirs male of the said Charles Maitland, and the other heirs of taillie and provision, who may succeed to the said barony and estate of Haltoun, shall be bound to carry the arms of the family of Haltoun for all time; but yet, as it never was the intention of the clause in the marriage-contract underwritten that the said heirs should be bound to assume the use of the arms of Maitland and of the family of Lawderdaill, but only to accept the family name of Lawder and to bear the arms of the family of Haltoun without prejudice, and also with liberty to quarter the arms of Maitland and of the family of Lawderdaill with the said arms of the family of Haltoun, it is hereby declared that it shall be

lawful to the said heirs to quarter the said arms accordingly:- And likewise granting, with consent as aforesaid, to the said Charles Maitland, his heirs, assignees, and successors whomsoever, the lands of Over Gogar, with the mains, mills, mill-lands, and superiority thereof, and pertinents, etc., in the said parish of Ratho and sheriffdom of Edinburgh aforesaid, and also the temple-lands in the town and territory of Over Newtown, with pertinents, etc., in the Barony of Balerno and sheriffdom aforesaid; inasmuch as the lands and barony of Haltoun comprehending as aforesaid, formerly belonged to the said Mr. Richard Lawder and Charles Maitland his son-in-law, and by them by letters of procuratory contained in the said contract of marriage made at Edinburgh on the fifth day of February 1653, between the said Charles Maitland, with consent of his curators, and the said Mr. Richard Lawder of Haltoun for himself and Elizabeth Lawder, his younger daughter begotten between him and the said Mary Scot, and other letters or letters or letters of procuratory in the said contract of marriage granted by the said Mr. Richard Lawder and Charles Maitland, dated 7th November 1660, were resigned at Whitehall on the 26th day of November 1660 in favour of the said Charles Maitland and Elizabeth Lawder, and their heirs male of tailie and provision as aforesaid, and inasmuch as the lands of Over Gogar, etc., were resigned by the said Richard on said date in favour of the said Charles Maitland, his heirs, successors, and assignees; with clause of *novodamus* : and clause uniting the whole foresaid lands into one free barony, to be called the Barony of Haltoun, with the castle of Haltoun to be the principal messuage thereof, one sasine to be sufficient-and ordaining that the arms of the said family of Haltoun shall be in all future time the old arms thereof, quartered with the arms of the family of Lawderdaill, as follows, viz., the arms of Maitland and of the family of Lawderdaill, with the ordinary mark of cadency or of a younger brother placed in the right of the shield, and the old arms of the family of Haltoun in the left of the shield or "scutcheon," and the crest of one or other family as may seem expedient:- TO BE HELD blench-for payment yearly for the former barony of Haltoun one penny, and for the lands of Over Gogar, and the mill, mill-lands, and superiority thereof, and the temple-lands lying as above, one penny:- Witnesses names not engrossed.

Whitehall, 4th December 1660

Letters appointing Charles Maitland, brother of german of John, Earl of Lawderdaill, for his life sole captain general of the Mint of the kingdom of Scotland, with all honours, privileges, etc., thereto belonging - with power to the said Charles by himself or his deputies to take up all fees, etc., belonging to the said office as in times past or annexed to the said office in the time in which Sir James Hop occupied it, and also with power to control all officers of the Mint in their offices. With power of holding Courts and punishing delinquents, and for exercising the said office; granting to the said Charles Maitland for his life an annual salary of five hundred pounds, to be paid as formerly, and that from the first and readiest profits of the Mint, along with free transit or passage of eight stone of the purest silver through the irons in such class of money as for the time is being struck,

In Malcolm Laing's History of Scotland he records, " The currency for foreign money was fixed beneath its intrinsic value that it might be brought to the mint where Lord Hatton presided. The silver coinage issued in return was adulterated and reduced in weight, and the country was filled with a species of light and spurious copper."

Ratho Parish Church Baptism Records: -

26th October 1750. Lady Hannah Maitland lawful daughter to the Right Honourable James Earl of Lauderdale and Margaret Turner Lambe Countess of Lauderdale was born on Wednesday October 24th and baptised on the 26th. Witnesses Mr. George, Captain Richard and John Maitland, brothers of the said Rt. Hon. Earl.

20th December 1751. The Right Honourable Lady Elizabeth Maitland lawful daughter to the Right Honourable James Earl of Lauderdale and Mary Turner Lambe Countess of Lauderdale was born on December 18th and baptized on the 20th. Witnesses the Hon. Mr. Patrick Maitland and Mr Laurence Dundas.

15th December 1752. The Right Honourable Charles Lauder Lord Maitland lawful son to the Right Honourable James Earl of Lauderdale and Mary Turner Lambe Countess of Lauderdale was born Dec.? and baptized on the 15th. Witnesses The Hon. Messrs. Richard and Frederick Maitland brothers german to the said

noble Earl.

18th August 1754. Right Honourable Lady Mary-Julian Maitland lawful daughter to James Earl of Lauderdale and Mary Turner Lambe Countess of Lauderdale was born July 26th and baptized on the 18th August. Witnesses The Reverend George Maitland and the Honourable Richard Maitland.

27th January 1759. The Right Honourable James Gordon Maitland lawful son to the Right Honourable James Earl of Lauderdale and Lady Mary Turner Lambe Countess of Lauderdale was born 26th January and baptized on the 27th. Witnesses not appended.

12th March 1760. The Honourable lawful son of the Right Honourable James Earl of Maitland and Mary Countess of Lauderdale was born March 10th and baptized on the 12th. Witnesses The Reverend Mr Alex. Bryce and Mr. John Robertson.

4th October 1761. The Honourable John Maitland lawful son of the Right Honourable James Earl of Lauderdale and the Right Honourable Mary Turner Lambe Countess of Lauderdale was born October 3rd 1761 and baptized on the 4th. Witnesses the Honourable Captain John Maitland and the Honourable Captain Robert Sandilands Esq.