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HISTORICALL ACCOUNT  
OF  
**The Family of Innes.**

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**HISTORICALL ACCOUNT**

**OF**

**THE FAMILY OF INNES.**

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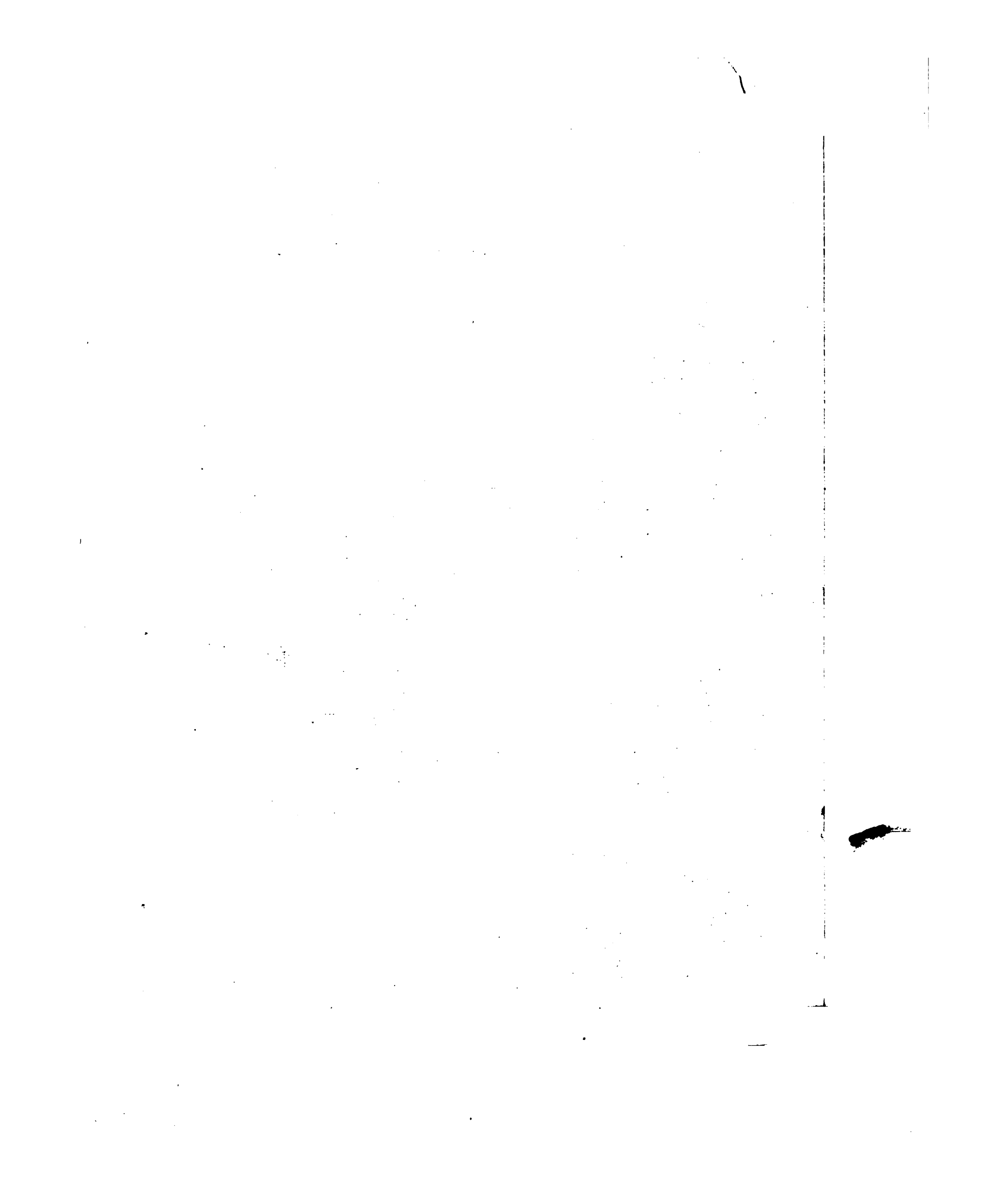
**OF**

**THE FAMILY OF INNES.**

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HISTORICALL ACCOUNT

OF THE

ORIGINE AND SUCCESSION

OF

**The Family of Innes,**

COLLECTED FROM AUTHENTICK WRITS IN THE CHARTOR-CHIST  
OF THE SAMEN.

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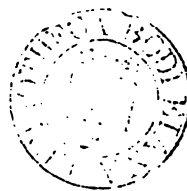
FROM AN ORIGINAL MANUSCRIPT IN THE POSSESSION OF  
HIS GRACE THE DUKE OF ROXBURGHE.

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EDINBURGH:

PRINTED BY GEORGE RAMSAY AND CO.  
FOR WAUGH AND INNES, HUNTER SQUARE.

1820.



218. d. 115

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HISTORICALL ACCOUNT  
OF  
THE FAMILY OF INNES.

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INCE THE LORD, among the greatest of his temporall blessings, gives length of dayes to Man and long standing to Families, it may be holden as one part of the gratitude due by Man, to keep God's mercies in memory ; it being a plain ingratitude to let his kindness, in supporting a family for many ages in credit, drop into oblivion. This generall consideration may be a good reason for families to keep a clear account of themselves, and of the Lord's providences

towards them, if they can be so happy as to do it without vanitie.

But another reason makes it yet necessary, and it is that, that severall good families have their origine, pedegree, or succession, often brought into question by the emulation of a co-rivall family, and sometymes by the mistakes or malice of it's own descendents, when increasce of plenty tempts them, out of prejudice to a cheiffe, to derogat from their origine, and, by fabulous traditions, render the true succession dubious.

There is no remedy for this evill that I know, save a fair deduction of succession, upon such authentick grounds, as may induce those, to whom judgement in the like case is competent, (such as the Lyon and Lyon Clerk,) to give their testimonies to apparent and convinceing verities, which certainly must gain either the consent or silence of such as were formerly gainsayers.

In makeing a deduction of this sort, one common error in family histories would be avoided, that is, romantick accounts of the chevalry of their old predicessors, where they cannot alleadge themselves valiant, but upon the expence of some nighbours, perhapes as good as themselves; nor prove one title of what they say from any scrap of history; which makes those sorts of writings, for the most part, darne in the dark, and all that we hear of them is but whispers; none dareing openly avow what he cannot prove, and hundreds may quarrell. Nor can any man of witt or honesty (espe-

cially if in a public capacity) be seen to concur with any thing but what he sees instructed with unquestionable seals or subscriptions ; so that, in what is to be said here, there is nothing to be expected, but a deduction of the origine and succession of the FAMILY OF INNES, in so far as it doth appear in authentick writs.

The first man then of this family that we have in writ, is BEROWALD, who, from King Malcolm, had the chartor following, and may be compared with the principall, which is marked with the figure 1.

“ MALCOLMUS REX SCOTORUM omnibus probis hominibus totius terræ suæ salutem. Sciatis me in feodo et hereditate dedisse Berowaldo Flandrensi in provincia de Elgine Inness et Etherurecard per rectas eorum divisas Tenend. sibi et heredibus suis de me et heredibus meis hereditarie libere quiete in bosco in plano in campis pratis pascuis in moris et aquis Faciendo mihi inde servitium unius militis in Castello meo de Elgine Præterea ej dono in burgo meo de Elgine unum toftum plenarium tenendum simul cum prædicto feodo suo ita libere et ita quiete sicut aliquis ex paribus suis liberius et quietius tenet toftum suum aut feodum suum. Test. Wilielmo Moraviensi Episcopo Sedis Appostolicæ Legato Merlesvano filio Colbani Wilielmo filio Frisgin. Apud Perth in natali Domini proximo post concordium Regis et Sumerledi.”

Upon this chartor there aryses two doubts, one anent the



Malcolm who gave it, and another anent the Berowald who got it.

As to the first, the family beleives it was given by Malcolm Kenmore ; but other judicious men, who have considered it, judge it to be rather from Malcolm the Maiden, and so sixtie years, at least, later than it is supposed, upon the grounds following, viz.

First, The mentioning of Sumerled in the date. There being none such named in any history befor the dayes of Malcolm the Maiden, is a presumption that the chartor is from him. And the nameing of William, the Pope's Legat, and Bishop of Morray, among the witnessess. There being a William sent Legat from Rome to Saint David, immediat predicessor to Malcolm the 4<sup>th</sup>, who did not arrive untill the begining of the said Malcolme's reign, and apparently must be the witness in this chartor, is another weightie presumption, that it can be from no other than Malcolm the Maiden. But,

To the first anent Sumerled, it is answered, by those of the family, that there were severall Somverlits, or Sumerleds, whose names, tho' they be not in history, yet are they famous in the Highland Genealogies, especially that of the M'Donalds, who are descended of these Sumerleds, and take particular notice of three so called,—such as Somverlte Moir, who first came out of Ireland in Malcolm Kenmore's tyme ; Somverlte Makgilly Bridge, grand child to Somverlte Moir, who was defeat and killed by Gilchrist Earle of An-

gus, in Malcolm the Maiden's tyme; and Somverlet Bain, the son, or rather grand child of Somverlet Makgilly Bridge, who was defeat by Patrick Earle of March, in King Alexander the 2<sup>d</sup> tyme. With this last there is nothing to do here, because not in the tyme of any Malcolm. As for the second Sumerled, had the chartor said, "In natali Domini proximo post occisum Sumerledum;" or, "post devictum Sumerledum;" or, "post debellatum cum Sumerledo," then certainly it might be that second Sumerled, who was defeat, chased, killed in batle, or taken and hanged in Malcolm the Maiden's tyme, by Gilchrist Earle of Angus. But the words are, "post concordiam Regis et Sumerledi;" and no history in being makes mention of any agreement that ever was betwixt Malcolm the Maiden and that second Sumerled: Therefore, say they, the first Sumerled must be he spoken of in the chartor, who came into Argyll shyre about the end of Malcolm Kenmore's reigne, setting up first at his own hand, and probably thereafter capitulating with the king for his possession; from which capitulation the chartor takes date.

As to the second argument, drawn from William, the Pope's Legat, his being a witness, they answer,—that the bishoprick of Morray, as well as severall others, were erected by Malcolm Kenmore, as is evident by church history, though the names of the first bishops be lost; and why might there not a Legat be sent from Rome to Malcolm the Great, called William, as well as to Malcolm the Maiden,

since there is no record sayes the contrair? And to confirm their thought further hereanent, they take notice of the other two witnesses, to witt, Merlesvanus, filius Colbani, et Wilielmus, filius Frisgin, which are not found in any chartor ever given by Malcolm the Maiden; particularly, this William M<sup>c</sup>Frisgin is holden to be son to Allan, named Frisgin, or ready-dagger, Thome of Sutherland, and father to Walter, the first Earle of that county, which agrees very well with Malcolm Kenmore's tyme. All which would absolutly convince me to be of their opinion anent the giver of the chartor, if some other circumstances, which shall be told and considered in their proper place, did not stand in the way.

As to the other doubt aryseing from the chartor anent that Berowald who gott it, some think he was a stranger come from Flanders, because the writ sayes, "Dedisse Berowaldo Flandrensi," and that he came over with Queen Margaret, who landed near Spey's mouth, at the back of the Bin-hill of Speys-law, where a party of some sort of rebels that assaulted them after their landing, were defeat by the conduct of this Berowald, for which he got all these lands betwixt Spey and Lossy, as is evident by the chartor, &c. Others spoill this tale utterly, by telling that he was of those Morravians who were banished in King Malcolm's tyme for their revolt, and had gone to Flanders; in which case, he could never have come back with Queen Margaret, she being married and settled in Scotland long befor that revolt; unless, perhapes, they would make his return in Malcolm the

Maiden's tyme, and allow him a Queen Margaret also, who never had any queen at all. In prosecution of this story, they say that Berowald was of the stock and kindred of these Morrays who draw their name from the countrey out of which they were banished, as said is, and ought to bear the same name, because Berowald, and his successors, have all wayes born 3 starrs for their armes, which is the same with the Morrays.

Mean tyme, it is but a bad presumption for being of a kindred, that INNES bears Argent 3 Starrs Azur, and the MORRAYS bear Azur 3 Starrs Argent. For great-



er affinity in circumstances of that sort is seen betwixt people who are of very different kindreds, and as different kingdomes.

I also presume, that the understanding men of that noble family of Morray know, that neither they nor any other of a Scots race had thought upon bearing a surname when Berowald got this chartor upon the lands of Innes; his successors, perhapes, takeing a name to themselves from these lands whereof they were possest, as soon as these Morrays could have it from a countrey whence they were dispossesed. And it may be with this difference, that the one might be choice and the other necessity, which makes me say, upon the whole of this matter, that Innes might have been a

countrey man with the Morrays befor their banishment, but not of their kindred since syn.

As to the first supposition anent Berowald's being a stranger, I cannot be of that opinion, for all his being designed Flandrensis in the writ; because, where there were no surnames, he might have had that as a too-name, for his having once made a voyage to Flanders; as to this day, it is amongst all where Irish prevails in Scotland. For instance, a man in Caithnes is called John Aberach, for his being once in Lochaber, and all his posterity since Slick-Jean-Aberich. Fraser of Foyers, his predicesor, for his being once in France, is called Hustien Frankach, (or Hew of France,) and all his posterity to this hour Slick-Hustien-Frankich. Nay, if any at this day go from Baddenoch or Stratherne, and stay a while in Ross, Sutherland, or Caithnes, he may be sure, after his return, to be called, whilst he lives, Rossach, Catach, or Gallach; for where patronimicks are only in use, any topick for distinction immediatly sticks, to prevent the repetition of father, guidsir, or grand-sir's names, which must be for differenceing of persons where there is no topick to do it by. The practice of this is so very comon yet, (and obtained so absolutly among those who spoke the Irish of old,) that I have no difficulty in beleiving Berowald to have been a Scots man, who had his too-name of Flandrensis from his travells.

To confirme this, let the clause it selfe be considered duely as it is in the chartor, which sayes, " Sciatis me de-

disse Berowaldo Flandrensi, in provincia de Elgine, Inness, et Etherurecard," &c. which, in my sense, is clearly this, That he gave to Berowald, liveing in the province of Elgine, Inness, and Etherurecard, &c. : For, had it's meaning been, that he gave Inness, lyeing in the province of Elgine, to Berowald, &c. the writer had certainly said, " Sciatis me dedisse Berowaldo Flandrensi Inness et Etherurecard in provincia de Elgine;" for it is not to be thought, by any rule of Latine grammar, that Innes, &c. can be put after " provincia de Elgine" with any reference to it, unless there were some more lands to be designed afterwards, having there scituation in some other province. As, for instance, when he said, " Dedisse Berowaldo, in provincia de Elgine, Innes, et Etherurecard," had he said, " Et in provincia de Bamff, Kinardy, et Carnousie," &c. it had made the province perfectly relate to the land; but as it sayes, " Dedisse Berowaldo in provincia de Elgine, Innes, et Etherurecard," (without any more,) it makes not the province referr to the lands, but to the man; and so makes him plainly a province of Elgine man.

In one word, had this Berowald been really a Flandrian or Fleeming born, is it possible but he would have called himselfe either after his family, as Montgomery, Barclay, and many others do? or, at least, after the particular town he came from, as the Chartres and Bethuns do? but to call himselfe of Flanders, as if he were prince of it, or Flandrensis, as if he were a beggar or run-away from it, is

what, I am sure, Berowald never meant to brag of in his chartor, and so leaves it (in my sense) utterly impossible, that a man of his import could have any more from Flanders but a nick-name, because he was once there. For, had he verily been a Fleeming, he had no more suffered himselfe to be barely named so, than Drummond, Ruthven, or Sinclare would barely let themselves be named Germanus, Italus, or Gallus. Wilhill, Flandrensis, Hispanensis, Africanus, sounds liker a denomination acquired, than a definition of a man's naturall countrey, for that is alwayes exprest Flandrus, Hispanus, Afer.

To conclud: I am positive of opinion, that whatever Malcolm it was that gave the chartor, yet Berowald, who took it, was no stranger, but heretor from his prediccursors of that same estate of Innes and Etherurecard, (which is all the lands betwixt Spey and Lossy.) And that finding a custome then begining of takeing writ upon lands from the king, he did what he saw others of his quality do, and took the chartor, befor spoke of, from one of the Malcolms, upon that estate, which he and his prediccursors had alwayes possesest befor there was writ, and how long, God knows, there being no tradition that reaches any other possessors,—which goes better down with me than all the stories of Queen Margaret, for which there is neither reason nor record.

As the Saxon language prevailed, (which banished the patronimicks,) the surname of Innes arose from the lands, which signify, upon the Irish, Greens or Graseings, to

which the place answers exactly. And this much for the origine of that family and people.

To Berowald succeeded his son John, and to John succeeded his son Walter; of whom I have no more to say, but that they succeeded one another, as is evident by the chartor of confirmation given by King Alexander, sealed and marked with the figure 2, whereof the exact copy follows :

“ ALEXANDER DEI GRATIA REX SCOTORUM, omnibus probis hominibus totius terre sue tam clericis quam laicis salutem. Sciant presentes et futuri nos concessisse et hac charta nostra confirmasse Waltero filio Johannis filij Berowaldi Flandrensis Inneess in provincia de Elgine et Etherurecard per eorum rectas divisas Tenend. ej et heredibus suis de nobis et heredibus nostris in feodo et hereditate in bosco et plano in terris et aquis in pratis et pascuis in moris et maresijs in multuris et molendinis cum omnibus justis pertinentijs suis cum socco et sacca cum furca et fossa cum thol et them et infanganethum libere quiete plenarie et honorifice pro servitio unius militis in castello nostro de Elgine et preterea unum toftum plenarium in burgo nostro de Elgine tenendum simul cum predicto feudo suo ita libere et quiete sicut carta Regis Malcolmi inde facta Berowaldo Avo prædicti Walteri testatur. Testibus Thoma de S———t Cancellario Wilielmo de Cumin Comite de Buchan Justiciario Scotie Ingeramo de Baill[iolo] Henrico de Baill[iolo] Camerarijs Wilielmo de —— Wilielmo filio



Wilielmi de Vetere ponte Wilielmo ————. Apud Innes  
 ———— 1<sup>mo</sup> die Januarij anno regni nostri duodecimo.”

There are severall words in this chartor which are very difficult to read, the parchement being worne. And if it be questioned how this comes to be obliterated, and the first chartor given to Berowald legible, it is fitt to let it be known, that Berowald's chartor was judicially transumed, about nyn score years agoe, by Bishop Galwin Dunbar, then Clerk of Register, which transumpt is very distinct, though the chartor be obliterated. The words of the bishop's attestation upon the transumpt are as follows :

“ Tenet hoc transumptum cum originali carta in presentia Dominorum Concilij pro tribunali sedentium productum lectum inspectum et diligentur examinatum non cancellatum suspectum aut vitiatum collationatum et concordantem cum eadem et de mandato Dominorum in hanc publicam transumpti formam propter vetustatem et fragilitatem originalis cartæ redactam et confectam edicto publico ut moris est rite et legitime primitus perhabito ut talis et tanta fides huic transumptui temporibus affuturis adhibeatur qualis adhibenda est prelibate cartæ originali. Per me Gavinum Episcopum Aberdonensem Clericum Rotulorum Registri et Concilij Supremi Domini nostri Regis. Sub meis signo et subscriptione manualibus. Sic subscribitur **Galwinus Dunbar.**”

Though both transumptand attestation were wanting to the first chartor, yet this second, under the seall of King

Alexander, is so full, that it gives inteir faith to all that can be pretended by the preceeding, there being nothing materiall wanting in it, save that the place at which it was given is somewhat indistinct, for it may be at "Innes vicesimo primo die Januarij," as these of the family will have it, or else at some "Inner ——— vicesimo die," &c.

And as it is plain and distinct anent the age of it selfe, so it contributes more than any thing heard yet, for discovering of the age of the first chartor, whereof it is the confirmation.

The names of the witnesses puts it out of all question, that this chartor was given by King Alexander the second, in Januarij the twelveth year of his reign, which falls to be about the begining of the year 1226, and makes it 471 years old.

Now the question is, whither the first chartor was given sevinty or sevin score years befor it; for, from the end of Malcolm Kenmore's reigne, to the 12th year of Alexander the 2<sup>d</sup>, there is no less than 136 years. And reasonably, in that tyme, there behooved to be more than three generations, to witt, Berowald, John, and Walter, which is all mentioned in the 2<sup>d</sup> chartor; therefore, it is more probable, that the first chartor was given by Malcolm the Maiden, in the begining of his reign, betwixt which tyme, and the 12th year of King Alexander the 2<sup>d</sup>, there might be three generations conveniently, it being 70 years tyme. With all, it is remarked in history, that Sumerled,

the Thain of Argyle, took advantage of Malcolm's easie disposition, and thereupon encouraged himselfe into a rebellion, which leaves us to beleive, if we please, that Sumerled, immediatly upon K. David's death, might have payed a visit to the young king, and then have seen and known what mettall was in him, and might in shew have removed mistakes, if any were, and left fair with a youth whom he meant to surprize; from which circumstances a chartor might very well take date. "In natali Domini proximo post concordiam Regis et Sumerledi," that is at Christmass 1153. With all, I am told by the best antiquaries of the kingdom, that Malcolm Kenmore never gave any writ; and that however privat families may have writ from other superiors, as old as Malcolm the Maiden's tyme, yet that this is the only one they have seen to a family from that king's own hand. And were the case myne, I had rather rest satisfied with the certainty of a king's chartor, fyve hundred and fourty four years agoe, upon an estate, which never (to the knowledge of man) belonged to any other, than clame to an uncertainty which few pretended to but L.

But to leave none of their tale untold, they say that Walter was litle under sevinty years of age when he gott the chartor of confirmation from K. Alexander, and that John, his father, was fyfty befor Walter was born to him, and that John was not born to Berowald 16 or 20 years after he took a chartor on his lands from the King, which, I confess, reaches very well up to Malcolm Kenmore's tyme, and

makes the pretences possible, in case that Malcolm had given any writ at all; but if he gave none, the pretences must fall with them, and all others who clame to the like. And for ought I see, they will not be the first that gives it over; therefore, I leave them in the opinion of it.

All the presumption they have for this Walter's age, is another tradition, to witt, that K. Alexander, when he gave that chartor, being at Innes, knighted Walter's eldest son, Sir Alexander, and not the father, because he was superannuat. Nor is there any thing that I see to prove this, but a small hillock befor the barrass-gate of Innes, upon which Sir Alexander received his honours, which, to this day, is called the Knight's hillock.

To Alexander succeeded William, Laird or Lord of Innes, as appears by the Indenture of Marches, past betwixt Simon Joannes Suryass, Prior of Pluscarden, and Willielmus Dominus de Innes, by the arbitration of Archibald Bishop of Murray, and William Prior of Urchard. The witnesses, Dominus Joannes de Morravia, et Dominus Willielmus de Dallas. It is marked 3, and has no date; but it is evident from Spotswood's History, pag. 107, ed. 3, that Archibald began to be Bishop of Morray in the year 1256, which was the sevinth year of K. Alexander the 3<sup>d</sup>. He also satt above fourtie years, but how long after his coming to the chair, the indenture past cannot be known, only, we may be sure, it was after the lands of Easter-Urchard were taken from the family of Innes, and given to the kirk, be-

cause William, a prior of that place, (and it's like the first of them,) is a tryster there.

That these lands were taken from them at that tyme, is evident by their being exprest in all their writs befor this tyme, but never in any writ thereafter.

That K. Alexander the 3<sup>d</sup> erected them in a priory, depending upon the abbacy of Aberbrothock, betwixt the year 1260 and 1270, may be seen by Midletoun's Addition to Spotswood, pag. 20. Perhapes the house of Innes might have got some part of that estate they possest in Caithnes in lieu of what was taken from them and given to the kirk, for that all Caithnes did ly under a forfaultrie, at that tyme, for the people's cruelty to their bishop, is evident from church history. And that the family of Innes had the thrid rigg of Caithnes, which they kept while the year 1540, is very well known, and by severall instances will hereafter appear, so that it may be a part of the one lands given in requiteall of the other.

From the tyme of the indenture spoken of, which we may suppose to have been about the year 1270, to the year 1367, I find no mention of the succession of this family in any writ, for which a reason shall be given afterwards. But though there be no writ extant to prove it, yet their tradition may be true enough of the three generations supposed to be betwixt the William, now spoken of, and the Robert of Innes, whom I find mentioned in a chartor given by an Earle of Ross, in the 1367, the tyme being litle less than

an hundred years, in which, certainly, these three generations must have interveened, or else an interruption of the lyne, which hitherto has never been supposed. Nay, the contrair of it is made plain enough by the transumpt of the indenture above narrated, where James of Innes, of that ilk, in the year 1480, out of respect to his prediccursors or progenitors, ratifies the deed done by Laird William.

Although I say, that, from the year 1270 to the year 1367, I find no mention of them in any writ ; yet there are old writs amongst theirs, which either belonged to the Thains of Aberchirder, whose daughter they married and got that estate by her, about the year 1397 ; or, if any of them related directly to the house of Innes, they are so obliterated as to be utterly unintellegible. There is a chartor of confirmation from King Robert Bruce, in the 22<sup>d</sup> year of his reign, upon the lands of Carnoussie, given in liferent by Sybilla, daughter to Simon Thain of Aberchirder, to Alexander Meldrum, sealed and marked 4. Witnesses, Thomas of Randof, James of Douglas, and others of K. Robert's worthies. Another chartor from K. David, to whom, or whereanent, what tyme of his reign, or befor what witnesses, not legible, but marked 5. Also, another from K. Robert (as I take it) the 2<sup>d</sup>, the seall fair and intire, but the writing utterly obliterated, and is marked 6. So that I find none of their names legible in writ from William, who was the 5<sup>th</sup> of the family, to Robert, who was the 9<sup>th</sup> of it, and is a witness, as said is, in the chartor given by

Walter Earle of Ross, (or rather by Walter of Lesly befor he was Earle of Ross,) for it sayes,

“ Omnibus hoc scriptum visuris vel audituris Walterus de Leslie Dominus de Ross salutem in Domino Sempeterno,” &c. Which gives ground to beleive, that his father-in-law, the old Earle of Ross, has been yet alive. The chartor is given to Euphamia de Sancto Claro, confirming rights she had acquired to the lands of Brea and Broon, in Inverness shyre, and Cyry and others in Aberdeen shyre. It sayes, “ Testibus Hugone de Fraser, Johanne de la Hay et Roberto de Innes cum multis alijs anno Domini M.CCC tesimo sexagesimo septimo.” Sealled with the quartered armes of Leslie and Ross, and is marked 7. As to the witnesses, certainly the first is the Lord Lovat’s predicessor, the last the Laird of Innes predicessor; but who de la Hay is, I take not upon me to guess; the writer haveing omitted to give plainer designations to the witnesses, as well as he has omitted both moneth and day to the date. However, the writ has been granted 330 years agoe, which falls within the reign of K. David Bruce. And this Robert, according to what is said, falls to be the 9<sup>th</sup> of the family from Berowald, who first took writ upon his estate.

About the tyme that Robert is witness in this chartor, (or very short while after,) his son, Sir Walter of Innes, who was the tenth of his family, was married to the Earle of Ross his daughter; but how to prove it, I know not, unless we take a constant and uncontroverted report upon it, or

else allow it, because Alexander Earle of Ross, grand-child to Earle Walter, in another chartor, granted to Sir Walter of Innes, grand-child to this Sir Walter, designs him, “*Dilectus noster consanguineus.*” I know not whose interest it is to quarrell it; therefore, with the greater freedom, I say, since that allyance was, it behooved to be befor the 1370 year of God, because Sir Walter is said to have three sones, who were all three Lairds of Innes. The eldest, Walter of Innes, of that ilk, who was the ellevinth of the family, dyed unmarried; the second, John of Innes, was a church man, and designed at first Parson of Duffus, but afterwards, in anno 1406, Bishop of Morray, which leaves him to be a young bishop, if his parents were not married befor the year 1370. However, what he was proves by Spotswood’s History, (See Lib. 2. pag. 107,) and by the inscription on his tomb, which has been one of the statlyest monuments of that sort that was to be seen. But being now ruinous, all that is extant of the inscription are the words following: “*✠ Hic Jacet Reverendus in Xsto Pater et Dominus, Dominus Johannes de Innes hujus Ecclesiæ Episcopus —. Qui hoc notabile opus incepit et per septenium potenter edificavit —,*” &c. The rest is lost. It is litle to be doubted but he was Laird of Innes, and as litle to be believed that he was born to it, (else he had never been Parson of Duffus,) but being put in the number of them, he falls to be the 12<sup>th</sup> from Berowald. He was the greatest builder of the greatest and fairest fabrick in the kingdom,—



that is the Cathedrall at Elgine. The work it selfe, the common tradition, and the inscription, (in my sense,) prove sufficiently what is said. The man dyed young, whither he took any thing from the estate or not, and gave it to the church, it needs not be said, because it cannot be proven, though there be reports to that purpose.

In the bishop's lifytyme, and befor he came to the chair, his youngest brother, Sir Robert of Innes, was put in possession of the estate, at least of the greatest part of it, and is the 13<sup>th</sup> of his family. This S<sup>r</sup> Robert is he who got the name of Good Sir Robert, and married Dame Jannet of Aberchirder, daughter to Sir David, the Thain of these lands, had a considerable estate by her, which his successors kept 240 years; and from the tyme of that marriage (which was befor the 1400 year of God)

to this day, have born Three Boars' Heads erased, (the Armes of Aberchirder,) quartered with their own Three Starrs, as appears by their sealls. Of this marriage came Sir Walter of Innes, Laird, or Lord



of that ilk, as he is termed in writ, and is the 14<sup>th</sup> of the family. See the chartor of confirmation from K. James the 2<sup>d</sup> in anno 1450, marked with figure 8;—narrating, verbatim, the chartor given anno 1426, by John Lord Lindsey of Byres, son of Sir William the Lindsey, Knight, to Jannet of Aberchirder and Walter of Innes, her son, upon all annualrents or superiority that was formerly due to him or

his, furth of the Lordship of Aberchirder, excepting the superiority and following of Cramy, &c. This chartor is conceived in broad Scots, dated at Edinburgh the 16<sup>th</sup> day of January 1426, which was three years after K. James the First was ransomed from the English.

The said chartor of confirmation given by K. James the 2<sup>d</sup> narrates also, verbatim, the chartor of confirmation from Alexander Earle of Ross to Sir Walter Innes, Lord of that ilk, upon the forsaid renunceation made by the Lord Lindsay of Byers to Jannet of Aberchirder and Walter of Innes, her son, which chartor, from the Earle of Ross, is given in anno 1438, being the first year of K. James the Second. The originall, sealed and marked with figure 9, is extant, and here insert :

“ Alexander de Yle, Dominus Insularum, Comes Rossiaë, et Justiciarius de parte boreali aquæ de Forth, universis et singulis hanc chartam visuris vel audituris, salutem : Sciatis nos approbasse, ratificasse, et hac presenti charta nostra confirmasse, donationem illam et concessionem, quam Dominus Johannes de Lindsay Dominus de Byers fecit et concessit dilecto nostro consanguineo, Domino Waltero de Innes militi domino ejusdem, de terris baroniaë de Aberchirder cum pertinent. infra Vicecomitatum de Bamff. Tenend. et habend. dicto Domino Waltero et heredibus suis cum omnibus et singulis libertatibus commoditatibus asiammentis et justis pertinentijs quibuscunque ad dictas terras spectantibus seu quoquomodo juste spectare valentibus in

futurum adeo libere et quiete, plenarie, integre et honorifice, in omnibus et per omnia, sicut carta et evidentia dicti Domini Johannis de Lindsay eidem Domino Waltero inde confectæ in se justè continent et proportant. Et adeo libere in omnibus et per omnia sicut carta bonæ memoriæ quondam Domini Walteri de Lesly, avi nostri facta quondam Domino Willielmo de Lindsay de Byers, consanguineo suo super dictas terras plenius continetur et proportat. Et ut hæc nostra confirmatio prædictæ cartæ avi nostri robur, virtutem et libertatem teneat, habeat et possedeat. In cujus rej testimonium sigillum nostrum presentibus apponi fecimus. Apud Castrum nostrum de Dingwall, Vicesimo secundo die mensis Februarij, anno Domini millesimo quadringentesimo tricesimo octavo. Testibus venerabilibus viris, Willielmo de Lesly, Vicecomite de Inverness, Georgio de Munro, Domino de Foullys, Willielmo de Urchard, Willielmo de Calder, Hugone de Ross, et Murchedo Revach Armigeris.”

This chartor is insert to the full, because it expresses this Earle of Ross his relation to Walter of Lesly, his grandfather, whose sister, or daughter, was grand-mother to Sir Walter of Innes, and therefore the Earle calls him, “ dilectus noster consanguineus.”

Sir Walter was married to Eupham of Fraser, daughter to Hugh of Fraser, who was first Lord Lovat, which woman had been formerly wife to the Captain of Clanchattane, or Laird of M<sup>c</sup>Intosh. There is nothing to prove this, but the

affection of both these families, who keep their freindship yet upon that pretence, as being both the children of the same mother.

The children of Sir Walter were Sir Robert, (called Ill Sir Robert,) Berowaldus Rufus, or the Red Tod, John, Bishop of Caithnes, and another John, called John of Ardmelly, who was begot upon another woman. He had two daughters, Isobell, who, in anno 1447, was betrothed to James Earle of Morray, who died befor his marriage, yet left the woman with child of Alexander, predicessor to the Shiriffs of Morray. The second daughter was Margaret, married to Sir Patrick Moreland of Netherdaile.

To prove, from writ, simply what concerns the succession of the family, is all that I undertake. As for the descendents, either by sons or daughters, nothing can be had for it but the common tradition, or (which is all one with it) a single sheet of a fragment, writ above a hundred years agoe, which bears the account (and that very imperfectly) of five or six generations down from Sir Walter, who married the Earle of Ross his daughter. This is all the authority there is for that Berowald and John of Ardmelly, and for Margaret the other sister ; but as to John, Bishop of Caithnes, see Spotswood ; and as to Isobell, who was betrothed to the Earle of Morray, there is the concurring credit of that relation, which is made by the Lord Ochiltry of the Earles of Morray, by Mr George Dunbar of their own family, and Hector Boyes his History, with other evidences, which not

being of absolute use to the house of Innes, are not to be found among their writs.

It is the same case with the cadetts of this and all other families who get patrimony and make new settlements for themselves, for which they leave no evidence behind them in their elder brother's chartor chest. For thus it lyes intirely upon themselves to prove their relation to the cheiff house by writ, it being utterly impossible for a cheiff to prove it any other way than by tradition, or perhapes by some fortuitus peece of writ, (which rarely falls out.) And for this reason, I say, it cannot be supposed but, in odds of 300 years tyme, there must be descendents of this family prior to Red Berowald of Hattoun, or John of Ardmelly, though it cannot be made out by the chartor chest. For certainly there are many of the name over the kingdom, but especially in Caithnes and Buchan, who, for ought I can learn, can deryve themselves from none of the families come off since that tyme, yet bear the name and armes, and therefore must be of some one's loyns who came off befor. But to those, as well as to all others who are curious to have their pedegree known, I say, it is proper they be at pains to find out about what tyme their prediccursors came off the family, that their relation to it may appear. And particularly, it is recommended to M<sup>r</sup> Robert Innes, the Lyon Clerk, to search for the origine of the family of Benwall, (whereof he himselfe is descended,) which, by reason of the nameo f Berowald, familiar to it, may be thought to be

come of this S<sup>r</sup> Berowald last spoke of. The lineall succession of the cheiff family alone being the thing that is now undertaken to be proven, and, God willing, shall be done by writs and evidents uncontravertible.

In prosecution whereof, I return to Sir Robert, the fyfteenth of the family, who was eldest son and heir to Sir Walter, as appears by the chartor granted by Alexander, first Earle of Huntly, at Strathbogy, the 1<sup>st</sup> day of September 1441, to the said Sir Robert, befor the one was a Knight or the other an Earle. It is scalled and marked figure 10, and begins as follows: “ Omnibus hanc Cartam visuris vel auditoris, Alexander de Seaton Miles Dominus de Gordon ——— in Domino Salutem : Sciatis me dedisse concessisse et hac presenti carta mea confirmasse Roberto de Innes, filio et heredi apparenti Domini Walteri de Innes Domini ejusdem pro homagio suo et servitio mihi impenso et pro toto tempore vitæ suæ impendendo, totas et integras terras meas de Ordynnies, Ratmakenyie, et Battoynspink, jacentes infra Forrestriam de Boyne et Vicecomitatum de Bamff, tenend. et habend. totas prædictas terras cum pertinentijs prædicto Roberto et heredibus suis de me et heredibus meis dictæ Forrestriæ de Boyne et Enyie in feodo et hereditate in perpetuum,” &c. with all other clauses proper and needfull.

See also a precept of clare constat, relative to a retour granted by John Lord Lindsay of Byers, for infetting of Robert of Innes, son and heir to the deceast Sir Walter of

Innes, of that ilk, Knight, in all and hail the Lordship of Aberchirder, with the pertinents, dated at the Byers the 14<sup>th</sup> July 1456, and marked figure 11.

This Robert of Innes, whom we shall shortly find Sir Robert, was one of the great heroes of the family for valour; who likes to know it, may find it in the forementioned fragment, which treats of the chivalry of him and his two brothers at severall occasions, but especially at the battle of Brechine. Why S<sup>r</sup> Robert would not marrie Margaret of Sinclair, heiress of Findlater, but married ——— daughter to the Laird of Drumlanrick, see the forsaid fragment; by which woman he had three sons and two daughters, to witt, James, his eldest son, who succeeded him, (as shall be immediatly proven,) Walter of Innermarky, called Wyllie Watt, and Robert of Dreynie, (as the fragment sayes.) See also the close of the indentur of marches, marked 3, where Walter and Robert are called brothers-german to James. His eldest daughter was married to Sir James Ogilvy, younger of Desfoord, and the other to the Laird of Towy Barclay, of which these families own themselves to be come. The fragment tells also of fyve bastard daughters of Ill Sir Robert's married to other fyve Lairds, which is needless to be named here. But,

That James, called by the fragment James with the Beard, is successor to S<sup>r</sup> Robert, appears from the writs following: First, by the precept of sasine, marked 12, which is given by John Lord Lindsay of the Byers, Overs Lord of

the Lands of Aberchirder, to Berowald of Innes, John of Innes, Andrew of Innes, and James the Barde, his baillies, for infesting of James of Innes, of that ilk, in all the saids lands of Aberchirder, with the pertinents formerly belonging to vmqhall Sir Robert of Innes, of that ilk, Knight, and father to the said James of Innes, and wherein the said Sir Robert dyed last infest, &c. dated the first day of February 1464, and sealed. See next a precept of clare constat, marked with figure 13, given by Alexander Earle of Huntly, Lord Baddnoch, relative to a retour for infesting of James of Innes, son and heir to S<sup>r</sup> Robert of Innes, of that ilk, Knight, in all and sundry the lands of Rathmakenyie, Mureack, Donymaid, Newmills, Brackanhills, Baddenspink, Ordynnys, and Prochburn, and others, lyeing within the forrestry of Boyne, and shirifdom of Bamff, sealed and dated the 24<sup>th</sup> October 1464. Amongst the witnesses are George of Gordon his son, and appearand heir, Sir Walter Stewart of Strathallan, Sir Alexander Dunbar of Westfeild, and Sir James Ogilvy of Desfoord, Knights, Alexander Cūming of Earnside, &c.

This James, Laird of Innes, son to Sir Robert, is the sixteenth of his family, and married Jannet of Gordon, daughter to Alexander Earle of Huntly, proven by a chartor of confirmation, marked 14, granted by the said Earle Alexander upon the saids lands of Rathmakenyie, Ordynnys, Dunnimaid, Baddenspink, Parochburn, ——— Mureach, Newmills, and Blaremade, with the pertinents, to James of



Innes, of that ilk. “ Et prolibus masculis inter ipsum Jacobum et Jonetam Gordon, filiam nostram procreandis seu procreatis quibus forte deficientibus dicto Jacobo et heredibus suis quibuscunque, (terras tamen de Blaremade nobis et heredibus nostris libere revertendis,) in feodo et hereditate,” &c. In all the clauses throughout, Jannet of Gordon, our oaghter, and the heirs-male procreat betwixt the said James of Innes and her is reiterat, as may be seen in the chartor, which is sealed and dated at Gicht, the fyfth day of January 1469.

It is to be remarked, that the Earle adds the lands of Blaremade out of his own estate to that of Innes, which makes it appear to be the tocher given with his daughter, (money not being ryffe in these dayes.) And so much the rather, because failling of heirs of her body, it was to return again to the Earle’s own family. See further the precept of sasine, marked 15, from the said Alexander Earle of Huntly, for infesting of James of Innes, of that ilk, in these lands of Blaremade, a part, dated at Huntly, the 14<sup>th</sup> November 1467, which shews that it did not belong formerly to the estate of Innes.

This James, Laird of Innes, had six sons and two daughters, that is to say, he had Alexander, his eldest son, who succeeded him, Robert, who was first of Cromy and then of Rathmakenyie, his second son, and two daughters, Elizabeth and Jannet, by the Earle of Huntly’s daughter, and four sons more, viz. William, George, James, and Thomas,

by a second wife. That these were his six sons, is evident by a chartor of taillie, given by the said Laird James upon the lands of Muldavitt, and the pertinents, &c. to all his six sons, one faillieing of another. It is of date at Innes the 22<sup>d</sup> of ——— in the year 1491, and is marked 16. ; and by another chartor given also to them upon the lands of Ogstoun, also marked 16.

That Alexander and Robert, the two eldest of the six, and their two sisters, were only the children of the Earle of Huntly's daughter, is evident by another chartor of the same year's date, sealed and marked 17. Wherein

George Earle of Huntly, Lord Gordon and Baddnoch, confirmes, in most ample maner, Rathmakenyie, Baddenspink, &c. and all the lands holden by the Laird of Innes within the forrestry of Boyne, of the house of Huntly. " Dilecto nostro Alexandro Innes, filio Jacobi Innes de eodem procreato inter præfatum Jacobum et Jonetam Gordon, sororem nostram et heredibus suis de suo corpore legitime procreatis et procreandis ; Quibus deficientibus Roberto Innes fratri germano dicti Alexandri Innes, et heredibus suis de suo corpore legitime procreandis ; Quibus forte deficientibus Elizabethæ et Jonetæ Innes, sororibus dictorum Alexandri et Roberti, et earum heredibus de suis corporibus legitime procreandis ; Quibus omnibus fortasse deficientibus, præfato Jacobo Innes de eodem, et suis heredibus legitimis et propinquieribus quibuscunque," &c. dated the 8<sup>th</sup> day of September 1491. Witnesses, Alexander

Lord Gordon, Alexander Irvine of Drum, Alexander Seaton of Meldrum, Kainach Mackenzie of Kintail, John Lesly of Wardess, &c. John Innes of Dunkinty, Berowald Innes of Blackhills, &c.

James Laird of Innes was possest of a great estate in Buchan, as is evident by the many chartors granted to him upon lands by James Earle of Buchan; a part of which lands have been given off to some of those four younger sons befor mentioned; the clearing whereof is left to such as are of their succession.

To James succeeded his eldest son, Alexander, (the 17<sup>th</sup> Laird of Innes,) as appears by the precept given by George Earle of Huntly, for infesting Alexander, the son of James, and of his sister, Jannet of Gordon, in the whole lands of the forrestry of Boyn, marked 18, dated the eight day of September 1491. See also a sasine by precept from Laird James upon the lands of Aberchirder to his son Alexander, begot upon Jannet Gordon, sealed and dated in February 1471, which appears to have been done when that Alexander was a child, because of another sasine upon a precept of the same, sent from the said James to the said Alexander upon the samen lands, dated the last of May 1491, the one marked 19 and the other 20. See also the chartor given by the said Alexander Innes, of that ilk, to his brother-german, Robert, upon the lands of Garmuck and others, in warrandice of Cromy, &c. which, with Rathmakenyie and other lands within the forrestry of Boyne, was

to have been Robert's patrimony. This chartor is marked 21, and is of date the penult of March 1499.

See also a precept, under the great seall, for infesting this Laird Alexander in a vast estate holden of the crown, which was attour what he held of the Earle of Huntly, the Earle of Buchan, the kirk, and the estate in Caithnes. It is of date at Linlithgow the 25<sup>th</sup> March 1539, and is marked 22.

This Alexander was married upon the daughter of S<sup>r</sup> James Dunbar of Cumnock. The contract past thereupon being extant in the Shirriff of Morray's chartor chest, I hear of none of male children but two; the eldest was Alexander, who succeeded him, and the youngest was William Innes of Frosterseat, who also came to be Laird in his old dayes. It is probable he had a daughter called Margaret, who was married to her cousine-german, James Innes of Cromy, as appears by the disposition given to that effect in anno 1543, and marked 23, A.

That Alexander was eldest son to Laird Alexander, and did succeed him, is evident. First, from a contract past at Elgine in September, and registrat at Edinburgh in November 1533, betwixt Alexander Innes, of that ilk, and Alexander Innes his eldest son and appearand heir, on the one part, and Robert Innes of Rathmakenzie, and James Innes, his eldest son and appearand heir, on the other part, agreeing a great many differences which interest had made among brethren. It is also marked 23, B.

Next, by a chartor marked 24, and dated at Edinburgh

23<sup>d</sup> July 1542, where this second Alexander calls himselfe Alexander Innes de eodem filius et hæres quondam Alexandri Innes de eodem. This chartor is in implement of a new contract, confirming the lands of Garmock and others in warrandice of Cromy and others, sold by him to his well beloved cousine, James Innes of Rathmakenzie, and which lands of Garmock were, in anno 1499, given by old Laird Alexander to his brother Robert, in pledge of these lands of Cromy, as by the chartor marked 21, &c.

See also another chartor, marked 25, A, given 16<sup>th</sup> January 1543, by the said Alexander Innes de eodem filius et hæres quondam dicti Alexandri Innes de eodem to his cousine, James Innes of Rathmakenzie, upon the lands of Newmills and Brachanhills, which chartor was in implement of a thrid agreement, made by a decreet-arbitrall of severall persons of quality at Edinburgh in anno 1537, betwixt the said Alexander, when he was young Laird, and James Innes, son and appearand heir to Robert of Rathmakenzie.

By these writs it appears, first, that the second Alexander succeeded the first, and was the 18<sup>th</sup> of his family.

Next, it appears by their many agreements, that both these Alexanders have been very uneasie to their brother Robert of Rathmakenzie and his family, which may be one reason why God, in his justice, a litle after this extinguishes the race of Alexander, and leaves the inheritance to the

children of his opprest brother Robert. See further the looseing of arrestment and gift of escheat, marked 25, B.

This second Alexander was married to Elizabeth Forbes, daughter to William Lord Forbes, (as appears by the precept of sasine aftermentioned, and marked 26, A,) who, after his death, was married to the Lord Sinclair, as is evident by a discharge granted by her upon a liferent payed out of Garmock, Corsky, and Mathymill, marked 26, B.

But of this marriage, betwixt the Laird of Innes and Elizabeth Forbes, I find no children out liveing Innes himselve but one daughter, called Margaret, who was married to William Sinclair, brother to the Earle of Caithnes. The Earle had sent over his brother to vow the lady for him, but she preferred William to the Earle, bringing with her, for a tocher, the lands of Dunbaith and paroch of Ray, which the house of Innes had kept while then. By this woman, the Sinclair got also the lands of Monbeens, Lenchares, Inch, and others about Elgine. See the instrument of sasine, marked 26, C, given to William Sinclair of Stamesteer, eldest son and heir to William Sinclair of Dunbaith and Margaret Innes, upon these lands about Elgine, anno 1575.

Though Alexander, Laird of Innes, had no male children by his wife that out lived himselve, yet he had severall bastard sons, as appears by the precept of sasine, given by Fryer John Spence, Prior of the Preaching Fryers at Elgine, for infesting of James Innes, second naturall son to Alexander Innes, of that ilk, in the lands of Monbeens and others ;

and failling of heirs-male of the said James, to return to his father, Alexander, his nearest heirs whatsoever. This is subscribed by ten of the fraternity in anno 1546, and is marked 26, D, whereby it appears that he had more bastards than one, this being the second.

This James had also the lands of Elrick, disponed to him by his father, and was called all his life James of Elrick, as may be seen by the chartor given by him to his sister, Margaret Innes, upon the saids lands of Monbeens, and is marked 26, E. Item, another of the same, with the sasine following thereupon, marked 26, F, and subscribed by him and the whole fraternity of preaching fryers. In the chartor marked F, William Innes of Frosterseat, who was youngest son to the first Laird Alexander, and afterwards succeeded to the estate, is a witness.

I am not of opinion that ever this Elrick had any succession, else he had never disponed off his estate in parcells to his relations; nor do I think that these who bore that designation last, or if any be that bear it yett, have any relation to him; because by the indentur of marches, marked 26, G, past betwixt William Innes of Elrick and Walter Innes of Achintoull, containing the sale of the Forked-haugh in anno 1621, that Elrick is exprest to be the son of James Innes of Culvie; and if Culvie be a family of any standing, it's probable they may be from some of Laird James his four sons, by the second marriage, already spoke of.

Upon the death of the second Laird Alexander, who probably was never infest, (at least in the lands of the Forrestry of Boyne,) William of Forresterseat, youngest son to the first Laird Alexander, succeeded to the estate, and was the 19<sup>th</sup> Laird of Innes, as is evident by the precept of clare constat, given by George Earle of Huntly upon the 9<sup>th</sup> day of November 1553, for infesting William Innes of Frosterseat as nearest lawfull heir to vmq<sup>u</sup> Alexander Innes, of that ilk, his father, who dyed last infest in the milns and lands of the Forrestry of Boyne, &c. This precept is given *salvo jure et interesse cujuslibet*, and with a particular reservation of the terce of Dame Elizabeth Forbes, Lady Dowager of Innes, for all the dayes of her life. It is sealed, subscribed, and marked 26, A, as said is.

With whom William of Frosterseat was married I cannot learn, but he had two sons, Alexander and John, who also succeeded to one another in the estate, and one daughter, who was afterwards married to Robert Innes, younger of Innermarky, by whom he had no succession, as shall appear.

Alexander Innes, of that ilk, son to William of Frosterseat, was the 20<sup>th</sup> of his family, and married Jean Gordon, eldest daughter to John Earle of Sutherland, Lord-Lieutenant of the North, by his second wife, Elenor Stewart, daughter to Matthew Earle of Lenox. See for this, Ochiltree's record anent the family of Sutherland, and the renunciation made by the said Jean, with consent of her brother,



Earle Alexander, of the lands of Aberchirder, upon the 13<sup>th</sup> July 1576, marked 27.

This man (though very gallant) had something of particularity in his temper, was proud and positive in his deportment, and had his law-sutes with severall of his friends; amongst the rest, with ——— Innes of Pethnok, which had brought them both to Edinburgh in the year 1576, as I take it, where the Laird having mett his kinsman at the Cross, fell in words with him for dareing to give him a citation, and in choler, either stab'd the gentleman with a dagger, or pistoll'd him, (for it is variously reported.) When he had done, his stomach would not let him fly, but he walk'd up and down upon the spot as if he had done nothing that could be quarrell'd,—his friend's lyffe being but a thing that he could dispose of without being bound to count for it to any other,—and there stayed untill the Earle of Morton, who was Regent, sent a guard and carried him away to the Castle. But when he found truely the danger of his circumstances, and that his proud rash action behoov-ed to cost him his life, he was then free to redeem that at any rate, and made an agreement for a remission with the Regent, at the pryce of the Barony of Kilmalemnock, which this day extends to twenty-four thousand merks rent yearly.

The evening after the agreement was made, and writ given, being merry with his friends at a collation, and talking anent the dearness of the ransom the Regent had made

him pay for his life, he vaunted, that, had he his foot once loose, he would fain see what Earle of Morton durst come and possess his lands; which being told to the Regent that night, he resolved to play sure game with him; and, therefore, though what he spoke was in drink, the very next day he put the sentence of death in execution against him, by causeing his head to be struck off in the Castle, and then possest the estate.

To this Laird Alexander, who had no children lawfully begot, succeeded his brother, John Innes, of that ilk, who was the 21<sup>st</sup> of the family, and married Elizabeth Abernethie, daughter to Alexander Lord Saltoun. For prooffe whereof, see the contract past betwixt Laird Robert and the Lord Saltoun, in anno 1580; for his daughter's liferent, marked 28. See next the contract past betwixt Robert Innes, of that ilk, and the same Laird John, therein designed John Innes, sometye of that ilk, dated in December 1585, and marked 29.

The first whom we find in writ of this family have been certainly brave and worthy people, and probably their virtue has continued right long with their posterity; for the two S<sup>r</sup> Walters and two S<sup>r</sup> Roberts, that lived betwixt the 1370 and 1470 years, have been undoubtedly men of worth, else the Knighthood, which in these dayes was only given as a mark of valour, had not been so heretably theirs. We also find, that whatever increasce came to their estate, was either the inbringing of their honourable allyances, or else

the reward of their valour, for good and effectuell Knight services.

But after Laird James his tyme, the temper of the family began to alter. He himselfe had increased the estate much by his purchasses from the Earles of Buchan and Bishops of Morray, as is evident by many peeces of writ in one bundle, marked X. His son, Alexander, followed the same course, so that the estate, in these tymes, became vast, and was still increasceing by the worldly tempers of the second Alexander, of Laird William, and his son, Alexander, lately spoke of. Which oppulency of fortune, with their allyances, had elevat them to such a high opinion of themselves, that they became uneasie and ungratious to severall of their relations, while in end their sin was seen in their judgement. The Lord having first suffered the pryde and passion of Laird Alexander to burst out, to the great breach of his family and loss of his lyfe, and then having written himselfe and his brother childless, so that there was none of theirs to possess what they, their fathers, and good-sirs had exercised themselves so much about, and been so proud of. And as for Laird John, he had neither children nor discretion to manadge a fortune, (wherein God also visibly judged the too high opinion they had of themselves,) and therefore was perswaded, a litle after he came to the estate, to part with it in favours of the nearest heir-male, who was Alexander Innes of Cromy, son to James, and grand-child to Robert of Rathmakenzie, which Robert was

the second son of the family, and grand-uncle to the two last Lairds. And to the effect that this relation may be undenyably evident,

See, 1<sup>st</sup>, the chartor marked 17, given by George Earle of Huntly, upon the lands of Rathmakenzie and others, to Alexander Innes, younger, of that ilk, and failing of him, to his brother, Robert's sister's children to the Earle, in the year 1491. See the chartor marked 21, given by Laird Alexander to his brother-german, Robert, in anno 1499, upon the Garmuck, &c. in warrandice of Cromy, &c. See the resignation and instrument thereupon, both marked 30, made by the said Laird Alexander of the lands of Rathmakenzie, Mureach, Brakanhills, and others, in the hands of George Earle of Huntly, superior, dated in March 1499. See the precept of sasine, given by the said Earle in Apryll thereafter, for infesting of the honourable man, Robert Innes, in Rathmakenzie, and the rest of those lands, subscribed by the Earle, and sealed with the sealls of Huntly and Innes, marked 31. See the instrument of sasine, past upon the forsaid resignation and precept, the 20<sup>th</sup> day of the same Apryll, whereby the Honorabilis vir Robertus Innes, frater-germanus nobilis viri Alexandri Innes de eodem, was invested in the forsaid lands of Rathmakenzie and the rest of them, marked 32.

That Robert Innes, brother-german to Alexander Laird of Innes, was first designed Cromy, (that being proposed to be a part of Robert's patrimony,) is evident from the dispo-

sition of annual-rent upon Kilmalemnock in anno 1499, and by the indentur of marches three years thereafter, both marked 33, A, where he is called Robert Innes of Cromy, brother-german to Alexander Innes, of that ilk.

But being frustrate of the possession of Cromy by his elder brother, who only gave him the Garmuck in warrandice of it, he design'd himselfe by the lands of Rathmakenzie, whereof he was possest, which is plain by two precepts given at Aberdeen in May 1501, where Robert Innes of Rathmakenzie appoints his brother, James Innes, to be in-fest for warrandice in the midle room of Rathmakenzie and in Blaremade, both marked 33, B.

That this James was Robert's fyfth brother, is evident from Laird James, their father, his taillies of the baronies of Maldavid and Ogstoun, marked 16.

See the chartor of confirmation and sasine following thereupon, given by Alexander Earle of Huntly in anno 1521: Honorabili viro et nostro consanguineo Roberto Innes, upon the lands of Rathmakenzie, Mureack, Duni-  
maid, &c. Witnesses, John Lord Forbes, John Grant of Frewchie, William Sutherland of Duffus, Robert Innes of Innermarkie, &c. marked 34, A.

Robert Innes of Rathmakenzie was married upon ——— Meldrum, daughter to the Laird of Fyvie, as appears by the tack of the Woodend of Fyvie, sealed and subscribed in anno 1508, by George Meldrum of Fyvie to Robert Innes of Rathmakenzie, his brother-in-law, marked also 34, B.

Robert had two sons by his wife, (or three,) and one by another woman. His eldest son was James, who succeeded him, the other two were Alexanders, one whereof was full brother to James, as is evident by an infestment given, upon the 17<sup>th</sup> May 1541, by the said James of Rathmakenzie to Alexander Innes, his brother-german, upon 200 merks of annual-rent, 10 merks land, or 20 bolls victuall, &c. George Earle of Caithnes, and severall others, witnesses, marked 35.

This Alexander was the grand-father of Alexander Innes of Cotts, who was called Craig-y-perrill, all the dayes of his life, for the slaughter of Innermarky, and is predicesor to Leuchars, Dynkinty, and others of that people, as will appear by the taillie of the estate, made by Robert Innes, of that ilk, in anno 1597, marked 36, where, immediatly after his father's own family, Cotts is substitut, as being nearest. The other Alexander is design'd Captain of Orkney, and is not the son of Robert's marriage, as appears by the disposition of the kirk lands of Catboll, made to the said Alexander by Robert M<sup>c</sup>Culloch of Plaids, with consent of a certain fraternity, in anno 1551, and is marked 37.

There was another brother of James called John, as appears by a certain receipt upon victuall, marked X. But whither he was a full brother, or who may be come of him, is not known.

James Innes of Rathmakenzie was married first upon Catharin Gordon, daughter to the Laird of Gicht, witness the resignation made by his father, Robert, in the hands of

the superior, George Earle of Huntley, for new infeftment to be given his son, James, and his spouse, Catharin Gordon, and their heirs, &c. in liferent and fee respective of the two part of Rathmakenzie, &c. in anno 1537, marked 38. See also the chartor given thereupon by the Earle, dated 3<sup>d</sup> August the same year, and marked 39. See the contract already spoke of, which past, in anno 1533, betwixt Alexander Innes, of that ilk, and Alexander, his apparent heir, on the one part, and his brother, Robert Innes of Rathmakenzie, and James Innes, his apparent heir, on the other part, it is marked 23. See also the chartor marked 24, given by the said Laird Alexander, in July 1542, to his beloved cousine, James Innes of Rathmakenzie, upon the lands of Garmock, &c. in warrandice of Cromy, which then he had sold for money to the said James, although really it was designed 43 years befor that to be a part of his father Robert's patrimony. See also the other chartor, marked 25, given in anno 1543, by the said Laird Alexander to his cousine James, upon the lands of Newmills and Bracanhills, which was another part of his father's patrimony.

It appears, that, in the year 1543, James Innes has got the possession of these lands of Cromy, for which he payed money the July befor. And since their holding was of the King, and that Cromy had been his father Robert's first designation, as said is, he immediatly changed his title from Rathmakenzie to Cromy, as is evident by a chartor and precept of sasine, both given under his seall and subscrip-

tion the 26<sup>th</sup> February 1543, to Andrew More upon the halfe of Newmills ; the writs are marked 40 and 41, so that in January he was designed Rathmakenzie, and in February Cromy, which he ever afterwards kept.

This James of Cromy was married, after the death of Catharine Gordon, to Margaret Innes, daughter to Laird Alexander, and his own cousine-german, as appears, first by the dispensation, marked 23, and next by a chartor, given by S<sup>r</sup> Walter Ogilvy of Dunlewgas, upon the lands of Barrelmaide to James Innes of Cromy and Margaret Innes, his spouse, in liferent, and to the heirs of the marriage in fee, which failling, to James his heirs whatsoever. The chartor is of date the 26<sup>th</sup> of June 1546, and is marked 42.

Upon the 10<sup>th</sup> day of September 1547, James Innes of Cromy dyed under the Queen's banner, in defence of his country, at Pinkie, for which she gives his son and heir, Alexander Innes of Cromy, the free gift of his ward and nonentries, as is evident by the sealed gift it selfe, expressing the cause, and is of date, at Aberdeen, the 6<sup>th</sup> day of November 1562, marked 43.

As also, upon the 20<sup>th</sup> day of March 1565, Francis Lord of Badenoch, Enzie and Forrestry of Boyne, did, by his chartor of confirmation under his own seall, and the subscription of the Queen's Majestie, give, grant, and confirme to the said Alexander Innes of Cromy, all and hail the lands of Rathmakenzie, Mureack, and the rest of them which belonged to himselfe formerly in property, as being



the son and heir of James Innes of Cromy, his father, marked 44.

By what is said, it is evident that this Alexander Innes of Cromy was the son of James, and James was the son of Robert, who was the second son of the family. And the succession of the elder brother, his body failing, the second brother's grandchild, to witt, Alexander Innes of Cromy, was the unquestionable heir-male of the family.

Upon which consideration, John Laird of Innes, who was the only man alive (lawfully begot) of the elder brother's race, did, upon the 15<sup>th</sup> March 1577, enter into a mutuall bond of taillie with his nearest relation of lineall descent, (as he calls him,) to witt, Alexander Innes of Cromy, disposing to him and his heirs-male his whole estate, failing of heirs-male of his own body; and takeing the like disposition from Cromy of all his estate, &c. Both of them mutuall binding up their hands from any alteration of their present resolutions by a clause of interdiction, as the said principall bond of taillie, subscribed by them both, and marked 45, doth testifie.

This Alexander of Cromy was twyce married, first with Elizabeth Dunbar, with whom he got back the lands of Lewchriss and the halfe cobles fishing upon the watter of Spey. But she not liveing long, he married Elizabeth, or rather Isobell Forbes, daughter to Arthur Forbes of Balfour, and brother to John Lord Forbes, who out-lived himselfe, and did contribute much to the revenging of his

death, as shall in its own place appear. With this woman Cromy had a considerable patrimony, as appears by the letters of arrestment raised upon the duties of severall lands, at her and her husband's instance, in anno 1573, marked 46. See also a chartor granted by John Laird of Innes upon the 17<sup>th</sup> Apryll 1578, wherein he disposes the lands of Ardmelly and Tillidown to Alexander Innes of Cromy and Isobell Forbes, his spouse, in liferent, and their heirs-male in fee, which failling, to the said Alexander his nearest heirs, marked 47. See further, an assignation made to the said Alexander by the said John Innes, of that ilk, &c. of the reversions of all lands under redemption to the family of Innes, dated 3<sup>d</sup> day of September 1578, marked 48, sealed and subscribed. See lastly, the chartor of alienation of the whole estate of Innes, from the said Laird John to the said Alexander, sealed and subscribed the 2<sup>d</sup> December 1578, marked 49, and the King's confirmation thereupon under the great seall, marked 50.

It is evident that this Alexander of Cromy, after he got possession of the estate, acted as Laird of Innes, and designed himselfe so, notwithstanding of John's being alive, which appears from a chartor granted by James Innes of Elrick, the naturall son of the second Laird Alexander, formerly spoken of, to Alexander of Cromy, whom he designes *Honorabilis vir Alexander Innes de eodem*. This chartor is given upon the lands of Neitherculine and Tillidown, sold then by him, and is seall'd and subscribed by the said

James of Elrick, being of date the 16<sup>th</sup> October 1577, which was but about 8 months after the taillie, it is marked 51.

Though this Laird John lived long after, yet he suffered the title to go with the estate, and designed himselfe no more but John Innes, sometyme of that ilk, as appears by the contract betwixt him and Robert Laird of Innes in anno 1585, marked 29.

Since this Alexander was in possession and acted as Laird, the estate also transmitting to his posterity as heirs to him, I reckon him the twenty-second that represented his family, though he enjoyed it not long, being shortly thereafter barbarously murdered by Robert Innes of Innermarky, of whose interest and pretensions wee are now concerned to speak, since they have made so great a noise in the countrey.

The first of that family (as is above said) was Walter Innes, called by the fragment Wyllie Watt, who was second son to that Laird of Innes who had got the name of Ill S<sup>r</sup> Robert.

It has been told, that the sons of that Sir Robert were three. The eldest, James with the Beard, (as he is called in the same fragment,) who married Jannet of Gordon, and had by her Alexand<sup>r</sup>, whose race kept the estate for three generations, and Robert, whose race succeeded to it, as said is.

The second of Ill Sir Robert's sones was Walter of Innermarky.

The thrid, Robert of Drynie, (of whom there is nothing to be said, but that his posterity continued in a family of good repute for about seven generations, and is now extinct.) To prove Walter and Robert to be the brothers of Laird James, see the witnesses in the close of the indentur of marches, marked 3, which, in anno 1482, sayes, Presentibus ibidem honorabilibus et circumspcctis viris Waltero de Innes et Roberto de Innes prædicte Jacobi de Innes de eodem fratribus germanis, &c.

How, or upon what considerations, Walter of Innes got the lands of Innermarky from the Earles of Atholl and Huntly I shall not say, but that it was not long (if at all) befor the year 1480, I have great reason to beleive. For, first, there was never a Walter of Innermarky befor the 1600 year of God but one, whom I find in the year 1496 giveing sasine to one Alexander Tulloch, upon a precept direct to him thereanent, by Walter Ogilvy of Boyne, which is marked 52, from which I inferr, since Walter was brother to the Laird Innes in the year 1482,—and Walter of Innermarky is found in writ in the year 1496,—and that there was never a Walter of Innermarky befor the year 1600 but one,—and that the first Innermarky was a brother of the family, as is acknowledged by all; therefore this in the precept must be he, and at this tyme is come of the family.

Walter of Innermarky had severall sons, of whom I find in writ only three, to witt, Robert, his eldest, who succeeded him, Walter Innes of Touchis, his second son, who was

afterwards Achintoull, and Peter Innes of the Keam, of whom this present Coxtoun is descended.

As to Robert and Walter, I find the first gives infeftment to the later in the lands of Touchis, by a warrand under the great seall in anno 1509, marked 53.

To make it appear that those three were brothers, see the signet summons raised against the Laird Innes by Balveny and Coxtoun, anent the estate of Achintoull in anno 1626, marked 54, where the whole pedigree, from the first Robert down to that day, is deduced.

This Robert Innes of Innermarky was married to Elspet Stewart, sister to some Earle of Atholl. For I have seen a part of those lands of Innermarky confirmed to Robert Innes of Innermarky and Elspet Stewart, his spouse, sister to the Earle, in liferent, &c. He had two sones, (as I take it,) who may be found in writ. The eldest is called, in a charter of confirmation (which I have seen) from George Earle of Huntly, upon the halfe of Innermarky, Roberto de Innes, juniori, armigero nostro, &c. The other son (as I understand) was Walter Innes, predicesor to the family of Achlunkart.

This young Robert of Innermarky had two sons that I find, viz. another Robert and another Walter; the Walter was Innerbraik's predicesor, and the Robert is he who was emulous of Cromy's becoming Laird of Innes, and did assassinat him at Aberdeen, as is now to be related.

The house of Innermarky, about this tyme, haveing at-

tained to the possession of a considerable estate, had for that reason thought themselves the next in respect to their cheiff; and finding the family of Innes like to be childless, Robert of Innermarky grudged exceedingly that Cromy, who was inferior to him in estate, should be advanced so farr befor him, as he behooved to be by such a succession.

Innermarky's relation (as appears by what is said) could not incourage him to pretend to it, by reason of the great number descended of Laird James his fyve sons, who were all betwixt him and it, so that he had nothing left for him to say, but that it ought to be given to the worthiest, which behooved to be himselfe, because he was richest.

In a meeting of friends, (as the tradition runs, for things of this sort must be taken upon report,) these reasons were much pressed by him, and after Innes entred in the bond of taillie with Cromy, Innermarky made so loud expressions of his displeasure, that Cromy, who was the gallantest man in his name, found himselfe oblidge to make the proferr of meeting with him single in armes; and laying the taillie upon the grass, see if he durst take it up. In one word, to pass from all other pretensions, and let the best fellow have it.

The friends, but particularly Achintoull, who was the first and most considerable cadett of Innermarky's family, dislik'd his procedure in the matter, approved of Laird John's taillieing his estate to the righteous heir, and were well satisfied that Cromy had blustered Innermarky in the termes

he did, which had put him to silence; yet yeilding, as he pretended, to the inclinations of the friends, and not to the threats of one whom he would still reckon his inferior, because his estate was something less than his.

However, the disappointment and discredit wrought so powerfully upon his spirit, that there was nothing so ill but he would adventure upon to have his heart's will of Cromy, which made him take the courses following :

It has been told, that Alexander began soon enough to act as Laird Innes, and haveing gott all from Laird John that he could receive, he left him at Kinnairdy, which was the principall dwelling of the family, and lived himselfe either at Innes or Cromy, (I cannot distinctly learn which.) This afforded opportunity to Innermarky, who dwelt not farr from Kinnairdy, to insinuat with Laird John, and hold out the iniquity Cromy had done him, as well as the dishonour or discredit he had put upon him, not only in cheating him out of his estate, but in takeing the title of Laird upon him, and leaving John, who was truely so, (and by whose favour he had all,) no better than a masterless dogg! Had he left him but the name, at least dureing his lifetyme, it might have kept him in some esteem, but now Cromy's insolence had made him more contemptible than the meanest beggar, &c. with every thing else that could exaggerat the imaginary misery of the man's condition. All which took so well with Laird John, that he would have given any thing to have that undone which was done.

Innermarky haveing once thus possest him, told him, that it was impossible he could recover what he was cheatted out of any other way but by killing of Cromy, who certainly would never part with what he had gotten but with his life. And if he pleased to concurr with him, he would be the doer of the thing himselfe, be the hazard what it lyk'd, he would undertake it rather than see his cheiff made a slave as he was.

John being brought over to his mind, there wanted nothing but a conveniency for putting their purpose in execution, which did offer it selfe in the month of Apryll 1580. At which tyme Alexander being called upon some bussiness to Aberdeen, was oblidge to stay longer there than he intended, by reason that his only son, Robert, a youth of sixteen years of age, had fallen sick at the colledge, and his father could not leave the place untill he saw what became of him. He had transported him out of the Old Town, and had brought him to his own lodgeings in the New Town. He had also sent severall of his servants home from tyme to tyme to let his lady know the reason of his stay.

By means of these servants, it came to be known perfectly at Kinnairdy in what circumstances Alexander was at Aberdeen, where he was lodged, and how he was attended, which invited Innermarky to take the occasion. Wherefore getting a considerable number of assistants with him, he and Laird John ryde to Aberdcen ; they enter the town



upon the night, and about midnight came to Alexander's lodging.

The outter gate of the close they found open, but all the rest of the doors shutt. They were affraid to break up doors by violence, lest the noice might alarme the neighbourhood, but choiced rather to raise such a cry in the close as might oblige those who were within to open the doors and see what it might be.

The feuds at that tyme betwixt the families of Gordon and Forbes were not extinguish'd, therefore they raised a cry, as if it had been upon some outfall among these people, crying, Help a Gordon, a Gordon! which is the gathering word of the friends of that family. Alexander being deeply interested in the Gordons, at the noice of the cry started from his bed, took his sword in his hand, and opening a back-door that led to the court below, stept down three or four steps, and cryed to know what was the matter! Innermarky, who by his word knew him, and by his white shirt decern'd him perfectly, cocks his gun and shoots him through the body. In an instant, as many as could get about him fell upon him, and butchered him barbarously.

Innermarky perceiving, in the mean tyme, that Laird John stood by, as either relenting or terrified, held the bloody dagger to his throat, that he had newly taken out of the murdered body, swearing dreadfully that he would serve him the same way if he did not as he did, and so compelled him to draw his dagger, and stab it up to the hilts in

the body of his nearest relation, and the bravest that bore his name. After his example, all who were there behooved to do the like, that all might be alike guilty. Yea, in prosecution of this, it has been told me, that M<sup>r</sup> John Innes, afterwards Coxtoun, being a youth then at schooll, was raised out of his bed, and compelled by Innermarky to stab a dagger into the dead body, that the more might be under the same condemnation. A very crafty crueltie ?

The next thing look'd after was the destruction of the sick youth, Robert, who had lyen that night in a bed by his father, but upon the noise of what was done had scrambled from it, and by the help of one John of Coloreasons, or rather of some of the people of the house, had got out at an unfrequented back-door into the gardine, and from that into a nighbour's house, where he had shelter,—the Lord in his providence preserveing him for the executing of vengeance upon these murtherers for the blood of his father.

Then Innermarky took the dead man's signet-ring, and sent it to his wife as from her husband, by a servant whom he had purchased to that purpose, ordering her to send him such a particular box, which contain'd the bond of tailie and all that had followed thereupon betwixt him and Laird John, whom the servant said he had left with his master at Aberdeen, and that, for dispatch, he had sent his best horse with him, and had not taken leasure to writ but sent the ring. Though it troubled the woman much to receive so blind a message, yet her husband's ring, his own servant

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the body of his nearest relation, and the bravest that bore his name. After his example, all who were there behooved to do the like, that all might be alike guilty. Yea, in prosecution of this, it has been told me, that M<sup>r</sup> John Innes, afterwards Coxtoun, being a youth then at schooll, was raised out of his bed, and compelled by Innermarky to stab a dagger into the dead body, that the more might be under the same condemnation. A very crafty crueltie?

The next thing look'd after was the destruction of the sick youth, Robert, who had lyen that night in a bed by his father, but upon the noise of what was done had scrambled from it, and by the help of one John of Coloreasons, or rather of some of the people of the house, had got out at an unfrequented back-door into the gardine, and from that into a nighbour's house, where he had shelter,—the Lord in his providence preserveing him for the executing of vengeance upon these murtherers for the blood of his father.

Then Innermarky took the dead man's signet-ring, and sent it to his wife as from her husband, by a servant whom he had purchassed to that purpose, ordering her to send him such a particular box, which contain'd the bond of tailie and all that had followed thereupon betwixt him and Laird John, whom the servant said he had left with his master at Aberdeen, and that, for dispatch, he had sent his best horse with him, and had not taken leasure to writ but sent the ring. Though it troubled the woman much to receive so blind a message, yet her husband's ring, his own servant

upon the night, and about midnight came to Alexander's lodging.

The outter gate of the close they found open, but all the rest of the doors shutt. They were affraid to break up doors by violence, lest the noice might alarme the neighbourhood, but choiced rather to raise such a cry in the close as might oblidge those who were within to open the doors and see what it might be.

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The next thing look'd after was the destruction of the sick youth, Robert, who had lyen that night in a bed by his father, but upon the noise of what was done had scrambled from it, and by the help of one John of Coloreasons, or rather of some of the people of the house, had got out at an unfrequented back-door into the gardine, and from that into a nighbour's house, where he had shelter,—the Lord in his providence preserveing him for the executing of vengeance upon these murtherers for the blood of his father.

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and his horse, prevailed so with her, together with the man's importunity to be gone, that she delivered to him what he sought and let him go.

There happened to be then about the house a youth related to the family, who was curious to go the length of Aberdeen, and see the young Laird who had been sick, and to whom he was much addicted. This youth had gone to the stable, to interceed with the servant that he might carry him behind him, and in his discourse had found the man under great restraint and confusion of mind, sometye saying he was to go no further than Kinnairdy, (which indeed was the truth,) and at other tymes that he behooved to be immediatly at Aberdeen.

This brought him to jealous, though he knew not what, but further knowledge he behooved to have, and therefore he stept out a litle beyond the entry, watching the servant's comeing, and in the by going, suddently leapt on behind him, and would needs either go alongst with him, or have a satisfying reason why he refused him.

The contest became such betwixt them, that the servant drew his durk to ridd him of the youth's trouble, which the other wrung out of his hands, and down right killed him with it, and brought back the box, with the writs and horse, to the house of Innes, (or Cromy, I know not which.)

As the lady is in a confusion for what had fallen out, there comes another of the servants from Aberdeen, who gave an account of the slaughter, so that she behooved to

conclud a special hand of providence to have been in the first passage. Her next course was to secure her husband's writs the best she could, and fly to her friends for shelter, by whose means she was brought with all speed to the King, befor whom she made her complaint. And what is here set down, is holden by all men to be the true matter of fact. The Earle of Huntly, immediatly upon the report of the slaughter, concerned himselfe, because of his relation to the dead, and look'd out for his son, whom he instantly carried to Edinburgh, and put him for shelter into the family of the Lord Elphinston, at that tyme Lord High Treasurer of the kingdom.

Innermarky and Laird John, after the slaughter, came back to the Lord Saltoun's house, who lived then at Rothymey, and is thought to have been in the knowledge of what they had been about. For certain it is, they were supported by the Abernethies, ay untill the law went against them. From Rothymey they went with a considerable party of horse, and repossess Laird John in all the parts of the estate of Innes. And Innermarky, to make the full use of what he had so boldlie begun, did, upon the 17<sup>th</sup> May 1580; which was fyve weeks after the slaughter, take from Laird John a new disposition of the estate of Innes, (*Pro consilijs auxilijs et bene meritis mihi factis et prestitis*;) reserveing his own liferent, togither with the liferents of Dame Jean Gordon, relict to his brother Alexander, and of Elizabeth

Abernethie, his own wyfe, as appears by the writ, marked 55.

And to make all sure, he had caused his eldest son Robert marry Margaret, sister of Laird Alexander and John, (though old,) by which means he made, as he pretended, an infallible title, not only to the estate, but also to the cheifship, as is evident by the renunceation given by the said Robert of Innermarky, of that pretence among others, in the contract past betwixt the Laird Innes and him at the Chanry Kirk of Elgine, in December 1587, which is marked 56.

By what is said, Innermarky may appear to have been a man full of unrighteousness, craft, and cruelty; yet some say, for alleviation of his fact, that he having his cheeff's favour, had got the first disposition of his estate, failling heirs of himselfe, but that Cromy had taken a posterior right, and had supplanted Innermarky, for which he, in revenge, had killed him, &c. But the falseness of the alleadgence (mean as it is) is plain past contradiction, from the above narrated writ, which was given to Innermarky but 40 dayes after the slaughter of Cromy.

For two full years, Innermarky and John had possest the estate of Innes, strengthning themselves with all the friendship they could acquire. But being in end declared outlaws, in the thrid year Robert Laird of Innes, the son of Alexander, came north with a commission against them and all others concerned in the slaughter of his father.

This Robert was a young man, well endued with favour and understanding, which had engaged the Lord Treasurer so far to wedd his interests, that he first wedded the young man to his daughter, and then gott him all the assistance requisit to possess him of his estate ; which was no sooner done, but he laid wast the possessions of his enemies, burning and bloodshed was acted by both parties with animosity enough. In the mean tyme, Laird John had runn away to seek some lurkeing place in the south, where he was discovered by the friends of the Lord Elphinstoun, and by them taken and sent north to Laird Robert, who did not put him to death, but took him bound to various sorts of performances, as appears by the contract betwixt them in anno 1585, marked 29. One whereof was, that he should deliver up the chartor chest and all the old evidents which he and Innermarky had seased, and which I doubt if ever he faithfully did, else this relation had been with less pains and more fully instructed.

As to Innermarky, he was forced for a while to take the hills, and when he wearied of that, he had a retreat of difficult access within the house of Edinglassie, where he slept in litle enough security, for in September 1584, his house was surprized by Laird Robert, and that retireing place of his first entred by Alexander Innes, afterwards of Cotts, the same who some years before had killed the servant who came from Innermarky with the false token for the writs, and who all his life was called *Craig in Perrill*, for venture-

ing upon Innermarky, then desperate, and whose cruelty he helped to repay in its own coine. There was no mercy for him, for slain he was, and his hoar head cutt off, and taken by the widdow of him whom he had slain and carried to Edinburgh, and casten at the King's feet,—a thing too masculine to be commended in a woman.

Though by the death of Innermarky, something of Laird Robert's edge was blunted against the other accomplices, yet the trouble was not fully over untill (by the interposition of the Laird of Makintosh, Sir George Ogilvy of Dunlengass, William Sinclair of Dunbaith, the Laird of Duffus, and some others) the matter was trysted by a solemn reference, upon the last day of November 1587, at the Chanry Church of Elgine, and there bygones were past for fair play in tyme to come. The Laird of Innes paying the sūme of seven thousand merks, at two termes, to Innermarky, on account of his brother M' Alexander, as assigney to Alexander Innes of Coxtoun, for damnages and losses through burning down by the Laird to the said Coxtoun, (as would seem undeservedly,) and Innermarky renunceing all pretensions he had to the estate of Innes, and all other kind of competition in the termes following: "And sicklike, the said Robert Innes of Innermarky, for himselfe, his heirs and successors, renunces, quit claimes, purely, simply, and irrevocably, all right and title of right, clame, interest and kindness, whilk he, his predicessors and others, had, has, or any wayes may pretend to have to the Lairdship of Innes, live-

ing thereof, or any part or portion of the same, either by himselfe or his predecessors, or his own title by contract of marriage, infestments, resignations, alienations, confirmations, chartor, taillie, lyne, or birth-right, or other whatsoever kind of title, or right, or kindness, had thereto, of, before, preceeding the day and date of thir presents, secludeing him and his forsaides therefrae by thir presents. And ratifies and approves the said Robert Innes, of that ilk, his title to the saids lands and liveing of Innes, so farr as in him lyes. And shall acknowledge the said Robert Innes, of that ilk, as principall and cheiff of the said name of Innes; and shall authozie him in tyme comeing, as any of the Lairds of Innes by past has been acknowledged and estimate by the friends of that name, and shall deliver to him all evidents, contracts, titles, and writs whatsoever, which he has, or may get, concerning the disposition of the saids lands of Innes, or any part thereof, to him or his predecessors, preceeding the date hereof, to be cancelled and destroyed for ever," &c. And then the Laird of Innes forgives him and his accomplices their accession to the slaughter of his father. And in the end of the contract, both are bound to keep their friendship in the termes of the contract, under a mutuall faillie of seven thousand pounds. The contract is marked 56, as said is, and the discharge of the money payed by Innes marked idem.

If the Laird of Innes his naturall right by relation to the cheiff-ship of his family, and conventionall rights by bonds

and contracts to the estate of it, be considered, this renunciation of Innermarky's (who had no right at all) may be thought very needless. And if the express termes of the renunciation be considered, it may be found strong enough to bind the ingenuous men of that family to their cheiff, although he had no better title of his own. But both put together, and the matter being as is now deduced and instructed, and Innermarky's family extinct, it must either show a great deall of mistake or ill nature in any of his name, to spitt in their own blankett, and derogat from the Laird of Innes his family, which holds its own respect amongst its equalls, and keeps its allyances with the best in the kingdom. It is no wonder their should have been mistakes in this matter before the truth was made manifest, for when God leaves friends to become enemies and shed one another's blood, they say many things out of prejudice which they themselves know to be false, and succeeding people, with whom the prejudice is worn out, hold the tradition which they have heard whispered by their prejudicate predicessors, and relates them as plain truths, they really beleiveing them, because they themselves were not at the contryveing of them. But now the truth being lay'd open by insuperable evidences, I put no doubt but it will be acceptable to every honest man who carries that name, and I hope it may give a dead stroak to all these fables which occasioned an indifference where there ought to have been mutuall friendship and respect. But to proceed.

Robert Laird of Innes, the son of Alexander, was the twenty-third of his family. See his investiture upon the lands of Rathmackenzie and others, within the Forrestry of Boyne, from George Earle of Huntly, in March 1583, marked 57, to Robert, son and heir to Alexander.

Robert Laird of Innes, as said is, married Dame Anna Elphinstoun, daughter to Alexander Lord Elphinstoun, Lord High Treasurer, by whom he had Sir Robert Innes, who succeeded him, and Sir John Innes of Cromy, his second son, and father to Sir Robert of Muirtoun, and three daughters, married to the Laird of Guthry, George Monro of Miltoun, and Bishop Douglass.

Sir Robert Innes, of that ilk, succeeded to his father Robert, and was the twenty-fourth of his family. He was a man of extraordinary virtue and reputation. His sufficiency was much seen in the creditable management of an estate, brought under great burden by the troubles which his father and grandfather were put to by the house of Innermarky and its associates; nor wanted his own share of these things. For Walter Innes of Achintoull dying without heirs-male, though he was come of Innermarky, yet left his estate, with the burden of his daughters, to his cheiff, which Robert Innes of Balveny, son to the last Innermarky, who had entered in friendship with Innes, (but had changed his designation from Innermarky to Balveny,) did take in so ill part, that he bended up a most litigious process against Innes, for reduction of that conveyance, as appears by the summons



raised anno 1626, wherein having succumb'd, he was so much rankled, that he entred in a new process of reduction of the Laird of Innes his right to the estate, upon the head of his grand-father's disposition, obtained from Laird John after the assasination of Cromy (as they call'd him) att Aberdeen. This writ, as well as many others, had never been delivered up to Laird Robert, notwithstanding of any obligation they came under to that purpose, (as by the clauses in the two contracts, 1585 and 1587.) But as the interprize was unjust, so it succeeded ill, and all his pretences were, by order of the Lords, delivered up to Innes, as is evident by the proces and the forsaid chartor given to Innermarky, now in Innes his possession, and marked 55, as said is.

But Balvenie being highly prejudicat, projected a very new and nyce ground of contest, which was, that Sir William Alexander, Secretary of State, haveing just then sett on foot the Nova Scotia project, and the Knight Barronetships for a pryce, Balveny immediatly applyes for one of these, by virtue of which, haveing law for it, he would baffle his cheiff and take the door of him, or put him to the necessity of being Lord, which his circumstances could ill bear. Of this enterprize, Sr Robert Gordon of Gordonstoun, brother to the Earle of Sutherland, being then of the bed-chamber, did acquaint Innes, whose intimat friend he was. Innes easily suspecting Balveny's meaning, thought best to disappoint his purpose the cheapest way, and there-

fore wrot to Sir Robert, allowing, in case Balveny did prosecute that, to pass one for himselfe of a prior date, which accordingly was done, and the other stopt for a year or two. But Innes concealling what was done, had the satisfaction to find his own judgement approven by other men's procedure; for (as I am credibly informed) how soon he got his Knightship, at a weapon shaw, in the Chanry Church yaird of Elgin, he entred very confidently upon a competition with his cheiff, wherein first he declyn'd to draw his sword single, because he would walk legally; and then upon the sight of S<sup>r</sup> Robert's prior patent, after a scuffle, was fain to quite the place of randevouz, which was the last midleing that ever was betwixt these two familys.

For that of Innermarky, or Balveny, had been at such expences, and had runn it selfe so farr in debt, in prosecution of the feud with the house of Innes, that it ruined it selfe and severalls of the best friends it had.

And to follow it out to the close, S<sup>r</sup> Robert Innes of Balveny, who brock his own estate, had a son, Sir Walter, who succeeded him; Sir Walter had a son, S<sup>r</sup> Robert, who succeeded him to the name but not to the land. S<sup>r</sup> Robert's circumstances were but mean, he left no heirs, and in his death the family extinguish'd, he being the eighth generation from the first Walter who founded it.

It had severall cadetts of good respect come of it, few whereof are now standing. Achintoull was the first who, for laike of heirs-male, gave his estate to the Laird of Innes.

Culrossie, Minnenny, and all come of those are extinct, as to any visible inheritance that I can learne.

Auchlunkart is just now gone to a daughter, and the nearest heirs-male to it are in mean circumstances.

Innerbreaky, who sometymes made a considerable figure in Ross, is also extinct, and all descended of him in mean condition.

The last come of the house of Balveny, and nearest that family, (were there any thing to represent,) is M<sup>r</sup> George Innes, a preist, who possess a small interest in Angus called Dunnoone ; what lawfull heirs-male he can have I know not.

Also ——— Innes of Ortoun, a degree more remote than Dunnoon, possess a small estate upon Spey side. These things being in view, prove themselves.

But the remotest of all from Innermarky's family, yet truely come of it, is Sir Alexander Innes of Coxtoun, who has not only the greatest respect of any extant of it, but also of the whole name, (for ought I see,) excepting his cheiff. His origine is from Peter Innes of the Keam, a possession which still belonged to the house of Duffus. This Peter was the youngest son of Walter, who was the first Innermarky ; his son was Alexander, who acquired the lands of Coxtoun ; Alexander's son was M<sup>r</sup> John Innes of Coxtoun, formerly spoken of, all which is evident by the summons raised by him in anno 1626, marked 54.

M<sup>r</sup> John Innes had a son called James, who dyed verore

himselfe, and left two sons behind him, to witt, S<sup>r</sup> Alexander Innes of Coxtoun, who succeeded his grand-father, and John Innes of Culdrain.

Sir Alexander was twyce married, but had no children, which oblided him to leave his estate to his brother John's eldest son, who is Sir Alexander Innes of Coxtoun, presently liveing.

To returne to the family of Innes ; Sir Robert Innes, of that ilk, last spoken of, married Dame Grisell Stewart, daughter to James Earle of Morray, and sister to Earle James, Lord Lieutenant of the North, by whom he had three sons and fyve daughters ; the eldest married, first to the Laird of Craigstoun, (to whom she bore only Sir John Urquhart of Cromarty,) and afterwards to my Lord Brodie, and was mother of his children ; another was married to Sir Walter Stewart of Rossaith ; a thrid to Sir Robert Innes of Muirtoun ; the fourth to the Shiriff of Morray ; and the fyfth to Alexander Lord Duffus, with whom she lived but short tyme, so as there are no children of that marriage.

His three sons were, Sir Robert, who succeeded him, James Innes of Lichnett, and Captain William Innes of the Guards.

Sir Robert Innes, of that ilk, son and heir to the last Sir Robert, was the twenty-fyfth of his family, and married Dame Jean Ross, daughter to James Lord Ross, by whom he had Sir James, who succeeded him, John who dyed young, and fyve daughters ; the eldest married to the Laird

of Kilravock ; the second to Duncan Forbes of Colloden ; the thrid to Alexander Ross of Clava ; the fourth to Sir James Calder of Muirtoun ; and the fyfth to the Laird of Echt. There was also a sixth, who married her selfe, without her parents' consent, to a gentleman of the name of Sutherland.

Sir James Innes, of that ilk, son and heir to Sir Robert, is the twentie-sixth of his family. He married Dame Margaret Kerr, daughter to the Earle of Roxburgh, or rather daughter to Henry Lord Kerr, eldest son and appearand heir to the Earle of Roxburgh, and by her had, that came to perfection, three sons and three daughters ; the eldest married to the Laird of Makerstoun, in the shyre of Roxburgh ; the other two unmarried. Of his three sons, the eldest, Robert, dyed in France ; the youngest, Hugh, dyed in Flanders ; the second, who is alive, and succeeds him, is

Sir Henry Innes, of that ilk, to whom his father, Sir James Innes, resign'd his estate, upon the — day of October 1694, and by that means is the twenty-seventh Laird from Berowald, who took the first writt upon the estate.

In all which long tract of tyme, there are three things wherein they are either notable or happy, as they themselves say. First, that their inheritance never went to a woman ; next, that none of them ever married an ill wife ; and thridly, that no friend ever suffered for their debt. Whither all this be true or no, I know not ; but if it be, let them be the more thankfull to the Lord for his good-

ness, who has continued them so long without reproach, and can yet add to their succession, if they be humble before him, and honest towards men. And if they be vain and misimprove the kyndness of God, how easily can he put a period to their race? and cast them out of his sight, as he dayly doth with many greater and better than they.

FINIS.



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**U**NIVERSIS ET SINGULIS Generosâ Natalitium  
prosapiâ ac virtutis splendore nobilibus, quâcunque  
authoritatis eminentiâ, aut potestatis titulis colendis, præsen-  
tium Lectoribus. Ego, ALEXANDER ARESKINUS, Baro de  
Cambo Eques et Baronettus, apud Scotos Leo Rex Armo-  
rum, S. P. D. Quum summa et sedula eorum quibus admi-  
nistratio Reipublicæ est commissa, cura et studium esse de-  
bet, ut quâcunque generosi sanguinis præclarève gestorum  
à majoribus derivata sunt jura et encomia, eadem apud Pos-  
teros (nisi ab integritate decessorum desciverint) quam lon-  
gissima fieri possit serie sarta tectaque maneant, quæ et ipsi  
post-geniti stemmatis sui memores, nil parentum amplitu-  
dine et integrâ famâ indignum committant, sed ad parem  
accensi Laudem, aliquam, propriâ virtute, splendoris ac-  
cessionem claritudini majorum superaddunt, Et sic majori  
vel saltem pari conatu proavos emulati, claros se patriæ et  
charos Alumnos, atque Regibus suis Cives quam maximè  
probos præsent, et ne quid culpâ sua aut desidiâ de Gentis



suæ splendore decedat votis ingentibus et invictâ virtute contendant. Quum etiam mea refert meique muneris et Officij Leonis, omnium hujus Regni Nobilium domi degentium vel foras (pro uberiori ingenij sui cultu et literarum studio, vel pro arte militari melius acquirendâ) et qui a generoso aliquo stemmate Scoticano suam legitimè ducunt originem, Lineas et genealogias testari atque in Archiva nostra referre speciatim intersit; Et mihi etiam Omnium hujus Regni Procerum, Prelatorum, Baronum, cæterorumque nobilium Insignia seu Arma visitandi, suaque singulis confirmandi, illaque congruis et legitimis differentijs distinguendi, per serenissimos nostros Scotiæ Reges, et acta Regni Parliamenti, mihi demandata sit provincia, atque etiam in viros quoscunque de se aut Republicâ benemærentes Arma conferendi, eaque omnia in Rotulis nostri officij, tanquam Registro authentico reponendi, Et ex ipsis eorum petentibus exempla suis coloribus ac lineis ritè expressa officij nostri sigillo et syngrapho nostro munita describendi, mihi soli concessa et data sit potestas. Hinc est quod coram me Leone Armorum Rege jampridem comparens Nobilis et perillustis Dominus D. Henricus Innesius (vulgo Innes) filius legitimus natu maximus et Hæres apparens Domini Jacobi Innesij ab eodem Equitis et Baronetti Gentis suæ principis, atque Libellum quendam hisce præfixum exhibens Vernacule Scriptum (Authore generoso viro D. Duncan Forbesio de Colloden antiquitatum studiosissimo) cui hic inscribitur titulus [Tractatus de origine et successione Familiæ de In-

nes à scriptis authenticis Collectus] petijt et obnixè rogavit testimonium sibi dari de familiæ suæ origine et successione, atque de prædicti Tractatus seu enarrationis veritate, similiter ut tam ipsum libellum quam cartas, scripta et documenta unde descriptus est explorarem, Ipsumque Dominum Henricum Innesium hâc nostrâ tesserâ deinde adornarem. Ego hac ratione inductus veritatem assertam fore, atque testamentum apud omnes pro virili cupiens et ut indubitatae etiam fidej et veritati ex aquo et bono firmum testimonium (quod beneficij loco illi tam domi quam foras prodesse possit) non denegarem. Non solum certum et notum omnibus esse vole et facio libellum supramemoratum de Prosapiâ perillustris familiæ Innesianæ tractantem (facta prius diligenti inquisitione, et comparatione seu collatione ejusdem cum cartis alijsq. scriptis et documentis unde describitur) verum esse fideque dignum, atque satis inde compertum præscriptum Dominum Jacobum Innesium nunc de eodem filiumque suum Dominum Henricum Innesium antenominatum Indubitatos Innesiorum esse Philarchos à Berowaldo cognomento Flandrensi (qui tum primus à Malcolmo seu Milcolumbo Scotorum Rege fælicissimæ memoriæ Cartam Regiam Agrorum aliorumque ad familiam spectantium obtinuit) stemmata ducentes ; omnesque eorum antecessores huc usque legitimo matrimonij nexu copulatos hactenus generis luce claruisse, suasque laudes et encomia ad posteros sine labe transmississe. Specialitèr quod Jacobus Innesius Baro de Innes cognamento Barbatus à Berowaldo illo decimus sextus ex

uxore sua Dominâ Joneta Gordon filia legitima Alexandri Comitis de Huntly legitimo thoro duos genuit filios Alexandrum sciz. postea de Innes et Robertum postea de Cromy et Rathmakenzie ; Et quod prædictus Alexander eorum natu maximus duxerat Elizabetham Dumbaram filiam legitimam Domini Jacobi Dumbari de Cumnock Militis, (Cujus successor est hodie Hæreditarius Vicecomes Moraviensis.) Ex quo matrimonio duo fuerant editi filij Alexander nempe postea de Innes et Wilielmus de Fosterseat. Et quod idem Alexander Elizabetham Forbesiam filiam legitimam Wilielmi Domini Forbesij primo duxerat et deinde absque heredibus masculis ex ipsius corpore decesserat. Et quod antenominatus Wilielmus de Fosterseat ex sponsa sua Elizabetha Hepburn familiæ de Bothwell duos etiam habuit filios Alexandrum et Joannem quibus alternatim titulo et statui de Innes succedentibus et absque hæredibus ullis masculis de corporibus suis legitimè procreatis decedentibus, successit pronepos antenominati Jacobi cognamento Barbati Ex eo quod memoratus Robertus Innes de Cromy et Rathmakenzie, filius secundo genitus dicti Jacobi Barbati pro uxore habuit Meldrum filiam legitimam illustris Baronis de Fyvie, et ex eo matrimonio genuit Jacobum Innesium de Cromy aliosque liberos Ex quoquidem Jacobo et Catharina Gordon filia legitima Baronis de Gight legitimo thoro genitus est Alexander Innesius de Cromy et quiquidem Alexander non solum virtute talliæ inter ipsum et Joannem Innesium de eodem hinc inde confectæ de data decimo quinto

die mensis Martij anno Domini Millesimo quingentesimo septuagesimo septimo. Sed etiam jure sanguinis tanquam nepos Roberti Innesij de Cromy et Rathmakenzie filij secundo geniti Jacobi Barbati et fratris immediate junioris Alexandri Innesij de eodem atque sic propinquior Hæres masculus Joannis Innesij de eodem immediate ante decedentis patruelis sui uno tantum gradu remoti statum et titulum Baronis de Innes justè admodum et legitimè subiisse. Verum etiam pro certo testor prædictum Dominum Henricum Innesium ex legitimo matrimonio ac generosis præclarisve parentibus ortum nobilibusque familijs tam à paterno quam à materno genere oriundum ut ex genealogia ante depicta dictoque tractatui subjecta clarissimè patet. Ulterius presentibus sincerè et bonâ fide testor et declaro Arma Domini seu Baronis de Innes antiqua et propria, a me approbata confirmata, inque publicis nostris Archivis inserta sequentibus lineis et coloribus esse delineata, Portat enim, ob generis sui et virtutis propaginem pro tesseris familiæ suæ gentilitijs in argenteo scuti valvulo tres Stellas cyaneas: Supraque Cassidem suo gradui congruam chlamyde coloris veneti argento duplicato ornatam et tortulam ex iisdem coloribus pro Cristâ eminent Caput Apri avulsum proprio colore conspicuum. Fulciunt duo Canes Leporarij argentei cum Collaribus cærulcis tribus itidem Stellis argenti metalli insignitis cum hoc symbolo vernaculè in tæniâ scripto Bz TRAISt. Ut supra colorata magis lucidè videntur. Quæquidem omnia sicut ex se vera et firma sic etiam ut apud uni-

versos et singulos testatiora et certiora fiant atque cunctis pro manifestis innotescant. Ego libere et promptè libellis hisce assertoriis Sigillum Officij Leonis appendi curavi manu meâ propriâ additâ. Datum Edinburgi decimo quarto die mensis Decembris anno Domini Millesimo sexcentesimo nonogesimo octavo.

ALEX<sup>R</sup>. ARESKINUS,  
*Leo Rex Armorum.*



