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ANE ACCOUNT

OF

THE FAMILIE OF INNES.

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A NE ACCO UNT

OF

THE FAMILIE OF INNES

COMPILED BY

DUNCAN FORBES OF CULLODEN

1698.

WITH

AN APPENDIX OF CHARTERS
AND NOTES.

ABERDEEN :

PRINTED FOR THE SPALDING CLUB.

1864.



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P R E F A C E.

THE "historical account of the origine and succession of the familie of Innes" was written no doubt for more obvious considerations, but also for the specific purpose of warranting a grant or confirmation of Arms by the Lord Lyon—a practice worthy of all commendation, however rarely followed. Long after it had served its first purpose, the work had become known from Pennant having extracted from it the account of the family tragedy of 1580. A formal copy being found in the Innes charter-chest along with the Lord Lyon's patent, they were privately printed in 1820, at the expense of the late Duke of Roxburghe, who wanted, as he afterwards told me himself, "to show those proud Kerrs that he was of as good blood on his father's side as on his great grandmother's." It was printed, according to the rigorous fashion at that time, without note or explanation, and it was only on studying the Diploma at the end, that a reader learnt who the author was.

When the Council of the Spalding Club asked me to undertake a new Edition of the book, I made search and was lucky enough

to find the author's original MS. at Culloden, and I have to acknowledge the courtesy of the present Laird of Culloden who allowed me the use of it for this Edition.

I have said something of the author in the notes which I have added to his history (p. 191) and I have referred in many places to the honest care and industry with which he performed a conscientious task, neither glossing nor wresting facts, nor asserting anything unproved.

It might have been possible to re-write his history more smoothly, and to array the pedigree and its proofs more systematically from the contents of the family charter-chest. But a new history would have wanted some of the weight which a writer carries with him who wrote nearly two centuries ago, when he could take up the family traditions that still floated on the stream, which have been all scattered and drowned by his book—for after a story has been written, still more if it be printed, it is odds but the popular mind adopts the book as the best of legends.

Moreover I must confess a partiality for old Duncan Forbes, his honest statement of doubts and puzzles, and his quaint philosophy, which I should be sorry to displace for anything I am able to put in its room. Thus the result has been that I have given Duncan Forbes's text, only somewhat more correct than the first Edition, using the author's original MS. as the best authority.

The "Charters and Notes" are chiefly furnished by the Innes charter chest at Floors. Several of the documents quoted by Forbes are now missing, but it is rare to find a Scotch charter

chest so rich in early charters. Unfortunately it is not rich in more characteristic documents—the writings of domestic and social intercourse. The Innes lairds of the old time either had not the habit of collecting such memorials which marked their kinsmen of Kilravock, or their changes of fortune and residence have swept them down the stream. Where I had it in my power, I have used materials from public Records and from a few private sources, for filling up gaps; but I am aware of many defects which more extensive enquiry might supply.

It is not for want of enquiry and some exertion on my part that the account of cadent families is so unsatisfactory. The principal causes of that defect are indicated in the text (p. 193.) I shall consider it very fortunate if that statement shall stimulate some of the known branches of the family to save their still extant papers and to set down their descent and propinquity, while still preserved in family tradition and memory. Especially I should wish to become better acquainted with the noble Inneses of *Skotsk adel* who settled and flourished at Helsingborg, as we are told by Mr. Horace Maryatt in his lively “Year in Sweden.”

This is the third book of North country family history I have arranged for the Spalding Club, and I intend it shall be my last. If there are materials for more, there are now skilled workmen younger and abler to weave them into shape.

Feeling some of the disadvantages of writing about my own people, I am not however conscious of any undue partiality, or tendency to glorify the subjects of this veracious history. Per-

haps in guarding against that natural weakness, I may have fallen into the opposite fault and rated too low the qualities of these Northern barons and lairds who were after all not inferior to the average of their countrymen and neighbours. I fear indeed any one working on family history when it reaches to some antiquity, is sure to find in that fabled golden age, "the age of chivalry," not only a scanty intelligence, a want of high aim or motive, but a low scale of feeling and morals whenever motives and the springs of action are disclosed. Some of my contemporaries strive to shut their own eyes to this, and let the world rejoice in its delusion. I think it is better to keep in mind that the thews and sinews, the energy and courage, of a barbarous tribe are transmissible to their posterity, while the ferocity, treachery, cunning, give way before ages of education—before the civilizing influences that cultivate not only the imagination and intellect, but the heart. My ancestors wanted even some of the qualities we fancy peculiarly characteristic of our race, and they paid the full penalty of disunion. Their descendants, without the same reasons for united action, have learnt a kindlier feeling with a higher motive, and obey the Power that "maketh men to be of one mind in an house."

I have to express my thanks and the thanks of the Spalding Club to my Chief, the Duke of Roxburghe, for affording me the free use of his rich charter chest, and contributing the Cuts of seals contained in it which illustrate the work.

Sir James M. Innes of Edingicht has very courteously allowed me the use of Robert Innes of Blairtoun's copy of

Forbes's MS. mentioned in the text (p. 255.) It came into his hands lately by the intelligence and good feeling of Adam Linton, a drain and dyke contractor in Argyllshire, who had bought it at a sale of the goods of an old woman of the name of Lindsay, at Lochfynehead, (the last of some lawyer's family, who had preserved a few books and papers), and presented it to Sir James as a fit custodier.

It may be proper to mention that this book has been long in hand—laid aside from time to time as more pressing business claimed my attention. To this is to be ascribed some changes of plan, and some “overlapping” of dates. On the other hand, the delay has had the effect of including some useful documents which have but lately come to my knowledge.

C. INNES.

Inverleith, May, 1864.

AN ACCOUNT OF THE ORIGINE AND
SUCCESSION OF THE FAMILIE OF INNES,
GATHERED FROM AUTHENTICK WREATS.

SINCE THE LORD amongst the greatest of his temporall blessings gives lenth of days to Man and long standing to Families, it may be bolden as one part of the gratitude due by Man, to keep Gods mercies in memory; it being a plain ingratitude to let his kyndness, in supporting a family for many ages in credit, drop into oblivion. This general 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 vanity.

But another reason makes it yet necessary, and it is that severall good families have their origine pedegree or succession, often brought into question by the emulation of a cor-ryvall family, and sometymes by the mistake or malice of its own descendents, when increase of plenty tempts them, out of prejudice to a chieff, to derogate 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 lyke cases is competent, (such as the Lyon and Lyon Clerke,) to give their testimonies to apparent and convincing verities, which certainly must gain either the consent or silence of such as were formerly gainsayers.

In making a deduction of this sort, one common error in family histories would be avoyded, that is, romantick accounts of the chevalry of their old prediceors, where they cannot alledge themselves valiant but

upon the expence of some nighbours, perhaps as good as themselves, nor prove one tittle of what they say from any scrap of history; which makes these sorts of wreatings, for the most part, darne in the dark, and all that we hear of them are but whispers; none daring openly avow what he cannot prove and hundreds may quarrell. Nor can any man of wit or honesty (especially if in a publick 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, ther is nothing to be expected, but a deduction of the origine and succession of the FAMILIE OF INNES, in so farr as it doth appear in authentick wreats.

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

“MALCOLMUS REX SCOTORUM omnibus probis hominibus tocius terre sue salutem. Sciatis me in feodo et hereditate dedisse Berowaldo Flandrensi in provincia de Elgin Incess et Etherurecard per rectas earum divisas Tenendum 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 seruicium unius militis in castello meo de Elgin Preterea ei dono in burgo meo de Elgin unum toftum plenarium tenendum simul cum predicto feudo suo ita libere et ita quiete sicut aliquis ex paribus suis liberius et quiecuis tenet toftum suum aut feudum suum Testibus Willelmo morauensi Episcopo Sedis Appostolice Legato Merlesvano filio Colbani Willelmo filio Frisgin Apud perth in natali domini proximo post concordiam Regis et Sumerledi.”

Upon this charter ther aryses two doubts, one anent the Malcolme who gave it, and another anent the Berowald who got it.

As to the first, the family believes it was given by Malcolme Kenmore; but other judicious men who have considered it judge it to be rather from Malcolme the Maiden, and so sixtie years at lest later then what it is supposed; upon the grounds following;

First, The mentioning of Sumerled in the date, ther being non such named in any history before the days of Malcolme the Maiden, is a presumption that the charter is from him. And the nameing of William the Popes Legat and Bishop of Morray among the witnessess; ther being a William sent Legat from Rome to Saint David, immediat predicessor to Malcolme

the 4th, who did not arryve whill the beginning of the said Malcolmes reign, and apparently must be the witnes in this charter; is another weighty presumption that it can be from no other then Malcolme 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, though they be not in history, yet are they famous in the Highland genealogys, especially that of the M^cDonalds, 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 Malcolme Kenmores tyme; Somverlte Makgilly Brigde, grand cheild to Somverlit Moir, who was defaite and kild by Gilechrist Earle of Angus, in Malcolme the Maidens tyme; and Somverlite Bain, the son or rather grand cheild of Somverlite Makgilly Brigde, who was defaite by Patrick Earle of March, in King Alexander the 2^ds tyme. With this last ther is nothing to do here, because not in the tyme of any Malcolme. As for the second Sumerled, had the charter 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 defaite, chased, kild in battell, or taken and hanged in Malcolme the Maidens tyme, by Gilechrist 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 Malcome the Maiden and that second Sumerled: Therefore, say they, the first Sumerled must be he spoken of in the charter, who came into Argyle shyre about the end of Malcolme Kenmores reigne, setting up first at his own hand, and probably thereafter capitulating with the king for his possession; from which capitulation the charter takes date.

As to the second argument, drawn from William the Popes Legat being a witness, they answer, that the bishoprick of Morray, as well as severall others, were erected by Malcolme Kenmore, as is evident by church history, though the names of the first Bishopes be lost; and why might ther not a Legat be sent from Rome to Malcolme the Great, called William, as well as to Malcolme the Maiden, since there is no record sayes the contrare? And to confirm their thought furder hereanent, they take notice of the other two witnesses, to wit, Merlesvanus filius Colbani and Willelmus filius Frisgin, which are not found in any charter ever given by Malcolme the Maiden; particularly this William M^cFrisgin is holden to be sone to

Allan named Frisgin or ready-dagger, Thane of Sutherland, and father to Walter the first Earle of that county, which agrees very well with Malcolme Kennmores tyme. All which would absolutely convince me to be of their oppinion anent the giver of the charter, if some other circumstances which shall be told and considered in ther proper place, did not stand a litle in the way.

As to the other doubt arysing from the charter, anent that Berowald who got it, some think he was a stranger come from Flanders, because the wreat sayes, "Dedisse Berowaldo Flandrensi," and that he came over with Queen Margaret, who landed neer Speys mouth, at the back of the Bin-hill of Speys-law, wher a party of some sort of rebels that assaulted them after ther landing, was defeate by the conduct of this Berowald, for which he got all these lands betwixt Spey and Lossy, as is evident by the charter, &c. Others spoill this tale utterly, by telling that he was of those Morravians who were banished in King Malcolmes tyme for their revolt, and had gon to Flanders; In which case, he could never come back with Queen Margaret, she being maryed and setled in Scotland long befor that revolt; unless perhapes they would make his return in Malcolme the Maidens 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 thes 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 always born the 3 starrs for ther 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 Azure, and the MORRAYS bear Azure 3 Starrs Argent. For greater 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 charter upon the lands of Innes; his successors perhapps taking a name to themselves from these lands

whereof they were possess, as soon as the Morrays could have it from a countrey whence they were dispossess; 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 ther kindred since syne.

As to the first supposition anent Berowalds being a stranger, I cannot be of that oppinion, for all his being designed Flandrensis in the wreath; because, wher ther 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 wher Irish prevails in Scotland. For instance, a man in Cathnes is called John Aberach, for his being once in Lochaber, and all his posterity since Slick-Iean-Aberich. Fraser of Foyers his predcessor, for his being once in France, was 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 whyle in Ross, Sutherland or Cathnes, 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 grandsires names, which must be for differenceing of persons wher ther is no topick to do it by. The practisc of this is so very common as yet, (and obtained so absolutely amongst such as spoke the Irish of old) that I have no difficulty in believing Berowald to have been a Scots man, who had his too-name of Flandrensis from his travells.

To confirme this, let the clause it self in the charter be dewly considered, which says, “*Sciatis me dedisse Berowaldo Flandrensi in provincia de Elgin, Inness, et Etherurecard,*” &c. which, to my sense, is clearly this, That he gave to Berowald, liveing in the province of Elgin, Inness, and Etherurecard, &c.: For, had the meaning been, that he gave Innes, lying in the province of Elgin, to Berowald, &c. the wreather had certainly said, “*Sciatis me dedisse Berowaldo Flandrensi Innes et Etherurecard in provincia de Elgin;*” for it is not to be thought, by any rule of Latine grammar, that “*Innes,*” &c. can be put after “*provincia de Elgin*” with any reference to it, unless ther 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 Elgin, 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 Berowald in provincia de Elgin, Innes et Etherurecard" (without any more) it makes not the province refer to the land, but to the man; and so makes him plainly a province of Elgin man.

In one word, had this Berowald been really a Flandrian or Fleeming born, is it possible but he would have called himself 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 Bethunes do? But to call himself of Flanders, as if he were prince of it, or Flandrensis, as if he were a begger or a run-away from it, is what, I am sure, Berowald never meant to brag of in his charter; and so leaves it (in my sense) utterly impossible that a man of his import could have any more from Flanders but a nickname, because he was once there. For, had he trewly 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. Withall Flandrensis, Hispanensis, Africanus, sounds liker a denomination acquired, than a definition of a mans naturall country; for that is always exprest Flandrus, Hispanus, Afer.

To conclude, I am positive of the opinion, that whatever Malcolme it was that gave the charter, yet Berowald who took it was no stranger, but heretor from his predicesors of that same estate of Innes and Etherurecard (which is all the lands betwixt Spey and Lossy) And that finding a custome then beginning of takeing wreat upon lands from the King, he did what he saw others of his quality do, and took the charter before spok of, from one of the Malcolmes, upon that estate which he and his predicesors had always possesst befor there was wreat, and how long, God knows, ther being no tradition that reaches any other possessors; which goes better down with me than all the storys of Queen Margarett, 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 sone John, and to John succeeded his sone Walter; of whom I have no more to say, but that they succeeded one another, as is evident by the charter of confirmation given by King Alex-

ander, sealed and marked with the figure 2, whereof the exact coppie 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 carta nostra confirmasse Waltero filio Johannis filij Berewaldi Flandrensis Innees in provincia de Elgin et Etherurecard per eorum rectas divisas Tenendas 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 farca et fossa cum thol et them et infanganethum libere quiete plenarie et honorifice pro servitio unius militis in castello nostro de Elgin et preterea unum toftum plenarium in burgo nostro de Elgin tenendum simul cum predicto feudo suo ita libere et quiete sicut carta Regis Malcolmii inde facta Berowaldo avo predicti Walteri testatur. Testibus Thoma de S—— Cancellario Wilhelmo de Cumin Comite de Buchan Justiciario Scotie Ingeramo de Bailliol Henrico de Bailliol Camerariis Willielmo de —— Willielmo filio Willielmi de Vetere ponte Willielmo —— . Apud Innes —— 1^{mo} die Januarij anno regni nostri duodecimo.

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

Tenet hoc transumptum cum originali carta in presentia Dominorum Concilij pro tribunani sedentium productum lectum inspectum et diligenter examinatum non cancellatum suspectum aut vitiatum, collationatum et concordans cum eadem et de mandato Dominorum in hanc publicam transumpti formam propter vetustatem et fragilitatem originalis cartæ redactum et confectum edicto publico ut moris est rite et legitime primitus prehabito ut talis et tanta fides huic transumptui temporibus affuturis adhibeatur qualis adhibenda est prelibate carte originali. Per me Gavinum Episcopum Aberdonensem Clericum Rotulorum Registri et Concilij Supremi Domini nostri Regis. Sub meis signo et subscriptione manualibus.

Sic subscribitur

Gavinus Dunbar."

Though both transumpt and attestation were wanting to the first charter, yet this second under the seall of King Alexander, is so full that it gives intire faith to all that can be pretended by the preceeding, ther 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 els at some "Inner ——— vicesimo die," &c.

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

The names of the witnesses puts it out of all question that this charter was given by King Alexander the second, in Januarij the twelfth year of his reigne, which falls to be about the beginning of the year 1226, and makes it 471 year old.

Now the question is, whether the first charter was given seventy years or seaven score years before it; for, from the end of Malcolme Kenmores reign, to the 12 year of Alexander the 2, there is no less than 136 years. And reasonably, in that tyme, there behooved to be more than three generations, to wit, Berowald, John and Walter, which is all mentioned in the second charter. Therefore, it is more probable, that the first charter was given by Malcolme the Maiden in the beginning of his reigne, betwixt which tyme and the 12 year of King Alexander the 2, ther might be three generations conveniently, it being 70 years tyme. Withall, it is remarked in history, that Sumerled, the Thayne of Argyle took advantage of Malcolmes easie disposition, and thereupon encouraged himselfe into a rebellion; which leaves us to believe, if we please, that Somerled, immediatly upon K. Davids death, might have payd 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 surpryse; from which circumstances a charter might very well take date, "In natali Domini proximo post concordiam Regis et Sumerledi," that is at Christmass 1153. Withall, I am told by the best antiquaries of the kingdom, that Malcolme Kenmore never gave any wreat; and that however privat famalies may have wreat from other superiors, as old as Malcolme the Maidens tyme, yet that this is the only one they have seen to a family from that kings own hand. And wer the case myne, I had rather rest satisfied with the certaintie

of a kings charter, fyve hundred and four and forty years agoe, upon ane estate which never (to the knowledge of man) belonged to any other, rather than claime to ane uncertainty which few pretended to but I.

But to leave none of their tale untold, they say that Walter was litle under sevinty years of age when he gott the charter 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 charter upon his lands from the King, which, I confess, reaches very well up to Malcolme Kenmores tyme, and makes the pretences possible, in case that Malcolme had given any wreat 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 Walters age is another tradition, to wit, that K. Alexander, when he gave that charter, being at Innes, knighted Walters eldest son, Sir Alexander, and not the father, because he was superannuate. Nor is there anything 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 Knights hillock.

ANE ACCOUNT OF
THE FAMILIE OF INNES.

CAP. II.—REG. ALEX. II.—JAC. II.

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 seventh year of King Alexander the 3^d. He also sat above fourtie years, but how long after his coming to the chaire the indenture past cannot be known, only, we may be sure, it was after the lands of Ester Urcharde were taken from the family of Innes, and given to the Kirk, because William, a Prior of that place (and its like the first of them) is a tryster there.

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

That King Alexander the 3^d erected them in a Pryory, depending upon the Abbacy of Aberbrothlock, betwixt the year 1260 and 1270, may be seen by Midletouns addition to Spotswood, pag. 20. Perhaps the house of Innes

might have got some part of that estate they possess in Cathness in lieu of what was taken from them and given to the Kirk; for that all Cathnes did ly under a forfaiture at that time, for the peoples crneltie to their Bishop, is evident from Church history; and that the family of Innes had the thrid rig of Cathnes, which they kept whill the year 1540, is very well known, and by several instances will hereafter appear, so that it may be, a part of the one lands have been given in requittall 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 wreat, for which a reason shall be given afterwards. But though there be no wreat extant to prove it, yet their tradition may be true enough of the three generationes supposed to be betwixt the William now spoken of, and the Robert of Innes, whom I find mentioned in a charter given by an Earle of Ross, in the year 1367, the tyme being litle less than ane hundred years, in which, certainly, these three generationes must have interveened, or else ane interruption of the lyné, which hithertill hath never been supposed. Nay, the contrare of it is made plaine 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 predecessors 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 wreat, yet there are old wreats amongst theirs, which either belonged to the Thayne 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 obliterate as to be utterly unintelligible. There is a charter of confirmation from King Robert Bruce, in the 22 year of his reign, upon the lands of Carnoussie, given in liferent by Sybylla daughter of Simon Thayne of Aberchirder, to Alexander Meidrum, sealed and marked 4. Witnesses, Thomas of Randolph, James of Douglas, and others of K. Roberts worthys. Another charter 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^d, the seall fair and inteir, but the wreating utterly obliterate, and is marked with the figure 6. So that I find none of ther names legible in wreat from William who was the 5th of the family, to Robert who was the 9th of it, and is a witness, as said is, in the charter 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 Lesly dominus de Ross salutem in Domino Sempeternam,*” &c. which gives ground to believe that his father in law, the old Earle of Ross, hes been yett alive. The charter is given to Euphania 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 le Hay et Roberto de Innes cum multis alijs anno Domini M.CCC. tesimo sexagesimo septimo.*” Scaled with the quartered armes of Lesly and Ross, and is marked 7. As to the witnesses, certainly the first is the Lord Lovats prediessor, the last, the Laird of Innes his prediessor; but who de le Hay is, I take not upon me to guess; the wreater haveing omitted to give plainer designations to the witnesses, as well as he has omitted both moneth and day to the date. However, the wreat 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 9th of the family from Berowald, who first took wreat upon his estate.

About the tyme that Robert is witness in this charter, (or very short whyle after) his sone, Sir Walter of Innes, who was the tenth of his family, was maryed 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 chyld to Earle Walter, in another charter, granted to Sir Walter of Innes, grand chyld to this Sir Walter, designes him, “*Dilectus noster consanguineus.*” I know not whose interest it is to quarrell it; therefore, with the greater freedom, I say, since that alliance was, it behoved to be before 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 elevinth of the family, dyed unmarried; the second, John of Innes, was a church man, and designed at first Person 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 Spotswoods History, (See Lib. 2. pag. 107.) and by the inscription upon his Tomb, which has been one of the statelyst 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 Ecclesie 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 Person of Duffus,) but being put in the number of them, he falls to be the 12th 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 self, the common tradition, and the inscription (in my sense) prove what is said sufficiently. The man dyed young. Whither he took anything from the estate or not, and gave it to the church, it needs not be said, because it cannot be proven, though there he reports to that purpose.

In the Bishops lyfetye, and before he came to the chair, his youngest brother Sir Robert of Innes was put in possession of the estate, or at least of the greatest part of it, and is the 13th of his family. This Sr Robert is he who got the name of Good Sir Robert, and maryed Dame Janette of Aberchirder, daughter to Sir David the Thayne of these lands, had a considerable estate by her, which his succession kept 240 years; and from the tyme of that marryadge (which was before the 1400 year of God) to this day, have borne three boars heads crased, (the armes of Aberchirder,) quartered with ther own three starrs, as appears by ther sealls. Of this marryadge came Sir Walter of Innes, Laird or Lord of that ilk, as he is termed in wreat, and is the 14th of the family. See the charter of confirmation from K. James the 2^d in anno 1450, marked : 8 :—narrating verbatim, the charter given in 1426, by John Lord Lindesay of Byres, son of Sir William the Lindesay, Knight, to Janette of Aberchirder and Walter of Innes, her sone, upon all annualrents or superiority that was formerly due to him or his, forth of the Lordship of Aberchirder, excepting the superiority and following of Cromy, &c. This charter is conceived in broad Scots, daited at Edinburgh the xvi day of January 1426, which was three years after K. James the First was ransomed from the English.

The said charter of confirmation given by K. James the 2^d narrates also, verbatim, the charter of confirmation from Alexander Earle of Ross to Sir Walter of Innes, lord of that ilk, upon the forsaid renunceation made by the Lord Lindesay of Byres to Janette of Aberchirder and Walter of Innes her son, which charter 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 the figure 9, is extant, and here insert :

“Alexander de Yle Dominus Insularum Comes Rossie et Justiciarius de parte boreali aque de Forth universis et singulis hanc cartam visuris vel audituris salutem : Sciatis nos approbasse ratificasse et hac presenti carta nostra confirmasse donationem illam et concessionem quam Dominus Johannes de Lindsay Dominus de Byres fecit et concessit dilecto nostro consanguineo Domino Waltero de Innes militi domino ejusdem, de terris baronie de Aberkirder cum pertinent. infra Vicecomitatum de Bamff. Tenend. et habend. dicto Domino Waltero et heredibus suis cum omnibus et singulis libertatibus communitatibus asiamentis 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 confecta in se juste continent et portant Et adeo libere in omnibus et per omnia sicut carta bonæ memorie quondam Domini Walteri de Lesly avi nostri facta quondam Domino Wilhelmo de Lindyssay de Byres, consanguineo suo super dictas terras plenius continet et proportat Et ut hec nostra confirmatio predictæ cartæ avi nostri robur, virtutem et libertatem teneat habeat et possideat. 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, Willicho de Lesly Viccomite de Inverness, Georgio de Munro Domino de Foullys, Willicho de Urchard, Willicho de Calder, Hugone Le Rose. et Murchedo Revach, armigeris.”

This charter 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 Euphame 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^cIntosh. There is nothing to prove this, but the assertion 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 Ardmelley, who was begot upon another woman. He had two daughters, Isobell, who, in 1447 was betrothed to James Earle of Morray, who died befor his marriage, yet left the woman with child of Alexander predicesor to the Shirreffs 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, wrot above ane hundred years agoc, 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 Ardmelley, 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 Ochilttrie 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 familys who get patrimouns and make new settlements for themselves, for which they leave no evidence behind them in their elder brothers charter chist. For thus it lyes intirely upon themselves to prove their relation to the cheiff house by wreat: it being utterly impossible for a cheiff to prove it any other way than by tradition, or perhaps some fortuitous peice of wreat, (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 Ardmelley, though it cannot be made out by the charter chist. For certainly there be 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 familys come off since that tyme, yet bear the name and armes, and therefore must be of some ones loynes who came off befor. But to these, 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 predicesors came off the family, that their relation to it may appear. And particularly, it is recommended to M^r

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 name of Berowald, familiar to it, may be thought to be come of this Sr Berowald last spokc 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 wreats and evidents incontrovertible.

ANE ACCOUNT OF
THE FAMILIE OF INNES.

CAP. III.—REG. JAC. II.—JAC. VI.

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 day of September 1441, to the said Sir Robert, befor the one was a Knight or the other ane Earle. It is sealed, marked 10, and begins as follows: "Omni-bus hanc Cartam visuris vel audituris, 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 sno et servitio mihi impenso et pro toto tempore vitæ suæ impendendo, totas et integras terras meas de Ordynnies, Ratmakenyie et Batteynspink, 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 Anyie in feodo et hereditate in perpetuum," &c. with all other clauses proper or needfull.

See also a precept of clare constat, relative to a retour granted by John Lord Lindesay of Byres, for infefting of Robert of Innes, son and air to the deceist Sir Walter of Innes of that ilk Knight, in all and haill the Lordship of Aberchirder with the pertinents, dated at the Byres the 14 of July 1456, and marked 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^r Robert would not marrie Margaret of Sinclair heires of Findlater, but married . . daughter to the Laird of Drumlanrick, see the forsaid fragment; by which woman he had three souns and two daughters, to witt, James his eldest son who succeeded him, (as shall be immediatly proven) Walter of Innermarky, called Wylie Wat, 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 Ogilvie, younger of Desfoord, and the other to the Laird of Towy Barclay, of which these familys own themselves to be come. The fragment tells also of fyve bastard daughters of ill Sir Roberts maryed 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^r Robert, appears from the wreats following: First, by the precept of seasine, marked 12, which is given by John Lord Lindsay of the Byres, over lord of the lands of Aberchirder, to Berwald of Innes, John of Innes, Andrew of Innes and James the Barde, his baillies, for infetting of James of Innes of that ilk, in all the saids lands of Aberchirder with the pertinents formerly belonging to vmqhill Sir Robert of Innes of that ilk Knight and father to the said James of Innes, and wherein the said Sir Robert dyed last infet, &c. dated the first day of February 1464, and sealed. See next a precept of clare constat, marked with the figure 13, given by Alexander Earle of Huntly, Lord Baddenoch, relative to a retour for infetting of James of Innes, son and air to S^r Robert of Innes of that ilk Knight, in all and sundry the lands of Rathmakenyie, Mureack, Douymaid, Newmills, Brackanhills, Baddenspink, Ordynnys and Parochburne and others, lying within the forrestry of Boyne and shirefdom of Bamff, sealed and dated the 24 of October 1464. Amongst the witnesses are George of Gordon his sone and appearand air, Sir Walter Stewart of Strathallan, Sir Alexander Duubar of Westfeld, and Sir James Ogilvie of Desfoord, Knights, Alexander Cūming of Earneside, &c.

This James Laird of Innes, son to Sir Robert, is the sixteenth of his family, and maryed Janette of Gordon, daughter to Alexander Earle of

Huntly; proven by a charter of confirmation, marked 14, granted by the said Earle Alexander upon the saids lands of Rathmakenye, Ordynnies, Dunnymaid, Baddenspink, Parochburne, Wnyelle, Moureaick, 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, (terrís tamen de Blaremade nobis et heredibus nostris libere revertendis) in feodo et hereditate,” &c. In all the clauses throughout, Janett of Gordon, our daughter and the airs male procreat betwixt the said James of Innes and her, is reiterat, as may be seen in the charter, which is sealed and dated at Gicht, the 5 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 thes dayes) And so much the rather, because falyeing of airs of her body, it was to return again to the Earles own family. See furdur the precept of seasine, marked 15, from the said Alexander Earle of Huntly, for infetting of James of Innes of that ilk, in these lands of Blaremade apart, dated at Huntly, the 14 day of November 1467, which shows 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 Rathmakenye, his second son, and two daughters, Elizabeth and Jannet, by the Earle of Huntlys daughter, and four sons more, viz. William, George, James and Thomas, by a second wyffe. That these were his six sons is evident by a charter of tayllie, given by the said Laird James upon the lands of Muldavitt and the pertinents, &c. to all his six sons, one falyeing of another. It is of date at Innes the 22 day 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 ther two sisters were only the children of the Earle of Huntlys daughter, is evident by another charter of the same years date, sealed and marked 17. Wherein

George Earle of Huntly Lord Gordon and Baddenoch confirms in most ample manner, 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 prefatum 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, prefato Jacobo Innes de eodem, et suis heredibus legitimis et propinquioribus quibuscunque," &c. dated the 8 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 Inness of Dunkinty, Beroald Innes in Blackhills, &c.

James Laird of Innes was possess of a great estate in Buchan, as is evident by the many charters 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 17th 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 Janette of Gordon, in the whole lands of the forrestry of Boyne, marked 18, dated the 8 of September 1491. See also a seasine by a precept from Laird James upon the lands of Aberchirder to his son Alexander, begot upon Janet Gordon, sealed and dated in February 1471, which appears to have been done when that Alexander was a child, because of another seasine upon a precept of the same sort from the said James to the said Alexander upon the samen lands, dated the last of May 1491 : the one is marked 19 and the other 20. See also the charter given by the said Alexander Innes of that ilk to his brother german, Robert, upon the lands of Garmach and others, in warrandice of Cromy, &c. which, with Rathmakenyie and other lands within the forrestry of Boyne, was to have been Roberts patrimony. This charter 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 of March 1539, and is marked 22.

This Alexander was maryed upon the daughter of Sr James Dunbar of Cumnock; The contract past thereupon being extant in the Shireff of Morray's charter chest. I hear of none of their male children but two; the eldest was Alexander, who succeeded him, and the youngest was William Innes of Frosterseate, who also came to be Laird in his old dayes. It is probable he had a daughter called Margaret, who was maryed to her consin german, James Innes of Cromy, as appears by the dispensation 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 Elgin in September, and registrate at Edinburgh in November 1533, betwixt Alexander Innes of that ilk and Alexander Innes his eldest son and appearand air, on the one part, and Robert Innes of Rathmakenye and James Innes his eldest son and appearand air, on the other part, agreeing a great many differences which interest had made amongst brethren. It is also marked 23, B. Next, by a charter marked 24, and dated at Edinburgh the 23 day of July 1542, where this second Alexander calls himself Alexander Innes de eodem filius et heres quondam Alexandri Innes de eodem. This charter is in implement of a new contract, confirming the lands of Garmoch and others in warrandice of Cromy and others, sold by him to his weel beloved cousine James Innes of Rathmakenie, and which lands of Garmoch 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. See also another charter, marked 25, A, given 16 of January 1543, by the said Alexander Innes de eodem filius et heres quondam dieti Alexandri Innes de eodem to his cousine James Innes of Rathmakenie, upon the lands of Newmills and Bracanhillis, which charter was in implement of a thrid agreement, made by a decret-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 air to Robert of Rathmakenye.

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

Next, it appears by their many agreements, that both these Alexanders have been very uneasie to their brother Robert of Rathmakenie 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 child-

ren of his opprest brother Robert. See furdre the loose 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 seasine 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 Garmoch, Corsky, and Mathymill, marked also 26, B.

But of this marriage betwixt the Laird Innes and Elizabeth Forbes, I find no children out liveing Innes himself 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 Dunbaird and paroch of Ray, which the house of Innes had kept while then. By this woman, the Sinclair got also the lands of Monbeens, Lewcharis, Inche, and others about Elgin. See the instrument of seasine, marked 26, C, given to William Sinclair of Stamesterr, eldest son and air to William Sinclair of Dunbeath and Margaret Innes, upon these lands about Elgin, anno 1575.

Though Alexander Laird of Innes had no male children by his wyffe that out lived himself, yet he had severall bastard sons, as appears by the precept of seasine, given by Fryer John Spence, Pryor of the Preaching Fryers at Elgin, for infetting of James Innes, second naturall son to Alexander Innes of that ilk, in the lands of Monbeens and others; and fayling of airs male of the said James, to return to his father Alexander his nearest airs 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 charter 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 seasine following thereupon, marked 26, F, and subscribed by him and the whole fraternity of preaching fryers. In the charter marked F, William Innes of Frosterscat, 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 disposed of 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 Forkedhaugh 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, its 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 Frosterseat, youngest son to the first Laird Alexander, succeeded to the estate, and was the 19 Laird of Innes, as is evident by the precept of clare constat, given by George Earle of Huntly upon the 9 day of November 1553, for infesting of William Innes of Frosterseat as nearest lawfull air to vniuersall 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 cuiuslibet* 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 with the figure 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 20th of his family, and married Jean Gordon, eldest daughter to John Earle of Sutherland, Lord-Liuetenant of the North, by his second wife Elenor Stewart, daughter to Mathew Earle of Lenox. See for this, Ochiltrees 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 of July 1576, and 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 Pethnik, 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 choller, either stabt the gentleman with a dagger, or pistold him (for it is variously reported.) When he had done, his stomach would not let him fly, but he walkt up and down upon the spot as if he had done nothing that could be quarrelled, his friends lyffe being but a thing that he could dispose of without being bound to count therefore to any other, and there he stayed whill the Earle of Morton, who was then Regent, sent a guard and caryed him away to the Castle. But when he found truely the danger of his circumstances and that his proud rash action behoved to cost him his lyffe, he was then free to redeem that at any rate, and so made ane agreement for a remission with the Regent, at the pryce of the Barony of Kilmalemoock, which this day extends to twenty-four thousand merks rent yearly.

The evening after the agreement was made and wreat 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 lyfe, he vaunted that, had he his foot once loose, he would fayne see what Earle of Morton durst come and possess his land ; which being told to the Regent that night, he resolved to play sure game with him ; and, therefore, though what he spoke was but in his drink, the very nixt 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 one and twentieth of the family, and married Elizabeth Abernethy, daughter to Alexander Lord Saltoun. For prooffe whereof, see the contract past betwixt Laird Robert and the Lord Saltoun in anno 1580, for his daughters lyferent, marked 28. See next the contract past betwixt Robert Innes of that ilk, and the same Laird John, therein designed John Innes sometyme of that ilk, dated in December 1585, and marked 29.

ANE ACCOUNT OF
THE FAMILIE OF INNES.

CAP. IV.

The first whom we find in wreat of this family have been certainly brave and worthy people, and probably their vertew has continued right long with their posterity; for the two Sr Walters and two Sr Roberts that lived betwixt the 1370 and 1470 years, have been undoubtedly men of worth, else the Knighthood which in those dayes was only given as a mark of valour had not been so heretably theirs. We also find that whatever increase came to their estate, was either the inbringing of their honourable allyances, or else the reward of their valor for good and effectuall knights services.

But after Laird James his tyme the temper of the family began to alter. He himself had increast the estate much by his purchases from the Earles of Buchan and Bishops of Morray, as is evident by many peices of wreat in one bundle, marked X. His son Alexander followed the same course, so that the estate in these tymes became vast, and was still increasing 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 elevate them to such a high opinion of themselves, that they became uneasie and ungratious to severall of their relations, whill in end their sin was seen in their judgement: The Lord haveing 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 wrettin himself and his brother childless, so that there was none of theirs to possess what they, their fathers and goodsyres had exercised themselves so much about and been so proud of. 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 favors of the nearest air male, who was Alexander Innes of Cromy, son to James and grandchylde to Robert of Rathmakenyie, 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 first, the charter marked 17, given by George Earle of Huntly, upon the lands of Rathmakenie and others, to Alexander Innes younger of that ilk, and fayleing of him, to his brother Robert, sisters children to the Earle, etc. in anno 1491: See the charter marked 21, given by Laird Alexander to his brother german Robert, in anno 1499, upon the Garmoch, &c. in warrandice of Cromy &c: See the resignation and instrument thereupon, both marked 30, made by the same Laird Alexander, of the lands of Rathmakenyie, Mureack, Brakanhills and others, in the hands of George Earle of Huntly, superior, dated in March 1499: See the precept of seasine given by the said Earle in Apryll thereafter, for infesting of the honourable man Robert Innes, in Rathmakenie 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 seasine, past upon the forsaid resignation and precept, the 20 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 Rathmakenie 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 Roberts patrimony) is evident from the disposition of annual-rent upon Kilmalemock in anno 1499, and by the indentur of marches three years thereafter, both marked 33, A, where he is called Robert Innes of Cromy, brotlier german to Alexander Innes of that ilk.

But being frustrate of the possession of Cromy by his elder brother, who only gave him the Garmoch in warrandice of it, he designed himself

by the lands of Rathmakenyie, whereof he was possest, which is plain by two precepts given at Aberdeen in May 1501, where Robert Innes of Rathmakenyie appoints his brother James Innes to be infest for warrandice in the middle room of Rathmakenyie and in Blairmade, both marked 33, B.

That this James was Roberts fyfth brother, is evident from Laird James their father his tayllies of the baronies of Muldavid and Ogstoun, marked 16. See the charter of confirmation and seazine following thereupon, given by Alexander Earle of Huntly in anno 1521, honorabili viro et nostro consanguineo Roberto Innes, upon the lands of Rathmakenie, Mureack, Duni-maide, &c. Witnesses, John Lord Forbes, John Grant of Frewehie, William Sutherland of Duffus, Robert Innes of Innermarkie, &c. marked 34, A.

Robert Innes of Rathmakenyie 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 Rathmakenie, 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 ane infestment given upon the 17 of May 1541, by the said James of Rathmakenie 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, Dinkinty and others of that people, as will appear by the tayllie of the estate made by Robert Innes of that ilk in anno 1597, marked 36, where, immediately after his own fathers family, Cotts is substitute as being nearest. The other Alexander was designed Captain of Orkeney, and is not the son of Roberts marriage, as appears by the disposition of the kirk lands of Catboll, made to the said Alexander by Robert M^cCulloch 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 Rathmakenyie was married first upon Catharine Gordon daughter to the Laird of Gicht; witness the resignation made by his father Robert, in the hands of the superior, George Earle of Huntly, for new infestment to be given his son James and his spouse Catharine Gordon and their airs, &c. in liferent and fee respective, of the two part of Rathmakenie, &c. in anno 1537, marked 38. See also the charter given thereupon by the Earle, dated the 3^d of August the same year, marked 39. See the contract already spoke of, which past in anno 1533 betwixt Alexander Innes of that ilk and Alexander his apparent air, on the one part, and his brother Robert Innes of Rathmakenie and James Innes his apparent air, on the other part. It is marked 23. See also the charter marked 24, given by the said Laird Alexander, in July 1542, to his beloved cousine, James Innes of Rathmakenyie, upon the lands of Garmoch, &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 Roberts patrimony. See also the other charter, marked 25, given in anno 1543, by the said Laird Alexander to his cousine James, upon the lands of Newmills and Braecanhills, 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 Roberts first designation as said is, he immediately changed his tytle from Rathmakenyie to Cromy, as is evident by a charter and precept of seasine, both given under his seall and subscription the 26 day of February 1543, to Androw More upon the half of Newmills; the wreats are marked 40 and 41, so that in January he was designed Rathmakenie, 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 despesation marked 23, and next by a charter given by S^r Walter Ogilvy of Dunleugas, upon the lands of Barel made to James Innes of Cromy and Margaret Innes his spouse, in liferent, and to the heirs of the marriage in fee, which failying, to James his airs whatsoever. The charter is of date the 26 of June 1546, and is marked 42.

Upon the 10 day of September 1547, James Innes of Cromy dyed under the Queens 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 itself, expressing the cause, and is of date, at Aberdeen, the 6th day of November 1562, marked 43.

As also, upon the 20 day of March 1565, Francis Lord of Badenoch, Eynyie and Forrestry of Boyne did by his charter 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 Rathmakenie, Murcack, and the rest of them which belonged to himself formerly in property, as being the son and air 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 brothers body fayling, the second brothers grandchild, to wit Alexander Innes of Cromy, was the unquestionable air 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 March 1577, enter into a mutuall bond of taylie with his nearest relation of lineall descent (as he calls him), to wit Alexander Innes of Cromy, disponing to him and his airs male his whole estate, fayling of airs male of his own body; and taking the like disposition from Cromy of all his estate, &c. both of them mutually binding up their hands from any alteration of their present resolutions, by a clause of interdiction, as the said principall bond of taylie, subseryved by them both, and marked 45, doth testifie.

This Alexander of Cromy was twyce marricd, 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, brother to John Lord Forbes, who out-lived himself 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 dewtys of severall lands, at her and her husbands instance, in auno 1573, marked 46. See also a charter granted by John Laird of Innes upon the 17 of Apryll 1578, wherein he dispones 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 faylieing, to

said Alexanders nearest heirs, marked 47. See farther, an assignation made to the said Alexander by the said John Innes of that ilk, of the reversions of all lands under redemption to the family of Innes, &c. It is of date the 3 of September 1578, marked 48, sealed and subscribed. See lastly the charter of alienation of the whole estate of Innes, from the said Laird John to the said Alexander, sealed and subscribed the 2^d December 1578, marked 49, and the Kings 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 Johns being alive, which appears from a charter granted by James Innes of Elrick, and naturall son of the second Laird Alexander formerly spoken of, to Alexander of Cromy, whom he designes honorabilis vir Alexander Innes de eodem. This charter is given upon the lands of Neitherculine and Tillidowne, sold then by him, and is sealed and subscribed by the said James of Elrick, being of date the 16 of October 1577, which was but about 8 months after the tayllie. 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 sometyne 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 we are now concerned to speak, since they have made so great a noise in the country.

The first of that family (as is above said) was Walter of Innes, called by the fragment Wyllie Watt, who was second son to that Laird of Innes who had got the name of ill S^r 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 maryed Janette of Gordon, and had by her Alexander, whose race kept the estate for three generations, and Robert, whose race succeeded to it, as said is.

The second of ill Sir Roberts sones was Walter of Innermarky.

The third, 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 indenture of marches, marked 3, which, in anno 1482, says, *Presentibus ibidem honorabilibus et circumspectis viris Waltero de Innes et Roberto de Innes prædicti 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) before the year 1480, I have great reason to believe. For, first, there was never a Walter of Innermarky before the 1600 year of God but one, whom I find in the year 1496 giving seazine to one Alexander Tulloch, upon a precept direct to him thereanent by Walter Ogilvy of Boyne, which is marked 52: from which I infer, since Walter was brother to the Laird Innes in the year 1482, and Walter of Innermarky is found in wreat in the year 1496, and that there was never a Walter of Innermarky before 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 off the family.

Walter of Innermarky had severall sons, of whom I find in wreat only three, to wit, Robert his eldest, who succeeded him, Walter Innes of Touchis his second son, who was afterwards Achintoull, and Peter Innes in the Keam, of whom this present Coxtoun is descended.

As to Robert and Walter, I find the first gives infetment to the later in the lands of Touchis, by a warrant 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, wher the whole pedegree, 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 wreat. The eldest is called, in a charter of confirmation (which I have seen) from George Earle of Huntly, upon the half of

Innermarky, Roberto de Innes juniore armigero nostro, &c. The other son (as I understand) was Walter Innes, predecessor 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 Innerbreakys predecessor, and the Robert is he who was emulous of Cromys becoming Laird of Innes, and did assassinate him at Aberdeen, as is now to be related.

ANE ACCOUNT OF
THE FAMILIE OF INNES.

CAP. V.—REG. JAC. VI.

The house of Innermarky about this tyme having attaynd to the possession of a considerable estate, had for that reason thought themselves the next in respect to the cheeff; 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 before him, as he behooved to be by such a succession.

Innermarkys relation (as appears by what is said) could not incuradge 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 worthyest, 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 tayllie with Cromy, Innermarky made so loud expressions of his displeasure that Cromy, who, as most men say, was the gallantest man in his name, found himselfe obliged to make the proffer of meeting with him single in armes, and, laying the Tayllie upon the grass, see if he durst take it up: In one word, to pass from all other pretensions, and lett the best fellow have it.

The friends, but particularly Achintoull, who was the first and most con-

siderable cadett of Innermarkys family, dislykt his procedor in the matter, approved of Laird Johns taylicing his estate to the righteous air, and were weell 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 harts 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 Kinnardy, which was the principall dwelling of the family, and lived himself either at Innes or Cromy (I cannot distinctly learn which.) This afforded opportunity to Innermarky, who dwelt not farr from Kinnardy, to insinuate with Laird John, and hold out the iniquity Cromy had done him, as well as the dishonor or discredit he had put upon him, not only in cheating him out of his estate but in takeing the tytle of Laird upon him, and leaving John, who was trewly so (and by whose favour he had all) no better than a masterless dogg! Had he left him but the name, at lest dureing his lifetyme, it might have kept him in some esteeme, but now Cromys insolence had made him more contemptible than the meanest beggar, &c. with every thing els that could exaggerate the imaginary misery of the mans condition: All which took so weell with Laird John, that he would have given any thing to have that undoone which was doon.

Innermarky haveing once thus possesset him, told him that it was impossible he could recover what he was cheated out of, any other way but by killing of Cromy, who certainly would never part with what he had gotten but with his lyfe: And if he pleased to concurr with him, he would be the doer of the thing himself, be the hazard what it lykt, he would undertake it rather than see his cheeff made a slave as he was.

John being brought over to his mynd, there wanted nothing but a conveniency for puting their purpose in execution, which did offer itself in the moneth of Apryll 1580. At which tyme Alexander, being called upon some bussiness to Aberdeen, was obliged to stay there longer 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 whill he

saw what became of him. He had transported him out of the Old Town, and had brought him to his own lodging in the New Town. He had also sent severalls 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 Kinnardy 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 rydes to Aberdeen ; they enter the town upon the night, and about midnight came to Alexanders lodging.

The outer gate of the close they found open, but all the rest of the doors shutt. They were affrayd to break up doors by violence, lest the noyse might alarme the neighborhood, but choised 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 familys of Gordon and Forbes were not extinguisht, therefore they raised a cry, as if it had been upon some outfall amongst these people, crying, Help ! a Gordon ! a Gordon ! which is the gathering word for the friends of that kindred. Alexander, being deeply interessd in the Gordons, at the noise of the cry started from his bed, took his sword in his hand, and opening a back door that led to the court below, sept down three or four steps, and cryed to know what was the matter. Innermarky, who by his word knew him and by his whyte shirt decerned 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 own neerest 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 Mr 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 craftie crueltie!

The next thing lookt 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 doon had scrambled from it, and by the help of one John of Coldreasons, or rather of some of the people of the house, had got out at ane unfrequented back door into the garden, and from that into a neighbors house, where he had shelter; the Lord in his providence preservcing him for the executing of vengeance upon these murderers for the blood of his father.

Then Innermarky took the dead mans signet-ring, and sent it to his wyfe as from her husband, by a servant whom he had purchased to that purpose, ordering her to send him such a particular box, which containd the bond of tayllie 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 sake, he had sent his best horse with him, and had not taken leisure to wreat but sent the ring. Though it troubled the woman much to receive so blunt a message, yet her husbands ring, his own servant and his horse, prevailed so with her, together with the mans importunity to be gon, that she delyvred to him what he sought and let him go.

Ther 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 gon to the stable, to interceed with the servant that he might cary him behind him, and in his discourse had found the man under great restraint and confusion of mynd, sometyms saying he was to go no farder than Kinnardy, (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 farder knowledge he behooved to have, and therefore he stept out a little beyond the entry, watching the servants comeing, and in the by going, suddenly 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 rid him of the youths trouble, which the other wrung out of his hand and downright kild him with it, and brought back the box with the wreats and the horse, to the house of Innes (or Cromy, I know not whch.)

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 conclude a speciall hand of providence to have been in the first passage. Her next course was to secure her husbands wreats 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 sett down is holden by all men to be the trew matter of fact. The Earle of Huntly, immediatly upon the report of the slaughter, concerned himself, because of his relation to the dead, and lookt out for his sone, whom he instantly caryed to Edinburgh, and put him for shelter into the family of the Lord Elphinston, at that tyme Lord High Theasurer of the kingdom.

Innermarky and Laird Johu, 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 whill the law went against them. From Rothymay they went with a considerable party of horse, and repossesed 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 day of 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 lyferent, together with the lyferents of Dame Jean Gordon, relict to his brother Alexander, and of Elizabeth Abernethie, his own wyffe, as appears by the wreat marked 55.

And to make all sure, he had caused his eldest son Robert marry Margaret, sister of Lairds 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 cheeffship; as is evident by the renunciation given by the said Robert of Innermarky, of that pretence amongst others, in the contract past betwixt the Laird Innes and him at the Chanry Kirk of Elgin, in December 1587, which is marked 56.

By what is said, Innermarky may appear to have been a man full of unrighteousness, craft and crewelty. Yet some say, for alleviation of the fact, that he haveing his cheeffs favor, had got the first disposition of his estate, faillyng airs of himselfe; but that Cromy had taken a posterior right and had supplanted Innermarky, for which he, in revenge, had kild him, &c.

The reason was no ways relevant for such a fact, though it had been true; but the falseness of the alledgeance (mean as it is) is plain past contradiction, from the above narrated wreat, which was given to Innermarky but 40 days after the slaughter of Cromy.

For two full years Innermarky and Laird John had possess the estate of Innes, strengthening 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, weell endewed with favor and understanding, which had ingadged the Lord Treasurer so far to wed his interest, that he first wedded the young man to his daughter, and then got him all the assistance requisite to possess him in his estate; which was no sooner doon but he laid waste the possessions of his enemies. Burneing and bloodshed was acted by both partys with animosity enough. In the mean tyme Laird John had run away to seek some lurking 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 delyver up the charter chest and all the old evidents which he and Innermarky had seased, and which I doubt if ever he faithfully did, els this narration 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 surprysed 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 fals token for the wreaths, and who all his lyffe was called *Cruig in perrill*, for venturing upon Innermarky, then desperate, and whose crewlty he helped to repay in its own coyne. Ther was no mercy for him, for slain he was, and his hoar head cut off and taken by the widdow of him whom he had slain, and caryed to Edinburgh, and casten at the King's feet: a thing too masculine to be commended in a woman.

ANE ACCOUNT OF
THE FAMILIE OF INNES.

CAP. VI.—REG. JAC. VI.—WIL. & MAR.

Though by the death of Innermarky, something of Laird Roberts edge was blunted against the other accomplices, yet the trouble was not fully over, whill by the interposition of the Laird of Makintoshe, Sir George Ogilvie of Dunleugass, William Sinclair of Dunbeath, the Laird of Duffus and some others the matter was trysted by a solemn reference, upon the last day of November 1587, at the Chanoury Church of Elgin, and there bygons were past for fair play in tyme to come: The Laird Innes paying the sowme of 7000 merks, at two tearmes, to Innermarky, upon account of his brother M^r Alexander, as assigney to Alexander Innes of Coxtoun, for damnages and losses through burncing doon by the Laird to the said Coxtoun (as would seem undeservedly) and Innermarkie renoucing all pretensions he had to the estate of Innes, and all other kynd of competition in the termes following: “And sicklyke, the said Robert Innes of Innermarky for himself, his airs and successors, renunes, quytelaines, purely, simply and irrevocably, all right and title of right, clame, interest and kyndness whilk he, his predecessors and others, had, hes, or any ways may pretend to have, to the Lairdship of Innes, liveing thereof, or any part or portion of the samen, either be himself or his predecessors, or his own title, by contract of mariadge, infetments, resignations, alienations, confirmation, chartor,

tayllie, lyne or birth-right, or other whosomever kynd of title or right or kyndness, had therto of before, preceeding the day and date of thir presents, secludeing him and his forsaid's 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 cheeff of the said name of Innes, and shall authorise him in tyme comeing, as any of the Lairds of Innes by past has been acknowledged and estimate be the friends of that name, and shall delyver to him all evidents, contracts, titles and wreats whosomever, which he hes or may gett, concerning the disposition of the saids lands of Innes or any part thereof, to him or his predicessors, 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 tearmes of the contract, under a mutuall fayllie of 7000 lib. This 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 cheeffship of his family, and conventionall rights by bonds and contracts to the estate of it, be considered, this renunciation of Innermarkys (who had no right at all) may be thought very needless. And if the express tearmes of the renunciation be considered, it may be found strong enough to bind the ingenuous men of that family to their cheeff, although he had no better tytle of his own. But both put together, and the matter being as is now deduced and instructed, and Innermarkys family extinet, it must either show a great deall of mistake or ill nature in any of this name, to spit in their own blankett, and derogate from the Laird of Innes his family, which holds its own respect amongst its equals, and keeps its allyances with the best in the kingdome. It is no wonder ther should have been mistakes in this matter before the treuth was made manifest, for when God leaves friends to become enemies and shed one anothers blood, they say many things out of prejudice which they themselves know to be fals; and succeeding people, with whom the prejudice is worne out, hold the tradition which they have heard whispered by their prejudicate predicessors, and relates them as plain treuths, they really beleiveing them, because they themselves were not at the contrarying of them. But now the trenth being laid open by insuperable

evidenece, I put no doubt but it will be acceptable to every honest man who carys that name, and I hope it may give a dead stroak to all these fables which occasioned ane indifference where ther ought to have been mutuall friendship and respect. But to proceed ;

Robert Laird of Innes, the son of Alexander, was the 23d of his family. See his infestment upon the lands of Rathmakenyie and others within the forrestry of Boyne, from George Earle of Huntly, in March 1583, to Robert son and air to Alexander &cc., marked 57.

Robert Laird of Innes, as said is, marryed Dame Anne Elphinstonn, daughter to Alexander Lord Elphinstoun Lord High Theasurer, 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 Guthre, George Monro of Miltoun, and Bishop Douglass.

Sir Robert Innes of that ilk succeeded to his father Robert, and was the 24th of his family. He was a man of extraordinary vertew and reputation. His sufficiency was much seen in the creditable manadgement 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 he his own share of these things. For Walter Innes of Achintoull, dying without airs male, though he was come of Innermarky, yet left his estate, with the burden of his daughters, to his cheeff, which Robert Innes of Balveny, son to the last Innermarky who had entred 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 proces against Innes for reduction of that conveyance, as appears by the summons raised in 1626 ; wherein having succumbed, 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 grandfathers disposition, obtaiued from Laird John after the assassination of Cromy (as they call him) at Aberdeen. This wreat, as well as many others, had never been delyvred 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 pretenees were, by order of the Lords, delyvred up to Innes, as is evident by the proces and the forsaid charter given to Innermarky, now in Innes his possession, and marked 55, as said is.

But Balveny 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 Barronet-ships for a pryce, Balveny immediatly applyes for one of these, by virtue of which, haveing law for it, he would baffle his cheeff and take the door of him, or put him to the necessity of being Lord, which his circumstances could ill bear. Of this interpryse, S^r Robert Gordon of Gordonstoun, brother to the Earle of Sutherland, being then of the bed-chamber, did acquaint Innes, whose intimate friend he was. Innes, easily suspecting Balvenys meaning, thought best to disappoint his purpose the cheapest way, and therefore wrot to Sir Robert, allowing, in case Balveny did prosecute that, to pass one for himself of a prior date, which accordingly was doon, and the other stopt for a year or two. But Innes concealing what was doon, had the satisfaction to find his owne judgement approven by the other mans procedour; for (as I am credibly informed) how soon he got his Knightship, at a weaponshaw in the Chanry Church yaird of Elgin, he entred very confidently upon a competition with his cheeff, wherein first he declynd to draw his sword single because he would walk legally; and then upon the sight of S^r Roberts prior patent, after a scuffle, was fayn to quyte the place of rendezvous; which was the last medleing that ever was betwixt these two familys.

For that of Innermarky or Balveny had been at such expence and had run it self so farr in debt, in prosecution of the feud with the house of Innes, that it ruined itself and severalls of the best friends it had. And to follow it out to the close, S^r Robert Innes of Balveny who brock his own estate, had a son, Sir Walter, who succeeded him. Sir Walter had a son, S^r Robert, who succeeded him to the name but not to the land. S^r Roberts circumstances were but mean; he left no heirs, and in his death the family extinguisht; he being the eighth generation from the first Walter who founded it.

It had severall cadents of good respect come of it, few whereof are now standing. Achintoull was the first; who, for laike of airs male, gave his estate to the Laird of Innes. Calrossie, Minnenny, and all come of these, are extinct, as to any visible inheritance that I can learne.

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

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

The last come off the house of Balveny, and necest that family (were there any thing to represent) is M^r George Innes, a preist, who possesses a small interest in Angus called Dennoone; what lawfull airs male he can have I know not.

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

But the remotest of all from Innermarkys family, yet trewly 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 cheeff. 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; Alexanders son was M^r John Innes of Coxtoun, formerly spoken of, all which is evident by the summons raised by him in anno 1626, and marked 54.

M^r John Innes had a son called James, who dyed before himself, and left two sons behind him, to wit S^r Alexander Innes of Coxtoun, who succeeded his grandfather, and John Innes of Culdrain.

Sir Alexander was twyce maryed, but had no children, which obliged him to leave his estate to his brother Johns eldest son, who is Sir Alexander 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 Shireff 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-fyft 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 fyft to the Laird of Echt. There was also a sixth, who married herself, 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 twentieth 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 air 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, resignd his estate, upon the — day of October 1694, and by that means is the twenty-seventh Laird from Berowald, who took the first wreat 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 thankful to the Lord for his goodness, 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!

[DIPLOMA STEMMATIS INNESIORUM
A LEONE REGE ARMORUM DATUM
SUPER LIBELLO PRESCRIPTO.]

Universis et singulis Generosâ Natalitium prosapiâ ac virtutis splendore nobilibus, quâcunque authoritatis eminentiâ aut potestatis titulis colendis, præsentium Lectoribus, *Ego Alexander Areskinus Baro de Cambo Eques et Baronettus*, apud Scotos *Leo Rex Armorum S. P. D.* Quum summa et sedula eorum quibus administratio Reipublicæ est commissa, cura et studium esse debet, ut quâcunque generosi sanguinis præclarè gestorum a majoribus derivata sunt jura et encomia, eadem apud Posterios (nisi ab integritate decessorum desciverint) quam longissima fieri possit serie sarta tectaque maneant, quo et ipsi post-geniti stemmatis sui memores, nil parentum amplitudine et integrâ famâ indignum committant, sed ad parem accensi Laudem, aliquam, propriâ virtute, splendoris accessionem claritudini majorum superaddant, Et sic majore 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 foris (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 Parlamenti, mihi demandata sit provincia, atque etiam in viros quoscunque de se aut Republicâ benemerentes 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 perillustris 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 quandam hisce præfixum exhibens Vernacule Scriptum (Authore generoso viro D. Duncan Forbesio de Colloclen antiquitatum studiosissimo) cui hic inscribitur titulus [Tractatus de origine et successione Familiæ de Innes 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 testatam apud omnes pro virili cupiens et ut indubitatæ etiam fidej et veritati ex æquo et bono firmum testimonium (quod beneficij loco illi tam domi quam foris prodesse possit) non denegarem. Non solum certum et notum omnibus esse vole et facio libellum supramemoratum de Prosapiâ per-illustris familiæ Innesianæ tractantem (facta prius diligenti inquisitione et comparatione seu collatione ejusdem cum cartis alijsque 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 felicissimæ memoriæ Cartam Regiam Agrorum aliorumque ad familiam spectantium obtinuit) stemmata ducentes; omnesque eorum antecessores huc usque legitimo matrimonij nexu copulatos

bactenus generis luce claruisse, suasque laudes et encomia ad posteros sine labe transmisisse. **Specialitèr** quod Jacobus Innesius Baro de Innes cognomento Barbatus à Berowaldo illo decimus sextus ex uxore sua Dominâ Joneta Gordon filia legitima Alexandri Comitis de Huntly legitimo thoro duos genuit filios **Alexandrum** scilicet 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 **Wiliclms** 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 Wiliclms 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 nllis masculis de corporibus suis legitinè procreatis decedentibus, successit pronepos antenominati Jacobi cognomento Barbatu Ex eo quod memoratus Robertus Innes de Cromy et Rathmakenzie, filius secundo genitus dicti Jacobi Barbatu 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 Barbatu 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 legitinè 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 tractatu subjecta clarissimè patet. **Uterius** 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 familiae suae 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 eminet Caput Apri avulsum proprio colore conspicuum. Fulciunt duo Canes Leporarij argentei cum Collaribus cæruleis tribus itidem Stellis argenti metalli insignitis cum hoc symbolo vernacule in tæniâ scripto, BE TRAIST; Ut supra colorata magis lucidè videntur. *Quæquidem* omnia sicut ex se vera et firma sic etiam ut apud universos et singulos testatiora et certiora fiant atque cunctis pro manifestis innotescant, Ego libere et promptè libellis hisce assertorijs Sigillum Officij Leonis appendi curavi, manu meâ propriâ additâ. Datum Edinburgi decimo quarto die mensis Decembris anno Domini Millesimo sexcentesimo nonagesimo octavo.

ALEX^R. ARESKINUS

Leo Rex Armorum.

CHARTERS AND NOTES

CHAPTER I.—BEROWALD, JOHN, WALTER.

It is vain now to seek for the original charter of Innes, by King Malcolm, to Berowald of Flanders. The words of our author seem to say that he had seen it, and found it somewhat illegible; and, in like manner, it would appear that Sibbald, the antiquary of the beginning of last century, had examined the original. But it had disappeared before Sir James sold his lauds, in 1768; and the official Transcript, certified by Bishop Gawin Dunbar, Clerk of Register, was then put forward as the beginning of the series of Titles, and the best evidence of the ancient tenure.

Historical study, and especially the study of charters, has been much cultivated since the days of the Laird of Culloden, and no charter scholar has now any doubt as to the granter and the date of the original charter to Berowald, which was given by King Malcolm IV. at Perth, at Christmas, in the year 1160; when William Bishop of Moray was Papal Legate in Scotland, who returned from Rome invested with that dignity in that year, and died in the year following.

Nor is the country of the new settler more doubtful. The name Berowald is not Celtic in appearance. It does not occur elsewhere in Scotland. But Beroald was already a common name in Flanders and the low countries, and the historical evidence all goes to support its Flemish origin. Among the strangers of various lineage, who, during all the 12th century, swarmed over the land from Tees to the Moray Firth, were many Flemings, who founded great houses, some continuing to be known by the name of their native country, others, like the sons of Berowald, soon taking their family surname from the lands they acquired. But some

circumstances seem to have occasioned a new influx of Flemings into Scotland precisely at the time of our charter. During that age the natives of Flanders were noted over Europe as engineers, builders, fortifiers and defenders of castles—good men at arms in all ways, but especially renowned for attack and defence of fortified places. Stephen of England had used them for making and keeping those feudal fortresses in which he trusted. But his successor Henry Fitz-Empress, in the second year of his reign (1155-6) threw down the new castles which Stephen had built, reclaimed many burghs, castles, and towns, from those to whom Stephen had granted them, and drove out the garrisons, especially the Flemings—"il lez enchasa tretouz de la tere, et nomenent lez Flemynkes qi od Esteuen estoit grantz meisters."¹ The Flemings whom the English King chased out, though some settled in Wales, went chiefly to the North, where many of their countrymen had already taken fast root. We find, at that precise time, Theobald, styled 'Flammaticus,' who has been erroneously set up as the origin of the great house of Douglas, settling in Lanarkshire, beside Baldwyn 'Flamingus' the ancestor of the noble family of Fleming. Before that time, Mainard 'Flandrensis' had been set over the new burgh of St. Andrews by David I.; and Flemings in Berwick and other burghs were already leading the way in trade and handicraft, and teaching the lesson of union and social strength, which they had brought from their own Ghent and Bruges. Those energetic colonists, habitually uniting, ready alike for peace or war, have left their traces in the name of more than one settlement, still called "Flemington;" and yet more remarkably, if we believe that they claimed and established peculiar privileges to which they gave their own name.² It happened that the district of Moray was just then ready for such settlers.

David I., the saint of civilization, had already studded the coast of the province with Burghs, the cradle of trade and of the new-born middle class. Beside each of them he had fortified a Royal Castle, that the arm of the State might support the young communities, thrown among rough neighbours: He had recently founded the Benedictine house of Urquhart, and the Cistercian Abbey of Kinloss—schools of agriculture, art and industry, as well as of religion.

¹ Scala cronicon, p. 35.

² Chalmers asserts the Flemings "obtained a right to be governed by their own law,"—resting the assertion upon the terms of one charter, with which he was imperfectly acquainted. By it, Thomas, Earl of Mar, (c. 1359) grants to John Mar, canon of Aberdeen, the lands of Cruteryston in the Garioch, free of

homage, ward, relief, and suit of court, *una cum lege Flaminga que dicitur Fleming lauch*—words that would seem to imply some one peculiar custom, rather than being governed by their own law generally. But the materials are too slender to build upon.—*Caledonia I.*, p. 604. The charter is given at full in vol. IV. of the "Antiquities of the Shires of Aberdeen and Banff," p. 156.

Before his time, the great Bishopric was established, which, as yet without a fixed seat, was soon to render Elgin the little centre of religion, law, and such learning as existed, to a wide province.

But the natural advantages of Moray, which had attracted the care of David I., were long counteracted by political misfortunes. The native lords, supporting a claim of their Maormors to the throne, had led her people into frequent and formidable revolts, till, at length, Malcolm IV., the son and successor of David, "with bold and desperate policy," as Lord Hailes expresses it, "dis-possessed them all, scattered them over Scotland, and planted new colonies in their room."¹ Such a story of wholesale transmigration cannot be true to the letter. Some old institutions unquestionably survived the measure; and a native rural population, in the condition of that of Scotland in the 12th century, could have no political sentiments, nor be called to account for political conduct. That there was some revolution, however, seems proved by charter evidence, and by the sudden appearance at that time, in the records of the province, of a great number of Southerns, obtaining grants of lands in Moray, for whom room must have been made by some violent displacement of the former lords of the soil. Fordun, who gives the tradition of the total dis-peopling of Moray—*ut nec unus quidem illius terre nativus ibi remaneret*—tells us that Malcolm settled in their place a peculiar and peaceful people—*populum peculiarem et pacificum*—and who more fit than the Flemings to teach some trade and manufacture to the burgesses, to drain the marshes of Spiny and Cotts, as well as to do service as men-at-arms in the King's Castle?

And thus it came to pass that Berowald of Flanders obtained the lands of Innes, all from Spey to Lossie, except the Priory lands of Urquhart, no doubt for service doue, as well as for that which he undertook to perform—the service namely of one knight in the King's Castle of Elgin. That ancient Royal Castle, subsequently the seat of the Earls, stood on the green mound at the west end of the little city, now known as Mary-hill, a name which it retains from a chapel dedicated to the Virgin within the castle, and which survived it.

The transumpt of Berowald's charter, though it may have spoilt the spelling of the original, is no doubt essentially correct; and it is here given with more precision than our author thought requisite:

Carta Regis Malcolmi IV.

Malcolmus Rex Scotorum omnibus probis hominibus tocius terre sue salutem Sciatis me in feodo et hereditate dedisse Berowaldo flandrensi in

¹ A. 1161, quoting the authority of Fordun, viii., 6.

provincia de Elgin Incess et Etherurecard per rectas earum diuisas Tenendum sibi et heredibus suis de me et de heredibus meis hereditarie libere quiete in bosco in plano in campis pratis pascuis in moris et aquis faciendi michi inde seruicium vnius militis in castello meo de Elgiu Preterea ei dono in burgo meo de Elgin vnum toftum plenarium tenendum simul cum predicto feudo suo ita libere et ita quiete sicut aliquis ex paribus suis liberius et quiecuis tenet toftum suum aut feudum suum Testibus Willelmo Morauensi episcopo sedis Apostolice legato Merlesvano filio Colbani Willelmo filio Frisgin Apud Perth in natali domini proximo post concordiam Regis et Sumerledi.

Tenet hoc transumptum cum originali carta in presentia dominorum consilij pro tribunali seden. product. lect. inspect. et diligenter examinat. non cancellat. suspect. aut vitiat. collationat. et concordat. cum eadem et de mandato dominorum in hanc publicam transumpti formam propter vetustatem et fragilitatem originalis carte redact. et confect. edicto publico vt moris est rite et legitime primitus prehabito vt talis et tanta fides huic transumpto temporibus affuturis adhibeatur qualis adhibenda est prelibate carte originali Per me Gavinum Episcopum Abirdonen. Clericum rotulorum registri Ac consilij Supremi domini nostri Regis sub meis signo et subscriptione manualibus.

GAWINUS DUNBAR.

Of John of Innes, the son of Berowald, we know nothing, except from King Alexander II's charter to his son, which names him. We do not learn any of his transactions, nor even whether he survived his father and became the head of the house and estate: and no wonder. How little we know of any private man in Scotland during the reign of William the Lion!

Of Walter, the third in descent, we have in the first place, his crown charter, which probably marks the period of his coming to the estate; granted by King Alexander II. on 20th January, 1225. It is still preserved, and is legible in every word, and almost every letter, though it puzzled the eyes of Mr. Duncan Forbes.

Carta Regis Alexandri II.

Alexander Dei gratia Rex Scottorum · omnibus probis hominibus tocius terre sue Clericis et laicis Salutem · Sciant presentes et futuri nos concessisse

et hac Carta nostra Confirmasse Waltero filio · Johannis filii · Berewaldi · Flandrensis · Inees · in prouincia de Elgin · et Ether Vrecarde · per earum rectas diuisas · Tenendas ei 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 maresiis · in stagnis et molendinis · et cum omnibus iustis pertinentiis suis · cum Socco et Sacca · cum furca et fossa · cum tol · et them · et infanganethf · libere et quiete · plenarie et honorifice · per seruicium vnius militis in castello nostro de Elgin · Et preterea unum toftum plenarium in burgo nostro de Elgin · Tenendum simul cum predicto feodo suo · ita libere et quiete sicut Carta Regis · Malcolmii · inde facta · Berewaldo · auo predicti Walteri · testatur · Testibus Thoma de Strivelin Cancellario · Willelmo Cumin · Comite de Buehhan · Justiciario · Scoeie · Ingeramo de Baillol · Henrico de Baillol · Camerario · Willelmo de Bruys · Willelmo filio Willelmi de ueteri ponte · Willelmo de Fernindrath · Apud Inuereulan · vicesimo die Januarii · Anno Regni nostri duodecimo.

After his accession, we meet with Walter of Innes where we should expect, taking part in the transactions of the great Bishopric where his estate and family were settled, and in the Cathedral town, the centre of civilization to the district. Thus he was at Elgin on occasion of a great assemblage of clergy and laity, on the 9th and 10th of October, 1226, and on these two days assisted at the amicable settlement of disputes between Bishop Andrew and his kinsman Walter de Moravia, the great lord of Duffus, and the other Walter, lord of Petty and great baronies round it, and of Bucharm, Aberlour and Arndilly on Spey.¹ Again, some years later, Walter of Innes witnessed a very solemn compact between the Bishop and David de Strathbolgy, son of the Earl of Fife, regarding the possessions of those parties in the Aberdeenshire deanery of the diocese, on the 8th day of October, 1232; and a similar settlement between the Bishop and Walter de Moravia of Petty, on the 7th of August, 1235.²

¹ Regist. Episc. Morav., p. 25, 132.

² Regist. Morav., p. 30, 101. In these several entries in the Cathedral Register, the name is written, *Walterus de Inneys*, and *de Ineys*. From

the manner of the latest of these entries—*domino Waltero de Ineys*—it might seem that the lord of Innes was a knight in 1235. But he is nowhere expressly styled *miles*.

CHARTERS AND NOTES.

CHAPTER II.—ALEXANDER, WILLIAM, SIR ROBERT,
ALEXANDER, WALTER, SIR ROBERT, SIR WALTER.

The next generation, Alexander, the son and successor of Walter, is quite unevincenced, and the name must rest on the tradition of the family, as gathered and set forth by Mr. Duncan Forbes. During that generation, a settlement took place between the Monks of Pluscardin and the Town of Elgin, which interested the family of Innes from its connexion with a subsequent one in which they were concerned, and, on that account, several transumps and copies of it are found among the family charters. It is now of interest as one of the few records of business transactions, of that century, preserved in the north. The style shows how early, legal formalities had made their way over the simplicity of a rude age.

Cirographum Inter Priorem de Pluscarden et Burgenses de Elgin, A.D.
1272.

Nouerint omnes hoe scriptum visuri vel audituri quod cum mota esset controuersia inter priorem et conentum de Pluscardin ex vna parte et burgenses de Elgin ex alia super seruitiis debitis ad instaurationem et restorationem molendinorum suorum de Elgin et stangnorum de terra prepositure de Elgin quam dicti burgenses tenent ad feodam firmam de domino

rege sic demum inter partes facta est hec finalis conuentio anno domini millesimo ducentesimo septuagesimo secundo die sancti nicholai episcopi sub hac forma videlicet quod dicti burgenses ex consensu et assensu communi omnium et singulorum precipue Adami filii Stephani et Patricii Heroe tunc temporis prepositorum de Elgin Hugonis Heroe Thome Peyne Andree Vis Mathei Black et alterius Villelmi Black filii quondam Simonis Heroe vna cum dictis Adam et Patricio prepositis terram dicte prepositure de Elgin tunc temporis tenentium reliquique totius vulgi eiusdem ciuitatis dicto die super hoc in cemeterio sancti Egidii congregati dederunt et concesserunt pro se et heredibus suis et hoc presenti scripto in modum cyrographi confecto confirmarunt Deo et beate Marie et sanctis Joanni baptiste et Andree apostolo et fratribus in domo de pluscardin Deo seruientibus et inperpetuum seruituris totam terram illam que die huius finalis conuentionis interiacebat duobus molendinis suis de Elgin aquis utraque parte circumdata que etiam eodem die erat de terra dicte prepositure cum omnibus libertatibus et aisiamentis infra dictam terram pertinentibus vel pertinere valentibus Tendendam et habendam dictis fratribus et eorum successoribus de dictis burgensibus et eorum heredibus libere quiete plenarie honorifice et integre cum omnibus libertatibus et aisiamentis suis pro quieta scilicet clamatione seruiciorum que dicti fratres ad reparationem et instaurationem dictorum molendinorum suorum et stangnorum dicte prepositure a dictis burgensibus ante diem huius finalis conuentionis exigebant Salua semper eisdem fratribus et eorum successoribus integre consueta multura quam dicti burgenses eisdem fratribus exhibebant de terra dicte prepositure Reddendo tantum annuatim dictis burgensibus et eorum heredibus per manus cuiusdam tenentis dictam terram duodecim denarios . . . Hec autem datio et concessio a dictis burgensibus dictis fratribus facta est saluo scilicet situ molendini heredum de Duffus in dicta terra Insuper dicti fratres concesserunt pro se et successoribus suis quod neque per se neque per quemcunque tenentem ab ipsis dictam terram aliquam in ea excercebunt negotiationem quod libertatem dictorum burgensium poterit ledere aut damnificare eisdem nihilominus terra existente libera ab omnibus exactionibus et demandis vt predictum est et ad omnes vsus reliquos ad vtilitatem dictorum fratrum cedentes vel aliquo modo cedere valentes Preterea si dicta molendina a dictis fratribus qualicunque escambio ad dominum regem redierint dicta terra ad dictos burgenses sine omni cauillatione et exceptione redibit prius tamen saluis dictis

fratribus expensis suis positis in edificiis et aliis huiusmodi infra dictam terram . . . In cuius rei testimonium illi parti huius scripti in modum cyrographi confecti que manet penes dictos fratres appositum est commune sigillum de Elgin Illi vero parti que est penes dictos burgenses sigillum dictorum fratrum est appensum.

Our Author quotes a document, not now to be found, to prove that William was Laird of Innes in the latter half of the thirteenth century: but we have other evidence of this personage. The name of "Willelmus de Ineys" is found in a Roll of names of certain magnates and others of Scotland who performed homage to Edward I,¹ on the 14th of March; apparently to entitle them to have seisin of their lands. And again, on the 17th day of July, the 24th year of the King, (1296) the same person, now written *Willame de Inays*, took the oath to Government at Aberdeen, along with Duncan of Ferendrach, Patrick de Berkeley, Hugh de la Hay, Reginald le Chien, and other Northern barons, and affixed to the instrument of fealty this seal.² Heraldic bearings were not yet generally adopted among us, and William of Innes put no shield of arms on his seal. As in the larger number of seals of that period, the centre is filled with a trival ornament, only to give room for the owner's name in the circumference.



¹ Palgrave's documents and records illustrating the History of Scotland, p. 194.

served in the Chapter house at Westminster. See Palgrave's Scotch documents, p. 177, and Ragman Rolls, p. 96-7.

² Original instrument with seal entire, pre-

This William, the ninth in succession, according to Forbes's computation, must have lived very long laird, or was succeeded by another of the same name. The two following documents are from the original in the family charter-chest. The first, King Robert's charter, confirms an early writ of the lady who seems to have brought the Thanage of Aberkirdor into the family of Innes. The latter shows us William of Innes taking a part in a peace-making between two neighbouring powers in 1330.

Carta Regis Roberti I de Wester Caringusy, A.D. 1328.

Robertus dei gracia Rex Scottorum · Omnibus probis hominibus totius terre sue salutem · Sciatis nos concessisse et hac presenti Carta nostra confirmasse donacionem illam et concessionem quas quondam Sibilla filia quondam Simonis thani de Abirkerdor domina et heres terrarum de Caringusy fecit Alexandro de Melgdrum et Isabelle sponse sue · ac eorum heredibus · de dauata terre que dicitur Westir Caringusy · et de duabis particulis terre de Culbbathyns cum pertinenciis. Tenendas et habendas Willelmo de Melgdrum eorum heredi et heredibus suis · de predicta Sibilla et heredibus suis · in feodo et hereditate per omnes rectas metas et diuisas suas cum omnibus libertatibus commoditatibus · aysiamentis et iustis pertinenciis suis · adeo libere · et quiete · plenarie et honorifice · Sicut Carta dicte Sibille eisdem Alexandro et Isabellæ sponse sue ac eorum heredibus exinde confecta · in se plenius iuste proportat et testatur. Saluo Seruicio nostro · In cuius Rei testimonium presenti Carte nostre Sigillum nostrum precepimus apponi · Testibus Bernardo Abbate de Abirbrothoc Cancellario nostro Thoma Ranulphi Comite Moranic Domino Vallis Anandie et Mannie nepote nostro · Jacobo Domino de Duglas · Roberto de Keth Marescallo nostro · et Dauid de Berkelay militibus · apud Edinburgum · duodecimo die Marcii · Anno Regni nostri vicesimo Secundo.

Concordia Inter Monachos de Pluscardin et Burgenses de Elgin, A.D. 1330.

In dei nomine Amen Concordatum est inter Religiosos uiros · Priorem et conuentum de Pluschardyn ex vna parte · et burgenses communitatis de Elgyn ex alia · Presentibus venerabilibus viris et discretis · domino Thoma dei gracia Abbate de Kinloss · magistro Adam Heyrokis thesaurario ecclesie morauiensis · domino Simone de Curry canonico eiusdem · et nobilibus

uiris dominis Reginaldo le chen iusticiario Roberto de Lauydir · militibus · Willelmo de Fedreyth · Willelmo de Ynes · baronibus · et Roberto dauid vicecomite de Elgyn et aliis · in hunc modum · videlicet · quod cessante omni altercatione habita inter partes super multuris dictorum burgensium omnium generum bladi · tam ex cultura quam ex emptione ipsorum vnde cumque · dicti Burgenses et Communitas tenebantur soluere monachis predictis septimum decimum vas vel fattum precise absque omni alia exactione · hoc adiecto expresse inter partes et acto quod si contingat molendina de Elgin destrui incendio vel alio fortuito casu vel inundatione aquarum impediri ne molant · dicti Burgenses et Communitas fide prestita corporali respondebunt et dabunt monachis predictis · duas partes predictae multure et pro tercia parte molant vbicumque uoluerint quousque reparentur dicta molendina et molere possent · Et si reperiatur quod aliquis se subtrahat transportando granum siue in equo siue in dorso hominum qualitercumque et per dictos monachos seu eorum ministros deprehendatur · saccus cum grano · farina vel braseo · cedet monachis in escaetum · et equus et ductor balliuo domini Comitatus presentabitur pro forisfactura · Actum est eciam inter partes quod quater in anno quicumque fuerit habitus de multura suspectus non soluta exigetur iuramentum ab eodem · quod si renuerit facere seruiens uille qui cum seruientibus monachorum iuerit ad hoc exigendum districtum capiet et dictis seruientibus monachorum liberabit · Actum est eciam quod si applicantibus nauibus dicti Burgenses frumentum aut aliud genus grani emerint ab eisdem nauibus uel aliunde pro mercimoniis suis exercendis de huiusmodi grano nulla exigetur multura nisi quatenus in usus proprios conuerterint · Et ad hec omnia et singula seruanda imperpetuum dictus prior nomine suo et conuentus sui · Walterus filius Randulphi maior · Thomas Heruei et Willelmus de Strathbrokis · balliui de Elgin nomine communitatis eiusdem fidem prestiterunt corporalem · adiecta pena Centum marcharum esterlingorum applicandarum fabrice ecclesie cathedralis de Elgin ab ea parte qui contrauerit presenti huic conuencioni · principali conuencione ut permittitur nichilominus in suo Robore remanente · In cuius Rei testimonium huic presenti scripture per modum circographi confecte que penes dictos monachos de Pluscardyn remanet appositum est sigillum commune burgi de Elgin vna cum sigillis abbatis de kinlos · magistri adami heyrok thesaurarii et prenominatorum nobilium virorum Reginaldi et Roberti militum · alteri vero penes burgenses parti remanenti appensum

est Sigillum commune domus de pluschardyn cum Sigillis predictorum dominorum ad futurorum memoriam. Acta apud Elgin quarto die mensis decembris Anno Domini . millesimo . CCC° trigesimo.

The following charter, though not apparently concerning the family of Innes, or its estates, has been preserved in their charter chest, and it is too important for the history of the north to be omitted.

Carta Comitis Moravie, data Roberto de Cheshelm, c. A.D. 1345.

Omnibus hanc Cartam visuris vel auditoris . Johannes Ranulphi Comes Moravie . Dominus Vallis . Anandie . et Mannie . Salutem in Domino sempiternam . Noneritis Nos Dedisse Concessisse et hac presenti carta nostro confirmasse . Domino Roberto de Cheshelm . militi bachillario nostro . pro homagio . et servicio suo . nobis fideliter impenso . et impendendo . Duas dauatas Terre infra baroniam nostram de Vrcharde . videlicet . Dimediam dauatam de Inermorchen . Quarterium de Blare . et quarterium de Lochletare . Tercium quarterium de Inchebrene et vnum quarterium de Dulschagy . Tenendas et habendas . predicto Domino Roberto . et heredibus suis . de nobis et heredibus nostris . in feodo . et hereditate . libere . quiete . plenarie . et honorifice . in Viis et semitis . Boscis et planis . pratis et pascuis . stagnis . aquis . et piscariis . Moris et maresiis . pasturis et viuariis . aucnpacionibus . et venacionibus . Molendinis . Multuris . et bracinis . Et cum omnibus aliis commoditatibus . libertatibus . aysiamentis . ad dietas Duas Dauatas Terre nunc spectantibus sen aliquo modo in futurum . de jure . vel consuetudine . spectare valentibus . Tam non Nominatis . quam Nominatis . Adeo . libere . sicut aliqua terra . in Regno Scocie liberius . pro homagio . et servicio . tenetur . aut possidetur . Faciendo . inde nobis . et heredibus nostris . Dietus Dominus Robertus . et heredes sui . forinsecum servitium . quantum . ad dictam terram . pertinet pro omni alia exactione seculari vel demanda . Nos vero Johannes Ranulphi et heredes nostri . Predictas duas dauatas Terre cum omnibus suis iustis . pertinenciis . predicto domino Roberto . et heredibus suis . contra omnes homines . et feminas . Warantizabimus . acquietabimus . et inperpetuum defendemus . In Cuius Rei Testimonium . huic presenti . Carte sigillum nostrum . fecimus apponi . Hiis . Testibus .

Venerabilibus · Patribus · Dominis · Ricardo · Johanne · et Rogero · Dunkeldensi · Morauisiensi et Rossensi · Episcopis · Dominis · Willelmo Wyseman · Reginaldo le Chen / et Jacobo de Kerdale · Militibus · Domino Johanne de Dytthoun · Svbdecano Morauisiensi · ac Cancellario nostro · Simone Fresel · Patricio le Graunt · Willelmo de Kerdale · Eugenio filio Ferchardi · et Multis Aliis.

Two charters of John de Hay of Tulibothvil are preserved in a careful transcript, taken at the instance of Sir Walter of Innes of that ilk, in 1454. They are of general interest for Northern pedigrees, and are here given in the order of their time. In the charter room at Glamis, I noted, some years ago, a charter by John de Haya de Tolybovle, granting to John Lyoun the lands of Tolynacht, in the forest of Buyme, vic. Banff: Witnessed by Alexander Bishop of Moray, William Boyle, precentor, Thomas Bur, Walter de Braneth, canons of Moray, Walter Byset, lord of Lesyndrum, Roberto de Yuce domino ejusdem, Johanne de Dunbar, clerico meo et multis aliis. It is not dated, but may be placed about 1365.

Carta Johannis de Haia, data Thome de Sancto Claro, de Urchany et Petarsky, in maritagium, c. A.D. 1350.

Omnibus hanc cartam visuris vel auditoris Johannes de Haia filius et heres Domine Ysabelle de Haia filie quondam Domini Gilberti de Haia de lochorwer militis salutem in christo sempiternam / Sciant presentes et futuri me dedisse concessisse et hac presenti carta mea imperpetuum confirmasse Thome de sancto claro filio thome de sancto claro cum Eufemia seniore sorore mea in liberum maritagium inter eosdem et liberis inter eos deo duce procreandis totam medietatem meam terre de Wrchany infra baroniam de Narne vna cum davata de petcarshy in tenemento de Erwyde infra vicecomitatum sutherlandie / quasquidem terras cum pertinentiis suis clamo tenere in feodo et hereditate de magnifico domino meo Willelmo comite de Rosse et eius heredibus / Tenendas et habendas suprascriptas medietatem terre de Wrcheny et dauatam de petcarshy prenominate thome et Eufemie et heredibus inter ipsos procreatis seu procreandis de me et heredibus meis per omnes metas suas et certas diuisas prout iacent procul et prope tam in longitudine quam in latitudine In boscis in planis moris marrescis in aquis et stagnis viis et semitis pratis et pascuis et pasturis in veuationibus aucupa-

tionibus et piscariis cum brasinis et molendiis cum hominibus et incolis dietas terras inhabitantibus vna cum omnimodis pertinentiis libertatibus commoditatibus et aisiamentis tam non nominatis quam nominatis ad easdem terras nunc spectantibus seu quomodolibet spectare valentibus infuturum: Adeo libere quiete plenarie et honorifice sicut aliqua terra per quamcunque infeodationem in liberum maritagium liberius quietius plenius et honorificentius alicui conceditur seu donatur: Ita tamen quod si contingat quod absit predictos Thomam et Eufemiam absque herede de corporibus suis procreato seu procreando in fata decedere supradicte terre cum pertinentiis suis ad heredes meos libere reuertentur. Ita quod predictus Thomas si supervixerit pro toto tempore vite sue memoratas terras absque impedimento aut contradictione mei vel heredum meorum integre et pacifice possidebit: Ego vero predictus Johannes de Haia et heredes mei dictam medietatem terre de Wrebeny et prefatam danatam de petkarshy cum pertinentiis suis vniuersis predictis thome et Eufemie sorori mee ac heredibus inter ipsos procreatis seu procreandis ut prescriptum est contra omnes homines et feminas warrantizabimus acquietabimus et in perpetuum defendemus: In cuius rei testimonium presenti carte mee sigillum meum est appensum. Hiis testibus venerabili patre in christo Domino Rogero dei gratia Episcopo Rossensi hugone de Rosse fratre domini comitis de Rosse henrico dicto falconer barone de lethyn . hugone de Rosse Adam de vrchard Willelmo thano de Caldor Willelmo filio suo et multis aliis.

Carta Johannis de Haya, facta Thome de Sancto Claro, de Pollam et Kilmalowok, c. A.D. 1350.

Omnibus hanc cartam visuris vel auditoris Johannes de Haia de tulli-bothuil salutem in domino sempiternam Noueritis me dedisse concessisse et hac presenti carta mea confirmasse dilecto armigero meo thome de sancto claro pro fidei seruitio suo michi impenso et impendendo totam terram meam de Pollam et kilmalowok cum pertinentiis Jacentem in comitatu rossie infra strathpefir / Tenendam et habendam totam terram predictam de Pollam et kilmalowok eidem Thome et eufamee sponse sue sorori mee et liberis de eis procreatis seu procreandis de me et heredibus meis in feodo et hereditate per omnes rectas metas et diuisas suas In boscis et planis in moris marrisiis in viis et semitis in aquis et stagnis in pascuis et pasturis in siluis

in venationibus et aucupationibus cum molendinis et brasinis et cum omnibus aliis libertatibus commoditatibus et aisiamentis et iustis pertinentiis ad dictam terram spectantibus seu iuste spectare valentibus in futurum / tam non nominatis quam nominatis adeo libere quiete integre et honorifice sicut ego aut predecessores mei aliquo tempore predictam terram liberius tenuimus aut possedimus / Et si coniugat heredes inter ipsos thomam et Eufameam procreatos seu procreandos quod absit decedere volo et concedo quod predicta terra de pollam et kilmalowak ad eundem thomam et heredes suos libere reuertat et remaneat cum omnibus libertatibus suprascriptis / Reddendo inde dictus thomas et heredes sui ut prescribitur michi et heredibus meis vnum denarium argenti tantum nomine albe firme ad festum pentecostes si petatur pro omni alio seruitio seculari exactione seu demanda salvo forinseco seruitio domini regis quod spectat ad eandem / Ego vero Johannes de Haya predictus et heredes mei predictam terram cum pertinentiis eidem thome et heredibus suis ut prescriptum est contra omnes homines et feminas Warantizabimus acquietabimus et defendemus . In cuius rei testimonium presenti carte sigillum meum feci apponi apud brichtyn quarto die Decembris Anno gracie millesimo tricentesimo quinquagesimo . Hiis testibus Willelmo Comite rossie hugone de rosse / adam de vrchard thoma de dingval roberto de monro et multis aliis.

The charter to Eufamia of Saint Clair, witnessed by Robert of Innes, mentioned by our author, is still in the charter chest; Walter of Leslie's beautiful seal, with the shield (quarterly Leslie and Ross) slung round the neck of a displayed eagle, still attached;

Donatio de Bray et Tiry.—A.D. 1367.

Omnibus hoc scriptum visuris vel auditoris Walterus de Lesly dominus de Ross salutem in domino sempiternam sciatis nos dedisse concessisse et hac presenti carta nostra imperpetuum confirmasse dilecto et fideli nostro Eufemie de sancto claro omnes et singulas terras de Bra cum pertinenciis iacentes infra vicecomitatum de Inuernes et de tiry infra vicecomitatum de Aberdene et medietatem de drem et terciam partem de Bron cum pertinenciis infra vicecomitatum de Inuernes que quidem terre de Bra et tiry fuerunt Alexandri Sinclare hereditarie et que medietas de drem et tercia de Bron fuerunt elene de sancto claro quas ipse alexander et dicta elena non vi aut

metu ducti nec errore lapsi sed mera et spontanea voluntate in manus nostras per fustum et baculum sursum reddiderunt pureque simpliciter resignauerunt ac totum ius et clameum que in dictis terris cum pertinenciis habuerant vel habere poterunt pro se et heredibus suis omnino quiete clamaucrunt impetuum tenendas et habendas dicte eufemie pro se et heredibus suis de nobis et heredibus nostris dando nobis et heredibus nostris annuatim duos denarios nomine albe firme ad festum sancti Johannis baptiste tantum si petatur / In cuius rei testimonium presenti carte nostre Sigillum nostrum precepimus apponi Testibus Hugone de fraser Johanne de le hay et Roberto de Innes cum multis aliis Anno Domini M^{mo} CCC^o sexagesimo septimo Domino Willelmode lindeshay Johanne de le hay et domino . . . de Inn . . .

The student of Northern local history, and of that curious but neglected study of legal antiquities, will be grateful for the following document, which has a place here as giving us the last occurrence of Sir Robert of Innes, in connection with some good northern names. It affords a very interesting specimen of antique procedure. The local antiquary will not fail to note the *via Scoticana*, leading from Inverness through Drakies—the line of “the Highland road” of our time. I give the instrument from the original, communicated to me from the Charter-room of the Burgh of Inverness. The usual notarial preamble is here omitted. It has had seven seals, of which that of the Justiciar alone remains—a pretty shield within a circle, ornamented with cusps—the bearing—between 3 boars heads couped, a fess charged with the three crenels of Randolph—circumscribed *de Cheshelme* †.

In Itinere Justiciarii Regalitatis Moravie per nos Robertum de Cheshelme dominum ejusdem justiciarium dicte Regalitatis Moravie tento apud Le Ballois hill iuxta Invernysse xxvi dei Januarii anno gracie MCCCLXXVI et in presentia nobilis et potentis domini Johannis de Dunbarre Comitis Moravie; Comparuit ad Barram Jacobus filius Stephani burgensis de Invernysseet citatus per Willelmuum Lambe vicecomitem dicte Regalitatis vicecomitatus de Invernysse ad respondendum et ostendendum quomodo et qualiter tenuit et habuit illas sex acras terre iacentes ex parte occidentali terre de Deyrbowchte inter terram nobilis viri domini Willelmi Pylchee ex parte orientali ex parte una et viam Scoticanam qua itur apud Drekechys versus austrum ex parte altera in latitudine. Quiquidem jacobus allegabat

quod habuit et tenuit dictas sex acras terre de Eufamia et Edona sororibus quondam dominabus veteris castri . in feodo et hereditate et super hoc ostendebat cartas earundem dominarum veteris castri . Et patricius de Crawfordde tanquam prelocutor dicti nobiliset potentis domini Johannis de Dunbarre comitis Moravie asserens nomine et ex parte dicti domini Comitis quod nullus tenens potuit vendere aut in feodo et hereditate alienare terram aliquam sine lisentia et confirmatione domini sui superioris super hoc specialiter procurata vel impetrata dictus vero jacobus allegans pro se ipso quod de dictis sex acris terre habuit bonam et claram eonfirmationem de avo dicti nobilis domini Johannis de Dunbarre comitis Moravie videlicet de domino Thoma Raululphi patre quondam comitemoravie . dictus autem Patricius de Crawfordde peccit visum ejusdem confirmationis . dictus quippe jachobus protestavit et ostendit clare quod dicta confirmatio fuit cum plurimis aliis suis evidenciis in detentione secura cum quondam speciali suo amico infra domum fratrum predicorum de Invernysse et ibidem fuit combusta et penitus adnichillata tempore combustionis dicte domus . dictus insuper Patricius super hoc peccit plegium . dictus jachobus peccit lisentiam a judice ut cum suis amicis super inventione dicti plegii potuit avisari et consuli . Et fuit idem Jacobus lisentiatus ac sub securis plegiis removebat paululum extra curiam cum suis conciliariis . Ipso Jachobo sic consulto idem jachobus rediit et presentavit se in curia affirmans et inveniens dictum plegium quod eadem confirmatio fuit combusta penitus ut predicatur, et super hoc se posuit ad declaracionem et determinacionem assise bonorum patrie . Quiquidem Patricius de Crawfordde ex mandato expresso dicti nobilis domini Comitis Moravie percepit et levavit ad declaracionem et determinationem premissorum meliores antiquiores et fideliores ejusdem curie magno juramento interveniente videlicet istos subseriptos nobiles viros / dominos Robertum de Innes . et Willelhum Pylehee milites . Alexandrum de Moravia dominum de Coulbyn . Hugonem de Rosee dominum de Kilravoc . Adam flemyng . Ingeranum de Wenton . Eugenium de Berkclay . Thomam de Brothy . Gilbertum de . . . on . Thomam de Wenton . Johannem de le Cow . . . Willelhum lambe . Henricum de doles . et Laurencium Blac . cum pluribus aliis . Que quidem assisa sic diligenter jurata super veritate et declaracione premissorum dicenda dicit clare et firmiter affirmat quod sepius videbat et audivit talem confirmationem lectam in pluribus curiis vicecomitum regalitatis de Invernys tentis per Galfridum de Munbeyn et etiam per Alanum de Wenton tunc vicecomites

Regalitat^{is} vicecomitatus de Invernysse . Et hoc nos Robertus de Cheshelme dominus ejusdem tanquam justiciarius virtute officii nostri testamur per presentes . In cujus rei testimonium sigillum nostrum una cum sigillis quorundam qui dicte assise interfuerunt presentibus est appensum in testimonium premissorum . Datum et actum die loco et anno prenotatis.

The next two articles furnish evidence of Alexander, the successor of Sir Robert, whom our author had no knowledge of. The first is from the family charter chest, the second—a most interesting charter—is in the “Town Cadgett,” of the burgh of Elgin: Appended to it are the fragments of three seals. The great seal of Earl John is now a mere skeleton, showing the outline of an equestrian figure. The Countess Marjory, daughter to King Robert II., has a pretty seal, simply the Lion of Scotland, within the double tressure, without difference. Thomas, the heir apparent, has a shield couché—the arms of Randolph with a label—a harts head issuing from a coronet for crest, and lions supporters.

Instrumentum de Possessione Multure de Forres, A. 1390.

In dei nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter quod anno domini millesimo CCC^{mo} nonagesimo mensis Aprilis die decima sexta Indictione xiii^a pontificatus sanctissimi in christo patris et domini nostri domini Clementis diuina prouidentia pape vij anno duodecimo in capitulo ecclesie cathedralis de Elgyn . In mei notarii publici testimoniumque subscriptorum presentia propter hoc personaliter constitutus Religiosus vir dompnus Thomas prior domus de Pluscardy coram Reucrendo in christo patre ac domino suo domino Alexandro Dei gracia Episcopo Morauicensi suo iudice ordinario et dyocesano specialiter in hac causa prout in quadam Carta dicti domini Alexandri ibidem lecta et ostensa continebatur citato nobili viro domino Roberto de Cheshelm milite ad instantiam predicti prioris in causa possessionis cuiusdam multure prepositure de fores . proposuit et dixit quod predictus Robertus de Cheshelm domum de Pluscardy et ipsum priorem nomine eiusdem domus de dicta multura in predicta prepositura de fores spoliavit et spoliari fecit minus iuste . de qua multura dicta domus de Pluscardy a tempore quo non est memoria fuerat

possessor pacifice sine questione qualicumque · quas possessionem et spoliacionem ibidem probavit dictus prior · et quia de ipsa possessione erat per dictum dominum Robertum spoliatus iniuste in manibus dicti domini Episcopi sui Iudicis ordinarii decem librarum prestitit cautionem · Quare predictus dominus prior nomine domus sue a dicto domino Episcopo deputatis petiit quod ipse dictam domum suam et ipsum priorem nomine dicte domus in possessionem pacificam dicte multure imponeret et ipsos defenderet in eadem · Quibus auditis probatis et intellectis predictus dominus Episcopus predictam domum de Pluscardy et priorem eiusdem in possessionem predictae multure cum pertinentiis imposuit et ipsos restituit ad eandem · predicto domino Roberto Inhibendo sub excommunicationis pena quod in predicta multura dictos domum et priorem de cetero non turbaret et de inde ablatis iuste ipsis satisfaceret competenter · Predictus dominus de Cheshelm dictum dominum Episcopum tanquam non suum Iudicem in hac causa prima facie declinavit et recessit · Super quibus omnibus predictus dominus prior a me notario publico infrascripto sibi fieri petiit publicum instrumentum · Presentibus discretis viris dominis Johanne de Ard succentore · Alexandro de vrchard · Johanne de Aberkerdore ecclesie Moraviensis canonicis · Adam Flemyng · Alexandro de Innes · Thoma de Vrchard armigeris · et Andrea filio Roberti burgensi de Elgyn et multis aliis ad premissa vocatis specialiter et rogatis in testimonium veritatis omnium premissorum · Et ad maiorem euidenciam predictus dominus Episcopus suum sigillum apposuit autenticum presentibus perpetuo remansurum.

Et ego Willelmus Gerland clericus Moraviensis diocesis publicus Imperiali auctoritate notarius Premissis omnibus et singulis dum sic ut premittitur agerentur et fierent vna cum prenomatis testibus presens interfui · eaque omnia sic fieri vidi et audiui et in hanc formam publicam redegi signoque meo consueto signavi Rogatus.

Carta Comitis Johannis data burgo de Elgyn.

Omnibus hanc cartam visuris vel audituris Johannes de Dunbarr Comes Moravie eternam in Domino salutem · Cum per tres mortalitates preteritas

et oppressiones varias diversorum . post obitum dominorum quondam auuncolorum nostrorum Thome et Johannis Raulphi comitum Moravie / qui pro defensione regni et rei publice in bellis ceciderunt . burgum nostrum de Elgyn in edificiis pro magna parte corruerit . burgensesque partim mortui et alii affecti oneribus . vix valeant suam vitam et statum sustinere / nos volentes dictum burgum et burgenses et ipsorum statum releuare ad ipsorum requestum humilem et supplicationem deuotam / seruissiam assise solitam quondam constabulario castri nostri de Elgin de singulis exceptis privilegiatis seruissiam in burgo ipso vendentibus persolvi . de cuius solutione ipsum burgum et burgenses multum grauati fuerant / ipsis et comunitati dicti burgi pro se et suis successoribus imperpetuum / ex speciali gratia remittimus / et donamus / pie et irreuocabiler pro nobis et heredibus nostris et successoribus comitibus Moravie / Ita quod nunquam decetero exigatur . Et vt constet omnibus nos voluntarie hanc gratiam seu privilegium dictam seruissiam assise non soluendi dicte comunitati fecisse et concessisse / obligamus nos heredes nostros et successores comites Moravie Warantizare et defendere ipsis istam nostram donationem / contra omnes homines et feminas et vniuersitates imperpetuum . Et in casu quo ipsi burgenses vel communitas trahantur in iudicium circa huiusmodi vel vexentur . nos subrogamus et assignamus eis centum solidos de firma dicti burgi nobis debitos annuatim . retinendos per ipsos in loco ipsius seruissie / donec per nos heredes nostros et successores Comites Moravie repositi fuerint in plena et pacifica possessione eiusdem . et hoc tocies quociens ipsos super hoc contigerit molestari . In quorum omnium testimonium sigillum nostrum magnum presentibus fecimus apponi . vna cum sigillo coniugis nostre domine Mariorie . et cum sigillo domini Thome de Dunbarr filii nostri et heredis / consentientium ad premissa . Presentibus Reuerendis in Christo patribus dominis Alexandro Dei gratia Episcopo Morauensi . Adam eadem gratia Abbate de Kynlos . Religioso viro domino Thoma priore de Pluscardyne . Magistris Willelmo de Spyny precentore Willelmo de Cheshelme Thesaurario ecclesie Morauensis tunc cancellario nostro . Dominis Johanne de Haya domino de Tulybothuyle . Roberto de Cheshelme . domino eiusdem . militibus . Hugone Fraser . domino de le Louet . Johanne de Dolas domino eiusdem . Alexandro de Ines domino eiusdem . et multis aliis testibus ad premissa . Datum apud Elgyn primo die mensis Maij anno Domini millesimo ccc^{mo} nonagesimo.

“Alexander de Innes dominus ejusdem” along with his brother John of Innes, Canon of Moray, afterwards Bishop, was witness to that *inutilis et dampnosa provisio* as the scribe of the chartulary styles it, which threw the Bishoprick into the power of the Earl John, and his son Thomas, Sheriff of Morray,¹ on the feast of St. Peter in cathedra 1389. He was one of the Inquest for the service of Robert Sibald of Aldrochty in 1393;² and we meet with him no more; neither in the documents of the family charter-chest, nor in the neighbouring Bishop’s Register.

Forbes seems to be mistaken in stating John Bishop of Moray to have been Laird of Innes; but in that he only followed a local tradition, which made him the Laird, and transferred to his accession the resolution of the Chapter to devote a share of the Episcopal revenue to the expenses of restoring the ruined cathedral, which took place at that of his successor. That the Bishop was of the family of Innes is almost certain; but even that is not proved. Here is all we know of him:—John Innes was a Moray man; a Canon of the Cathedral of Moray in 1389, Prebendary of Duffus in 1395, (10 Jan.,) and Archdeacon of Caitliness in 1396. In that year he obtained a grant from Bishop Alexander Bur of Moray, to enable him to fulfil his ardent desire of studying the Canon law in the University of Paris. In 1406, John Innes was elected Bishop of Moray.³ Bishop Innes died at Elgin, 25th April, 1414. A local memorialist of the end of the 17th century records that “he was bureit at the North-West pillar, quhairon the gryt steppill arysing in the middis of the cathedrall kirk leanis; a gryt pairt quhairoff is thoct to be built by himself. His sepultur is extant to this day.”⁴

Forbes, founding, no doubt, on a family tradition or family pedigree equally fallacious, inserts here a “Good Sir Robert,” whom he marries to Dame Janet, the heiress of Aberchirder. Good Sir Robert, he says, was brother to the Bishop, and father to Sir Walter. The charter of James II. (1450) which he quotes in support of the latter statement, is lost, but seems only to have proved that Walter was the son of Janet of Aberchirder,⁵ which we readily believe, as we find that estate now for the first time among the possessions of the family. We can hardly doubt that Sir Walter was the son of Alexander, by the heiress of Aberchirder.

¹ Regist. Morav. p. 201.

² Ibid p. 205.

³ Consecrated 23d Jan. 1406. — Regist. Morav.

⁴ King of Newmills’ notes, at the end of a MS. of Pitseottie, now at Brodie. The Great Tower of the Cathedral of Elgin fell on Easter Sunday, 1711; and only a fragment of Bishop

Innes’s monument has been rescued from the ruins. Shaw gives the inscription in the same words with our author, Monteith (*Theatre of Mortality*), as follows—“*Hic jacet reverendus in Christo pater D.D. Joannes de Innes hujus ecclesie quondam episcopus moraviensis, qui hoc notabile opus extraxit et per septennium episcopale munus tenuit.*” It is evident that neither version is accurate.

⁵ P. 13.

In 1420, on the 16th day of August, “Walter of Innes, lorde of that ilke,” was one of the notables assembled in the kirk-yard of the Chanonry of Rosmarky, who bore witness by their letters testimonial and their seals, to the change of destination of the Graham’s lands of Kerdale.¹ “Walterus de Innes de Eodem” was the first on the inquest of Northern gentry, who met at Inverness, on 11th February, 1431, for ascertaining the tenure of the lands of Kilravock;² and the seal he then affixed to the Return of the Inquest, is still preserved in the charter-chest of Kilravock. Here it is—plain Innes, without the boars’ heads of Aberchirder—



In 1438, Sir Walter had received the honour of knighthood, as we learn from the following charters granted to him and his heir-apparent, whom our chronicler calls “Ill Sir Robert,” for no apparent reason.

Aberchirder on Doveran, before it became the property of the lairds of Innes, had long given name to a race of hereditary Thanes. Symon, thane of Aberchirder, in the thirteenth century, was lord also of the thanedom of Conveth, and we are told that for some delinquency, whether feudal or political—perhaps his adherence to the party of the Cumins, Earls of Buchan—he forfeited both thanedoms, and was content to renounce six davachs of Conveth to the then Earl of Buchan, who had acquired a right to them, in order to recover Aberchirder; ³ while he also endowed a chaplainry of St. Menimius on Doveran side, his foundation

¹ The original is at Brodie. The seals, alas, are all gone. It is printed in the Appendix to the *Regist. Episc. Morav.*

² “The Family of Rose of Kilravock,” p. 128.

³ *Regist. Episc. Morav.*, p. 319.

being witnessed by his brother, William of Aberchirder. We have seen Sibilla the daughter of that Thane Symon, recognised by the Crown as his heiress;¹ but she must have taken only the property, leaving the superiority in the Earls of Buchan, or the Lindsays of the Byres, to whom those Earls or their representatives disposed it.

The perplexed history of the Earldom of Buchan is mixed up with that of those thanes of Aberchirder, and both are known to us very imperfectly. We know, indeed, that the Cumins, Earls of Buchan, were forfeited for their determined opposition to Bruce, and that Margaret, one of two co-heiresses of the forfeited family, was allowed by the magnanimous victor to inherit her moiety of the great Earldom, which she carried to her husband, John, a brother of Hugh Earl of Ross. In 1316, on the morrow of the Nativity, John of Ross declared his brother Hugh, (afterwards Earl) his heir of all his lands in Scotland, failing children of his own;² and it appears that he died childless. Earl William of Ross, the nephew of those brothers next comes on the stage, and he will best tell his own story, in a remarkable complaint which he made, only a few months before his death, to King Robert II. The old man, the nephew of Robert the Bruce, thus addresses the King³ and his Council:—

Your predecessor, King David of good memory, gave to Sir Walter of Lesly, knight, all my lands, and also those of my brother Hugh, within Buchan, without our leave, and without legal process. As soon as I heard of that lawless investiture, I wrote to the Lord Bishop of Brechin, then Chancellor of Scotland, and also to Robert, Steward of Scotland, [now King] Thomas, Earl of Marr, William of Keith, knights, and William of Meldrum, in order that they might act as my attorneys for suing from my lord the King, my lands and my brother's, under caution, (*ad plegium*) and also a letter to my sister Eufamia, countess of Moray, [now Queen] on the same subject; and I employed my clerk, Sir John of Gamery, Canon of Caithness, to present those letters in due form. As he was on his journey, he was met by John of Aberkerdor, calling himself the squire, (*armigerum*) of Sir Walter Lesly. This person arrested my clerk; robbed him of all the letters; cruelly beat his squire, because he refused to bind his master to his horse's tail; carried him among woods and pathless places, nor would set him free till he undertook to pay 8 marks of Sterlings, and gave Sir

¹ P. 57.

² Haddington Collections.

³ He styles himself the King's *nepos*, which in Scotch charters generally means *nephew*. They were cousins and brothers-in-law, but nephew, how?

Robert the rector of Forglen, and William Byset of Ochterless, for surety, and swore on the holy gospels, in presence of Sir Cristiaus, vicar of Forgue, not to deliver any of my letters, but to carry the box containing them sealed with his seal, to Sir Walter of Lesly, his lord, and enter himself his prisoner. When this was done, my clerk toiled forward to his lord, the Bishop of Aberdeen, [Bishop Alexander Kininmond, then beginning his Cathedral], and to Sir William of Keith, who freed him (*resolvebant*) from the payment of the money, and thence came to me in Ross, and told me this history. After this, seeing I could not have my lands by means of cautioners, I travelled in my own proper person to my lord the king, as far as the town of Aberdeen, to sue my lands, but could not recover them on caution, without granting to the King, for the use of John of Logy, all my right in Platan in Forfar. And when I had made that grant in that hope, and was invited to dine with my lord the King, I asked, after dinner, an answer about my affairs; but the King, after consulting, sent me a great schedule of questions to be answered, wherein were put forward many authorities of the civil law; which, when I had read, I said I did not come there to dispute at law with my lord the king, and then, without seeking leave, I journeyed to Ross, and had no more speech with the King till his coming to Inverness. But the Lady Margaret of Logie, then Queen, with her council, hearing that I had thus returned without agreeing with Sir Walter nor with her, gave precept and command that my body should be arrested and imprisoned, and all my lands seized and recognosed in the King's hands. The King would by no means suffer my body to be arrested, but permitted all my lands to be seized in his hands. Then, when my Lord the King came to the town of Inverness, he found me without any land or lordship, my whole Earldom of Ross seized and recognosed in his hands, together with all my lands of Moray, without cause shown; nor could I learn any cause except that the friendship of my Lord the King I might not have, until I were agreed with Sir Walter. And, on the morrow, when the barons and their suitors (*seclatoribus*) were called in the Justice Court, neither I nor my suitor appeared for the Earldom of Ross, because the King was in possession, as was said; and there I and Hugh my brother, deprived of all our land and without lordship, and perceiving that our Lord the King was moved against us, and Sir Walter very powerful with him and with the Queen, we ratified the gift of our lands of Buchau made by the King to Sir

Walter, because of the greater dangers imminent. For, then, my brother Hugh, being in foreign parts as a banished man, I complied with the desire of the King, giving to Sir Walter the grants which I made; which grants so made, my Lord the King restored me to my first state of the Earldom of Ross. Moreover, I make known by these presents, on the peril of my soul and in good faith, that Hugh my brother foresaid never in all his life resigned to me as his superior lord, his lands of Buchan, which he held of me in chief, except out of caution, that I might make a better defence in them, and that the lands might be less disturbed by his adversaries and rivals, and might obtain more favour through my means: And, not concealing the truth, in truth and in the faith by which I am bound to God, never was my daughter spoused with the said Sir Walter with my will, but quite against my will: Nor did I make to them any grant or gift of lands or agreement of any kind of succession (*conventionem cujuscunque successionis*) at any time up to the day of the death of my Lord King David, your predecessor, except by compulsion (*ex rigore*) of my lord the King, and through fear of his anger: And this to Almighty God and to your royal Majesty, by the present writing, I notify. Given at Edinburgh, 24 June, 1371.¹

The obituary of Ferne records that Wilhelm Earl of Ross, who fabricated and repaired the church of Ferne, died at Delyn, on the 9th day of February, 1371.

Besides the moiety of the great Earldom, David II. made to Sir Walter Lesly a separate grant of the thanage of Aberchirder, with the curious provision that if the heirs of the old Thaness should recover the lands at law, Lesly should still come in place of the Crown, as superior and receiver of the services and feu-ferm. The Lindsays of the Byres obtained, I know not by what title, whatever right was in Lesly, and, for some time continued to hold the superiority, while the property had passed through David, the last thane of the old race, to his daughter Janet, who married the laird of Innes.

The church of Aberchirder "*pulcherrimo Duverne fluvio munita et vallata,*"² is the resting-place of Saint Marnan, a bishop and confessor of the 7th century. There the saint's well and his bed of stone were, till lately, had in remembrance,

¹ The original is in the Charter-room at Balnagown. It was printed in a little volume collected by the late Mr. W. Baillie, entitled—
"Chronicle of the Earls of Ross. Edin. 18—."

² *Drev. Aberdon. Kal. Mar.*

and there in the old time his relics were honoured, and his head especially (*gloriosum caput ejusdem*) on every Lord's day throughout the year used to be washed, the people and the clergy suppliantly praying the while, and tapers burning; and the water in which it was washed was given to the sick of all diseases, and thereby and through the merits of the saint, numbers have received relief and health. The Inneses succeeding to the thanes of Aberchirder were votaries of Saint Marnan. Camerarius tells us that when the people of the district offered supplications to heaven for fair weather, they used at the same time to carry round the Saint's head with much honour and solemnity—*comitante præsertim Innesiorum tribu nobili et perantiqua quæ tenerrimo in Marnanum ferebatur affectu.*¹ The "glorious head" was used by the Inneses to give the most solemn sanction to their covenants which piety or superstition could afford, as we shall see hereafter.

The granter of the first (extant) charter of Aberchirder is the well-known Lord of the Isles, the grandson of Countess Eufam of Ross and Walter Lesly.

Carta Domini Insularum de baronia de Abyrkerdor, 1438.

Alexander de Yle dominus Insularum Comes Rossie et iusticiarius ex parte boreali aque de Forth · Vniuersis et singulis hauc cartam visuris vel audituris salutem · sciatis nos approbasse ratificasse et hac presenti carta nostra confirmasse · Donacionem illam et concessionem quas dominus Johannes de Lyndissay dominus de Byris fecit et concessit dilecto nostro consanguineo Domino Waltero de Innes militi domino eiusdem de terris baronie de Abyrkerdor cum pertinentiis infra vicecomitatum de Banff · Tenendis et habendis dicto domino Waltero et heredibus suis cum omnibus et singulis libertatibus commoditatibus asiamentis et iustis pertinentiis quibuscunque ad dictas terras spectantibus seu quoquo modo iuste spectare valentibus infuturum · adeo libere et quiete plenarie integre et honorifice in omnibus et per omnia sicut Carta et euidencia dicti Domini Johannis de Lyndyssay · eidem Domino Waltero inde confecta in se iuste continent et proportant · et adeo libere in omnibus et per omnia sicut carta bone memorie quondam Domini Walteri de Lesly aui nostri facta quondam domino Willelmo de Lyndyssay de Byris consanguineo suo super dictis terris plenius continet et

¹ Camerarius de Scotorum fortitudine, etc.

proportat . Et ut hec nostra confirmacio predictae carte aui nostri Robur virtutem et libertatem teneat habeat et possideat . In cuius rei testimonium sigillum nostrum presentibus apponi fecimus apud castrum nostrum de Dinguell vicessimo secundo die mensis Februarii anno Domini millesimo quadringentesimo tricesimo octavo . Testibus venerabilibus viris Willelmo de Lesly vicecomite de Inuernes Georgeo de Mwnro Domino de Fowlys Willelmo de Vrchar Willelmo de Caldor Hugone le Rosse et Murchardo Revach armigeris.

CHARTERS AND NOTES.

CHAPTER III.—SIR ROBERT (ILL SIR ROBERT), JAMES, (JAMES WITH THE BEARD), ALEXANDER, ALEX- ANDER, WILLIAM, ALEXANDER, JOHN.

The granter of the following charter was the son of the heiress of Gordon, who himself soon took the name of Gordon, and was created first Earl of Huntly, nine years after the date of this charter.

Carta Domini de Gordon de terris in foresta de Boyne, A.D. 1441.

Omnibus hanc cartam visuris vel auditoris Alexander de Seton miles Dominus de Gordon eternam in Domino salutem Sciatis me dedisse concessisse et hac presenti carta mea confirmasse Roberto de Innes filio et heredi apparenti Domini Walteri de Inues domini eiusdem pro homagio suo et seruicio michi impenso et pro toto tempore vite sue impendendo Totas integras terras meas de ordynys Rotmakyngyn et Badynsbynke iacentes infra forestam nostram de Boyne in vicecomitatu de Banff Tenendas et habendas totas predictas terras cum pertinenciis predicto Roberto et heredibus suis de me et heredibus meis dicte foreste de Boyne et Ayne in feodo et hereditate imperpetuum per omnes antiquas rectas metas suas et diuisas in boscis et planis moris marresis venacionibus aucupacionibus et piscariis in pratis pascuicis et pasturis cum moleudinis multuris et eorum sequelis cum curiis et earum exitibus cum marchetis et heryheldis ac cum omnibus aliis libertatibus

commoditatibus et aysiamentis ad dictas terras spectantibus seu quonis modo spectare valentibus in futurum Faciendo inde annuatim dictus Robertus et heredes sui michi et heredibus meis predictis tres sectas curie mee de Boyne vel de Ayne ad tria placita capitalia vbicunque fuerint tenenda ac etiam wardam relenium et maritagium . Set si contingat predictum Robertum cum aliquo vel aliquibus contra me ire seu partem contrariam contra me accipere volo quod omnes predictae terre mee cum pertinentiis ad me libere sine strepitu judiciali reuertant . Et ego vero Alexander predictus et heredes mei diete foreste de Boyne totas terras predictas cum pertinentiis predicto Roberto et heredibus suis iuxta tenorem huius scripti contra omnes mortales warandizabimus acquietabimus et imperpetuum defendemus In cuius rei testimonium huic presenti carte mee sigillum meum est appensum apud Strabolgy primo die mensis Septembris anno Domini millesimo quadringentesimo quadragesimo primo.

On the 10 of June, 1454, in the parish church of Urchart, Sir Walter of Innes *dominus ejusdem* obtained a transumpt of the two charters of John Hay of Tulibothvil, printed above (pp. 60, 61), in presence of a venerable man, John of Bonale, prior of Urchart, Bartholomew a monk, John, son of Alan a priest, Alexander of Innes, elder, and John Moderach. Sir Walter is dead at the date of the following precept. The legal antiquary will observe the high style assumed by these Northern Lords, who have their own "Chapel" and chancery, (shall we suppose also their own chancellor?) in royal manner.

Preceptum Johannis domini Lindessay de le Byris ad infeoffandum Robertum de Innes, 1456.

Johannes dominus Lindessay de le Byris et de Abbirkerdor dilecto nostro Alexandro Gardin de Perd . . . ballino nostro in hac parte salutem . Quia per inquisitionem de mandato nostro factam et ad capellam nostram retornatam compertum est quod quondam Walterus de Innes de eodem miles pater Roberti de Innes latoris presentium obiit vltimo vestitus et saisitus vt de feodo ad fidem et pacem domini nostri Regis de vniuersis et singulis terris domini de Abbirkerdor cum pertinentiis jacentibus infra vicecomitatum de Banff . Saluis et exceptis totis et integris terris de Cromby cum pertinentiis ac le karnem de monte castri pro domino Comite Rossie domino nostro superiori et vna acra terre ex parte orientali dicte le karnem

pro curiis nostris teneudis jacentibus in dicto dominio de Aberkerdor . Et quod dictus Robertus est legitimus et propinquior heres dicti quondam Walteri patris sui de dictis terris cum pertinentiis et quod est legitime etatis . Et quod dicte terre cum pertinentiis de nobis tenentur in capite per wardam et releuium Vobis igitur precipimus et mandamus quatenus ad dictas terras cum pertinentiis personaliter accedentes prefato Roberto vel certo suo actornato latori presentium sasnam statum et possessionem hereditariam de premissis terris cum pertinentiis visis presentibus tribuatis indilate exceptis prius exceptis ac saluo iure cuiuslibet ut mos est . In signum vero dicte sasine per vos eidem tradite . Sigillum vestrum post nostrum in secunda cauda presentibus penes prefatum Robertum remansuris apponatis . Datum sub sigillo nostro apud le Byris decimo quarto die mensis Julii anno Domini millesimo quadringentesimo quinquagesimo sexto.

The next precepts show us Sir Robert now dead, and succeeded by his son James, whom Forbes found named in the old pedigree ‘James with the beard.’

Preceptum Sasine Jacobi de Innes, 1464.

Alexander comes de Huntle dominus de Badzenach Dilecto nostro Andree balliuo nostro in hac parte Salutem Quia per Inquisitionem coram nobis factam et ad capellam nostram retornatam comperitum est quod Robertus de Innes de eodem pater quondam Jacobi de Innes latoris presentium obiit vltimo vestitus et saisitus de feodo ad pacem et fidem domini nostri regis de terris de Rothmakingny le meirek donymede le newmill le brekan baddinspink le ordingis et de le brokburn cum pertinentiis jacentibus in foresta nostra de Boyne infra vicecomitatum de Banf et quod dictus Jacobus est legitimus et propinquior heres eiusdem quondam Roberti patris de dictis terris cum pertinentiis . Et quod est legitime etatis . Et quod dicte terre cum pertinentiis de nobis tenentur in capite Vobis igitur precipimus et mandamus quatenus predicto Jacobo Innes aut suo certo actoruato presentium latori sasnam statum hereditarium et possessionem de dictis terris cum pertinentiis tradatis indilate saluo iure cuiuslibet et hoc nullo modo omittatis . Ad quod faciendum nostram liberam et plenariam potestatem presentium committimus per tenorem . Et in huius possessionis signum Sigillum vestrum in secunda cauda [post nostrum appendatis]

Datum sub sigillo nostro apud Geich vicesimo quarto die mensis octobris Anno Domini millesimo quadringentesimo sexagesimo quarto coram his testibus Georgeo le Gordon filio nostro et herede apparente Dominis Waltero Stewart de Strathqhen, Alexandro de Dunbar de Westfield Jacobo Ogilvy de Deskefurde militibus Alexandro Cummyne de Ernsyde Johanne Bro Alexandro Seton de Meldrum

Precept of Seisin in Aberclurder, 1464.

John lorde lyndissay of the byris and our lorde of the landis of Abirkerdor liande within the schirefdome of banf till beralde of Innes Johne of Innes andro of Innes and James the harde my balyeis in to that of al and sindry my lordeschip and landis of Abirkerdour wyth thare pertinens gretyng To yow and ilkane of yow juntly and seuerally ye pass to the cheyf chymmis of the landis of Abirkerdour wyth thare pertinens and that thir lettres sene I commande and charge but delay / quhilkis landis war vmquhile Robert of Innes of that ilk knycht fader of James of Innes berar of thir presentis in the quhilkis the said schir Robert deyt last vesit and sesit as of fee quhilkis is notourly knawyn and at I wate wele and at the saide James berar of thir presentis is lachful and nerrest ar til vmquhile the saide schir Robert of the saide lands wyth thare pertinens lyande in the schirefdom of banf And at he is of lachful age / And tharfor yhe gif ande delyuer sesing state and heretable possessione of the said lands quhilkis ar haldyn of me into cheyf Excepcand the saide landis of crumby / be erde and stane as maner is to the said James of Innes or his certane attournays beraris of thir presentis . of the releyf and doytcis of the said landis aucht to me in tym bygane I grant me fullely content and payt / the quhilk things to do to you and ilkane of yow juntly and seuerally I gyf and committis my ful fre lachful playn and vnreucabul powar in that part be thir presentis. In witness of the quhilk thing to thir my present lettres I haf to hungyn my sele at Edinburgh the first day of the moneth of februar the yer of god 1^m iii^e sixty and four yeris.

To this precept is still appended the beautiful little seal of the granter, who gave the plain fess checqué of Lindsay, with the swan's head for crest; and, as yet, without supporters.

Preceptum Sasinae terrarum in foresta de Boyne, 1470.

Georgius comes de huntle dominus de gordoune et de Badyenach ac terrarum foreste de boyne et anye dilecto nostro Jacobo ogilvy de deskfurde militi balliuo nostro in hac parte salutem. Quia dedimus et concessimus hereditarie dilecto consanguineo nostro Jacobo de Innes de eodem omnes et singulas terras de blaremade Baddiuspink Rothmakingny le merreak donymad donyaile perrokburne ordingis cum molendino wlgariter nuncupato le newmyln foreste de Boyne cum pertinentiis jacentes infra vicecomitatum de banf vnacum tota et integra multura et le sukkin tocuis foreste nostre de boyne prout in carta nostra dicto Jacobo inde confecta plenius continetur Vobis precipimus et mandamus quatenus dicto Jacobo vel eius certo actornato latori presentium sasinam hereditariam omnium dictarum terrarum et molendini ac tocuis et integre multure et le sukkin dicte foreste de boyne cum pertinentiis secundum tenorem dicte carte nostre quam inde habet iuste et sine dilatione habere faciatis et hoc nullo modo omittatis saluo jure cuiuslibet Ad quod faciendum vobis in hac parte nostram committimus potestatem et speciale mandatum Et in signum tradicionis sasine huiusmodi sigillum vestrum in secunda causa post nostrum presentibus appendatis In cuius Rei testimonium sigillum nostrum presentibus apponi fecimus apud Inuernis quinto die mensis Augusti Anno Domini M^o quadringentesimo septuagesimo

georg erel of
of hwntle.

In the Great Seal Register there is a charter "Jacobus de Innes de eodem" of the lands of Innes, Kelcaw and Garbmaw, proceeding on his own resignation made in the King's hands at the castle of Kildrumny, to hold to him and the children of his marriage with Janet of Gordon, whom failing to his heirs whomsoever: Edinburgh, 24 Sept. 1470.

The next instrument shows us young Alexander receiving a provision, perhaps on the occasion of his father's second marriage.

Sasina Alexandri Innes filii Jacobi Innes in annuo reddito 40 mercarum, 1470.

In Dei Nomine Anno Incarnacionis Dominice millesimo quadringentesimo septuagesimo mensis vero februarii die sexto . . . constitutus

providus vir Alexander Murrave de Culbardyis balliuis in hac parte specialiter constitutus ut de sue procuracionis mandato fidem fecit per vnam literam procuratoriam in pergaminio scriptam sanam et integram sigillatam vero sigillo honorabilis viri Jacobi Innes de eodem Rubea cera alba impressa quam quidem literam idem balliuis michi notario publico infrascripto tradidit perlegendam eandem tenui perlegi et vulgariter exposui Post cuius quidem litere lecturam Dictus balliuis volens mandatis dicti Jacobi bono zelo firmiter obedire tradidit et deliberavit sasinam statum hereditarium et possessionem prouido iuueni Alexandro Innes filio dicti Jacobi inter ipsum et Jonetam gordoun procreato vnus annui redditus quadraginta mercarum vsualis monete regni scocie leuandi et percipiendi annuatim de terris de Anchindanera de culny de Romore de corsky de Elrok et de Auchintoule cum pertinentiis iacentibus in dominio de aberkerdor infra vicecomitatum de banf per tradicionem vnus denarii dictumque Alexandrum Innes in realem actuaalem et corporalem possessionem dicti annui redditus cum pertinentiis iuste induxit et vestiuit saluo iure cuiuslibet nullo reclamante uel contradicente De et super quibus omnibus et singulis nobilis vir alexander gordoune de megmar auunculus dicti alexandri Innes iuuenis ac frater germanus magnifici et potentis domini Georgii comitis de huntle a me notario etc. Acta erant hec super fundo dictarum terrarum . . . presentibus honorabilibus prouidis et discretis viris Andrea Done de Ratee Johanne Innes Andrea Innes Roberto Innes georgio gordoune Andrea orde de eodem Johane Done armigeris domino patricio fyfe vicario de Abberkerdor et domino Roberto clerk capellano cum multis aliis ad premissa vocatis pariter et rogatis Et ad maiorem huius Rei euidentiam huiusmodi possessionis et sasine sigillum dicti ballui sasinam tradentis huic presenti Instrumento est appensum Anno mense die et loco supradictis Et ego Johannes kenlok presbiter Brechinensis diocesis publicus etc.

We find that Margaret Gordon was dead, and Laird James married a second time, before the end of 1473.

Among the numerous lands acquired by Laird James, was the estate of Ogstoun, which had been long the property of a family of the same name. In 1473 (26 October) Alexander Ogstoun of that ilk, had a licence under the privy seal of James III. to sell his lands of Ogstoun in the Lordship of Moray; reserving the orchard and chief chymmis thereof: and he accordingly, with con-

sent of John Ogstoun his son and apparent heir, sold the lands of Ogstoun to James of Innes of that ilk and Margaret of Culan, his spouse, under reversion and with regress on payment of 300 merks on the high altar of the parish kirk of Elgin, after 40 days' warning at the chymmis of Innes—20 December, 1473. James Innes and his wife had seisin of Ogstoun, which was never redeemed, and either by them, or in the next generation, the Plewlands was added to it. Out of these lands and others, bought about 1630-40, from the Inneses of Drainie; and Ettles &c., from Innes of Pethnak, Sir R. Gordon, Tutor of Sutherland, formed his estate of Gordonstoun.

Carta de Balmaddis, 1474.

Omnibus hanc cartam visuris vel auditoris Jacobus Comes Buchquhanie dominus de ouchterhous et baro baronie de grandoune Salutem in domino sempiternam Noueritis nos cum consensu et assensu carissime sponse nostre mergrete ogiluy dedisse concessisse et hac presenti carta nostra confirmasse dilecto et confidenti consanguineo nostro Jacobo Innes de eodem omnes et singulas terras nostras de Balmaddis jacentes in dieta baronia nostra de grandone infra vicecomitatum de Aberdene Tenendas . . . dieto Jacobo heredibus suis et suis assignatis de nobis et heredibus nostris in feodo et hereditate imperpetuum . . . Reddendo . . . seruitium debitum et consuetum . . . In cuius rei testimonium Sigillum nostrum huic presenti carte nostre est appensum vna cum sigillo diete sponse nostre pro eius consensu apud ouchterhous vicesimo die mensis Januarii anno domini millesimo quadringentesimo septuagesimo quarto.

Tack of the Rylande Inchdrewar and Culbirny, 1474.

Be it made kend to all men be thir present letteris Ws James Erle of buchane and lorde of ouchterlions and mergret his spous with full consent of ws bathe to hafe set and to male lattin and be thir our present letteris settis and to male lattis to our richt traiste cosing James Innes of that ilk all and hale the half of the landis of the Ryland and all and hale our landis of Inchdrewar and Culbirny with thare pertinentis liand within the schirefdome of banf / to be haldin and had all and hale the saidis landis with thare pertinentis to the foresaid James his airis assigneis and subtennandis for al

the termis of thretein yeris with all fredomis aismentis commoditeis and richtwis pertinentis to the forsaidis landis pertening or that richtwisly may pertene enduring the said xiii yeris / the forsaid James his airis assigneis and subtenandis interand to the said tak and assedatione of the saidis landis at the terme of Witsonday next . . . Agin payand the forsaid James his airis assigneis and subtenandis yerly ilka yere of the saide xiii yeris to ws our aris and assigneis for the said tak of the saide landis aucht pundis sex schillingis and aucht pennysis of the vsuale money of Scotland at two usuale termis of the yere Witsonday and martimes in winter be eyvinly portionis alanerly for al dewyteis and do seruice and vtheris that may be askit or requirit of the saidis landis with thair pertinentis enduring the forsaidis zeris and termis And we forsuthe the forsaid James erle of buchene and mergret his spous our airis successoris and assigneis the said assedatione of the said landis with thare pertinentis to the forsaid James his airis assigneis and subtenandis in all thingis as forsaid is enduring the said xiii yeris sall warand and aganis al dedly sal leli and trewly defend In witnes of the quhilk things our Scillis to thir our letteris ar appensit at ouchterhous the xvii day of Januare the yere of god I^m iii^c sevinty and four yeris.

The lands of Inchdrewar and Culbirny, previously held in lease, were now bought. The Earl granted other lands in warrandice of them—*provido et honorabili viro Jacobo de Innes de eodem amico nostro confidenti.*

Acquietancia domini comitis de buchane et spouse eius.

Be It kend till al men be thir present lettres Ws James erle of buchane lorde of ochterhous gret chawmerlane of scotlande and wardane of the myddil merche forment Englande til have taen and Ressaut and be thir oure lettres with consent and assent of mergret Ogilby oure spous grantis ws til have had and in oure vis disponit the some of aucht score of merkis of the vsuale money of scotlande pait til ws in Reddy pennis be the handis of James of Innes of that ilk in the Reste and Remanis of a marc some quhilkis the said James was awande til ws for the bying of the landis of Inchdruere and culbirny quhilkis sumtyme pertemit til Ws in heretage

lyande within the schirefdome of banf and als for the bying of the landis of Rylande lyande within the said schirefdome quhilkis pertenet sumtyme til ws in heretage of the quhilk some of aucht score of merkis we grant ws weil content pait and assith be the said James of Innes And therof for us onre aris executouris and assignais the said James of Innes his aris executouris and assignais quitclames and dischargis four euer be thir oure lettres In witness of the quhilk thing to thir oure lettres we have gert affix oure Sele And for the mare sikkernes has subscriit with oure awne hand And in like wis the said merget oure spous in wtnes of her consent and assent has gert affix hir Sele at Ochterhous the v day of the moneth of merche the yere of our lorde I^m iii^o sevinty and sex zeris before thir wtnes master James Stewert persone of strowane schire henry knoys thom the bard Alexander esok and John Duncansone with divers vtheris.

Next in order of date we find a seisin in favour of James Innes of that ilk upon a precept by Alexander Gordon of Nathirdule and Megismate, in the lands of Crannacht, in the lordship of Nathirdale, sheriffdom of Banff, 12 March, 1479. The witnesses, David Orgiluy of Thomad, John Cumyn, son and apparent heir of Alexander Cumyn of Ormshad, Master Patrick Innes, Patrick Chane, Alexander Mill, Sirs Alexander Couper, and John Modrar, chaplains, Robert Dalaquhy, notary.

Then comes a contract of inordinate length between an honourable man, William Meldrum of Fyvie, and James Innes of that ilk, for marriage to be made between George Meldrum, son and apparent heir of Fyvie, and Elizabeth, daughter of Innes, gottin betwixt him and Janet of Gordone. The lady's tocher is 700 merks, payable in the pariche kyrk of Auchterless at the hee altar. Fyvie is to give the young couple in conjunct feftment his lands of Petkary, in the sheriffdom of Kincardin. Anything in this endenturis dowlty to be corrected and fulfilled be the awys and counsaile of Master Gilbert Hay of Ure, Master John Lione, Master Adam of Gordon, person of Kynkelle, and Alexander Mowat of Loschragy, or ony three or two of them. The parties are bound to each other leilley and trewly be the faythis in thair bodeis, but fraude or gyille, the haly ewangelle twechit, the gret ayth sworne, in presens of noble and mychty lordis George, erle of Huntle, Williame, erle of Erroile, Schir James Oglywy of Desfurde, Master Gylbert Hay of Ury, Master John Lione, Walter Oglywy of Auchlewye, Williame of Keith, son and apperand ayr to Sir Gylbert of Keyth of Erugy, and Alexander Mowat of Loschragis. Done at Fyvie, in the lower chamber, 3 May, 1481. Witnesses to the Notary's execution, Walter Berclay,

son and heir apparent of John Berclay of Tolly, Robert Gordoun of Uthauch, and Berald Innes in Meiliris.

It is worth noting that John Duff, burgess of Culane, disposed to Laird James the lands of Mawdavatt, in the shire of Banff; dated at Elgin, 13 March, 1481. (*Reg. Mag. Sig.*)

Our historian tells us that "James laird of Innes was possess of a great estate in Buchan." We see that he had other lands, and was indeed a great proprietor. Married to Huntly's daughter, "cousin" of the Earl of Ross, "cousin" and trusted friend of the great lord the Earl of Buchan, the King's uncle—this Laird of Innes was a person of consequence, and worth winning for the King's party, when hard beset by the great faction of nobles who put the young Prince at their head, and called themselves the Prince's party. From the word *Armigerum*, it would seem that the Laird held some office about the King's person in the field.

Alexander, the young laird, was apparently in the service of the King (James III.) along with his father. The Register of the Great Seal records a crown charter *dilecto familiari servitori nostro Alexandro Innes filio Jacobi Innes de eodem*, of (the superiority of) the lands of Aberkirdour and Cromy, proceeding on the resignation of David Lord Lindsay of the Byris, and, failing Alexander and his children, to Robert, William, George, and James, his brothers *german*, and their children in succession, whom all failing, to James their father and his heirs whomsoever. Dated at Edin., 6 Nov., 1487.

The same king also granted *dilecto familiari servitori nostro Alexandro Innes filio dilecti armigeri nostri Jacobi Innes de eodem, pro singulari favore quem gerimus erga eundem Alexandrum*,—the fishing of one net—*piscationem unius rethis*—in Spey, called the currach-net of Garmach, to hold of the Crown for the rendendo of a penny silver. Edin., 20 March, 1487.

The following charter, granted by King James III. in reward for past services, and to secure the adherence of the Laird of Innes to the royal banner, never had effect. The "field of Stirling," (St. Barnabas' day, 11 June, 1488), in which the unfortunate King fell, terminated the service of the Laird of Innes; and the Act Rescissory which followed immediately upon the young King's coronation, annulling all such grants made by the late King since the 2 February preceding, threw the lands here granted again into the King's lands. Pinkerton says, "Innes of Innes eminently distinguished his valour" on the King's side, at the skirmish near Blackness, which was fought some time before the fatal field of Stirling. Perhaps he had no other foundation but this charter. It may be observed that the lands granted were of the rental-lands of the Earldom of Moray, then in the Crown. They were afterwards bestowed on

other parties, and most of them went as a provision to the King's son, James, Earl of Moray, and his mother, Jean Kennedy, whom his Majesty established at Darnaway.

Carta Jacobi III. data Jacobo Innes armigero Regis, 1482.

Jacobus dei gracia Rex Scotorum probis hominibus totius terre sue clericis et laicis Salutem Sciatis Nos pro fidei gratuitoque seruitio nobis per dilectum nostrum Armigerum Jacobum Innes de Eodem temporibus retroactis multipliciter Impenso Et presertim nunc cum suis seruitoribus et amicis in exercitu nostro apud Blaknes sub nostro vexillo in defensione nostre persone Regie et corone Et vro suis seruitiis nobis futuris temporibus Impendendis Eidem Jacobo dedisse concessisse et hac presenti carta nostra confirmasse Omnes et singulas terras nostras de Walkmyltoun le haltoun de lambride le blakhillis et le halch de depill cum suis pertinentiis Jacentes in dominio nostro morauie infra vicecomitatum nostrum de Elgin Que terre cum pertinentiis nunc extendunt in nostro Rentali ad summam viginti librarum. Tenendas et habendas omnes et singulas predictas terras de Walkmyltoun le haltoun le lambride le blakhillis et le halch de depill cum pertinentiis prefato Jacobo Innes de eodem et heredibus suis de nobis et successoribus nostris in feodo et hereditate imperpetuum Per omnes rectas metas suas antiquas et diuisas prout Jacent in longitudine et latitudine In boscis planis siluis virgultis viridariis moris meresiis viis semitis stagnis Riulis pratis pascuis et pasturis molendinis multuris et eorum sequelis Aucupationibus venationibus Piscationibus petariis turbariis carbonariis lapicidiis lapide et calce fabrilibus brasinis et genestis Cum curiis et earum exitibus herezeldis bludewitis marchetisque mulierum cum communi pastura libero introitu et exitu Ac cum omnibus aliis et singulis libertatibus commoditatibus proficuis et asiamentis ac Justis pertinentiis quibuscunque tam non nominatis quam nominatis procul et prope ad dictas terras cum pertinentiis spectantibus seu Juste spectare valentibus quomodolibet Infuturum Libere quiete plenarie integre honorifice bene et in pace sine quocunque Impedimento Reuocacione aut contradictione nostri vel successorum nostrorum quorumcunque quouismodo inde faciendo Infuturum Reddendo inde annuatim dictus Jacobus Innes et heredes sui nobis et successoribus nostris tres sectas ad tria placita capitalia curie vicecomitis de Elgin ac Wardas

Releuia ac maritagia dictarum terrarum cum pertinentiis cum contigerint Prouiso etiam quod dictus Jacobus Innes nobis fideliter deseruiat et quod nobiscum pro toto tempore Instantis discordie cum suis seruatoribus comoretur et Remaneat In Cuius Rei testimonium presenti carte nostre magnum Sigillum nostrum apponi precepimus Testibus Reuerendis in Cristo patribus Willelmo Episcopo Aberdonensi cancellario nostro Andrea Episcopo Morauienti Auunculo nostro Dilectis nostris Consanguineis Dauid comite de Craufurde Domino Lindesay magistro hospitii nostri, magno camerario nostro, Dauid Domino Lindesay de biris, Alexandro Domino Kilmavris, Alexandro Domino Forbes, Johanne Domino Carlile, Et Domino Alexandro Scott Rectore de Wigton Clerico nostrorum Rotulorum et Registri Apud Edinburgh vicesimo quarto die mensis Maii Anno Domini Millesimo Quadringentesimo Octuagesimo octauo Et Regni nostri vicesimo quarto.

After this charter, in the beginning of the Edingicht copy of our History, is the following note, which has misled some antiquaries—"Note. A few dayes after the date of this charter, both James the Third and this James, Laird of Innes, were killed at the battle of Bannockburn." The following charters sufficiently disprove the latter part of the assertion.

Preceptum Sasinæ Margarete Culane, 1489.

Jacobus Innes de eodem dilectis meis Andree Culane Jacobo Innes in le Myltonne Willelmo Innes et eorum alteri coniunctim et diuisim balliuis meis in hac parte irreuocabiliter constitutis Salutem. Quia dedi et concessi prouide mulieri Mergarete Culane pro toto tempore vite sue Omnes et Siugulas terras meas de knobbrocht moneddy corsquili darmaster cum suis pertinentiis Jacentes in baronia de abykerdore et infra vicecomitatum de banf prout in carta mea desuper confecta plenius continetur Vobis igitur et vestrum alteri coniunctim et diuisim precipio do in mandatis et firmiter mando quatenus dicte mergarete aut suo certo actornato vel procuratori latori presentium statum sasinam et hereditariam possessionem omnium dictarum terrarum tradatis et deliberetis aut vnus vestrum tradat aut deliberet visis presentibus indilate secundum tenorem carte mee inde sibi confecte Saluo iure cuiuslibet Ad quod faciendum vobis et vestrum cuiilibet

coniunctim et diuisim meam plenariam et irreuocabilem tenore presentium committo potestatem Et in signum vero huiusmodi sasine et possessionis per vos tradite aut alterum vestrum traditarum Sigillum vnius vestrum in secunda cauda post meum presentibus appendatis Datum sub sigillo meo apud elgin septimo die mensis Maii Anno domini millesimo quadringentesimo octuagesimo nono.

Preceptum sasinae Alexandri Innes, 1491.

Georgius Comes de Huntle dominus gordon et de badyenach . ac terrarum foreste de Bown et anye dilectis nostris Roberto Innes in Dreuy Johanni Innes in dorlaw magistro Jacobo Innes in mylton roberto Innes in ynchdreyr et Johanni thoaris nostris in hac parte balliuis coniunctim et diuisim Salutem Quia dedimus et concessimus hereditarie dilecto nostro Alexandro Innes filio Jacobi Innes de eodem genito inter dietum Jacobum et Jonetam Gordon sororem nostram omnes et singulas terras de blarnad baddinspink rathinet yngnyenerab danymad vnyall perrokburn ordingis cum molendino wlgariter nuncupato le nevmyl foreste de bown eum pertinentiis infra vicecomitatum de banf . vnaeum tota et integra multura et le sukiu totius foreste nostre de bown prout in carta nostra dicto Alexandro exinde confecta plenius continetur . Vobis igitur et vestrum cuilibet coniunctim et diuisim precipimus et mandamus quatenus dicto Alexandro uel eius certo actornato lateri presentium sasinam hereditariam statum et possessionem omnium et singularum predictarum terrarum et molendini ac totius et integre multure ac le sukiu diete foreste de bown eum pertinentiis secundum tenorem diete carte quam inde habet iuste et sine dilatione haberi faciatis et hoc nullo modo omittatis saluo Jure cuiuslibet Ad quod faciendum vobis et vestrum cuilibet coniunctim et diuisim nostram in hac parte committimus potestatem et speciale mandatum In signum vero huiusmodi sasine tradicionis sigillum vnius vestrum sasinam dantis secunda cauda post nostrum presentibus appendatis penes predictum saisitum perpetuo remansuris . In cuius rei testimonium sigillum nostrum presentibus est appensum Apud Lurchordyree octauo die mensis septembris anno domini millesimo quadringentesimo nonagesimo primo.

Instrumentum Resignationis terrarum de Abirkerdor, 1491.

. . . Anno ab incarnatione domini millesimo quadringentesimo nonagesimo primo mensis vero maii die vltima . . . venerabilis vir magister Adam gordon precentor morauiensis ecclesie cathedralis vocatus rogatus et requisitus ac per me notarium infrascriptum petitus et receptus in testimonium Resignationis terrarum de abirkerdouer cum pertinentiis et Cromdy suis cum pertinentiis universis jaentium infra vicecomitatum de Banff per nobilem virum Jacobum Innes de eodem prouido et honorabili viro Alexandro Innes prefati Jacobi filio et in ipsius Alexandri manibus tamquam ipsarum domini superioris facte super [qua] nota per dictum Alexandrum de huiusmodi Resignationis testimonio a me notario predicto petita fuerat Qui quidem magister adam precentor super ipsius vocatione rogatione requisitione et petitione neenon testimonii perhibitione et ipsius in huiusmodi resignationem presentia . . . a me notario publico infrascripto vnum vel plura instrumentum vel instrumenta fieri petiit Acta erant hee apud castrum de Innes Presentibus ibidem Thoma fraser filio nobilis domini hugonis fraser domini de louet Willelmo dumbrek de birmokty et Jacobo Innes in mylton cum diuersis aliis testibus ad premissa vocatis pariter et rogatis.

Et ego Donaldus Thome presbiter morauiensis diocesis publicus etc.

Carta data Alexandro Innes, 1491.

Omnibus hanc Cartam visuris vel auditoris Jacobus Innes de eodem Salutem in domino sempiternam Noueritis me dedisse . . . dilecto filio meo Alexandro Innes omnes et singulas terras meas de mavdarat eum pertinentiis jaentes infra vicecomitatum de banf pro carnali dilectione quam erga prefatum Alexandrum gero Tenendas et habendas totas et integras terras meas prenominatas dicto Alexandro Innes et heredibus suis de corpore suo legitime procreandis quibus forte deficientibus Roberto Innes et heredibus suis de corpore suo legitime procreandis quibus forte deficientibus Vilhelmo Innes et heredibus suis de corpore suo legitime procreandis quibus forte deficientibus Georgio Innes et heredibus suis de corpore suo legitime procreandis quibus forte deficientibus Jacobo Innes et heredibus

suis de corpore suo legitime procreandis quibus forte deficientibus Thome Innes et heredibus suis de corpore suo legitime procreandis quibus forte omnibus deficientibus veris legitimis et propinquieribus heredibus meis quibuscunque de supremo domino nostro in feodo et hereditate in perpetuum . . . Reddendo inde annuatim . . . servitia debita et consueta . . . In cuius rei testimonium sigillum meum presentibus est appensum apud Innes secundo die mensis

Anno Domini millesimo quadringentesimo nonogesimo primo Coram hiis testibus Roberto Innes in dreni domino donaldo thome notario publico domino alexandro Vilhelmi capellano Alexandro stevart allano tulloch thoma panton armigeris cum multis aliis.

Laird James, "James with the beard," the first of the family whom we find in public and political life—he was one of the Lords in his unhappy master's last Parliament (1487)—did not live long after the preceding charter.

His second wife, Margaret Culane, survived him, and had some differences with her step-son, Laird Alexander, about her dowery lands and "gudis of houshald," and also about the custody of her son James, who, she alleged, was held in subjection by his brother, and whom the Lords of Council ordained to be put at liberty and freedom "sa that he may commoun with his moder and frendis." (*Acta Auditorum*, 26 June, 1493.) James with the beard quartered the boars' heads of Aberchirder with his paternal coat of Innes, as his descendants continued to do. His precept in favour of Margaret Culane (7 May, 1489) is sealed with this seal—



The first transaction in which I find the young laird engaged after his father's death, is a very solemn perambulation of marches (the submission, of date 5 Dec., 1492) between his lands of Aberkirdor, and the lands pertaining to the benefice of Master Alexander Symson, vicar of Aberkirdor. The "Assisors of perambulation" chosen by them—by Alexander Innes, laird of that ilk, with our Sovereign lord's consent, and by the vicar with the consent of the Bishop of Moray, and of the Abbot and convent of Arbroath, (the impropiators)—were "Schir James Ogilvy of Deskfurd, knycht, Wilyam Meldrum of Fywe, Waltir Ogilvy of the Bowne, Valtir Barclay of Towe, Patrick Bissat of Lessindrome, Alexander Murray of Culbarde, George of Abernethy, Johne Curror of Durne, Thomas Bard of Ordinhuf, Patton Thayne the ald viccar of Innerkethny, Alexander Hill, Finlai Monedy, Robert Finlais broder, Thom Hill, Androw Tait, Will Clerk, Syme of Corsque, John Wilson, Donald of Carnosy, and Jok Neill," who were to be sworn to do justice on the firter of St. Mernane; and, although the laird was contumacious and absent, they gave judgment on their great oath in presence of "the glorious head,"—*capite Sancti Marnani presente*—with all solemnity on the 11 day of April, 1493. The perambulation is recorded in the Registers of the Bishopric of Moray and of the Abbey of Arbroath.

In the Register of the Great Seal there is a crown charter to Alexander Innes of that ilk, and Cristina Dunbar his spouse, of the lands of Cromy, Ardmali, Tulidowne, and Romore, in the lordship of Aberkirdour, resigned by himself, 3 Feb., 1493.

A charter of King James IV., given at Inverness, 24 Jan., 1497, confirming a disposition by Beatrix Dunbar of Cremond to Alexander Innes of that ilk, (I suppose she was of kin to Christian, Laird Alexander's wife,) of Kilmalaymak, Petgony, Dunkempty, St. Andrews Kirktown, and Barflathills—is among the papers of the Inneses of Leuchars, which they have kept perhaps all the more carefully, that they could not keep the lands. Beatrix's charter is dated at Bogingour, 4 Sep., 1497, and is witnessed by Thomas Hay, her son. (The great barony of Kilmalemak came, I suppose, through the heiress of De Moravia to the Douglasses, in whose hands it was in 1426 (Great Seal Reg.) After their forfeiture, we find it the property of John Dunbar of Creichmunpark, knight, and on his resignation, Beatrix Dunbar, (his daughter?) and her husband, Master Gilbert le Hay of Ury, had seisin of it on a Crown precept, 1 March, 1472. At that seisin, a noble man, Alexander Dunbar of Westfield, knight, was Sheriff, James Douglas of Pedindreich and George Hart were attorneys for the Hays, and Alexander Fauconer, lord of Hakarton and baron of Lethine, John Froster, Alexander Fauconer, and Thomas Collie, mair, and George of Dunbar, witnesses. The investiture was given at St. Andrews kirktown.

In 1499, Alexander Innes of Innes granted many lands to his brother of the full blood, Robert of Cromy, Rothmakenzie, &c. One gift of Cromy and Tulysoff in the barony of Aberkirdour, is confirmed by crown charter, in the Register of the Great Seal (1 June, 1499); and in our charter chest is a precept for infefting Robert in Germow, Corsky, and Newton of Innes, in real warrandice of those Aberkirdour lands.

An instrument is preserved in our charter chest, of the resignation of Rothmangunze, Newak, Brakanhills, Dunnymade, half of Newmills, Lantais croft, and Femyiscroft, in the forest of Boyne, made by Laird Alexander, in the hands of George Earl of Huntly, the superior, and of new infeftment given to Robert, brother german of the said Alexander, at the Castle of Strathbolgy, 13 April, 1499, witnessed by James Ogilvy of Deskfurde, John Ogilvy of Fingaske, knights, William Fraser of Strathirdy, Patrick Gordon of Melike, and Robert Gordon of Udaacht.

Contract between Cromy and Gilbert Hay, A.D. 1503.

THIR ENDENTOURIS maid at Elgin the xv day of September the yere of God^{jm} v^e and thre yeris beris witness in the sclff that it is appontit aggreit and fynaly concordit betwix honorabill men Robert Innes off Crommy bruther german to Alexander Innes of that ilk on that ane pairt and Master Gilbert Hay on the tothir part in maner form and effect as efter followis that is to say forsamekle as the said Master Gilbert is oblist and be the tenor of this write obleissis him for him his aris executouris and assigneis till upgeiff all rycht and clame of rycht propirte and possession quhatsumevir that he hes of the landis of the barony of Kilmalamak that is to say Petgony Sanct Andros Kirktown Barflathillis and Dumkempty and of the landis of Cottis and sall geiff to the said Robert Innes charter sesing and letters of asseda-tioun in the stratest forme can be devisit be the said Robert and till utheris of Summoundis decretis apprissings and process that the said Master Gilbert hes of the saidis landis and als Maister Gilbert obleissis him to causs apprise on his expenssis ten merkis worth of land of the said Alexander Innes laird of that ilk quhair the said Robert Innes will devise it and sall mak the said Robert Innes assignit tharto at the apprysing tharof . . . ffor the quhilkis ourgeving of rychtis contractis bandis chartour sesingis and process . . . the said Robert Innes of Crommy is obleist faithfully be the tenor of thir presentis to content and pay to the said Master Gilbert his aris executouris

and assignais the soume of sax hundreth merkis gude and usnalle money of Scotland . . . and the said Robert Innes sall infest the said Master Gilbert be chartir and sesing in ten merkis wortht of land within Buchan gevand ten merkis of maill The said Master Gilbert gevand reversioun sufficeand to the said Robert Innes or quhom to it pleissis him caus it to be maid quhare quhat tyme the said Robert Innes his airis . . . sall content and pay to the said Master Gilbert his airis . . . twa hundreth markis upone ane day of gude and usuall money of Scotland vppoun the hie altar of the kyrk of Cremond . . . And the said Robert Innes sall content and pay to the said Maister Gilbert at the making of this write the soume of ane hundreth merkis of the soume forsaid and athir of the sadis parteis hes subscriuit thir endenturis inter changeibilly with thair handis day yeir and place foirsaidis befor thir witnessis Schir Archibald Duff Schir Robirt Fleschour Chaplaynis robbe Jamesoun and Schir Donald Thomsoune notar publict · Robert Innes with my aune hand · Magister Gilbertus Hay manu propria.

A Crown charter, dated at Edinburgh, 18 June, 1507, confirms a charter of William Sutherland of Duffous to Alexander Innes of that ilk, of the lands of Brechmond, in the shire of Nairn, 14 June, 1507.

And a Crown charter to Alexander Innes son and apparent heir of Alexander Innes of that ilk, of the lands of Dunbeith, Raa, and Sandside, in the sheriffdom of Inverness, (now Caithness) resigned by Malcolme Culquhone of Dunbeith,—Edin., 8 Aug., 1507—is the first charter evidence I have seen of the Innes possessions in Caithness.

Matters did not go smoothly between the cousins. On 9 March, 1513, we have a decree of the Lords of Causes, cassing and annulling an apprysing led upon the lands of Drumkynty and St. Androis kirketoun—as the lands of Alexander Innes of that ilk—for 400 merks, 200 merks, and £40 due by him to Mr. Gilbert Hay as assignee to Beatrix Dunbar of Crechmund his mother, because the lands pertained heritably to Alexander Innes of Dunbeath, [the Laird's son] who was at the time of less age (7 years old.)

Here may be mentioned a tack of two coble fishings in Spey, set by Robert the Prior and the convent of Pluscardin, to Robert Innes of Rothmakenzie and others, dated Oct. 22, 1508. It bears to be granted for service and defence done to the Abbey, especially in removing of robbers, and for providing twa tabernakils in the Abbey, that is to say, ane at the hie altar, and ane other to our Lady—both made in Flanders. This tack is in the charter room at Duff-house.

The three retours here thrown together which have been used for connecting the Hays with the inheritance of Beatrix Dunbar, are of interest now, as preserving the names of the available persons ready to meet at the summons of the Sheriff of Elgin, and to share in the hospitality of the heir "served and retoured," perhaps in a favourite tavern in the town.

Inquisitio retornata Wilhelmi Hay de Ury in annuo reddito de Kilmalamak.
A.D. 1510.

Hec inquisicio facta fuit in pretorio burgi de Elgin duodecimo die mensis Aprilis anno domini millesimo quingentesimo decimo Coram honorabili viro Jacobo Dunbar de conze vicecomite deputato de Elgin et fores per hos honorabiles viros videlicet Alexandrum Innes de eodem Willelmum Suderland de duffous Alexandrum Cuming de Altre Johannem Cuming de erinshed Willelmum Dunbrek de barmikity Robertum Innes de Rothnakenze Alexandrum Cuming filium et heredem apparentem dicti Alexandri Cuming de altir Willelmum Wrchard de schirefnyll Jacobum Ketht fratrem Willelmi Ketht de Inuervgy militis Willelmum Thomson Johannem Robertson Willielmum Hay burgenses de Elgin Patricium Dunbar Thomam Rynd Thomam Innes in balmaeoule Jacobum Innes et baralum Innes in cokistoun Qui jurati dicunt quod quondam Beatrix Dunbar mater Willelmi Hay de vry latoris presentium obiit vltimo vestita et sasita ut de feodo ad pacem et fidem supremi domini nostri regis de vno annuo reddito quadraginta mercarum vsualis monete socie de omnibus et singulis terris et baronia de kilmalamak cum pertinentiis videlicet petgouny sanetandrois kirkstoun bareflatbillis et dunkempty jacentibus infra vicecomitatum de Elgin annuatim de eisdem terris et baronia cum pertinentiis exeunte et leuando Et quod dictus Willelmus est legitimus et propiuquior heres

Inquisitio Andree Hay, A.D. 1513.

Hec inquisitio facta fuit in pretorio burgi de Elgin decimo septimo die mensis Februarii anno domini millesimo quingentesimo decimo tertio Coram honorabili viro Jacobo Dunbar de Conze vicecomite deputato de elgin et fores per hos honorabiles viros videlicet Johannem Cuming de erinshedde Robertum Murra de fochabris Georgium Leslie in Rothes Johannem Dunbrek de vrcane Willelmum Innes in sanctandre kirkstoun Alexandrum brody de

erevin Jacobum tullacht alexandrum nicholson thomam donaldison Willelmum Douglas Johannem terres Johannem Sutherlande dauid thome Willelmum Thome Willelmum haye Jacobum syme et Willelmum runseman Qui Jurati dicunt quod quondam Willelmus Haye de Wry pater Andree Haye latoris presentium obiit vltimo vestitus et sasitus ut de feodo ad pacem et fidem supremi domini nostri regis de vno annuo reddito quadraginta mercarum vsualis monete socie de omnibus et singulis terris et baronia de kilmalamak cum pertinentiis videlicet petgony sanctandree kirktoon bareflathillis et dunkympty jaentibus infra vicecomitatum de elgin annuatim de eisdem terris et baronia cum pertinentiis exeunte et leuando Et quod dictus andreas est legitimus et propinquior heres dicti quondam Willelmi sui patris . . .

The ratoure of patrick haye of wry of the anwall of kilmalamak, A.D. 1531.

Hee inquisitio facta apud burgum de Elgin in pretorio eiusdem Coram honorabili viro Willelmo Gadderar vicecomite deputato Sexto die mensis Octobris Anno domini millesimo quingentesimo tricesimo primo per has Subscriptas personas videlicet Alexandrum Innes de eodem Robertum Innes de Rothmakonze dauid douglas de pettendrecht Jacobum Innes in drane Willelmum Haye de Mayne Gilbertum Hay de kilmalamak Willelmum Doles de budweit Willelmum douglas Johannem Yong Thomam Elder Jacobum Kelle Johannem yong seniore Henricum Sinculer Et Andream Froster Qui jurati dicunt quod quondam Andreas Haye de ury pater Patricii Haye latoris presentium obiit vltimo vestitus et sasitus ut de feodo ad pacem et fidem Supremi domini nostri Regis de vno Annuo reddito quadraginta marcarum vsualis monete Regni Socie annuatim leuando de omnibus et Singulis Terris et baronia de kilmalamak cum pertinentiis Et quod dictus Patricius est legitimus et propinquior heres eiusdem quondam Andree patris sui . . .

Patrick Hay, by James Innes in Reidhall, his procurator, resigned the annual, in the King's lands *genibus flexis, reverentia qua decuit*, at Edinburgh, in the hotel (hospitio) of the Bishop of Dunkeld, 2 December, 1531, in favour of Robert Innes of Rothmakenzie. Most of the seals with which the gentlemen on these Inquests attested the retours are gone or sorely injured. That of Robert Innes

of Rothmakenzie or Cromy, the Laird's brother, is preserved entire. Apparently heraldry had not been much cultivated round Elgin, or the local artist, hard pressed for room, thought he did his duty when he made up a blazon of Innes and Aberchirdor, by taking a bit of each, in this manner—



Lands which came to be of interest at a later period were now acquired by the family. In 1523, 21 April, James, Earl of Moray, sold to an honourable man, Robert Innes of Rothmakenzie, the lands of Redhall, Styne, and Blackhills.

The Chartour of the houss of Elgin gifin be Dawyd Massoun and his wyf.
[A.D. 1522.]

OMNIBUS HANC CARTAM visuris vel audituris Daudid Thome siue Lathimi de consensu et assensu Elizabeth Lawsonsone spouse mee Salutem in domino sempiternam. Noueritis me vendidisse . . . prouido viro Roberto Innes de Rothnagenzhe duas perticatas terrarum mearum cum structuris et pertinentiis suis uniuersis mihi iure conquestus spectantes contigue jacentes ex parte boriali dicti burgi de Elgyn inter terram dauid Elgyne ex oriente ex una et terram domini tyberii vynchestir ad occidentem partibus ab altera extendentes se linialiter a magno domo lapidia nunc Alexandro Innes pertinente cum libero introitu et exitu magne porte eiusdem domus versus austrum usque ad le deid dreycht siue vicaris croft versus boriā in longitudine et latitudine suis debitis et consuētis . . . pro certa summa pecunie michi integraliter persoluta . . . In cuiusrei testimonium sigillum meum proprium presentibus est appensum apud burgum de Elgin vltimo die mensis february anno

domini millesimo quingentesimo vicesimo secundo coram hiis testibus honorabilibus viris Willelmo Suthirland de duffons Alexandro Gaderar balliuo Jacobo Innes Willelmo Innes Alexandro batmakar Johanne Barculay Johanne Murray sergiando et dominis Archebaldo Cunnyngame presbitero Andrea Johannis notario publico et aliis diuersis.

A few notes from other charter-chests will help to supply the imperfections of our author's pedigree of Invermarky—leaving it still imperfect.

The overthrow of the Douglasses (1454) scattered their possessions in the north into many hands. The lordship of Balvany was bestowed upon John Stuart, created Earl of Athol, the son of Joan the Queen Dowager by the Black Knight of Lorn. The Earl's daughter, Elspeth, married Robert Innes of Invermarkie. In the charter-room at Duff-house is—

(1) An instrument of seisin on a Crown precept in favour of John Steuartson and apparent heir of John, Earl of Athol—in the lordship of Balvany, Bothruvin, Botharie, and Abbirlour, with the castle of Balvany and advowsons of the churches thereof; as resigned by the said Earl, and Elinor Sinclair, his spouse, March 22, 1491.

(2) Precept of clare by Alexander, Earl of Huntlie, to Robert Innes, as heir of umquhil Walter Innes of Invermerky, his faither, in the lands of Invermerky, with the mill, Cragnakeroth, Auchinby Elze, Auchinby Torriglass, and Brodland. 15 April, 1502.

(3) A Precept of seisin by 'Johannes Comes de Athole ac Dominus de Balvany,' for investing "predilecto fratri meo Roberto Innes de Innermarky," in the lands of Edinglassy and Glenmarky in dominio de Balvany, dated 28 July, 1515.

(4) Charter by George, Earl of Huntlie, "dilecto nostro armigero" Robert Innes son and apparent heir of an honourable man, Robert Innes of Invermarky; of the lands of Invermarky, Terreglas, Auchinbegis, Auchabrok, Leetak, in the barony of Strathbogy, and sheriffdom of Aberdeen, 14 November, 1536.

In the charter-room of the Duke of Atholl is preserved a notarial instrument upon the excambion by 'honorabilis vir Joannes Innes filius quondam Roberti Innes de Invermerky,' of his lands of Laochquhy, Pettewaye, with the mill of Petglassy, alias Laochy, Peitbeg, &c., held in feu of the Bishop of Aberdeen, lying within the lordship of Murthlac, and sheriffdom of Banff; for the lands of Auchluncart lying within the lordship of Balvany and sheriffdom of Banff, pertaining to a noble and potent lord, John Earl of Athol. Resignation taken and charter given by Robert Bishop of Orkney, vicar-general of William Bishop of

Aberdeen, then being abroad (*in remotis agentis*) 29 January, 1552. In the Bishop's precept of seisin (*ult. Jan.*) John Innes is styled "Joannes Innes de Creche."

(Three other deeds in the Athol charter-chest, may be here noted, as illustrating Northern charter history, where the investigator might not dream of looking for them.

(1) Hugh Fraser, Lord of Lovat, and lord of the third part of Glenelg, grants *magnifico et potenti domino Alexandro de Ile comiti Rossie*, the lands *prefate tertie partis mee de Glenelg—tendendas a me*. Dated at Inverness, 8 Jan., 1436. The witnesses, *Henrico de Weymis, domino Johanne vicario de Kilmorok, domino Patricio de Warlaw, Johanne Willelmi, David P . . . et Ranaldo Clerk cum pluribus aliis*.

(2) Instrument taken by James Douglas of Pittendriech, on the resignation of all right or claim to the lands of Clawok and half of Ochtirwrehill, in the earldom of Moray, sheriffdom of Narne, and Cantradown, in the said earldom, and sheriffdom of Inverness, by "nobilis domicella Issabella Suthirland sponsa nobilis viri Alexandri Dunbar de Westfield militis," in favour of Robert Stewart in Abernethy and Margaret Douglas, his spons, penult June, 1486.

(3) A precept following thereon, by Alexander Dunbar of Westfield, knight, to invest Robert Stewart of Cullerlis, in the lands of Clawak and half of Ochtirwrehill and Cantraydown. Forres, 6 August, 1486.

The following strange proceeding of the Lords of Council shows a state of family matters in this laird's time which our Author was not informed of: it is found in the Record of the Lords of Council, under date, 27 January, 1522-3.

ANENT the Supplication gevin in be Alexander Innes of that ilk makund mentionne how he was in tyme of trubel takin furth of his awin place of Innes be William Sutherland of Duffois Robert Innes of Rothmankenzie Walter Innes of Tulchis and ther complices; and had and deliverit him in keeping and fermance to the erle of Cathnes within his castell of Garnygow quhare he yet remainis; desirand lettres in the four formis chargeand the said erle to put the said Alexander to fredom. And becaus the lordis understandis that the said Alexander has bene ane misgidit man prodigus and has waistit and distroyit his landis and gudis without ony resouable occasioun: For the quhilk causis his friends tak him and put him in fermance for eschewin of ony forther waisting of his saidis landis and gudis. And for remeid therof and of the utir destronctionne of the said

Alexanderis hous heretagis and landis quhilk has bene ane auld honorable hous and done the kingis grace grete service and mony honest folkis cumyn of the samyn / Has of thair auctorite interditit and interditiis the said Alexander Innes of that Ilk fra all maner of alienacioune of his landis heretages and annuell rentis or ony part thairof and fra setting of the samyn in all or in part for langar takkis nor for the space of thre yeris . . . And lettres to be directt making inhibition to all our Souerane Lordis liegis that quha dois or cumis in contrar this interdictionne the samyn salbe decernit and declarit of nane availe and now as than and than as now decernis and declaris the samyn of nane availe for euir in tyme to cum for the causis forsaid.

Preceptum sasine Jacobi Innes, A.D. 1529.

Jacobus dei gratia Rex Scotorum Vicecomiti et balliuis suis de Narne . . . Quia cum auisamento et consensu compotorum nostrorum rotularioris dedimus concessimus et ad feodifirmam dimisimus hereditarie dilecto nostro Jacobo Innes filio et heredi apparenti Roberti Innes de rothmakinze Totas et integras terras nostras de hillis de hairmure et terras petsundeis landis nuncupatas cum suis pertinentiis jacentes in dominio nostro de Rosse infra vicecomitatum nostrum de Narne que nullum proficuum nobis aut predecessoribus nostris ullo tempore retroaeto ultra hominum memoriam dederunt prout in Carta nostra sibi desuper confecta plenius continetur vobis precipimus et mandamus quatinus dicto Jacobo vel suo certo attornato latori presentium Sasinam dictarum terrarum cum pertinentiis secundum tenorem diete nostre Carte quam de nobis inde habet juste haberi faciatis et sine dilatione . . . datum sub testimonio magni Sigilli nostri Apud Striuling vicesimo quarto die mensis Martii Anno Regni nostri. decimo Septimo.

The contract betwix the laird of Invermerky and the laird Innes, for the landis of Ogistoun (1535.)

At Edinburgh the nynt day of Marche the yeir of God J^m V^e and xxxv yers, it is appunctit and finalie aggreit betwix honorable men that is to say

Alexander Innes son and apperand air to Alexander Innes of that ilk for him self and his said fader and thare aris on that ane part and Robert Innes of Invermerky for himself and his aris on that other part in manner forme and effect as efter followis touching all debatis clames contrauersijs, and in speciale auentis the landis of Ogstoun Plewlandis and airschip of Innes That is to say the said Alexander sall produce and deliver to the said Robert all contrakis eidentis and documentis that he or his fader hes of the saidis landis of Ogstoun and Plewlandis and in speciale the Reversioum maid be James Innes of that ilk to the aris of Ogstoun and als the contract maid betwix the said Alexander Innes of that ilk and Sir Adam Hepburn gif the said Alexander Innes younger can gett the samin to deliver And als sall renunce and ourgeve all title and clame of rycht that his said fader or he hes or may have in and to the saidis landis of Vgstoun and Plewlandis and sall do his extreme diligence to help the said Robert to be surelie infet in the landis of Ogstoun and Plewlandis of our soverane lord vpoun the said Robertis expensis For the quhilkis the said Robert Innes sall deliver to the said Alexander all eidentis documentis charteris and instrumentis that he hes or may have be deces of James Innes of that ilk and James Innes his soun exceptand the charteris and eidentis of Ogstounand Plewlandis And sall resignerenunce and ourgeve in favouris of the said Alexander Innes younger theapprisit landis gif ony be within the manys of Innes with all rycht and kyndnes of landis heretage and areschip gudis charteris documentis instrumentis and eidentis that the said Robert hes or may pertene to him any maner of way throw deceis of the said unquhile James Innes of that ilk and James his soun to be peccablie broukit and joisit be the said Alexander as he sall think expedient notwithstanding ony rycht quhilk the said Robert hes or may clame to the samyn be ony maner of way in tyme bigane / and attour the said Robert sall infet the said Alexander and his airis in all and haill the landis of Crannoche with the mylne thereof and their pertinentis be chartor and sesing to be haldin of our souerane lord or be resignationioun in oure souerane lordis handis as the said Alexander pleissis or thinks it best vpoun his expensis And the said Alexander be thir presentis grantis him to have ressaut fra the said Robert attour the premisses the soume of iij^x li. money of this realme quhilk the said Robert gevis to him for the causis forsaidis And als the said Robert sall warrand the saidis landis of

Crannoct with the mylne and pertinentis thereof at his sounis handis to the said Alexander and gif neid be to caus him to resignne renunce and ouregif the samin in favouris of the said Alexander and his airis . And mair attour the saidis Alexander and Robert sall stand in hartly kyndness and ather of thame renunces dischargis and geves oure to vtheris all maner of accionis clames debatis rychtis and juris that athir of thame or thair airis hes or may clame aganis vtheris for ony accioun or caus bigane vnto the day of the dait heirof exceptand the fulfilling of the punctis of this present contract . . . In witness heirof baith the saidis parteis hes subscriuit this present contract with thair handis day yeir and place forsaidis Before thir witnesses Alexander Priour of Pluscardin Maister Johne Innes persoun of Kirkmichaell Patrick Doddois Maister Henry Laudar Maister Johne Lethame and Thomas Mavane with vtheris diuers.

Alexander Innes of Pladdis discharge of the third part landis of Rothnakenzes. [1536.]

In dei nomine Amen per hoc presens publicum Instrumentum Cunetis pateat euidenter quod anno Incarnationis dominice millesimo quingentesimo trigesimo sexto mensis vero Martii die decimo Indictione decima pontificatus Sanctissimi in Christo patris et domini nostri domini pauli diuina prouidentia pape tertii anno tertio In mei notarii publici et testium subscriptorum presentia personaliter constitutus honorabilis vir Alexander Innes filius honorabilis viri Roberti Innes de Rothnakenze secundo genitus suis commodo et utilitate undique preuisis Ac etiam quod Jacobus Innes frater dicti Alexandri ac heres apparens dicti Roberti obligauit se dicto Alexandro ad infeodandum dictum Alexandrum in tantis terris tanti valoris sicuti tertia pars terrarum de Rothnakenze In qua dictus Alexander nunc infeodatus existit per obitum dicti Roberti prout in quodam contractu inter eos desuper confecto latius continetur Totam et integram tertiam partem dictarum terrarum de Rothnakenze cum suis pertinentis In manibus dicti Roberti Innes eius patris et domini sui superioris earundem Resignauit suam Cartam preceptum et Instrumentum Sasine que inde habuit cancelanda exhibuit presentibus ibidem honorabilibus viris Jacobo Innes filio et apparente herede dicti Roberti Jacobo Innes in Lucheris et domino vellelmo Thome capellano cum diuersis aliis testibus.

Act off the lordis anent the arbitrall decreit betwix the lard Innes
and Rothnakenyie. [1538.]

At Edinburgh the xii day of December the yeir of God M V^o xxxvii
yeris We Robert Abbot of Kinloss Mastir Henry quhite dene of brechin
Maister James foulis of Colintoun clerk of registir Maister Adam Otterburn
of reidball knycht advocat to our Souerane Lord and Maister thomas
ballinden havand referryt to ws be Alexander Inneiss Sone and apperand air
to Alexander Inneiss of that ilk on that ane part and James Innes sone and
apperand air to robert Inneiss of Rothnakenze on that uther part To decyde
and declair the poyntis debatabill and obscur contenit in ane decrete
arbitrale maid betwix the saidis partiis off the dayt At Edinburgh the
xxiiii day of November the yeir of God M V^o and xxxiii yeris . . .
First tuiching the heretabill infestment to be maid be the said Alexander
Inneis of that ilk of the hail landis of Garmacht Newtoun and Corsky con-
tenuit in the said contract and efter the tenour of the samyn That the
saidis Robert and James his sone sall resing the twa part of the saidis
landis of garnaht in our Souerane Lordis handis in favour of the said
Alexander Inneiss of that ilk and his airis And the said Alexander and his
airis sall betwix this and the feist of the purification of our lady in the yeir
of God M V^o xxxviii yeris redeme and quyte out the saidis landis of Corsky
quhilkis wer analyit be the said Alexander under reuersioun contenant the
soume of Sex Scoir of merkis And the saidis Robert or James or thair
aris sall redeme the foresaidis landis of Newtoun with the pertinentis
annaliit be thame under reuersions contenant the sume of xii Scoir of
merkis within the tyme foresaid The said Alexander or his aris first
deliverand and payand to the saidis robert and James and thair aris the
soume of vi Scoir of merkis to the redemption thareof and incontinent
tharefter the said Alexander or his airis sall infest the said robert or his aris
heretabillie be chartour and seising in dew forme in all and hail the saidis
landis of garmocht newtoun and corsky with thair pertinentis to be haldin
of him and his airis in fre blanche for ane penny in speciale warandice of
the landis of Crome tullysoff brakanehillis and the half landis of new mylne
And the saidis Alexander or his airis sall resigne the saidis landis of Crome
tullysoff brakanchills and the half landis of New Mylne in his oure lordis
handis in fauoris of the said robert or his airis or uther wayis sall gif his

Charteris and preceptis of Seising of the saidis landis to be haldin of his oure lord as the said robert best pleissis upoun his expenssis for his securite And how sone itsall happin the said Alexander or his airis to mak the saidis landis of Crome tulysoff in the quhilkis the said robert at this tyme is here-abille infest be charter and Sasing haldin of the King's grace And siclyke the saidis landis of brakane hillis and half landis of new mylne in the quhilkis the said robert is heretabille infest haldand of the erle of huntlie fre to the said robert and his aris sua that thay may peceabillie brouk and joiss the samyn as thair proper heretage without impediment of courtsie lifrent terce takkis or urther chargeis befor the dayt of the Infestmentis to be maid as said is of the law than the said Alexr and his airis to have full and free Regress and Ingress agane in and to the properte of the saidis landis of garmocht newtoun and corsky with thair pertinentis and gif it happynnis thame or ony part tharof to be then wedset or analiit be the said robert or his airis or apprisyt for their-det thai to mak the samyn fre to the said Alexander and his airis to be broukyt be thame in properte frathynefurtht Provyding all wayis that gif it happynnis the said Robert or his aris to be vexit trublit or inquiet anentis the landis of Crome tullysoff brakanehillis and half of the New Mylne sua that he and his aris may nocht brouk the samyn be the law as said is in that caiss the said robert and his aris sall have regress to the saidis landis of garmocht newtoun and Corsky To be broukyt and joisyt be thame ay and quhill thai may brouk the saidis principale landis be the ordour of law and justice And als findis and decernis all the poyntis contenit in the said decrete arbitrale fulfillit be ather of the saidis partiis to uthers except the poyntis contenit in this our decrete of declaratioun And baytht the saidis partiis ar content this present decrete of declaratioun of the daitis foresaidis be insert in the bukis of Counsale and to have the strenth of the lordis decrete and lettres to be direct to compell the saidis partiis for fulfilling thairof ilkane of thame for thair part in forme as efferis And this our decrete to all and sindrie quham it efferis we mak it knawn be thir presentis subscriuit with our handis day yeir and place foresaidis Extractum de libro actorum per me magistrum Jacobum foulis de Colintoun clericum rotulorum registri ac Concilii Supremi domini nostri Regis sub meis signo et subscriptione manualibus . Jacobus foulis.

The Laird had for some time been set aside, and soon after the date of the preceding contract he died—his son, of the same name, succeeding.

Preceptum Sasinae Alexandri Innes de eodem, 1538.

Jacobus dei gratia Rex Scotorum vicecomiti et balliis suis de Elgin et fores Salutem / Quia per inquisitionem de mandato nostro per vos factam et ad capellam nostram retornatam compertum est quod quondam Alexander Innes de eodem pater Alexandri Innes latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem nostram de omnibus et singulis terris de Innes Selentok tertia parte de Germocht et dimidia parte ville et terrarum de Vatterscot cum molendinis et tenentibus tenendriis et liberetenentium seruitiis earundem et suis pertinentiis jacentibus infra balliam vestram / et quod dictus Alexander est legitimus et propinquior heres eiusdem quondam Alexandri sui patris de totis et integris terris et annuis redditibus de Innes selentok tertia parte de germocht et dimidia parte ville et terrarum de vatterscot cum molendinis et tenentibus tenandriis et liberetenentium seruitiis earundem cum pertinentiis Et quod est legitime etatis / Et quod de nobis tenentur in capite . Vobis precipimus et mandamus quatenus dicto Alexandro Innes vel suo certo attornato latori presentium Sasinam predictarum terrarum et annuorum reddituum cum molendinis tenentibus tenandriis et liberetenentium seruitiis earundem cum suis pertinentiis juste haberi faciatis et sine dilatione / Saluo jure cujuslibet / capiendo securitatem de centum libris de relinuo earundem nobis debitis et hoc nullo modo omittatis presentibus post proximum terminum minime valituris / teste meipso apud Edinburgh tertio die mensis Junii Anno regni nostri vicesimo.

Carta Margarete Innes, 1540.

Omnibus hanc Cartam visuris vel auditoris Jacobus Innes de Elrik Salutem in domino Sempiternam noueritis me pro certis pecuniarum summis mihi per Margaretam Innes meam sororem totaliter persolutis vendidisse dicte Margarete Innes in conjuncta infeodatione heredibus suis et assignatis quibuscunque Totas et integras villas et terras de neithir monbeinis over monbeinis et Bruiltoun cum peudiculis jacentes infra baroniam de monbeinis et vicecomitatum de Elgine et foras Tenendas et habendas omnes

et singulas dictas villas et terras dicte Margarete Innes in coniuncta infeodatione heredibusque suis et assignatis prescriptis de me dicto Jacobo Innes meis heredibus et successoribus in feodo et hereditate Imperpetuum Reddendo inde annuatim dicta Margareta Innes heredes que sui et assignati Priori et conventui fratrum predicatorum de elgine et suis in dicto loco successoribus summan novem decem marcarum et Sex Solidorum et quatuor denariorum monete regni Scotie tanquam firmam antiquam dictis priori et conventui de dictis villis et terris in omnibus et per omnia necnon Summan tredecim Solidorum et quatuor denariorum dicte monete annuatim dictis prioribus et conventui in augmentationem ad duos anni terminos consuetos festa viz. Pentecostes et Sancti Martini in hyeme In Cuius Rei testimonium Sigillum meum proprium una cum mea subscriptione manuali est appensum Apud Elgine die decimo octavo mensis Decembris Anno domini millesimo quingentesimo quadragesimo Coram bis testibus honestis et discretis viris Willelmo Innes de frostirsait Alexandro Innes de catbollis et plaides Johanne Innes filio apparente Jacobi Innes de Dranie Roberto Innes etiam filio quondam Jacobi Innes de dranie Willelmo Sutherland filio quondam Willelmi Sutherland de duffus Willelmo gaderer burgense de Elgine et Johanne gibson notario publico cum diuersis aliis
Janis Innes.

Jacobus Innes de Rothnakenzie confirmatur executor Patris, 1540.

Patricius miseratione diuina Morauiensis Episcopus ac monasterii de Seona perpetuus commendationis uniuersis et singulis ad quorum notitias presentes littere peruenierint Salutem cum benedictione diuina Noueritis nos attendentes quod ex pastoralis cure officio inuncto onereque nostris licet insufficientibus humeris imposito de defunctorum nostrorum diocesanorum presertim ab intestato decedentium bonis ne in alienos transferantur usus seu ab ignotis et non interesse habentibus intronittantur vel detineantur providere incumbit fecimus constituimus et ordinauimus prout per presentes facimus constituimus et ordinamus dilectum nostrum Jacobum Innes de rothnakenze filium et heredem quondam roberti Innes de rothnakenze ab intestato decedentis executorem datiuum prefati quondam Roberti tanquam proximiorum de sanguine eiusdem in et ad omnia et singula bona res debita et credita eiusdem pecuniarum summas victualium

mensuras acta contractus et obligationes ac alia bona mobilia quecunque prefato quondam Roberto tempore sui decessus spectantia pertinentia et debita . . . Apud Edinburgh 3 Julii 1540.

A notarial instrument of 7 May, 1541, bears that—

Honorabilis vir Jacobus Innes de rothmakenze se obligavit fide media heredes suos et assignatos ac executores ad satisfaciendum et gratanter persoluendum Alexandro Innes suo fratri germano ducentas marcas usualis monete regni Scotie vel ad infeodandum eundem Alexandrum hereditarie in decem marcatis terrarum vel ad satisfaciendum eidem Alexandro viginti bollas victualium annuatim pro proficuo earundem terrarum semper et quousque Idem Alexander fuerit solutus de dicta summa ducentarum marcarum vel Infeodatus in dictis decem marcatis terrarum super quibus omnibus et singulis prefatus Alexander a me notario publico Instrumenta sibi fieri petiit . Acta erant hec in Camera venerabilis et egregii viri Magistri Alexandri Sutherland decani Cathanensis canonici ecclesie cathedralis morauiensis prebendarii de duffus in eadem infra collegium morauiese situata presentibus Ibidem nobili et potente domino georgio Comite Cathanensi dicto magistro Alexandro Sutherland decano Cathanensi canonicoque ecclesie cathedralis morauiensis predictae et domino Jacobo Dempstar Notario publico testibus.

The young laird of Innes had very rude notions of heraldry. In 1542, he used this seal, where the Innes mullets are indeed combined with the boars' heads of Aberchirder, not in an approved mode of marshalling—



Carta Alexandri Innes de eodem de Nether Monbenys and Brwmtou [1543]

OMNIBUS HANC CARTAM UISURIS UEL AUDITURIS FFRATER JOHANNES SPENS PRIOR FFRATRUM PREDICATORUM PROPE BURGUM DE ELGIN ET CONUENTUS EIUSDEM ORDINIS SANCTI DOMINICI morauiensis diocesis Salu-tem in omnium Saluatore Quia regni Scotiæ retro principes dinersi in parliamentis suis cum tribus regni sui statibus super republica eiusdem mutuo disceptantes terras et regis et aliorum prelatorum dominorum temporalium comitum baronum cæterorumque quorumcumque hominum terras hereditarie possidentium in emphiteosim seu feudifirmam absque snorum rentalium et comoditatum diminutione ut cum tenentibus conuenire poterint per diuersa parliamentorum Statuta que nobis Scotis pro legibus obseruanda sint assedandas fore decreuerunt opinantes perinde commoda non modica ut politie honesta edificia terrarum nouas culturas sterilium meliorationes arborum plantationes piscium in aquis recentibus et per stagna nutritiones columbariorum ortorum viridariorum et cuniculariorum constructiones ac tenentium possessorum huiusmodi terrarum sic in emphiteosim locatarum in rebus mobilibus ditationes et armorum et rerum bellicarum prouisiones pro regis et regni contra veteres hostes et alios quoscumque invasores defensione ex firma spe remanendi cum terris suis et illis per se et heredes suos perpetuo gaudeudi peruenire regi regnoque et reipublice saluti apprime proficere NOUERITIS igitur nos unanimi assensu et consensu in capitulo nostro unacum consensu provincialis totius nostri ordinis infra regnum Scotie et quatuor diffinitorum eiusdem capitulariter congregatorum utilitate et commodo loci nostri et successorum nostrorum vndique preuisis et consideratis diligenti et longo tractatu et matura deliberatione prehabitis et pro policia in regno habenda et in nostri rentalis augmentationem in Summam trium mercarum usualis mouete regni Scotie plus quam velle et terre infrascripte nobis seu predecessoribus nostris prius soluebant Assedasse honorabili viro Alexandro Innes de eodem heredibus suis et Assignatis quibuscumque pro nonnullis gratitudinibus auxiliis et bene meritis per dictum Alexandrum nobis multipliciter impensis Omnes et singulas villas et terras nostras de Nethir Manbenys et Brwmtoune cum pendiculis et pertinentiis earundem jacentes infra baroniam nostram de Manbenys et vicecomitatum de Elgin et fores extendentes nunc nostro in rentali in omnibus proficius ad viginti quatuor marcas diete

monete TENENDAS ET HABENDAS Omnes et singulas prefatas villas et terras dicto Alexandro Innes de eodem heredibus suis et assignatis quibuscunque de nobis et nostris successoribus dicti loci nostri de Elgin prioribus et conuentibus in feudifirma et hereditate imperpetuum REDDENDO Inde annuatim dictus Alexander Innes de eodem sui heredes et Assignati quicunque nobis et successoribus nostris predictis Summam viginti unius marcarum monete predictae tanquam firmam nobis prius solui debitam necnon tres marcas annuatim eiusdem monete in nostri Rentalis augmentationem ad duos anni terminos consuetos ET SI CONTIGERIT dictum Alexandrum heredes suos aut Assignatos deficere in solutione prefate feudifirme sic casu quod duo termini in tertium inde sequentem currant aut nobis in assistentia et defensione nostri nostrorum successorum obstare aut huiusmodi terras in tota vel in parte vendere absque licentia prouincialis nostri ordinis Tunc dictus Alexander Innes heredes sui et Assignati prefatas villas et terras pro perpetuo amittent . IN CUIUS REI TESTIMONIUM Sigillum nostrum commune unacum nostris subscriptionibus manualibus presentibus est appensum necnon sigilla dicti nostri prouincialis et quatuor diffinitorum cum suis subscriptionibus manualibus in signum eorum consensus et assensus ad premissa etiam sunt appensa Apud dictum nostrum locum vicessimo quarto die mensis Septembris Anno domini millesimo quingentesimo quadragesimo tertio Coram hiis testibus . . .

ffr . Johannes Spens manu propria .

ffrater patricius Strathauchin manu propria .

ffrater Johannes forsy .

ffrater Johannes Chrystysone .

fr . Willelmus grey .

fr . Jacobus Alexandri manu propria .

ffr . Johannes Colly manu propria .

frater Alexander Spens .

frater Jacobus Steill .

frater Johannes Robertsone .

frater Johannes gybsoun .

frater Wm Symson .

ffr . Anthonius Stronocht .

fr . dauid rag .

frater Johannes Greirsoune prouincialis manu propria

The precept of seisin is dated 16 November, and the witnesses to it are William Sinclair of Dunbeth, Peter Wynchester of Artorlic, &c. Friar John Crystyson had then attained the rank of Sub-prior.

Precept of seisin on the Assedation of Kirkton, Forester Seat, and Dunkympty, 1543.

Alexander Innes of that Ilk to my louittis Jhone tullacht . . . my baillies in that pairt coniunctlie and seuerallie speciallie constitute greting . . . for fulfilling of ane parte of ane decrete maid betwix me and Alexander Innes of that Ilk my fader and vniquhile Robert Innes of Rothmakenze and James Innes his son and air of the dait at Elgin the last day of the moneth of September in the yere of God M.V^c. and thretty thre yeris to have sett and to maill lattin to the said James Innes of Rothmakenze his subtennentis helperis and cottorris all and hail my landis of the Kirkton froster sete and Dunkympty with thair pertinence liand within the shirefdome of Elgin and fores like as my lettres of assedatioun under my proprir sele and subscripitioun manuall maid to him thairupoun mair fulllelye portoris Quharefoir I charge straitlie and commandis you my saidis baillies and ilk ane of you coniunctlie and seueralye that Incontinent this precept sene ye pass without delay and geiff stait and possessioun reall actual and corporall of all and hail the forenemmyt landis of Kirkton froster sete and Dunkympty with thair pertinentis upoun the ground thair of be donatioun of erde and stayue to the said James Innes / for all the dayes and termes of his lyvetyme . . . At the place of Innes . . . 7 March 1543 . . . Witnesses Robert Innes of Moneddy, &c. . . .

Alex. Innes of that Ilk.

Inquisitio de reversione de Murailhous et Torres, 1544.

In dei Nomine Amen per hoc presens publicum Instrumentum Cunctis pateat euidenter et sit notum quod anno Incarnationis dominice millesimo quingentesimo Quadragésimo quarto mensis vero Aprilis die octauo Indictione secunda pontificatus Sanctissimi in Christo patris et domini nostri domini pauli divina prouidentia pape tertii anno decimo In meci notarii publici et testium subscriptorum presentis personaliter constitutus honorabilis vir Alexander Innes de eodem exposuit venerabili et egregio viro

Magistro Alexandro Sutherland decano Cathanensi canonicoque ac officiali moraviensi quod honorabilis quondam vir Alexander Innes pater dicti Alexandri Innes de eodem impignoravit terras suas de muiraelhous et Torras nobili quondam Domino Alexandro Abirnaty domino Saltoune pro quadam Summa pecunie super quibusquidem terris dictus quondam nobilis dominus Alexander dominus Saltoune predictus promisit dicto honorabili quondam viro Alexandro Innes patri Alexandri Innes moderni suisque heredibus et assignatis reuersionem seu reuersiones ad redimendum dictas terras pro huiusmodi summa pecunie soluenda Quasquidem reuersiones ante decessum dicti nobilis domini dictus dominus de Innes habere nequirit Sed idem nobilis quondam dominus Alexander quondam dominus Saltoune prefatus pater etiam nobilis quondam domini Willelmi domini Saltoune ultimi defuncti ante eius decessum mandauit dictum quondam nobilem dominum Willelhum dominum Saltoune filium ultimum defunctum pro eius conscientia releuanda quatenus daret domino de Innes suisque heredibus et assignatis reuersionem seu reuersiones super dictis terris de muiraelhous et torras quas dictus dominus de Innes ante decessum dicti quondam nobilis domini Willelmi domini Saltoune ultimi defuncti habere non potuit . Propterea dictus dominus de Innes requisituit dictum dominum officialem charitatis intuitu quatinus dirigeret commissionem cuidam notario ad examinandos nonnullos testes pro conscientia ipsorum dominorum Alexandri et Willelmi dominorum de Saltoune releuanda super confessione dicti quondam nobilis domini Willelmi domini Saltoune ultimi defuncti pro eius intentione probanda et eorum conscientia releuanda sic quod dictus dominus de Innes habere potuit dictas reuersiones dictarum terrarum a heredibus dicti quondam nobilis domini Willelmi domini Saltoune ultimi defuncti ad recuperandas et redimendas dictas terras Quiquidem dominus officialis audiens eius requisitionem fore iustam et pro salute animarum dominorum defunctorum direxit Commissionem mihi notario publico subscripto eo quod dicti testes non potuerunt deuenire ad eius propriam presentiam neque ius auditorii ad dirigendas litteras citatorias ad citandum dictos testes necnon ad citandum heredes dicti domini Willelmi domini Saltoune ultimi defuncti ad videndum huiusmodi testes iurari et ad iurandum admitti super veritate dicenda penes dictas reuersiones necnon ad examinandum eosdem eorumque depositiones ad requisitionem dicti domini de Innes in forma instrumenti redigere Quamquidem Commissionem accepi et ad

ecclesiam parochialem de rothemaye litteras citatorias juxta formam Commissionis mihi directe direxi super nonnullis testibus viz. nobili domine Elizabetht haye relicte dicti quondam nobilis domini Willelmi domini Saltoun ultimi defuncti / domino Laurentio Abirnathy germano dicti nobilis domini et Willelmo fordise eius quondam Seruitori ad comparandum coram me in dicta ecclesia de rothemaye certis die et horis sibi assignatis ad perhibendum fidele testimonium veritati in dicta causa Quiquidem testes Juxta formam Citationis Comparnerunt et Jurarunt super veritate dicenda Quorum quidem testium depositiones Juxta formam articuli mihi presentati sequuntur . Articulus super quo examinandi sunt testes in quadam causa per honorabilem virum Alexandrum Innes de eodem contra et aduersus nobilem adolescentem Alexandrum Abirnathy dominum Saltoune futurum et modernum filium dicti nobilis domini Willelmi domini Saltoune defuncti nota sequitur et est talis Item pars dicti Alexandri Innes de eodem pront et probare intendit quod Alexander Innes defunctus pater articulantis impignorauit nobili domino Alexandro Abirnathy quondam domino Saltoune patri nobilis etiam quondam Willelmi domini Saltoune ultimi defuncti terras suas de muiraelhous / super summa quadragenta librarum et terras suas de torras super summa quadragenta librarum Quiquidem dominus Alexander promisit domino de Innes suis heredibus et assignatis reuersionem super dictis terris pro solutione dicte pecunie Quam non habuit sed iussit ante eius decessum nobilem etiam dominum Willelmum suum filium dare domino de Innes reuersionem super dictis terris pro solutione dicte pecunie Quiquidem dominus Willelmus dominus Saltoune ultimus defunctus promisit dare dictas reuersiones et sic fuit quod est verum / Depositiones testium huiusmodi cause sequuntur . prima testis nobilis domina Elezabetht hay relicta quondam nobilis domini Willelmi domini Saltoune ultimi defuncti citata producta iurata super articulo medio iuramento examinata depouit ut sequitur in wlgari that scho hard Lord Alexander fader to Lord Willyam that last decessit hir spouss say that he had conscience that wald nocht gif anc reuersione upon the landis of muiraelhous upon quhat soun scho knawis nocht that thai war wadset bot that the said Lord Alexander bad Lord Willyam his sone gif him anc reuersioun upon the landis of muiraelhous and deponis scho hard na word of the landis of Torras . Secundus testis Willelmus fordise citatus productus iuratus super primo articulo medio iuramento examinatus medio iuramento depouit that he

hard Lord Willyam that last decessit confes that his fader Lord Alexander had him gif ane reuersione to the lard Innes upone the landis of torras and muiracellous and hard the said Lord Willyam say oft and mony tymis in his awn yard and gardene of rothemay that he wald gif to the Lard Innes the saiddis reuersionis upon the saidis landis upon quhat soumis he knawis nocht / nil plus scit in causa . Tertius testis dominus Laurentius Abirnathy citatus productus juratus super articulo examinatus mediante sue magno juramento conformis est Willelmo fordise secundo testi in omnibus suis punctis / nil plus scit in Causa . post quorum quidem testium examinationem prefatus Alexander Innes petiit me notarium subscriptum iudicemque in causa eorundem depositiones in forma ut supra instrumentali redigere . super quorum depositionibus a me notario publico subscripto sibi unum vel plura publicum vel publica instrumentum seu instrumenta sibi fieri petiit . Aeta erant hee in loco domini de Innes de kymnardy anno die mense indictione et pontificatu quibus supra presentibus ibidem honestis viris Jacobo Gordoun Andrea Bissat et Willelmo Downing boram circa octauam ante meridiem cum diuersis aliis testibus ad premissa vocatis pariter et rogatis.

Carta capelle insularis de Spyne Alexandro Innes de eodem. [1544.]

Omnibus hanc Cartam visuris vel auditoris dominus Willelmus Sutherland Capellanus Capelle Insularis de Spyneto vulgariter nuncupate Oure Lady Chapell of the Inche Salutem in eo qui est vera et indesinens omnium Salus Noueritis me cum expressis consensu et assensu Reuerendi in Christo patris et domini domini patricii dei et apostolice sedis gratia morauiensis Episcopi de Scona Commendatarii perpetui et canonicorum ecclesie Cathedralis morauiensis capitulariter congregatorum et capitulum pro tempore representantium utilitateque mea et diete Capellanie undique preuisa pensata et considerata diligentibus traetatibus et maturis deliberationibus . . . ad augmentationem rentalis eiusdem Extendentem annuatim ad quatuor solidos usualis monete regni Scotice plus quam unquam terre subscribe prius michi aut predecessoribus meis persoluerunt verum etiam pro quadam pecunie summa per honorabilem virum Alexandrum Innes de eodem . . . persoluta . . . confirmare dicto Alexandro Innes de eodem heredibus suis et assignatis quibuscunque omnes et singulas terras diete mee Capelle de

ynche incumbentes cum universis et singulis suis pendiculis annexis connexis piscariis pascuis et pasturiis in propria et communi ad terras dicte nostre capellanie spectantibus seu juste spectare valentibus jacentes in regalitate de Spyne et infra vicecomitatum de Elgyne et fores . Tenendas et habendas omnes et singulas prenominate terras dicte nostre capellanie de Inche cum piscariis . . . prefato Alexandro Innes de eodem et suis heredibus et assignatis quibuscunque de me et successoribus meis dicte Capellanie Capellanis in feodifirma seu emphiteosi et hereditate imperpetuum per omnes rectas metas . . . Reddendo inde annuatim dicti Alexander Innes sui heredes et assignati quicunque mihi et successoribus meis capellanis capelle de ynche predictam augmentationem dictarum terrarum quinquaginta septem solidos et quatuor denarios Ad duos anni terminos consuetos . . . Insuper heredes et assignati dicti Alexandri predicti duplicando dictam summam quinquaginta septem solidorum et quatuor denariorum ad introitum cuiuslibet heredis seu assignati ad dictas terras . . . In Cuius Rei testimonium Sigillum meum proprium unacum subscriptione mea manuali necnon Sigillum commue capituli Ecclesie Cathedralis moraviensis una cum subscriptionibus manualibus dicti reverendi patris et canonicorum dicte ecclesie Capitulum pro tempore representantium in signum eorum consensus et assensus ad premissa apud dictam ecclesiam cathedralem moraviensem vigesimo Sexto die mensis Aprilis Anno domini millesimo quingentesimo quadragesimo quarto presentibus sunt appensa coram hiis testibus Magistris hugone Crage Thoma haye domino Jacobo dowglas Joanne Gibsoune et Willelmo Vysman Notariis publicis cum diuersis aliis.

Dns W. Sutherland capellanus de ynche
 gulielmus gordon cancellarius .
 David Dunbar succentor moraviensis
 Gavinus lesly de Kyngusy .
 J. Wallas rector de wnthank .

Pa . Moraviensis Eps .
 Robertus hepburn thesaurarius
 Alex^r Hepburn
 Alex^r Sutherland de duffous .
 Jo Lokert de Innerkethly .
 Thomas gaderar de Kiltarty

Carta de Garmacht in warrantum de Cromy. [1542.]

Omnibus hanc Cartam visuris vel audituris Alexander Innes de eodem filius et heres quondam Alexandri Innes de eodem Salutem in domino sempiternam noueritis me pro observatione et perimplectione cuiusdam decreti et deliberationis Inter me et dilectum consanguineum meum Jacobum Innes de rothmakenze Initi et confecti dedisse dicto Jacobo Innes suis heredibus et assignatis Totas et integras terras meas de garmoch terras de Corsque ac terras de Newtown cum siluis partibus pendiculis toftis croftis et cotagiis earundem ac suis pertinentiis jacentes in baronia mea de Innes Infra vicecomitatum de Elgyn et fores In speciale warantum omnium et singularum terrarum mearum subscriptarum per me dicto Jacobo suis heredibus et assignatis venditarum et alienatarum videlicet terrarum mearum de eromy et tulysyffe Jacentium in baronia de Abirkerdour et per annexationem Infra baroniam meam de Innes et vicecomitatum de banff Tenendarum de supremo domino nostro rege et suis successoribus ac omnium et singularum terrarum mearum de brakanhillis et dimidietatis terrarum de Newmyll cum partibus piscariis toftis croftis pendiculis et pertinentiis earuodem Jacentium in dominio foreste de boyne et Infra vicecomitatum de banff predictum tenendarum de nobili et potente domino Georgeo Comite de huntlie . . . In Cuius Rei testimonium huic presenti carte mee manuali mea subscriptione roborate meum proprium sigillum est appensum Apud Edinburgum vigesimo tertio die mensis Julii Anno domini Millesimo Quingentesimo quadragesimo secundo Coram hiis testibus georgeo gude burgensi de Edinburgh Johanne Wallace Jacobo belchis Jaspero Wauss Andrea boyne beraldo Innes et Roberto Murray cum diuersis aliis.

Alex^r Innes of that Ilk.

Carta de Burrowbriggis. [7 Maii 1545.]

Omnibus hanc Cartam visuris vel audituris Thomas gaderar rector de Murthlak ac dominus terrarum Subscriptarum Salutem in domino sempiternam noueritis me dedisse honorabili viro Jacobo Innes de Crommy heredibus suis et assignatis totas et integras terras meas de burrowbriggis cum pertinentiis jacentes intercroftam fratrum predicatorum de Elgin ad occidentem ex una et terras Communie de Elgin ad orientem partibus ab

altera et Infra Croftas burgensium de Elgin versus austrum usque ad
aquam de lossy ad boriā pro quadam pecunie summa mihi per dictum
Jacobum persoluta . . .

Preceptum super quartam partem montis de Murastoun. [7 Maii 1545.]

Thomas Gaderar de Murthlak rector dominusque et possessor terrarum
subscriptarum dilectis meis Johanni Cowe . . . et eorum cuilibet
coniunctim et diuisim balliuis meis Salutem Quia dedi honorabili viro
Jacobo Innes de Crommy heredibus suis et assignatis totas et integras tres
meas quartas partes terrarum montis de murrestoun Jacentes inter locum
per Robertum falconer de murrestoun lapide signatum ad orientem ex una
et terras de shireffnyll ad occidentem partibus ab altera extendentes in
longitudine et latitudine suis debitis et consuetis a duabus acris terrarum
dicti Roberti Jacentibus sub pede dicti montis de murrestoun versus austrum
usque le lauerok moss versus boriā cum sua pastura et aliis suis pertin-
entiis jacentes in baronia seu Regalitate de Spyne et infra vicecomitatum
de Elgin et fores vobis igitur et vestrum cuilibet balliuis meis in hac
parte . . .

A disposition of Newmill, in the forest of Boyne, to Andrew Moir, in 1543,
fixes the residence of the granter—James Innes of Cromie—apud locum meum
de Froster-sete. He now acquires a town mansion in Elgin, whose name points
to its connection with a chapel or altar of the Virgin. It may have been the
residence of the chaplain of old.

Be it kend till all men be thir present lettres me Robert Murray fader
bruthir and air to unquhile Alexander Murray of Fochaberis the sone and
air of unquhile Alexander murray of fochaberis my bruthir ffor certane
sowmes of money and proffittis payit and deliuerit to me be ane honorable
man James Innes off Cromye To have constitute and ordand and be thir
present lettres makis Constitutis and ordanis the said James and his airis
my verry lauchtfull Irreuoicable and undoutit cessionaris and assignais
In and to the lettres of Reuersioun maid to the said unquhile Alexander
my bruther his airis and assignais be robert murray in fyndorne and Eliza-
beth modrak his Spous upoun the redemptioun and outquyting fra thame
thair airis and assignais of all and baill the heich houss callit oure lady

houss lyand within the burgh of Elgin upoun the North syde of the samyn betwixt the land of Alexander tailzeour at the eist and the land of Alexander Winchester at the West witht all maner of pertinentis thair of sellaris buthis over chalmeris ball and yard as the samyn lyis now in lenth and breid extending linialie fra the kingis commoun streit at the South to the deid dreich of herviss haucht at the north ffor the soume off fourty pundis usuale money of Scotland witht ane yeiris tak of the said houss and tenement eftir the redemption thair of . . . dated at Edinburgh 19 July 1546.

Ane confirmacione on the landis of Kinstarie to Alexander Innes. [1549.]

Maria dei gratia Regina Scotorum Omnibus probis hominibus totius terre sue Clericis et laicis Salutem sciatis nos tanquam Scotie Reginam cum auisamento consensu et auctoritate charissimi nostri consanguinei et tutoris Jacobi Arranie Comitis domini hammiltoun regni nostri protectoris et gubernatoris Quandam Cartam alienationis de mandato nostro visam non rasam non cancellatam sub hac forma intellexisse Omnibus hanc Cartam visuris vel auditoris Archibaldus Campbell de calder dominus baronie de Kinstarie Salutem in domino sempiternam noueritis me vendidisse honorabili viro Alexandro Innes in reidhall et Isobelle Innes eius Sponse ac eorum alteri diutius viuenti heredibusque suis inter eosdem procreatis seu procreandis Quibus deficientibus heredibus dicti Alexandri quibuscunque Totam et integram unam quartam partem ville et terrarum de Kinstarie cum pertinentiis nunc occupatam laboratam et manuratam per Walterum Murray et Willelmum Ross nunc tenentes eiusdem Jacentes infra baroniam de Kinstarie predictam et vicecomitatum de Narne pro certa pecunie summa mili per dictum Alexandrum et eius sponsam antedictam integre persoluta Tenendas et habendas de suproma domina nostra maria Dei gratia Scotorum Regina suisque successoribus Scotorum Regibus in coniuncta infeodatione et hereditate Imperpetuum Reddendo Annuatim Inde prenominata supreme domine nostre Regine Suisque successoribus Scotorum regibus Wardam et Relcuium aliaque seruitia solita et consucta In quorum omnium et singulorum fidem et testimonium premissorum huic presenti Carte mee manuali mea subscriptione roborate ac munite sigillum meum proprium est appensum Apud Elgin Septimo Decembris Anno domini Millesimo quingentesimo quadragésimo nono Coram hiis testibus Jacobo Innes de dranye Roberto

Innes euis germano Waltero Montgummerye Magistro Alexandro douglas Notario publico cum diuersis aliis Quamquidem Cartam in omnibus suis punctis et articulis in omnibus et per omnia ratificamus Saluis nobis et nostris successoribus Juribus et Seruitiis debitis et consuetis In Cuius Rei testimonium huic presenti Carte nostre Confirmationis Magnum Sigillum nostrum apponi precepimus Testibus Reuerendissimo ac Reuerendo in Christo patribus Johanne Archiepiscopo Sancti Andree etc. thesaurario nostro Andrea Episcopo Candide Case Nostreque Capeile Regie Striulingensis [decano] dilectis nostris consanguineis georgio Comite de huntlie ac morauie domino gordoun et badzenauch Cancellario nostro Archibaldo Comite Ergadie domino Campbell et Lorne iusticiario nostro Willelmo domino Ruthuen nostri secreti sigilli Custode dilectis nostris familiaribus Magistris Thoma Marioribankis de ratho nostrorum rotulorum registri ac consilii Clerico Johanne bellenden de Auchnoule nostre iusticiarie Clerico et Alexandro levingstoun de donypace nostre Cancellarie direttore Apud Striuling penultimo die mensis Decembris Anno domini Millesimo quingentesimo quadragesimo nono et Regni nostri octauo.

Excambium de Monbenis et Meftis, 1556.

Omnibus hanc Cartam visuris vel auditoris Jacobus Innes filius secundarius honorabilis viri Alexandri Innes de eodem ac feoditarius terrarum de nethir Monbenis et brwmetou salutem in domino sempiternam noueritis me cum expressis consensu et assensu fratris Johannis Spens prioris fratrum predicatorum prope burgum de Elgin et conuentus eiusdem ordinis Sancti Dominici Morauiensis diocesis Dedisse et in merum et purum excambium pro terris de meftis cum pertinentiis in feodifirma seu emphytiosi per venerabilem in Christo patrem Alexandrum permissione divina priorem de pluscardyn et conuentum eiusdem mihi hereditarie dandis a me heredibusque meis Margarete Innes mee charissime Sorori heredibusque suis et suis assignatis omnes et singulas villas et terras de Nethir monbenis et brwmetou cum pendieulis et earum pertinentiis jacentes infra baroniam de monbenis et vicecomitatum de Elgin et fores Tenendas et habendas omnes et singulas villas et terras de Nethir Monbenis et brwmetou in merum et purum excambium ut prefertur Margarete Innes mee charissime Sorori heredibusque suis et suis assignatis a me heredibus meis et meis assignatis de priore

et conuentu fratrum predicatorum ordinis Sancti dominici morauiensis et suis successoribus ac monasterio eorundem in feodifirma et emphiteosi ac hereditate imperpetuum Reddendo Inde dicta Margareta Innes mea Soror heredesque sue et sui assignati priori et conuentui fratrum predicatorum de Elgin et suis in dicto loco successoribus summam nouem decim marcarum sex solidorum et octo denariorum monete regni Scotie tanquam firmam antiquam dictis priori et conuentui necnon summam tredecim Solidorum et quatuor denariorum diete monete annuatim in dicti prioris et conuentus rentalis augmentationem . . . In Cuius Rei testimonium Sigillum meum proprium macum mea subscriptione manuali ac sigillum dicti prioris et conuentus necnon sigilla prouincialis dieti ordinis et quatuor diffinitorum cum suis subscriptionibus manualibus in signum eorum consensus ad premissa presentibus sunt appensa Apud Elgin die decimo nono mensis Nouembris Anno domini Millesimo Quingentesimo Quinquagesimo Sexto Coram hīs testibus honestis et discretis viris Willelmo Innes de fostersete Alexandro Innes de Caitbollis et plaidis Joanne Innes filio quondam Jacobi Innes de dranye Thoma Innes in pethnyk roberto Innes filio etiam quondam Jacobi Innes de Drany Willelmo Sutherland filio quondam Willelmi Sutherland de daffous Magno makesoune et domino Joanne gibson notario publico cum diuersis aliis.

Jamis Innis

fr · Johannes Spens prior

fr · Johannes forsy manu propria

ffrater Willhellmus Symson manu propria

fr · Patricius Strauthachin

ffrater Joannes Robertstone

Inquisitio de Alexandro Innes de Cromie, 1558.

Hec Inquisitio facta fuit in pretorio burgi de Elgin coram honorabilibus viris Alexandro Dunbar de Cunnok vicecomite principali vicecomitatus de Elgin et fores et Johame Rutherford vicecomite deputato dicti vicecomitatus quinto die mensis Julii anno domini millesimo quingentesimo quinquagesimo octauo in curia fensata pro tribunali sedentibus per hos subscriptos viros viz. Alexandrum Sutherland de Duffous Jacobum Dunbar de terbat Alexan-

drum Innes de plaidis Alexandrum urquhard de burrisyardis vilhelmum Dumbrek de urten Davidem Dunbar filium et aparentem heredem Roberti Dunbar de durris sui patris magistrum Alexandrum Douglas magistrum Alexandrum Cuminge Joannem Annand Andream birne burgenses burgi de elgin Joannem Murren burgensem de forres Willelmum Innes in Langmorgan charulum tulloch in blakhillis Johannem farsole in tare et Andream Moncreift in Spynie Qui jurati dicunt quod quondam Jacobus Innes de Cromme pater Alexandri Innes de Cromme latoris presentium obiit ultimo vestitus et Sasitus ut de feodo ad pacem et fidem supreme domine nostre marie dei gratia Scotorum regine de totis et integris villis et terris de Reidhall Styne et blakhillis cum pertinentiis earundem jacentibus infra dominium morauie et vicecomitatum de elgin et forres Et quod prefatus Alexander Innes de Cromme lator presentium est legitimus et propinquior heres dicti quondam Jacobi Innes de Cromme sui patris . . . Et quod dicte terre etc. valent nunc per annum Summam viginti trium librarum octo solidorum et unius denarii monete Regni Scotie . . . Data et Clausa sub sigillo officii dicti vicecomitatus unacum sigillis quorundam eorum qui dicte inquisitioni intererant . . .

In the charter-room at Dunrobin is an instrument of seisin in favour of Alexander Innes of Crombie, and Beatrix Dunbar, his spouse, in conjunct fee of the fishing of half a cruive on the water of Inverspey, commonly called a half coble, on a feu charter by Alexander, Prior of Pluscarden, 9 July, 1560.

Reversion of Cottis. 1562.

Till all and sindre quhais knowlege thir present letteris saltocum Robert Innes of Innermarky greting in god Euirlesting witt ye that nochtwithstanding ane honourable man William Innes of that ilk be his charter and precept of alienatioun hes sauld to me the said Robert Innes of Innermarky my airis and assignais all and hail his landis of Cottis and carsshillock with thair pertinentis presentlie occupit be Alex^r Stronocht James Miche and Andro haye lyand within the baronye of Innes and shirefdome of Elgin and fores as at mair lentht is contenit in his Chartir maid to me thairupoun Neuirtheless I will and grantis me be the tennour heiroyf Sickerlie bindis me my airis and assignais to the said William

Innes of that Ilk his airis and assignais that quhat tyme it sall happin the said William Innes of that Ilk his airis and assignais to pay and deliuer to me my airis or assignais on ane day togidder and at anis In ane Soume within the Cathedrall Kirk of Murraye the Soume of Nyne hundretht merkis usuall monee of Scotland upon the premonitioun of fourti dayis Than in that ealice to upgife and frelie deliuer to the said William Innes of that Ilk his airis and assignais all and hail the saidis landis of Coittis and earss hillok and all documentis maid to me thairupoun In witness of the quhilk thing to thir my lettres of Reuersioun subseriuit with my hand my propir Seill is appendit At Elgin the . . . daye of Junii the yeir of God j^m v^c and Saxty twa yeiris Befor thir witness Jhone Innes In blaklillis Jhone Innes in garmocht and maister Anthone chalmer and Jhone Annand nottaris publict wiht nyeris diners.

Robert Innes of Innermarky.

The following charter is granted by a person of title and peerage unknown to the Peerage writers; and the arranger of the family charters has ventured to docket it "*given be Darnlie*"—which however is an error. The granter is a person who, though not known by the title here borne, was afterwards too notorious as Francis Stuart, Earl of Bothwell. He was son of John Stuart, Prior of Coldinghame, an illegitimate son of King James V., who died two years before the date of this charter. Queen Mary, his aunt, became, it appears, his Tutrix, and had already conferred on him at least some of the titles and lands of the Gordons, who were forfeited in 1562, and not restored till a year after the date of this charter. The seal appended to the charter gives a shield of the royal arms of Scotland bruised with a bend dexter, and circumscribed—*SIGILLUM FRANCISCI DNI DE BADZENACH ET EYNGZE.*

Carta Alexandri Innes de Rothnakenzie. [1565.]

Omnibus hanc Cartam visuris vel auditoris ffranciscus dominus badyes—nocht et terrarum et baronie de eyndye ac foreste de boyne Salutem in domino Sempiternam Quia terre et baronie de endye et foreste de boyne in manibus supreme domine nostre regine deuenientes ratione processus et seutentie fforisfacture contra Georgium olim Comitem de huntlie legitime deducte sua serenitas me in eisdem cum tenentibus tenandriis et libere tenentium seruitiis earundem hereditarie infeodauit volens quod libere ten-

entes per me in suis tenendis non obstante dicta forisfactura infeodarentur sicuti infeodati fuerunt in eisdem ante dictam forisfacturam Noueritis igitur me consensu et assensu Serenissime principis Marie Scotorum regine mee tutricis legitime constitute dedisse . . . dilecto meo Alexandro Innes de Cromby heredibus suis et assignatis quibuscunque omnes et singulas terras de rothnakenye neuiraik bartanbillis dunnymade dimidietatem terrarum de newmyllis duas croftas de Lantiescroft et Fymmeiscroft muncupatas cum pertinentiis earundem Jacentes infra dominium foreste de boyne et vicecomitatum de banff Quequidem terre cum pertinentiis perprius hereditarie fuerunt dicti Alexandri et quondam Jacobi Innes sui patris per ipsos Immediate tente de dicto Georgio olim Comite de huntlie per seruitium varde et releuii prout in antiquo suo infeofamento earundem latius continetur . Tenendas et habendas omnes et singulas predictas terras . . . dicto Alexandro Innes heredibus suis et assignatis de me heredibus et successoribus meis baronibus dicte baronie et terrarum de boyne in feodo et hereditate imperpetuum per omnes rectas metas suas . . . Reddendo inde annuatim dictus Alexander Inneis heredes sui et assignati mihi heredibus meis successoribus et Assignatis Seruitium debitum et consuetum unacum warda et releuiio cum contigerint ac etiam tres sectas ad curias meas capitales apud colsalvardlie annuatim tenendas tantum pro omni alio onere . . . In Cuius Rei testimonium presentibus manu prefate Supreme domine nostre regine mee tutricis prescripte in signum ipsius consensu et assensu ad premissa subscriptis sigillum meum proprium est appensum apud Edinburgh die vicesimo quinto die mensis Martii anno domini Millesimo quingentesimo Sexagesimo quinto Coram hiis testibus magistro Johanne Spens de Condy avvocato dicte Serenissime Regine Micheale Schaw et petro dischingtoun cum diuersis aliis

Marie R.

Appoyntment betyx Nicolas commendatour of Ferne and Alexander Innes of Plydis. [1566.]

At the Channoury of Ross the twenty day of Junii the yeir of God M V^c Saxtie Sax yeiris It is appoyntit aggreit compromittit and fynalie condit Betwix ane venerable Nicholas provest of tayne and commendatar of ferne on that ane part and ane honorable man Alexander Innes of

playdis on that uther pairt in maner forme and effect as efter followis That is to say fforsamekle as the said venerable hes obtenit our Souerane Lord and Ladeis lettres chargeing the said Alexander Innes as heretable bailye of the toun and Imminitee of tayne to hauld court and courtis als oft as neid beis and sal be requirit thairto be the said provest within the boundis of the said toun and Imminitie of tayne As alreddie the said Alexander hes bene chargit thairto within thre dayis under the paine of horning And that the Justice be ministrat in the said toun and Imminitie of tayne likas at mair lenth is contenit in our said Souerane lord and ladeis lettres and executionn thairof Athir the fornammitt parteis for csehewing of cummeris extinctioun of pley amitie and concord to be hade betwix thame in tyme cumming hes compromittit thame in venerable men that is to say Maisteris Duncan Chalmer Chancellor of Ross Andro Leslie persoun of Snaw and George Dunbar parsoun of Kilinvir Juges arbitratoris and amicable compositouris Gevand Grantand and Committand to thame thaire full plane power to cognosce and decerne upon the haulding and fensing of Court or Courtis within the said toun and Imminitie of tayne and siclik anent the eschatis and quhyte unlawis thairof Quhilkis pairteis foirsaidis being first sworne to abyde at the decrete and deliuerance of the fornammitt Juges arbitratouris and amicable Compositouris Acceptand the burding and charge of the saidis debatable actionis upoun thame And ather of the saidis parteis richtis reasones and allegationis be the foirsaidis Juges hard considerit and thairwith riplie advisit In presens of baith the saidis pairteis and of thair consent be this thair deliuerance decrete and finall sentence ordanis pronuncis and decernis And als for finall sentence gevis that the said Alexander bailye foirsaid sall hauld court and courtis and feuss the samyn in oure Souerane Lord and Ladeis and in the said provestis name as use hes bene in tymes bigane als oft as neid beis and sal happin him to be requirit be the said provest and forder ordains and decernis that the said Alexander bailye foirsaid sall mak creat constitut and ordinat his deputis and membris of Court be the adviss and Counsell of the said provest as use hes bene in tymes bipast and quhen ony eschatis of Courtis happinis to fall within the said toun and Imminitie of tayne the said bailye his officiar sall concur and assist with the said provest his officiar and Inbring the twa pairt thairof to the utilitie and proffitt of the said provest and the third part to the said bailye for his service and executionn of his office of bailyerie in maner

foirsaid providing always that all qubyte unlawis that sal happin to occur within the said toun and Imminitie be reservit to the said provest in tyme cuming Quhilkis the saidis Juges Reseruis be thir presentis and ordanis this present decrete to be obseruit and kept be the saidis parteis and ilkane of thame Respective for all the dayis of their lyftymes and forther ordanis this present decrete to be registrat in the Commissaris buikis of Ross and have the strenth of ane act and of the said Commissaris decrete Quhairthrow process may be hade thairapoun contrar the breckkaris thairof under the painis of horning In Witness of the quhilkis the fornammit Juges and parteis aboue writtin hes subscriuit thir presentis with their handis day yeir and place aboue writtin Before thir witnessis Donald Ross in Sandweik Alexander Ferme portionar of petkalyeane Schir Johne gregesoun Scrutour to the said Chancellor of Ross Schir Johne Nicholsoun vicar of Lagane Schir James buchart and Schir Alexander pedder notaris publict Sequuntur Subscriptiones Maister Duncan chalmer with my hand Maister Andro Leslie with my hand George Dunbar persoun of Kilinvir Nicholas provest of tayne and Commendatar of ferne Alexander Innes with my hand Sequitur forma Acti Actum vigesimo die mensis Junii Anno domini MV^c Sexagesimo Sexto in presentia Domini Commissarii Rossensis The quhilk day the foirsaidis Nicholas provest of tayne and Commendatar of ferne and Alexander Innes of playdis bailye of tayne ar cumin actit and oblist be the faith and trewth of thair bodeis be the ostensioun of thair richt handis respectiue to fulfill all and sindrie the punctis and articulis aboue mentionat in this present decrete every ane for thair awin pairt under the painis of hornyng Before the Witnesses aboue mentionat / Alexander pedder Notarius publicus ac scriba Curie Consistorialis Rossensis manu sua Extractum ex libris contractuum sedis consistorialis Rossensis de verbo in verbum nil addendo neque diminuendo quo substantia rei mutari poterit per me Alexandrum pedder Notarium publicum ac scribam dicte Curie consistorialis Rossensis Testante hac mea subscriptione manuali.

A Pedder Scriba Rossensis S.

A long pause in arranging these notes has had one good effect, in enabling me to benefit by materials that have come to light recently. Some friends engaged in similar pursuits have found entries in public records which had escaped me; and Colonel Seton Guthrie, a gentleman on whom I had not the claim of previous acquaintance has, with rare liberality, given me access to the charters of the Dunbars of Hempriggs, his ancestors. From these sources I have selected some documents and incidents touching my subject, and throwing some light on old life and manners in the North. I may be allowed to mention that in the rich charter-chest of Hempriggs—which goes quite back to the parting of the succession of the Dunbar Earls of Moray between co-heiresses in the middle of the 15th Century—other Moray families, as the Ogilvies, Brodies, Cummings, and Grants, will find some of the earliest notices of their ancestors.

With some hesitation I have considered it more convenient to retrace my steps to take up these omitted notices here, than to treasure them for a bulky Appendix at the end of the volume. The indulgent reader will therefore please to return with me to the time of Laird James,—James with the beard—*armiger* of King James III., whose name is among the barons of the last parliament of the King, held at Edinburgh in January, the end of the year 1487, and who no doubt rode with his Royal master to his last field on St. Barnabas Day, 1488. Laird James of Innes was not slain with the King however, and seems to have recovered the favour of the Prince whom he had fought against.

The following documents illustrate his life before and after the King's death, and introduce us to the alliances and the feuds between the Inneses and Dunbars, which fill too many pages of the Records of Scotch Criminal Courts.

In 1487, (26 Jan.) William Sutherland of Duffus contracts with James Dunbar of Cumnok, on the part of his father Sir Alexander Dunbar of Westfield, Knight, “to cose his lands of Brychtmony and Kinstarie with the lands of Westfield, at the sicht and discretioun of honorabil men, Sir Alexander Seyton of Meldrum, Master Alexander Sutherland, vicar of Inverness, and James of Innes of that ilk, thai beand sworn thairto, to keip baith the parties fra skaith.” *Infra burgum de Edinburgh, in camera M. Ade Gordoun Precentoris Moraviensis, hora quasi 4 post meridiem . presentibus . . . Jacobo Innes de eodem, Alexandro Dunbar juniori et Thoma Chisholme.*

It would be curious to trace the residence or visits of our old Kings in the pleasant plain of Moray. William the Lion, from the dates of his charters, must have had places of abode at Elgin, Forres, Nairn, and Inverness; and the two Alexanders were frequently in the country for war or for peaceful enjoyment. James II. on coming down to arrange the forfeited Earldom of the Douglas Earl of Moray, evidently fell in love with Morayland and its sports, and lingered long about the Chanonry of Elgin and Darnaway. James IV. had an additional attraction to Moray. He had settled his early love, the lady Jean Kennedy, at Darnaway, and given their son a grant of the great Earldom; and afterwards, when riding on pilgrimage to Saint Duthac of Tain, he would turn aside to visit the banks of the Findhorn. It may have been on one of these journeys of mixed love and religion, that the King rested at Innes. The two following deeds mark the date of the visit (31 Aug. 1490) and also evidence the existence of a domestic chapel at the "place" of Innes.¹

Lustramentum super resignacione terrarum de Strethawne.

In Dei nomine Amen Per hoc . . . publicum instrumentum . . . pateat . . . Quod anno incarnationis Domine millesimo quadringentesimo nonagesimo die vero mensis Augusti vltimo . . . Coram excellentissimo serenissimoque principe ac domino nostro Domino Jacobo Quarto Dei gracia Scotorum Rege illustrissimo et regni sui anno tercio . . . comparuit honorabilis vir Walterus Stewart de Strethowne miles coram celsitudine dicti Domini Regis cum omni subiectione famulatu et reverentia genibus flexis vt deceit . . . sua mera pura et spontanea voluntate . . . omnes et singulas suas terras fortalicium maneriem [et] turrim suam [de Drummy] et dominium suum de Strethawne . . . infra vicecomitatum de Banff . . . in manibus prefati Domini nostri Regis tanquam in manibus domini superioris earundem . . . per fustim et baculum . . . simpliciter resignavit . . . Acta erant hec in capella infra locum siue mansionem de Inneys hora vndecima ante meridiem aut eocirca . . . presentibus ibidem reverendis in Christo patribus Roberto Andrea et Andrea ecclesiarum Glasguensis Murrauiensis et Orcadensis episcopis / nobilibus et potentibus dominis Archebaldo comite

¹ These are from old copies in the General Register House at Edinburgh—the latter, collated with the Register of the Great Seal, book xii., No. 248.

Angusie domino de Dowglas / Laurentio domino Oliphant / Alexandro Home de eodem / Jacobo Innes de eodem / ac etiam providis viris Willelmo Cwmyng Andrea Wod et Davide Caldwell cum multis aliis in magno numero ibidem congregatis testibus ad premissa vocatis specialiter et rogatis.

Carta Alexandri domini Gordoune super terris et dominio de Straithdovn.

Jacobus Dei gracia Rex Scotorum . . . Sciatis nos . . . dedisse . . . dilecto consanguineo nostro Alexandro domino Gordoune magistro de Huntlee Omnes et singulas terras et dominium de Straithovn . . . jacentia infra vicecomitatum nostrum de Banff . . . Que . . . fuerunt Walteri Stewart de Straithovn militis hereditarie Et quas . . . idem Walterus . . . in manus nostras apud Innes . . . simpliciter resignavit . . . In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precipimus Testibus reverendis in Christo patribus Roberto episcopo Glasguensi Willelmo episcopo Aberdonensi dilectis consanguineis nostris Colino comite de Argyll domino Campbell et Lorne cancellario nostro Patricio comite de Bothuile domino Halis etc. Alexandro Hume de eodem magno camerario nostro Willelmo domino Sancti Johannis magistro hospicij nostri ac nostro thesaurario Johanne domino Glamys Johanne domino Drummond iusticiariis nostris venerabili in Christo patre Johanne priore Sancti Andree nostri secreti sigilli custode Andrea domino Gray Laurentio domino Oliphant et dilectis clericis nostris Magistris Richardo Mureheid decano Glasguensi rotulorum nostorum et registri ac consilii clerico et Archibaldo Quhitelaw subdecano Glasguensi secretario nostro Apud Innes vltimo die mensis Augusti anno Domini millesimo quadringentesimo nonagesimo et regni nostri tertio.

The first notice of the young Laird Alexander, the 17th laird according to Forbes's enumeration, is found in the Hempriggs charter-chest. In 1492, (18 Sept.) an Indenture was made at Dernwa between Alexander Dunbar of the Westfield knight and James Dunbar of Cumnok knycht on the one part, and Farquhar Makintosh son and apperand air to Duncane Makintosh captain of Clanquhattane, on the other, for keeping brotherhood—for marriage—and gift of Durris to Mackintosh by the Dunbars—safand the band maid be baith the said

parteis to Johne the Grant of Fruchie, and the band out tayn maid betwix the said Sir James Dunbar and Alexander Innes of that ilk of befor, to stand saif—in to the tym that it be understandin be the law ane breyk betwix thame anent the said band. And gif it happnis the said Sir James and Alexander Innes to be drawin to concorde and unite, the said Sir James sal not agre with the said Alexander foroutin the avis and consent of the said Farchar, giff the said band beis dissolvit be the law. And gif ther happnis ony brek, contraversiis, actionis or debatis betwix the said persons as God forbid it do, then certain judges are chosen; for the Dunbars, W. Lord Crechtoun, W. Sutherland of Duffus, David Ross of Balnagown, and Master James Grant—for the Mackintoshes, Alexander Hles of Lochelsh, Sir James Ogilvie of Deskford knight, John the Grant of Fruchy, and Walter Ogilvie. There is a fine array of Highland witnesses, and the two Mackintosh seals are entire, quarterly—1 & 4 a lion—2 & 3 a galley.

In 1493 (4 Dec.) we have a contract of marriage—very long, in Scotch—between Alexander Innes of that ilk and James of Dunbar of Connok knight: Innes to spouse and have to wife Christian of Dunbar dother to the said James: Because of known consanguinity of ferd simple degree of kin, Sir James to cause a dispensation to be brought home at his expense. The tocher is 1100 merks, payable in the cathedral kirk of Elgin: Sir James is to cause his father Sir Alexander Dunbar of Westfield knight, to bind his lands and put Innes in fee thereof—Moyness and Goldfurd in Nairn, Petquhinsy in Frenndracht regality, nolden of the Abbot of Arbroath, in Banff: Achcorsk in Banff, Lingetston in Forres. The witnesses are Andrew Bishop of Moray, D. Strathachyn, Berrold Innes of the Halton, Alexander Dunbar of Kilbowac, John Innes of Dunkempty (the notary styles him *in* Dunkempty) Donald Thome notar. Both parties subscribe thus; Alexander Innes of that ilk manu propria—James Dunbar of Connok knycht. Innes's seal is almost entire, the shield *couché*, quarterly, 1 & 4 Innes, 2 & 3 Aberchirder.



In the Register of the Privy Seal are recorded several tacks set by the King to Alexander Innes of that ilk, of the lands of Newton of Spey, and the Redhall, with all the King's fishings of the water of Spey, in August and in October, 1496.

There is a Papal dispensation for the marriage of William Innes and Agnes Abernethie, *tertio affinitatis gradu sibi attingentes, Romae apud S. Petrum 7 id : Nov : pontif : Clem : VII. ann : 5, (1528.)*

The feuds of the Inneses and Dunbars raged highest in the middle of the 16th Century, in the time of Laird William, whom our author numbers the 19th Laird of Innes. The sword was not the only weapon of these belligerents. Like most of their countrymen of that age, they used the law and courts of justice as engines of persecution. In the criminal court the rival names were alternately accusers and accused, and not satisfied with the clan feud, each name is often found at war within itself. Even churchmen and dignified ecclesiastics were not respected or safe. We may suspect that their own gowns now and then covered some weapons of war. The whole country indeed was in a blaze of discord. In 1555, the peaceful citizens of Aberdeen put up a petition to the Queen Regent to this effect :—

“Madame,—We Alexander Jeffray baxter, Johnne Arclay cordinar, Alexander Reid tailyeour, for us and the remanent pur craftismen of the burcht of Abirdene [complain] that quhair we are new summond to pas upoune the assize betuix the Inneses and Dunbarris, like as we have bene, diverse tymes this yeire summond of befoir be your gracis pursewantis and messingers to pass upon assize in actionis distant fra us fourty, fifty and sixty of mylis, that we knaw na thing thairof, mair nor thai that dwellis in Jherusalem, and swa Madame we are heavily trublit and herreit heirthrou :” and so praying to be exempt from Jury service, without it be for actions done within the burgh—on which the Queen Mother wrote a

fiat ut petitur, Marie R.

One of the incidents of that fierce feud I am tempted to give here, though the narrative is that adopted by the Crown from the accusing party, and may be exaggerated. But I believe the reply of the accused party would have resolved

itself into mere recrimination—"That which we did to you, you would have done to us if you had had the chance." On the first day of January, 1554, the Inneses to the number of 80 persons, all armed, came to the Cathedral of Elgin during vespers, and, of ancient feud and forethought felony, cruelly invaded Alexander Prior of Pluscarden, Mr. David Dunbar Dean of Moray, and other Dunbars, laymen, with purpose to slay them, *in presence of the holy sacraments*. It must be said the Dunbars had come to the Church, on the other side, with a like deadly intent, but not against Churchmen. They had only intended to slay William Innes of that ilk and his servants.

The Laird of Innes of the broil in Elgin Cathedral, we know as "William Innes off that ilk," who is recorded among the Barons of the famous Parliament at Edinburgh, 1560, which abolished the jurisdiction and authority of "the Bishop of Rome called the Paip," and ratified the "confession of faith professed and believed by the protestants within the realm of Scotland."

Of the doings and success of the rival clans on that first day of January, we do not learn much, and can only imagine the scene of violence and blood defiling that solemn temple. The battle was not decisive, for both parties had recourse to clamorous legal proceedings, during twenty years, with only such trials of more mortal weapons as accident threw in their way, till the 18th of October, 1577, on which day the slumbering fire broke out afresh. It is a new generation. The persons are different, but they inherited the names and blood-feud of their fathers. The Royal letters are against the Inneses this time, and this is the story they tell.

John Innes brother-german of Robert Innes of Invermarkie, John Innes, *alias* lang John, John Innes son of Barold Innes in Whitraw, Andrew Innes, *alias* Kow-the-gegat, Andrew Innes, *alias* the scholar, George Douglas vicar of Aberchirder, and others their followers, came, armed, in feir of war, with corslets, head-pieces, swords and shields, to the Manse of Mr. Alexander Dunbar, the Dean, in the Canonly of Elgin, and while he was abiding in peaceful manner within his house, they beat and wounded Andrew Smyth, his servant and keeper of his horses, broke up the stable door, and cut the halters of four of his horses, intending to take them away. The Dean, roused by the extraordinary disturbance in the close of his Manse, came out from his chamber alone, in his gown (*toja cinctus*) and altogether without arms, except the dirk (*pugione*) which he always carried. John Innes (we do not know which of the three) immediately attacked him with his sword, and wounded him cruelly on the head and both hands, by which wounds he will for a long time be disabled. And so they left him, where he would have died, if help had not come. And the said John, not satisfied with his blood, most cruelly, horribly, and without

mercy, slew Elizabeth Dunbar, the Dean's eldest daughter, a girl of 13 years old, killing her with a thrust of his sword in her breast, and left her dead on the ground.

For that bloody deed the Inneses were indicted, but fled from justice, and remained "at the horn" in company with other broken men, till on 29 May, 1578, they, under silence of night, in manner of robbery (*per modum brigancie*) and sorning, came to the Dean's lands of Carsehillock, and carried off 40 sheep, wethers, ewes, and lambs.

Upon this narrative the King grants commission to the Sheriffs of the Shires of Aberdeen, Banff, Elgin, Forres, Nairn, Inverness, to Provosts of Burghs, and to the Baillies of the Regalities of Pluscarden and Kinloss, to apprehend the murderous robbers, and bring them to justice—with authority to siege, burn, and destroy any fortalices where they may take shelter. At Stirling, 4 June, 1578.¹

In a similar case James V. had issued letters of fire and sword against the whole Clan Chattan, (Anno 1528) and commissioned the Earl of Moray "to leif na creatur levand of that clan, except priestis, wemen, and barnis," and the Earl, nothing loath, had caught and hanged 200 of the Mackintoshes. But the commission of James VI. in 1578 was not so effectual, or else the two parties at feud thought they could arrange their difference without such extreme measures. At the Clwnc hills beside Forres, on 7 November, 1578, Lachlan M'Intosche of Dunachtyne and Robert Innes of Innermarkie for their kin and friends, and Dean Alexander Dunbar and James Dunbar of Cunnok for their party, submitted their disputes to the arbitration of George Bishop of Moray, Robert Munro of Fowlis, Walter Urquhart, Sheriff of Cromartie, Alexander Falknar of Hakyrtowne, John Gordon of Cairnboro, and Andro Meldrum of Dumbreck as neutral friends; with this proviso—that till their final decreet be pronounced, none of the Dunbars repair or resort be east the cairn of Kilbuyak, nor any of the name of Innes repair within the burgh of Forres. Like wild cats they must be kept apart lest they should fly at each other's throats.

¹ Commission in the Hempriggs charter-chest.

See also Pitcairn's Criminal Trials. Anno 1555.

CHARTERS AND NOTES.

CHAPTER IV.—REIGN OF JAMES VI.

I note the following documents in our charter-chest in the order of their dates.

Reversion by William Sinclair of Dunbeth of the landis of Lewcheris, in the barony of Urquhard, Regality thereof, and Sheriffdom of Elgin and Forres, to Alexander Innes of Crommye . . . quhat tyme and als sone it sal happin the said Alexander Innes of Crommye his airis and assignais to content pay and delyuer to me the said William Sinclair of Dunbeth my airis and assignais betwix the uprising of the sone and down passing of the samyn togidder and at anis in ane Soume within the paroche Kirk of elgin The soume of ane thousand markis usuall moneye of Scotland haiffand coursse of payment for the tyme . . . granted at the burght of Elgin the 29 day of Maii 1570. Witnesses Johne Annand provest of Elgin Arthour Forbes sone and apperand air of Alexander Forbes of Carnecowillye.

Alexander of Crommy was the son and heir of James Innes of Crommy, who fell at the field of Pinkie-cleuch, A. 1547.

A charter by Alexander Innes of Plaiddis and Catboll to George Monroe of Dawachcartie, of the lands of Petkandie and Glaktamaleny in Ross, at Elgin, 15 November, 1573, confirmed by Sir William Douglas, Chaplain of St. Laurence, and Thomas Brabener, chaplain of St. Mary Magdalene in the Cathedral Church of Moray, superiors of the said lands.

Precept by William Sinclair of Dunbayth with consent of Margaret Innes his wife, to infest his son and apparent heir, William Sinclair of Stambuster, in

the lands of Uver and Nethir Mainbanis and Inche, in the Regality of Spynie; and Lucharis, in the Regality of Pluseardy, 27 Feb., 1575. Witnesses, William Innes of Thursetter. Both granters sign.

Decreet Crummye v. Plaiddis.

At Edinburgh the xx day of December 1576 yeris In the action and Caus persewit be Alexander Innes of Crumme agaues Alexander Innes of plaidis . . . the rychtis resonis of the saidis parteis herd seine and understand Togidder with the depositionnes of dyvers famous witnesses The Lordis decernis and ordaines the said Alexander Innes of plaidis to heif done wrang in the maisterfull occupation fra the said Alexander Innes of Cromme of all and haill the saidis landis of Reidhall with the haill profiteis thair of yeirly extending yeirly to the quantite aftir following four Scoir bolls ates Sawing estimat to the second Corne price of the boll with the fother yeiris ourhed XXIII s. IV d. XXII bolls beir Sawing estimat to the thrid Corne price of the boll with the fodder yeirly our heid XXVI s. VIII d. twa bolls quhete Sawing and twa bolls ry Sawing bath estimat to the second Corne price of the boll with the fodder yeirly our heid XXVI s. VIII d. and twa bolls peis estemat to the second Corne price of boll with the fodder yeirly ourheid XXVI s. VIII d. and the profiteis of fyfty Soume griss gudis yeirly during the said space price of ilk Soume yeirly XII d. mony of this realme And thairfoir decernes the said Alexander Innes of plaiddis to refund to the said Alexander Innes of Crumme the foirsaidis proffeittis And als for the Soume of ten pundis as for the expenssis maid be the said Alexander Innes of Cromme in obeynyng this present decrete in forme as effeiris.

In 1575 the Laird of Innes was in ward in Edinburgh, for what cause I have not discovered.

On the 8 of January, that is, towards the end of that year, Robert Innes of Innermarky, and James Adamson a burges of Edinburgh, bound themselves as caution in 1000 pounds that Alexander Innes of that ilk, being relieved from ward in Edinburgh Castle should not go beyond the bounds of the town: and on the 18 February this bond was discharged by the Regent in Council, in order that the Laird of Innes might do his utter and exact diligence to apprehend John Innes in Garnach, called the "Sweet man," Thomas Innes called the "Little," John Adam called "meat and rest," and John Innes called the "Noble,"

and to bring them to justice for slaying David Mawer of the Loch—which the Laird had undertaken, under pain of 1000 pounds.¹

The following letter—the first letter of correspondence I have lighted upon, among these family papers—has reference to the atrocity told so circumstantially by our historian at p. 24, but throws no additional light upon the circumstances of the assassination, nor on the subsequent conduct of the Regent Morton, which indeed wants confirmation. At the date of this letter, it would seem the victim of the assassin was still alive. Perhaps he was not the Laird of Pethnik but his brother.

To the rycht honourabill the Laird of Crommy.

Rycht honorabill, eftir my maist heartly commedationne, I understand ye haif hard at leynth alreddy qubow the unhappy Laird Innes hes delt with me in this turn, as this bearer can declar, the quhilk war verie langsum and tedeus to writt, quhairfor I committ the credit thairof to him to declair the haill discurs, in respect he was baytht party and wites unto me like ane kynd faythfull freynd and gentilman. Johne Kyunaird is remainit still heir pouon sum busynes of his avine. Thair was certaine knychtis maid at the erle of Buchanis brydaill at this last triumpe of marriage, bot in guid faytht he is als worthy to be knycht for his manheid as ony of thame or yit at was in our dayis, and na less schawin to the Regentis grace and speciale be george Auchinlek. gif my brudir levis as I traist in god he sall, I think us litill behynd the hand with the mischeant fule, yit god rewaird my gud fallowschip. thair is na newis nor occurencis at this present and as ony hapnis to occur ye salbe aduerteist, and I can nocht steir quhill I se how my brudir dois. Na forder at this present but lettis the present mak mi heartly commedationne to ye and your wyif quhom witht ye I commit to god. fra Pethnik the xxiii of December 1577

yours at command

J Innes of Pethnik

This is the last notice I find of Laird Alexander—"the proud and positive" laird of our Historian, "though very gallant"—the "mischeant fule" of his

¹ Privy Council Record, quoted in "Domestic Annals of Scotland, by Mr. R. Chambers." This was perhaps the sequel of a feud between Alexander Dunbar of Cunnock knight, Sheriff of Elgin and Forres, &c., on one side, and

Robert Innes of Innermarly, and John Innes "cauld Johne the Sweitman," on the other, noticed in Privy Council, 25 Sept. 1567. Reg. Acta, 1567-1569, p. 48.

clausman's letter. Whether he was beheaded by Morton as Forbes relates, or no, he now leaves his place to his weak brother John.

Next comes the contract between the kinsmen, which was the immediate cause of the family tragedy.

Contract of tailye betwix Jhone Innes of that Ilk and Alexander Innes of Cromby.

At Edinburgh the fyftene day of Marche the yeir of God j^m v^e lxxvij yeiris It is apontit contractit and fynalie agriit betwix rycht honorabill parteis Jhone Innes of that Ilk on the anc part and Alexander Innes of Cromny on that other in maner and forme as efter followis That is to say the saidis parteis Johne and Alexander Innesses remembering of . . . houssis to have . . . anent and standand at thair surnames thir many yeiris bypast, willing now the perpetuitie thair of abyd and continew in tyme to cum be sie honest means and prouisioun as may be maist conuenientlie deuyisit Be the tenour heirof Bindis and obleissis thame thair airis mutuallie . . . utheris That the said Johnne Innes now of that Ilk being Infeft in all and hail the landis and baronie of Innes and utheris underwrittin sall be him self or his sufficient procuratouris lauffullie authorisit compeir before our Souerane Lord the Kingis Majestie or quhatsumeuir berand the autoritie for thetyme habil to resauie the resignationis eftir specifeit and thair with all reverence sall resigne and upgiff in his hienes handis or other berand the autoritie for the tyme as said is all and hail his landis and barronies of Innes Abirherdour Kilmalemok Garmok his landis and mylnis within the lordschip of forest of Boyne with thrallit multeris of the hail lordschip thair of and utheris annexit thairto quhaireuir the same lvis witht woddis milnis Salmoud fischingis townis fortalices tenentis tennandriis seruice of frie tennentis with thair pertinentis aduocatione and donatioune of benefices and chaplanriis and quhatsumeuir utheris land he sall happin heireftir to be Infeft in baldin immediatlie of our Souerane Lord or utheris his superioris within the realme be redemptioun of sie landis as hes bene annaliit be his predecessoris be conquest or otheruyiss howsaevir For new infestment of tailye to be maid and grantit be our said Souerane lord the said Jhonis immediat Superior off the saidis landis and baronie of Innes and utheris abone writtin annexit thairunto In ffauoris of the said Jhone Innes now of that Ilk and his airis maill lauchfullie gotten or to be gottin of his bodie quhilkis failyeing be lauchfull procreatioun of air maill to maill

be lineall descent to the said Alexander Innes of Crommy and his airis maill lauchfullie gottin or to be gottin of his body and failyeing thairof to the said Alexanders nearest and lauchtfull airis maill berand the name of Innes and armes of his hous of Crommy And in likmaner the said Jhone sall compeir be himself or his sufficient procuratouris foirsaidis befor quhatsumeur his Superioris of quhom he haldis or sall happin to hald ony part or portioun of his saidis landis and in maner foirsaid sall resigne the samine for new infestment of tailye to be maid and grantit thairof be thame in maner and to the effect abone rehersit ffor . . . and profyting of the saidis Infestmentis of tailye for the part of the said Jhone Innes of that Ilk the samyn being first done The said Alexander Innes of Crommy for his part or his sufficient procuratoris instructit for that effect sall compeir befor our said Souerane lord and utheris berand the authoritie for the tyme as is abone specifit and thair resigne and upgiff his landis and baronie of Crommy witht tour fortalice manure place thairof woddis milnis pertening to him for infestment of tailye to be maid thairof to the said Alexander and his airis maill lauchfullie gottin or to be gottin of his body quhilkis failyeing to the said Jhone Innes of that Ilk and his airis maill lauchtfullie gottin or to be gottin of his bodye and failyeing thairof to the said Jhonis narrest and lauchtfull airis maill berand the surname and armes of the hous of Innes quhatsumeur and in semblable maner sall compeir befor his other Superioris and mak resignatione of quhatsumeur his landis and heretages and salmond fischings quhairin he standis presentlie Infeft or sall happin heireftir to be infest for lyk Infestment of tailye to be maid thairof in maner as is abone containit The quhilkis mutuall Infestmentis sall be exped in forme as effeiris upone the just equall expenssis of the saidis Johne and Alexander and failyeing of thame thair airis at the leist conforme to the valour and quantitie of the saidis landis quhairupon the saidis Infestmentis sall pass how sone or quhat tyme our said Souerane lord being of perfyte yeiris sall be habil to ressaue the saidis resignationis in his handis and grant the saidis Infestmentis of tailye conforme thairto and the other Infestmentis to be past be the utheris superioris of the saidis contracteris to be done and exped eftir lauchtfull requisitione to be maid be thame or athir of thame or utheris to the perpetuall weill and maintenance of athir of the saidis houssis and the saidis Infestmentis of tailye to be mutuallie exped as said is nawayis to be prejudiciall to be infestmentis of lyfrent or coniunct sic grantit be the said Alexander Innes of Crommy to esobell forbes his Spouss or quhilkis heireftir

sall be grantit induring his lyfytyme neyther also to the Infestmentis quhilkis the said Jhone Innes of that Ilk sall grant to his future Spous during hir lyfytyme alanerlie Always the dispositioun of this present contract tuiching the saidis mutuall Infestmentis of tailye nocht onlie to be understand of the landis quhairin athir of the saidis parteis standis infest for the present bot of all and quatsumeur that sall happin to be acquirit be thame in ony tyme heireftir be redemptioun of vedsettis conquest successioun or ellis Lowsacuir heirto faithfullie bindand and obleissand thame and thair airis And to that effect becaus thair ar diuerss reuersionis grantit to thame and thair predecessoris in commoun forme for redemptioun of thair vedsett landis They will be thir presentis that the samyu reuersionis be tailyeit to athir of thair housis as is abone speciifit And gif it sall happin as god forbid the saidis personis or athir of thame to deceis befor the expeding of the saidis Infestmentis of tailye be thair resignatiounis to be maid to that effect without airis maill procreat of thair bodeis sa that thair said landis or ony pair thairof sall befall to thair airis femaill and thay succed thairto In that caice they bindis and obleissis the saidis airis femaill that being enterit to thame or ony pair of thame in the saidis landis they sall incontinent thaireftir mak resignatioun thairof in the handis of the saidis Superioris for Infestment of tailye to be maid thairof to the nerrest and lauchtfull airis maill lauchtfullie descending of athir of thair saidis housis berand thair armes and surname as said is. and to the end that this contract and Intentioun thairof be na wayis frustrat the saidis contracteris and ilkane of thame willinglie and frelie interdytis tham selfis to utheris fra making of ony contract hand promis or obligatioun or otheris to quatsuneuir quhilkis may be hurtful or prejudiciall heirto promittand athir of thame neuir to cum in the contrar heiroff. Atour the saidis parteis bindis and oblissis thame and thair airis foirsaidis to mak Seall Subscryue and delyner thair mutuall lettres of procuratorie sealit and subscryuit be athir of thair handis to otheris Constitutand thairintill thair lauchtfull procuratoris foirsaidis of the premissis in forme as effeiris betwix the dait beiroff and witsunday next to cum to be usit be thame and athir of thame for making of the resignatiounis of thair saidis landis And passing of the saidis Infestmentis of tailye conforme thairto Lyk as also in caice of failye thairof thair will that thir presentis sall be ane sufficient mandat to grant power to sic as sall be nominat be athir of the saidis contracteris in caice of failye of the other incontinent thairwitth And seing the Intentioun of

thir presentis is nocht that the airis of Lyn gottin or to be gottin of the foirsaidis contracteris to wit the said Jhone or Alexander or thair airis maill be preiugit in ony sort bot the weil of thame may be considerit it is expreslic prouidit that in caice ather of the levyingis sall happin to be consolidatt with the uthir be faulye of airis maill lauchtfullie gottin of thair bodeis In that caice gif it sall happin to be . . . The partie to quhome the other leving sall access . . . sall pay for the contentatioun tyne fyve thowsand poundis money of this realme of . . . to Ilkaue . . . ane thousand poundis money foirsaid. And for the mair suir keping and obseruing of the premissis the saidis parteis ar content and consentis that thir presentis be actit and registrat in the buikis of Counsall and to haf the strenth of the decret of the letteris thair of and lettres to pass thairupoun at the desire of the partie complener for compelling the samyu to be fulfillit in forne as effeiris And to that effect makis and Constitutis for the pairt of Jhone Innes of that ilk Mr . . . titell and henrie M^cinyen and for the pairt of the said Alexander Innes of Crommy Mr Alexander Syn and Johne russall thair lauchtfull procuraturis to consent to the registering hei of . Subseruyit with my hand day yeir and place foirsaidis befor thir witnes Robert Innes appeirand of Crommy Thomas Innes appeirand of Edingeycht and Johne Kynnaird of Sarterhill

Jhone Innes off that ilk

Alexr Innes off Crummy wyth my hand

This was the weak Laird's seal,



CHARTERS AND NOTES.

CHAPTER V.—THE TRAGEDY, 1580.

I have said, the latter half of the 16th Century was an age of lawless confusion in Scotland. There were many elements of disorder at work, and a Government neither honest nor strong enough to repress them. Most families had their domestic revolutions at that time, but none more tragical than the Inneses; nor have I met with any single house mixed up with deeds of violence and blood so rapidly following as the race of Innermarkie, from the time of the fight with the Dunbars in the Cathedral and Chanonry of Elgin, 1554, to the execution of Robert of Innermarkie for art and part in burning Donybrissil and the slaughter of the bonny Earl of Moray and the Sheriff, in 1595.

The date of the tragedy narrated in the fifth chapter of our History, is found in Master Walter Cullen's "Chronicle of Aberdeen."—"Alexander Innes lard of Crome wes slayne in Martin Howesone's howse, be the Lard of Emermarky, the xiii day of Aprill 1580 yeiris."¹

That succinct chronicler finds nothing to remark on the slaughter; and I do not know of any other record of it, but the account which tradition had handed down to the Laird of Culloden. The manner of the murder, and the precaution of compelling the bystanders to stab the murdered man, "that all might be alike guilty," recalls more than one bloody history, and latest, the murder of Rizzio whose body showed 56 stabs. Another scene of the Tragedy, of a stranger character, is unfolded in the following midnight bond, where we have the murderer's son deliberately selling his father's life.

¹ Maitland Club Miscellany, vol. II.

The document seems to be in the hand-writing of the Master of Elphinstoun. A clerk has docketed it "Letter Mr. Elphinstoun anent a conference betwix him and umquhill Robert Innes of Innermarkie." It is indorsed in an older hand,—

JESUS MARIA

THE MAISTER OF ELPHINSTOUNIS LETTER.

At the auld barne In Ines in the nycht the day of the
yeir off god ane thousand fyve c four seoire yeris In the presens of
us under subscriuand to wit Alexander Maister of elphinstoun Robert Ines
off that ilk, olephare syncklare brother to William Syncklare of Dunbeylht,
essobell forhess lady Cromy and elizabath Ines hir dochter in law, comperit
personallie robert Ines younger of Innermarkie, and faythfulle promiseit
and sweir the greit aithe on the bybill als greit as we present for the tym
cnd denyss, that he suld never for na oecasioun pretend craiff ask or seick
ony kynd off rycht intres or claime any part or portioun off the landis
leiving and Lardscheip off Ines in preiudice or hurt of Robert Ines now of
that ilk, bot ther be his aithe ourgaiff for himself and all his, all rycht
tytill of rycht kyndnes that he haid hes or any vays mycht haiff in the
persone of the said robert Ines of that ilk to be peciabilie jossit possedit
and brukit be him and his at ther plesouris, nor hurt harme or preiuge
the said robert Ines of that ilk in his lyffe leiving or heretage derecklie
nor indirecklie, bot Induring all the dayis of his lyff to honour him
mentein him and acknawlege him as cheiff and pryncepall to him. as
also promisesit be his aithe forsaid to causs sa mony of the naime of Ines
as dependit on him to acknawlege in lyk maner the said robert Ines of
that ilk as cheiff, as inlykwayis promisesit be his aithe, that be his moyane
he suld fynd the way that robert Ines of that ilk suld haiff his fatheris
lyff, and that onlie for the preseruatioun off the remanent naime off
Ines, to the affeek thai might be all junit together in ane freindseheipe,
his fatheris lyff being taine, seing he was the Instrument of the slauchter
and bluidscheid fallin amangis that Surnam. and the said robert Ines
younger of Innermarkie, promisesit be his aithe foirsaid, his fatheris lyff
being taine, he suld fynd the vay that thai suld be all agreit within
sevin or aucht outhis or therby thereafter, for the performanee off thir
heides foirsaidis The said robert Ines off that ilk promiseit be his aithe

on the bybell lyk as the said essobell forbess lady cromy also be hir aithe promiseit to remit and forgiff the said robert Ines younger off Innermarkie all rangour and evill will fra thair hartis quhilk thai beir and buire to him for the crewall slauchter off Alexr Ines off Cromby and never to call sumound nor accuiss him therfore, but esteim him as ane freind at all tymes thereftir and as an veil willare and anc that wald sie the weil and standing off thair awin surnam. the said Master of elphinstoun promisesit for his part and be his aithe to the said robert Ines younger off Innermarkie that gif he wald performe his aithe and promiseis, he suld accompt him and esteim his freind and prescuare off his awin surnam and all tymes therfter suld do him all the plessour he mycht. and thairefter the said Robert younger off Innermarkie Inquyrit off the Lady in all our presens quha wald assist the lard of Ines or cum to the taiking of his fatheris lyff, the moyane beand maid for the getting thairof, quha ansurit the Master of elphinstoun, the lard Drumbreik and sick utheris as thai mycht procure therto of thair best lowing freindis. and the said Robert younger off Innermarkie vas veray glaid that the Master of elphinstoun aigreit to be present thairat and houpit in God all suld cum for thair weilis and quyatness, he being taine away that was the prynsepell causser of sick bluid scheid amangis tham selfis etc. Sway it drawand neir day we dranke altogither in the said barne and everie ane past thair awin wayis. Ther was present at that tym with young Innermarkie bot com nocht within the barne "Oneill that leid his horse therout."¹ And to testife that thir hail premisses ar trew, the deid schortlie thairefter followitt as also sindrie lettres and handwreittis to produce quher the said robert Ines off Innermarkie maid the moyan sett the day and maid the aduertisement that nycht the lard off Ines with his pertaikarris suld end and performe the executtionis etc. as also sindrie lettres ar also to produce quher the said young Innermarkie hes keipit sindrie trystis with the Master of Elphinstoun with the Lady cromy and Olephaire syncklare sen the slauchter to deuyss quhow all thingis suld be quyattit, and quhow he suld eschew the bruit and sklander of the moyane maker of the slauchter

¹ These words are on the margin, substituted for two lines deleted, part of which can be read "*petre cruickschankis and anc . . .*

quhilk umquhill Mr Thomas Gordone tuik for the byrnyng off the barnis of Flevolandis." Flevolandis is now Gordonstown.

off his father, althocht he rather rynnis the cours dereck contraire his aithe and promeis, the narrest way to mack the treuthe manefeist etc. we under subscryuand will abyid at the hail foirsaidis contenit herein, as we sall ansuir to god and on our conscience, and sa mony as ar menkynd of us will defend with our handis quhat way Innermarkie sall pleis, nochtwithstanding our othir wreittis to testefie the samyn, bot we ar assurit quhcue be his occasioun it sall com to tryall he is nocht abill to deny anc word contenit hcirin with mekill mare quheroff he salbe accuissit as tym sall offer.

A. M. Elphinstoun
Robert Innes off that ilk
Esobell Forbes

CHARTERS AND NOTES.

CHAPTER VI.—REG. JAC. VI.—WIL. & MAR.

The Deanis accuittance.

We maister Alexander Dunbar Dean of Murray and Catherein reid my Spous be the tennour, heirof grantis ws to haif ressaut be the handis of Maister Johne Duubar of Meftis and John Innes of Luchoris In name and behalf of ane Richt honourable Man Robert Innes of that Ilk Sone and air to vmquhile Alexander Innes of Crommy and Isobell forbes Relictt of the said vmquhile Alexander The Soum of ane thousand pundis usuall money of Scotland Ressaut be the said vmquhile Alexander Innes of Crommy and Issobell forbes his Spous and conteanit in the obligatioun maid be thame to ws thairupoun for the quhilkis James Adamsons burges of Edinburghe wes oblessit as Cationer for the said umquhile Alexander Innes and Issobell forbes conforme to thair obligatiounis respective grantit to us thairupoun of the quhilk Soum we dischargis the saidis vmquhill Alexander Innes of Crommy Issobell forbes his Spous the said James Adamsons thair Souertie and the said Robert Innes of that Ilk thair airis and assignais In Witness of the quhilk thing we haif subscriuit this present acquittance and discharge with our handis At Elgin the tuintie day of february the yeir of God M V^c four scoir four yeiris Befoir thir Witnessis Robert Leslie apperand of Dewglie, Johne Annan

of Murrestoun Alexander Dunbar apperaud of West Grange and Robert Strathquhyn Litster in elgin

Alexr Dunbar, dene of Murray.
 Katherine Reid
 Robert Leslye Witnes
 Jhone Annand Witnes
 Robert Strathauchin, Witness.

The contract betwix the Laird Innes and Chancellare of Caithness anent the lands of Catbo and Paidis.

At Ouer Hall of Cromy the aucht day of December the yeir of God M V^e foure scoir foure yeiris It is contractit betuix the rycht honorabillis Robert Inness of that Ilk and of crommy with expres consent of Issobell forbes relict of unquhill Alexander Innes of Crommy his father and lyfrentare of ane pairt of the landis underwritin on the ane pairt and George Sinclair of mey and chancellor of Caithnes for himself and takand the burdene on him for Margaret forbes his spous on the uther pairt in maner following. The said Robert haifand all and haill the town and landis of Catbo with the pertinentis lyand within the regalitie of Spynie and Shirefdom of Inuernes and all and haill the town and landis of litill Kylmuire with the aillhouss and brewlandis of the samyn extending to the fourt pairt of ane dawach of land lyand within the diocie of Ross and Shireffdome foirsaid all pertening to him in fewferme and heretaig oblissis him his airis executouris assignais and successouris with consent of the said Issobell forbes as lyfrentar thairof to infest heretable the saidis george Sinclair and Margaret forbes his spous the langast levar of thame twa in conjunct fie and the airis gotten or to be gottin betuix thame quhilkis failyeand the saidis Georges airis and assignais quhatsumeuir In all and haill the forsaidis landis of Catbo with the fortalice thairof with the pertinentis lyand as said is as also in all and haill the saidis landis of litill Kylmre and pertinentis of the samyn lyand as said is ffor yeirlye payment of sik few dewiteis as is contenit in the said Robert and his predecessoris instrumentis thairupoun. and forther the said Robert and Issobell sellis to the said George and Margret All and haill the sevin oxin thrie horssis and twa chalderis twelf bollis ferme

quhilk is presentlie on the Manis of Catboll Also all and hail the lettres of reuersionis concerning the redemptioun and outquitting of the landis of plaidis viz. plaidis pettagartie petmely ballacuth tollacheries Skardie with the mylne thairof . . . with the bailliearie of tayne and litill Kinteiss and the pertinentis lyand within the baronie of plaidis and shirefdome foirsaid. ffor the quhilkis caussis aboue writtu the saidis George Margaret and their foirsaidis sall pay and deliuer to the said robert and his foirsaidis the soume of Twentie thrie thowsand and fyve hundreth merkis In witness qubairof bayth the saidis parteis hes subscriuit this present contract with thair handis day yeir and place foirsaidis Befor thir Witnessis Olyuer Sinclair brother german to William Sinclair of Dumbaytht Alexander forbes of Carnecowlie James forbes his sone John Sinclair Seruitour to the said george Sinclair of Mey Abacuch bisset Writtare and Johnne Daidisoun notare publict.

Robert Innes off that Ilk
esobell forbes
George Synclair off Mey
Olyphair Synclair Witness
Alex forbes Wittnes
Johnne Daidisone Witnes
Johnne Sinclair witnes
James forbes witness
A bisset witness

Carta de Cottis.

Omnibus hanc Cartam visuris vel auditoris Robertus Innes de eodem Salutem in domino Sempiternam noueritis me cum expressis consensu et assensu elspete elphingstoun mee sponse domine coniuncte Infeodatrix terrarum subscriptarum et pro perimpletione mee partis cuiusdam Contractus confecti inter me dictum Robertum cum consensu mee Sponse antedictae ex una et Alexandrum Innes filium legitimum quondam Johannis de Blakhillis partibus ab altera de data vigesimo die mensis Septembris Anno domini millesimo quingentesimo Octuagesimo quinto vendidisse Alexandro Innes suis heredibus et assignatis quibuscunque totas et integras villam et terras de Kottis cum suis pertinentiis jacentes in baronia de Innes et vicecomitatu

de Elgin et fores Et hoc pro quadam certa pecunie Summa mihi per dictum Alexandrum Innes et Johannem Innes de Lewcliris eius nomine persoluta Tenendas et habendas Totas et Integras predictam villam et Terras de Cottis cum suis pertinentiis uniuersis predicto Alexandro Innes suis heredibus et assignatis de me dicto Roberto Innes de eodem meis heredibus et assignatis in feodo et hereditate Imperpetuum Reddendo Inde annuatim prefatus Alexander Innes sui heredes et assignati mihi prefato Roberto Innes meis heredibus et assignatis unum denarium usualis monete Regni Scotie si petatur tantum . . . Apud Innes vigesimo primo die mensis Septembris Anno domini millesimo quingentesimo Octuagesimo quinto Coram his testibus Johanne Innes de Leucheris Olipherno Sinelar magistro Wilhelmo Meldrum de Monteuffer et Alexandro Annand burgensi de Elgin Notario publico

Robert Innes off that Ilk

Ita est Alexander Annand Notarius publicus ac testis in premissis ad hec manu propria

Johne Inness vitnes

Præceptum sasinæ Roberti Innes de eodem.

Domina Annas Keyth Comitissa Argadie et Moraue Coniuncta infeodatrix omnium et singularum villarum terrarum et dominiorum Comitatus morauiensis antedicti cum suis pertinentiis Et sic nunc domina Superior villarum et terrarum subscriptarum Dilectis nostris . . . ac vestrum cuiilibet coniunctim et diuisim Balliuis nostris in hac parte Salutem Sciatis quia per authentica documenta nobis Clare Constat uotum et compertum est Quod quondam Alexander Innes de Cromby pater Roberti Innes de eodem latoris presentium obiit ultimo vestitus et Sasitus de totis et integris villis et terris de Reidhall, Stynie et Blakhillis cum pertinentiis jacentibus infra dietum dominium Moraue et vicecomitatum de Elgyn et forress Et quod dietus Robertus Innes est legitimus et propinquior heres dieti quondam Alexandri Innes de Cromy sui patris de totis et integris predictis villis et terris Et quod supradiete terre de nobis tanquam Comitissa Moraue tenentur in Capite per solutionem unius denarii usualis monete Regni Scotie nomine albe firme Vobis igitur precipimus quatinus

visis presentibus Sasinam hereditariam Totarum et Integrarum predictarum terrarum prefato Roberto Innes vel suo certo attornato juste haberi faciatis In Cuius Rei testimonium presentibus manu nostra subscriptis sigillum nostrum est Appensum Apud Edinburgh septimo die mensis Augusti Anno domini millesimo quingentesimo octuagesimo Septimo Coram his testibus Alexandro bonar de balgersho Alexandro Menteith et Jacobo Keytht Nostreis seruitoribus

Annas Keytht

Alex bonar of balgircho vitnes

Contract hetuix the Laird of Innes and Innermarkie.

At the Cathedrall kirk of Murray the last day of Nouember the yeir of God M V^e fourscoir Sewine yeiris It is contractit betuix richt honorabill persones viz. Robert Innes of that Ilk on that ane pairt and Robert Innes of Innermarkie for himself and takand the burding ou him of Mr Alexander Innes his brother germane and for his awne entres and with his consent on the uther pairt with the advyss of the richt honourabill Lauchlane M'Intosche of Dunnachtane Sir George Ogilvie of Dwnlugous knicht William Sutherland of Duffus William Sincler of Dumbeth Johne Stewart of Muirane Mr Johne Keith persone of duffus Thomas Innes of pethnik Jamas Innes of Menenye John Innes of edingeicht William Innes of Calrosie William Innes in wnthank and Johne Innes of Lewchoris as newtrall frendis to baith the saidis pairteis In maner as efter follows Tuiching the contrauersies and difference betuix the saidis pairteis, speciallie anent the slauchter committit be the said Robert Innes of Innermarkie In cumpanie with umquhill Robert Innes of Innermarkie his father of umquhill Alexander Innes of Crommie father to the said Robert Innes of that Ilk In the moneth of Apryll M V^e fourscoir yeiris and all that hes follout therupone And anent the clame of the hurt of the said Robert Innes of that Ilk and his Seruandis and wounding of thaim be the said Robert Innes of Innermarkie his Seruandis and complices In the parochie kirk of elgin and outwith the samyn upon the xxvii day of Nouember M V^e four scoir sex yeiris And siclik anent the slauchter of umquhill Robert Innes off Innermarkie father to the said Robert Innes now of Innermarkie be the

said robert Innes of that Ilk his complices in the moneth of September M V^o four scoir four yeiris and anent the allegit cicctione and spoilyie of the place of plewlandis and maynes thairof and chantouris houssis within the Colledge of the Cathedrall Kirk of Murray and spoliationne of certane guidis cornes and wtheris alledgit committit be the said Robert Innes of that Ilk his complices conteinit in the lybellit Summondis rasis thairupone persewit be the said Mr Alexander Innes as Assignay constitute thairto be Alexander Innes of Cokstounne And als anent the said robert Innes of Innermarkie his clame quhilk he alledgis him to hawe to the Lairdschipe and Lewing of Innes or onie pairt thairof be birth rycht Infestment or uther wayes The saidis parteis for eschewing of forder bluid shedding It is decernit be the hail newtrall frendis abone writtine with consent of the said Robert Innes of that Ilk Lyk as the said Robert Innes obliissis him his airis exccutouris and assignais to pay to the said Robert Innes of Innermarkie his airis Executouris and assignais the Soume of Sewine thowsand pundis usuall money of Scotland. ffor the quhilkis caussis the said Robert Innes of Innermarkie takand the burding on him for the remanent his kine freindis discharges the said Robert Innes his complices of the slauchter of the said Robert Innes of Innermarkie his father of all rancour malice and hatred And also the said Robert Innes of Innermarkie takand the burding on him for Mr Alexander Innes his brother exoneris the said Robert Innes of that Ilk and his complices of the spoilyie allegit committit be the said Robert in the summondis purchest at the instance of the said Mr Alexander assignay forsaid And siclyk the said Robert Innes of Innermarkie for himself his airis and successouris renunes all rycht and tytill of rycht quhilk he his predecessoris and utheris had hes or may pretend to hawe to the Lairdschipe of Innes lewing thairof or onie pairt of the samyn And sall acknowledge the said Robert Innes of that Ilk as principall and cheiff of the said name of Innes And sall deliver to him all evidentis contractis tytillis quhilkis he hes or may get concerning the dispositiounne of the saidis landis of Innes or onie pairt thairof And the said Robert Innes of that Ilk discharges the said Robert Innes of Innermarkie his complices committaris of the slauchter of the said unquhill Alexander Innes of Crombie of all rancour malice and haitred quhilkis he hes contrair the said Robert Innes of Innermarkie And siclyk dischargis the said Robert Innes of Innermarkie and his complices being with him within the parochie Kirk of Elgin upon

the xxvii day of Nouember M V^e four scoir sex yeiris of hurting and bluid drawing of the said Robert Innes of that Ilk and Johne Kynnaird his Seruand and all actione criminall or ciuill that hes followit thairupone Lyk as also the said Robert Innes of Innermarkie discharges the said Robert of that Ilk being within the said parock Kirk the said day of bluid-drawing the said James Ogilvie of Allanboy. In Witnes quhairof baith the saidis pairteis hes subscriuit the samyn day yeir and place fairsaid Befor thir Witnesses Walter Ogilvie appeirand of Dunlugas Johne Mortimer appeirand of Auchinbrate James Sutherland brother germane to William Sutherland of Duffus and Johne Annand of Murrestone

Robert Innes of that Ilk
Lauchlan M^cIntosche of Dun-
nachtene
William Sutherland of Duffus
Johne Stewart of Muirane

Thomas Innes of pethnik
William Innes of Calrosie
Johne Innes of Lewchoris

Robert Innes of Innermarkie
george ogilvie
Mr Alex. Innes
William Sinclair of Dunbeth
Mr Johne Keith persone of
Duffus

James Innes of Menennie
William Innes of unthank
Johne Innes of Edingeiche with
my hand at the pen led be
Alex Annand notar publict
at my command becaus I
can nocht wreit

Ita est Alex Annand Notarius publicus per dominos Consilii
admissus de mandato dicti Joannis scribere nescientis
teste manu propria

Bakband be Innermarky.

Be It kend to all mene be thir presenttis that nocht vithtstanding off ane blank subscriyvit at Elgin the seveint day off Novembeir Instant be robert Innes off that Ilk one the ane partt and me Robert Innes off Innermarke one the uther partt to be fulfillit be Lachalane Meinthoce off Donnahctane Sir George Ogilve of Donlogass knyecht villame Sotherland off doffoiss villame Sinclair of dunbeth and the remanentt

parsonis contenit in the said blank to the nombir off twelff for setting asyid and takyng away off all elestis debettis bloid and all uther actionis cremenall or sevall betwix ws as the submessione off the sed blank at mer lyntht proporttis the quhilk frendis hes decrettit and ordenit that the [said] robert Innes off that Ilk sall pay to me the said robert Innes off Innermarke for the cawsis forsed the sowme of ffyiff thowsand pondis mony of this realme Yett I for good cawsis done and to be done to me be elezabeth forbes lade Crome dischargis the said Robartt Innes off that Ilk of the sed Sowme the Sowme of Ane thousand pondis mony say that Robert Innes off Ilk salbe astrekit only to me the Soume of fyiff thousand markis at the termis aponttit only in the said decrett and ane uther thowsand mark to be payit be elezabeth forbes lade crome In ffull satisfacione and contentatione off the Soume forsed Makin in the hell the Soume of Sex thousand markis and therfor I the said Robert Innes off Innermarke for me my airis and all utherwis be the tenor heir off exonorris quetclamis and dischargis the said robert Innes off that Ilk and Elezabetht forbes and ther arris off all Soumis of Mony contenit in sed blank and decrett except onlie the Soume of Sax thowsand markis allenarle to be payit to me In feht and wetnes off this my discharge I have subscrivyt this present vrett vitht my hand at Elgin the . . . day off . . . the yeir of God 1587 yerris befor thir wetnes Sir George Ogilvie of Donlogass knycht villame Sinclair off dunbetht and Johanne Innes off Locharris.

Robert Innes off Innermarky,
with my hand.

Jhon Innes of Lucharis sessing off Corskie Mathie mill and thre part Germo.

In dei nomine Amen. per hoc presens Publicum Instrumentum Cunctis pateat euidenter quod anno Incarnationis dominice millesimo quingentesimo octuagesimo septimo mensis vero Februarii die decimo tertio et regni excellentissimi principis Jacobi dei gratia Scotorum regis eo nomine Sexti ac anno eius vicesimo primo In nostrorum connatariorum publicorum et testium subscriptorum presentis personaliter constitutus honorabilis vir

Johannes Innes de Luchris habens suis in manibus quandam cartam alienationis villarum et terrarum de Corsky et mathimill cum suis pendiculis et pertinentiis cum quarta parte occidentalis ville et terrarum de garmocht eisdem villis et terris de Corsky et mathimill perprius annexa nuncupatis Corshill Sandefeild et langlandis cum suis domibus edificiis presentialiter occupatis per vilhelmum Innes Andream flytter Vilhelmum Mitchell Catherinam Jinckin relictam Valteri Pedles Andream hay Johannem Schand vilhelmum robertsone Alexandrum Innes in Sklentocht Alexandrum Andersoun et valterum Mawer jacentibus infra baroniam de Innes et garmocht et vicecomitatum de Elgin et fores per honorabilem virum robertum Innes de eodem preceptum Sasine in fine eiusdem continentem dicto Johanni Innes de Luchris confectam Cuius precepti Sasine tenor est talis Insuper dilectis meis vilhelmo Innes iu garmocht et vestrum cuilibet coniunctim et diuisim balliuis meis in hac parte Salutem mando quatinus visis presentibus Sasinam hereditariam totarum et integrarum villarum et terrarum de Corsky mathimill et quarte partis occidentalis ville et terrarum de garmocht cum earundem pertinentiis prefato Johanni Innes de luchris suis heredibus et assignatis vel suo certo attornato tradatis seu alter vestrum tradat In Cuius Rei testimonium his presentibus manuali mea subscriptione roboratis sigillum meum proprium est appensum Apud Kynnardye decimo die mensis Februarii anno domini millesimo quingentesimo octuagesimo septimo Coram his testibus Alexandro Innes fratre germano dicti Johannis Innes de luchris Alexandro Dunbar meo Seruitore et thoma tulloch in Gilmyr syd Post cuiusquidem carte precepti sasine lecturam predictus vilhelmus Innes balliuis Sasinam hereditariam predictarum villarum et terrarum prefato Johanni Innes presenti tradidit . presentibus ibidem Johanne Adam in garmocht Andrea Young in Corsky et Alexander Mitchell in garmocht testibus.

Reversion on Corsky and Mathiemill.

Till all and sindrie qubais knowlege thir present letteris saltocum Johne Innes of lewcheris greting in god evirlesting witt ye that nochtwithstanding ane Rycht honorabill man Robert Innes of that Ilk hes sauld to me my airis and assignais quhatsumevir all and hail the townis and landis of

Corsky and mathiemill with thair pendiculis and pertinentis Togidder with the fourth pairt of the toun and landis of garmoch lyand at the vest end thair of narrast adjacent to the saidis tounis and landes of Corskye end Mathemill callit eorsehill Sandefeild and langland of garmocht with houssis biggingis yairdis toftis and pertinentis thair of perteing thairto presentlie occupit be William Innes William Michel Kathren Jenkin relict of umquhill Walter pedles Androw flytar Androw hays Johne Schand William Robertsoun Alexander Anderson Alexander Innes in Sklentok and Waltir Mawer in croftis All the saidis landis with thair pertinentis lyand within the barony of Innes and garmocht and Schireffidome of Elgin and fores as his infestment maid to me beris neurtheless for fulfilling of my pairt of ane Contract maid betwix the said robert Innes of that ilk on that ane pairt and me the said Johne Innes of Lewchiris on the uther pairt of the daít the . . . day of . . . the yeir of God M V^o four scoir and sewin yeiris I bindis and oblissis me my airis and assignais to the said Robert Innes of that ilk his airis and assignais That quhat tyme it sal happin the said Robert Innes of that ilk his airis and assignais To pay to me my airis and assignais on ane day togidder in ane Sowm within the parochie kirk of Elgin The Soum of Thrie Thousand Markis usuall money of Scotland upoun the premonitioun of fourtie dayis Than I my airis and assignais to upgif fra me my airis and assignais to the said Robert Innes his airis and assignais the saidis tounis and Landis . . . In Witness of the quhilk thing I haf subscreyuit this Reuersioun with my hand and appendit my seal herto At Elgin the fourtent day of februar the yeir of God M V^o four Scoir and Sewin yeiris Befor thair Witnessis Alexr Innes Alexander Dunbar my Seruitouris Mark Mawer burges of Elgin and Alexander Annand Notar publict

John Innes, with my hand

Ita est Alexander Annand notarius publicus ac testis in
premissis requisitus ad hec manu propria

Mark Mawer burges of Elgin witnes present with my hand
Alexander Innes witnes

Decreet of the Lords of Counsale, 22 February 1588.

In the actioun and Caus persewit be umquhile Alexander Innes of Crummy for himself as Eldest Sone and air of umquhile James Innes of Crummy his father and as Cessioner Assignay and procuratour in rem suam lauchfully Constitute be Margaret Innes the relict of the said umquhile James with consent and assent of William Gordoun of Arradoul now hir Spous for his enteres and be elizabethe Jonet and Issobell Innessis dochteris lauchfull and remanent barnis by the air of the said umquhile James with consent of Mr Walter Wilsons Spous to the said Elizabeth and gilbert baird Spous to the said Isobell for thaire enteressis in and to the actioun of eiection under specifit with all proffitts following thairupon . . . Aganis umquhile Alexander Innes of that Ilk makand mentioun that quhair the saidis Relict air and bernis Immediatlie efter the deceis of the said umquhile James quhilck was in the feild of Pynkie clewche in the monethe of September the yeir of God M V^e xlvii yeiris according to the Act maid befor the said feild to the wyfe and barnis of the personis that suld happin to be slane thairin obtenit possessioun of all and haill the landis of Fostirsait with the mylne thairof Dunkintie Scottistounhill and Kirktoon of Sanctandrois with the Kirkhill and thair pertinentis lyand within the Shireffdome of Elgyn and forres And of the landis of Monedy elrig culvy with the pertinentis lyand within the Shireffdome of bamff quhilckis all pertenit to the said umquhile James the tyme of his deceis foirsaid in tak and assedatioun at the leist as malar thairof and than being in possessioun thairof And thaireftir the saidis relict air and barnis foirsaid continewit in thair possession foirsaid be vertew of the said act as said is quhill the monethe of Maii the yeir of God M V^e fourtie aucht yeiris In the quhilck monethe umquhile Alexander Innes of that Ilk gudsire to the said umquhile Alexander persewar uranguslie put the saidis relict air and barnis thair tennentis and Servandis furth of the landis and mylne foirsaidis and than enterit thairto be him self and utheris And thaireftir the said umquhile Alexander Innes of that Ilk be himself his Serwandis tennentis and utheris uranguslie occupit the foirsaidis landis and mylne to his deceis quhilck was in the monethe of September or thairby the yeir M V^e lliiii yeiris to the space of sex yeiris or thairby and the said umquhile Alexander Innes of that Ilk being decessit umquhile William

Innes of that Ilk his Sone and father to the said umquhile Alexander Innes persewar wranguslie enterit him self in his fatheris violence of the occupatioun of the saidis landis and mylne quhill his deceis in the monethe of Julij or thairby the yeir M V° lxiiii yeiris And als the said umquhile Alexander Innes persewar sone and air of the said umquhile William Innes of that Ilk enterit him self in violent occupation of the saidis landis and sensyne to the space of ellewin yeiris or thairby Immediatlie preciding the tuentie nyne day of October the yeir of God M V° thrie scoir fyvetene yeiris quhillk is the dait of the principall Summondis rasis in the said mater Entending yeirlie to the space Abone writtin the proffettis of the saidis landis respectiue and mylne with the pertinentis to the quantitie underwrittin The proffettis of the saidis landis of Foster sait yeirlie extending to tuentie bollis beir sawing estimat to the thrid corne price of the boll with the fodder tuentie schillingis the profeitt of fyftie bollis aittis sawing yeirlie estimat to the thrid Corne price of the boll with the fodder xiii s. iiid The profeitt of tua bollis peis sawing estimat to the secund corne price of the boll with the fodder xx s. and the proffettis of the pasturage yeirlie of fourtie Sex Sowmes of all kynd of gudis price of Ilk sowmes gers yeirlie v schillingis The profeitt of the said Mylne of ffostersait with the pertinentis yeirlie extending to threttie bollis of multure malt yeirlie price of the boll xxiiii schillings and threttie bollis of multure meill yeirlie price of the boll tuentie schillingis money The proffettis of the saidis landis of Dunkyntie yeirlie extending to tuentie bollis beir Sawing estimat to the thrid corne price of the boll with the fodder xx s. The proffettis of fyftie bollis aittis Sawing yeirlie estimat to the thrid Corne price of the boll with the fodder xiii s 4 d The profeitt of twa bollis peis Sawing estimat to the secund Corne price of the boll with the fodder yeirlie xx s and the proffettis of the pasturage yeirlie of fourtie sex sowmes of all kynd of gudis price of ilk sowmes gers fyve schillingis The proffettis of the saidis landis of Scottistounhill yeirlie extending to tuelff bollis beir Sawing estimat to the thrid Corne price of the boll with the fodder . . . yeirlie The proffettis of fourtie bollis aittis Sawing yeirlie estimat to the thrid Corne price of the Boll . . . The proffettis of the pasturage yeirlie of fourtie four Soumes of all kynd of gudis price of ilk Sowmes gers fyve Schillingis The proffettis of the landis of Sanctandros kirktown yeirlie extending to fourtie bollis beir Sawing estimat to the thrid Corne price of the boll

with the fodder . . . The proffeit of fyvetein bollis ry Sawing estimat to the thrid Corne price of the boll xxvi s. viii d. The proffeit of four scoir bollis aittis sawing estimat to the thrid Corne price of the boll with the fodder xiii s. 4 d. The proffeitis of the pasturage yeirlie of Sex Scoir Sowmes of all kynd of gudis price of ilk Sowmes gers yeirlie fyve schillingis The proffeitis of the saidis landis of Kirkhill yeirlie extending to tuelff bollis beir Sawing estimat to the thrid Corne price of the boll with the fodder . . . the proffeitis of fourtie bollis aittis Sawing estimat to the thrid Corne pryce of the Boll with the fodder . . . the proffeitis of the pasturage yeirlie of fourtie four Sowmes of all kynd of gudis price of ilk Soumes gers fyve schillingis . The proffeitis of the saidis landis of Monedie yeirlie Extending to tuentie bollis beir sawing estimat to the thrid Corne price of the boll with the fodder . . . The proffeitis of sex scoir bollis aittis sawing estimat to the thrid Corne price of the boll . . . The proffeitis of the pasturage yeirlie of Sevin Scoir Sowmes of all kynd of gudis price of Ilk Soumes gers fyve schillingis The proffeitis of the saidis landis of elrig yeirlie extending to Sex bollis beir Sawing estimat to the thrid Corne price of the boll with the fodder . . . The proffeitis of four scoir bollis aittis Sawing estimat to the thrid corne price of the boll with the fodder . . . The proffeitis of four scoir ten Sowmes of all kynd of gudis price of Ilk Sowmes gers fyve schillingis And howbeit that the said umquhile Alexander Innes now of that Ilk persewar is oy and air of his said umquhile gudisire be progress and Sone and air of his said umquhile father and thairthrow as air to thame is haldin to restoir the said Alexander Innes of crummy Assignay foirsaid to the possessioun of the saidis landis and mylne and to refund and pay to him the proffeitis abone writtin . . . The Lordis ffindis and declaris that the said umquhile Alexander Innes of that Ilk gudesire did wrang in the violent outputting of the saidis relict air and bairnis and in spoliatioun of thame and siclyke the said umquhile William his Sone And als decernis the said umquhile Alexander Innes of that Ilk aganis whome the said Summondis was first intentit to haif done wrang And thairfoir decernis the said Mariorie Innes and the said Archibald Dewar hir spous To restoir the said Robert Innes now of that Ilk for himself and as procratour foirsaid To the possessioun of the foirsaidis landis and mylne and to refund to the said Robert Innes the proffeitis abone writtin Attour the saidis lordis decernis the said Mariorie Innes and hir husband

to pay to the said Robert Innes the Sowme of fourtie pundis as for expensiss in the said actioun Togidder with the Soume of fyve pundis presentlie payit be him to the saidis Lordis Collectour conforme to thair lait ordinance Extractum de libro actorum per me Alexandrum haye de Eister kennet clericum rotulorum registri ac Concilii S. D. N. Regis sub meis signo et subscriptione manualibus Alexander hay.

Innermarkie's discharge of £4000.

I Robert Innes of Innermarky be the tennour heirof grantis me to haif ressaut fra the rycht honorabill Robert Innes of that Ilk the Sowme of four thowsand markis usuall mone of Scotland as for the first termes payment of the Sowme of Sevin thowsand pundis mone forsaïd awand to me be the said Robert Innes of that Ilk for the caussis conteit in ane Contract and appointment maid betuix the said Robert Innes of that Ilk and me on the ane and uther partis of the dait at elgin the day of the yeir of God M V^e fourscoir sewin yeiris for the quhilkis Sir George Ogilive of Dwnlugus knycht William Sutherland of Duffous William Sinclair of Dunbetht and Thomas Innes off petnyche wer oblissit and actit souerteis be vertew of the said Contract of the dait forsaïd off the quhilk Soume of four thowsand markis mone foirsaid for the caussis befor rehersit I hald me weill contentit satisfeit and applesit In numerat mone at the making of thir presentis In Witness of the quhilk thing I haif subseryuit thir presentis with my hand at Elgin the xxix day of the yeir of God M V^e four scoir ancht yeiris Befoir thir Witnessis Johne Innes of Leucheris Johne Annand of Murrestoun and Alexander Annand notar publict

Robert Innes off Innermarky

Johne Innes vetnes

Johne Annand of murrestoun witnes present subscripsit

Ita est Alex^r Annand notarius publicus ac testis in
premissis requisitus ad hec manu propria

With reference to the following contract, it should be noted that a charter by John Innes of that ilk, brother and heir of the deceased Alexander Innes of that ilk to his beloved cousin Alexander Innes of Crommy, of the lands of Innes, Aberchirder, &c., dated at Edinburgh, 2 Dec., 1578—witnessed by John Innes of Blackhills—was confirmed by Crown charter, dated at Perth, 10 June, 1580.

Contract betnix Robert Innes of that Ilk and John Innes sumtyme thairof.

At Elgin and Kynnairdie the tuantie ane and tuantie thrie dayes of December respectiue The yeir of God M V° lxxxv yeiris It is contractit betnix Rycht honorabill persones Robert Innes now of that Ilk the sone and air of umquhill Alexander Innes of Cromie on that ane pairt and John Innes sumtyme of that Ilk on the uther pairt in maner eftir followis That is to say the said Johne Innes be the tennor heirof faithfullie bindis him be the faithe and trewth in his bodie To affirme the chartour of alienatioun maid be him to the said Alexander Innes of Cromie and his airis upon all and hail the Lairdschip of Innes and barroneis annexit thairto with thair touris fortalices manis Salmone fischingis wodis partis pendicles and pertinentis thairof conteinit in the said Infeftment lyand within the barronie of Innes and Abercherdour be annexatione and Shireffdomis of Bamff Elgin and forres and all the evidentis contractit betuich the said John Innes and the said umquhill Alexander Innes of Crommie Tuiching the said Lordschip of Innes And the said John sall rennce fra him his airis and assignais all rycht quhilk the said Johne for himselfe and as ayr to umquhill Alexander Innes sum tyme of that Ilk his umquhill brother and to William Innes sum tyme of that Ilk his umquhill father and to umquhile Alexander Innes sumtyme of that Ilk his gudē sire had hes or may clame to the saidis Landis and Lairdschip of Innes and sall delyuer to the said Robert Innes the Chartoris maid upoun the saidis landis To be keipit to the proffit of the said Robert Innes And the said John Innes for defens of the saidis landis in caice ony pairtis have to persew the said John Innes and Robert Innes for ony deid contractit be ather of thame and principallie the anld evidentis upon the saidis landis maid to the Lairdes of Innes be our Soueran Lord the Kingis Majestie

and his predicesoris The Earles of huntlie anent the landis of the forrest of boyne and milnes thair of and siclike the Bischopes of Murray anent the kirk hill of St Androis kirk toun and kirk land of Essill and toun and landis of Essill And gif neid beis the said John Innes obleissis him to obtuin himself servit as air to the said Alexander Innes of that Ilk his brother or ony utheris his immediat predicesoris Qubilkis being observit the said Johnne Innes obleissis him to mak dispositioun of sic landis as he sall happin to be seait in To the said Robert Innes of that Ilk and his airis and in the mein tyme the said John obleissis him selfe that he sall nather sell or put away the saidis landis or ony pairt therof by the said Robert and quhill he be maid sure therof And the said Robert sall pay to the said Johnne the Soume of alevin chalders sufficient vietuall yeirlie in the plaice of Innes And the said Robert bindis him his airis executoris and assignais to leave the saidis manis fre to the said Johnne during his lyftyme And gif it sall happin that the said John be ony occasioun sall happin to tyne his lyfrent of the saidis landis tour fortalice maines and barronie of Innes Than the said Robert Innes bindis him faithfullie to sustein the said Johnne in hous with him honorable according to his rank . baith pairties obleisis to keip the premises Befoir thir witnessis Johnne Kynnaird of Saterbill Olyfer Sinclair Brother German to William Sinclair of Dumbeith John Innes of liuchars patrick hebrun Sone to umquhile Mr William hebrun Dean of Caithness and Williame gibsone burges of Elgin notar publict.

Robert Innes of that Ilk	Johnne Innes of that Ilk
John Kynnaird Witnes	patrick Hebrune, Witnes
Olyfer Siucler Witnes	Wm Innes Witnes
William Gibsone notter publict	Witness present in the premises

Acquittance be Innermarky to the Laird Innes for the sowme of 5000 merkis according to ther condiscendence in anno 1587.

I Robert Innes of Innermarky be the tennour heirof grantis me to haue ressaüt fra the handis of anc rycht honorabill man robert Innes of that Ilk the Sowme of fyve thowsand and fyve hundreth markis usuall money of this realme And that in compleit payment of the Soume of Sewin

thousand pundis money of this realm quhilk the said robert Innes of that ilk and rycht honorabill men Sir george Ogilyve of Dunlougus knycht Williame Sutherland of Duffus William Sinclair of Dunbeth and certaine utheris Cautioneris wer bound to pay to me at certane termes contenit in aue Contract and appoyntment maid betuix the said robert Innes of that ilk on the ane part and me the said Robert Innes of Innermarkye on the uther parte as the said Contract of the daitt at the Cathedrall Kirk of Murray the last day of November the yeir of God M V^e fourscoir and Sewin yeiris and registrat in the Commissaris buikis of Murray the said last day of Nouember in the yeir foirsaid in the self beris In vitnes of the quhilk thing I haf subscrywit this my acquittance and discharge with my hand at Innes the vii day of Octobir the yeir of God M V^e four scoir ten yeiris Befoir thir Witnessis William Sinclair of Dunbetut Johne Innes of lewcheris Johne Annand of Murrestoun and Alexander Annand Notar publict

Robert Innes off Innermarky, with my hand
Johne Innes Witnes

Ita est Alex^r Annand Notarius publicus ac testis in premissis requisitus

Contract betuix the Maister of Elphinstoun and Robert Innes of that ilk

At hunte and Innes the xviii day off Nouember the yeir of God aue thousand fyve hundretht four Scoir twelf yeiris It is contractit betuix honorable men to witt Alexander Maister of Elphinstoun on that ane pairtt and Robert Innes of that ilk with express consent of Elizabeth Elphinstoune his spons on that uther pairtt in maner efter following That is to say fforsamekill as the said Alexander Maister of Elphinstoune at the ernist requiest of the saidis Robert Innes of that ilk and his said Spous hes purchest to thame for the caus under specefeit all and hail the Soume of twa thousand merkes monee usuall of this realme and that at the handis of . . . burges of Edinburcht to quhome the said Alexander Maister of Elphinstoune hes gewin Infetment of certane his landis lyand within the lordschip of elphinstoune in securitie for the said Sowme upone the payment of twelf merkis monee foirsaid for ilk hundretht merkis of the said twa thousand merkis and hes suspedit him self fra the Redemptioun of the

The family feud was now apparently ended. Even the widow's vengeance was appeased. "Ele Forbes," the widow of the murdered Laird Alexander of Innes, had a Crown gift of the escheit of all goods and geir moveable and immoveable that pertained to Robert Innes of Innermarkie elder, John Innes of that ilk (the weak Laird), Robert Innes of Innermarkie younger, Robert Innes of Coittis (I do not know who he was), who were culpable of the slaughter of the said umquhile Alexander Innes, which gift she was trying to enforce in the year following the murder.¹ But that was poor revenge. A little later, "Ele" was one of the contracting parties at the midnight meeting at the auld barne of Innes where young Innermarkie swore to betray his father's life; and when that oath was fulfilled (in September, 1584) and the old murderer tracked to his den, and his hoar head cut off, it was Ele Forbes who carried the head to Edinburgh, and "cast it at the King's feet." But the hostile clansmen are now apparently reconciled. In a controversy between the Earls of Caithness and Sutherland, among the friendly arbiters named by the Earl of Caithness are Robert Innes of that ilk, Robert Innes of Innermarkie, Alexander Innes of Coikstoun, Johne Innes of Leucharis, (all subscribing), 10 July, 1590.² But the parricide was soon to be mixed in bloodier disputes. On 7 February, 1591, when Huntly rode to take private vengeance under cover of law, burned the house of Donybrissil, and murdered the Earl—"the bonny Earl of Moray"—Innermarkie was his willing assistant, knowing that Dunbar the Sheriff of Moray, his hereditary foe, was in the doomed house; and the Sheriff fell in a gallant attempt to save the Earl. After that exploit, which must have recalled the scenes of his youth, Innermarkie sought safety among his own people and the Gordons in the North. But private vengeance was not so easily baffled as the laws of the land. Four years after, when he had reason to think Huntly and his crime forgiven, he set out on a journey to Edinburgh, riding in company with some of the chief Mackintoshes. The travellers were dogged from stage to stage by Crichton of Cluny and Lord St. Colm (the murdered Earl of Moray's brother), and on reaching Edinburgh, they were at once apprehended (18 July, 1595) as art and part of the murder; and on the following day Innermarkie and a servant were condemned and immediately executed in the common market place. Huntly, the instigator and director of the assassination went free.³

¹ June, 1581 Register of Acts and Deeds, vol. 85, f. 208.

² Register of Deeds, vol. 36, fol. 24, General Register House, Edinburgh.

³ "Hist. of K. James VI." Birrell's Diary.

The Editor of Birrell's Diary, mis-reading "Innes of Endermarkie," "*Junes* of Endermarkie" has misled subsequent compilers, who have narrated the execution of "James Innes of Innermarkie," instead of Robert.

Johne Innes of Lucheris bak band to the Lard off Innes.

Be it kend till all men be thir presens me Jhone Innes off lewcharis and Mariorie Strathachine my Spous that for sameckill as the Rycht honorabill Robert Innes of that Ilk hes sauld to ws our airis or assignayis quhatsumeuer all and hail his toune and landis off Lewcharis lyand within the barrony off urquhart and scherefdowne off Elgin and forress to be haldin off the said robert and his airis in frie blenche ffor payment off ane penny giff it be requerit and releiffing of him and his foirsaidis be payment maiking to the pryor and Couent of plwskardine off the fewe maillis and dewattis contenit in his ewident quhilk he haldis off thame as superioris of the saidis landis with dywers uthairis condessionis and proressionis conteinit in the Chartor off alienatioun maid be the said Robert to the said Johne and Mariory of thair awin deittis at mair lenth proportis vnder reuertion grantit be the said Johne and Mariory to the said Robert Innes off that Ilk and his foirsaidis conteng the sowme off twentie ffyve hondrethe merkis monaye off this realme to be redeimit fra thame be the said Robert And that in respect it is speciallie prowdyt in the said reuertion that it sall nocht be lesume to the said robart nor his foirsaidis to redeime the saidis towne and landis off Lewcheris Induring the lyftymis off the said Johne and Mariory Nochtwithstanding I the said Johne and Mariory be thir presens grantis ws to haiff sauld ane annuell rent to be peyit yeirly out of the saidis toune and land of Lewcharis to ane nobill Lady Dame Elspett forbes lady Sinclair and failyeand of hir be dissess and one disponit in hir lyftyme to barbra Sinclair hir lauchfull dochter to be redemit be the said Johne and Mariory and thair foirsaidis be payment maiking to the said nobill Ladye and hir foirsaidis off the Sowme of ffour hondrithe and fourte poundis The quhilk Soume the said Robert Innes off that Ilk as Superiour of the saidis landis hes boundine hime his airis and assignais that he sud nocht redeme nor out queitt the saidis landis fra the airis or assignais of the said Johne and Mariory till first the said ffour hundrith and fortie poundis witht all bygaue profeitis be payit In witnes of the quhilk I the said Johne and Mariory hes subscriwit thir presentis witht our handis at Lewcharis the twentie twa day of September befor thir Witnes Alexander and Williame Innes Serwandis to

the said Robert Innes of that ilk the yeir of God ane thowsant fywe hondrithe four scoir thratteine yeiris

Johne Innes w^t my hand

Meriory Strathauchin w^t my hand

William Innes Witness witht my hand

Alexander Innes witues w^t my hand

The following is a good specimen of a once frequent deed in old charter chests. Both the parties are of kin to our Inneses. The original is in the charter-room at Duff-house.

Letters of Slaynes Barclays of Tolly.

Be it kend till all men be thir present lettres me Patrick Barclay of tollie eldest lauchfull sone to vmquhile Walter Barclay of tollie my father dame Elizabeth hay relict of the said vmquhile Walter Mr Williame George and Robert Barclayis sones to the said vmquhile Walter Williame Barclay at the myln of and . . . Johne Barclay bretheren to the said vmquhile Walter Mariorie and liliis Barclayis dochters lauchful to the said vmquhile Walter Barclay of tollie Thomas Menzies aperand of durne Johnn Keyth of raviniscraig Wm Windus of yat ilk geidion Keyth portioner of Durne as narrest of kyn and maist speciall freyndis of the said vmquhile Walter Barclay baithe of fathers syd and motheris syd for our selfis and the said patrick barclay now of tollie eldest sone forsaid of the said vmquhile Walter taking the burding on me for the remanet hail kin freindis allya assisteres and partakeris men kynd and vomen kynd baithe fathers syd and mothers syd of the said vmquhile Walter and all that the said patrick barclay may stope or lat To have remittit and forgevin and be the tennour heiroff frelie Remittis and forgevis to maister Williame Meldrum of Moncoffer James achannachie his servitour and Williame caldair his seruitor all rancor of hart deadlie feid Inemitie hatred and malice quhilk we or ony of us haid hes or may have or conceave aganis thame or ony of thame in tyme cuming thair kyn freynds servandis assistares and partakariss for the Crewall slauchter of the said vmquhile Walter barclay committit be the saidis personis and throche occasione thairof,

with all actionne clame and questionne criminall and ciuill competent to ws aganes thame thairthorow as lykeways we be the tennour heir- of Remittis and forgevis all rancor of hart and malice Togidder with all actionne ciuill or criminall quhilk we or ony of ws hes haid or may haue aganis the said Maister William Meldrum of Moncoffer Androw Meldrum of Achorteis and Alexander Innes hrothir to Jhone Innes of Lewcharis and quhatsomever thair kyn freyndis assistares and partakeris for the draving and effusione of myne the said Patrick barclay of tollie's bluid vounding and hurting of my face within the brughe of Edinbrughe in the moneth of Juin in the yeir of god ane thowsand fyve hundreth four scoir and nyne yeirs, and sall receaue lyk as be the tennour heirof receaues thame and ilk ane of them In our fauoris hartlie luif and kyndnes and sall keip and obserue the same to thame in all tymes cuming as forgetfull of the said slaughter vounding and hurting foirsaid Sua that we our aires bairnes nor successoures nor none vtheris in our names vpone our behalfis of our conjung command assistance nor ratihabitoum sall haue nor Imput ony actionne clame crymes nor alledgancis agains the saidis persones thair kin freynds nor servands, nor yet sall follow nor persew thame nor ony of thame nor thair foirsaidis for the said slauchter vounding or hurting foirsaid Bot sall accept thame and ilk ane of thame in our hartlie luif fauor and kyndnes siclyk als tenderlie and freyndlie as gif the same haid nevir bein committit nor done without grudge nor dissimulation in our hartes or thoughts and heirto we bind and obleiss ws under the panis of periurie and infamie in ane Christiane maner and vnder all hiest panes quhilk we may incurre baithe of the law of God and mane, and that be resoune of ane sufficient assythment maid in landis conforme to the tenour of ane contract and appoyntment maid betuix me the said Patrick barclay taking the burding on me for the saids Elizabethe hay Ladie tollie my mothir maister Williame George and robert barclayis the remanent lauchfull sones of the said vmquhile Walter Mariorie and liliis barclayis his lauchful dochteris oneforisfamiliat and for the Remanent bairnes of the said vmquhile Walter his kyn freyndis and allya one the ane part and George Meldrum of fyvie for himself his awin richt and entrest and the said maister Williame Meldrum of Moncoffer for himself his richt and entrest and ilk ane of thame the saidis george and Mr Williame withe consent of vtheris as also with consent of certaue vtheris persones mentionat thairin as the tennor of

the said contract of the dait at tollie frendraucht and Straithbogy respectiue the Twentie fourt day of Julij the yeir of God ane thowsand fyve hundreth four scoir and tuelf yeiris at mar lenthe proportis In faith and vittnessing of the quhilkis to thir present lettris of slanes subseryuit with our hands our seallis ar appendit at tollie collan and Aberdeen respectiue the threttein and fyfytene dayis of october respectiue the yeir of God ane thowsand fyve hundreth four scoir and tuelff yeirs Befor thir witnesses respectiue robert Irving in Aucharnne gilbert aquhache seruitor to the lady of tollie elder John urquhart of . . . tutor of cromarty James Grant of Tillibo patrick copland of Idoche Alexander hay of Delgaty James crichtoun apperand of frendracht William Crag of cragfintry Alexander Meldrum apperand of fyvie.

Alexander hay of Dalgatty vituess	Patrick barclay of tollie
James Crychtoun apperand of frendrath witness	Elizabeth hay Marioric Barclay with my hand
William Craig of Craigfyntny witness	William Winus of that ilk Lilias barclay
Alexander Meldrum apperand of Fywie	Robert barclay Williame barclay off . . . mill George Barclay with my hand

I propose to imitate our historian in passing quickly over the latter generations of the family. The contents of the family charter-chest are no longer required to prove their pedigree; and, after the period at which we have arrived, there is little of antique or curious in the conveyancing of Scotch charter-chests. One document, which I should have liked to print—the tailzie of 1597, described by Forbes at p. 27—is not now in the charter-chest.

Robert Innes, the 23d Laird of Forbes's numeration—the son of the murdered laird Alexander, who so narrowly escaped his father's fate, lived to avenge him. By his marriage with Elizabeth Elphinston, the Treasurer's sister (not his

daughter) he obtained powerful backing at Court, and he knew how to use it. Perhaps his southern marriage had some effect upon the fierce manners of his country. After the bloody end of old Innermarkie, we meet with no more violence and bloodshed, on the Chief's part. The Laird, with his brother-in-law's aid, set himself to repair the fortunes of his house peacefully, and left his son in flourishing condition. A few documents mark his history;—

In 1581 (5 Dec.) the year following his father's murder, being still a minor, he granted a charter of Carserig to his kinsman John Innes of Leuchars and Marjory Strathachan his spouse, with consent of his curators, George Ogilvie of Dunlugas, Alexander Drummond of Medhope, Mr. John Dunbar of Meftis, and William Gordon of Dumbrack. In 1587 (30 June) the young Laird had a crown charter erecting his town of Garmach into a Burgh of Barony.¹ In 1597, he granted a charter in favour of his son and apparent heir, Robert:—and died soon after. The monument erected by their son at Elgin—*in piam gratamque memoriam charissimorum parentum*—records the decease of Robert Innes of that ilk on 25 September, 1596, and of Elizabeth Elphinstone his wife, 26 February, 1613.²

The son who erected that monument was Robert, the 24th Laird of Forbes's list—"a man of extraordinary vertue and reputation." He was infeft in the family estates on 12 October 1605: married Grizel Stuart, daughter of the "bonny Earl" of Moray, and grand-daughter to the Good Regent; was created a Baronet of Nova Scotia by patent dated 29 May 1625: and may have died about 1657. Sir Robert was a stout Covenanter, a leading man in the North, and of course, figures prominently in the chronicle of Spalding. We first find him holding courts for "justifying" the Clan Chattan in 1624. Then in 1639, the Laird Innes, the Sheriff of Moray, the Lairds of Pluscardin, Tarbet, Brodie, and others, about twelve score well horsed gentlemen out of Moray, were with the Covenanters on the occasion of the unmeaning "Trot of Turreff," (14 Feb.) and on the 9th April, the Earl of Seaforth, the Master of Lovat, the Laird Innes, the Provost of Elgin and diverse other barons came out of Ross and Moray, about 300 well horsed gentlemen, to salute the army at Aberdeen.

In his own country he was not inactive. The Earls of Dunfermline and Moray and the Laird of Innes, the chief proprietors of fishings on Spey, had a Parliamentary Commission with extraordinary powers for protecting the fish and enforcing the laws against the slaughter of black fish, smolts, and salmon fry—their good inclination and disposition to justice being known to Parliament (1641.)

¹ Great Seal Register 36, No. 362.

² Monteith's Epitaphs.

Notwithstanding their "good inclination," it would seem that neither the interest of the salmon nor their zeal for the Sabbath prevented both Dunfermline and Laird Innes from maintaining their right to fish on Sunday after the old manner.¹

This "24th laird" was Commissioner to Parliament for his county in 1639; and one of the committee on the Articles; and on a committee for remedy of disorders and defects in the University of St. Andrews. In August, 1641, he was one of the Barons named "to give information to the King,"—Sir Thomas Hope, with whom he lived in great confidence, being the other. In September, he was one of a Commission to take order anent the complaint of ministers in the North, and one of six members for transaction of most pressing state affairs—the King present. On 30 October, the King nominates him on the Committee "for the last incident," and for examining Montrose.

On 13 Nov. 1641, he was elected by the King and Parliament to be of the Council, *ad vitam aut culpam*. Two days later he was of the committee for plantation of kirks—on committee for regulating the debts and burdens of the Kingdom—on committee for receiving the brotherly assistance from the Parliament of England; and on committee for conserving the articles of the Treaty. In the same busy year, he was one of the Commissioners—along with the Earl of Moray, the Laird of Duffus, M^cKenzie of Pluscardie, Grant of Grant, Rose of Kilravock, and Brodie of Lethen—for the trial and punishment of the broken men, and those committing theft, depredation, her ship, murder, fire, witchcraft, incest, adultery, and other odious crimes and oppressions, within the Shires of Moray and Nairn. Later, he was on the committee for the loan for the Irish army, (1643); on the committee for Northern business, (1644); on the committee of War for his county; on the committee for the North to take order anent the rebellion of Huntly, (1644); on "a grave committee" to act after the dissolution of Parliament (9 June 1648). I suppose he was for "the Engagement," with the more moderate presbyterians, in '49, and it was on that account that he figures in the list of persons to be fined under name of loan (March 1649).

During the most of this Laird Robert's time, the Huntly family were thrust aside from their predominance in the North. George, the second Marquis, always making vain demonstrations of loyalty, always in trouble with the Kirk and the

¹ Acts of Parl., vol. v., p. 255, &c. By the old law of the Church it was permitted to fish for herrings on Sunday, on account of their short visit. By a bull of Pope Nicolas V., (1451) the Clergy of Aberdeen had licence to prosecute the salmon fishing on Sundays

and festivals during the five months in which those fish chiefly frequented the rivers—on condition that the first fish caught on each Sunday and feast-day should be paid to the fabric of the parish church.—*Registr. Aberdon. Pref.*, p. xxxix.

Parliament, finished his life on the scaffold (March 16, 1649). Ten years earlier, Principal Baillie, who may be supposed hardly well acquainted with the country and the power of the "Cock of the North," writes of him—"The man is of a good discourse, but neither trusted by King nor country. His power also is contemptible in this cause. Many of his name hes subscribed [the Covenant.] Himself and sundry of them are overburdened with debt. Forbeses, Frasers, Grants, M'Kenzies, M'Cayes, Mackintoshes, M'Laines, M'Donalds, Irvines, Innices—let be all the Campbells to a man,—are zealous subserivers; and a fifth part of them were able to make a disjune of all the Gordouns when at their best; albeit now the most of the Gordons depends on Sutherland, as all in the south on Kenmure."¹ The forfeiture of the Gordons, and a gift of their escheat to Argyll, gave a short reign in the North to the first Marquis of Argyll, destined to the same death as his rival Huntly. He had an uneasy throne there, though in matters of presbytery and the Covenant, the Northern barons nearly agreed with "Gillespie Grumach." The young laird of Innes and some members of the family of Leuchars, were his counsellors and assistants in administering the great Northern Earldom; and the officer he chose as his second, when he forgot his principles so far as to meet the Earl of Crawford for a duel (at Stonyhill, 21 March, 1648) was a brother of Leuchars.

In the midst of the troubles in those times,—the Huntly rising, the tempest of Montrose—while the land was a prey to gangs of Covenanters and armies of Royalists—through some years of the civil war, the Laird of Innes found time to build his Place of Innes, after a plan of the best master of the day—the same architect who has handed down to our time the peculiar and characteristic pile of Heriot's Hospital. The account of the expense is in our charter-chest, and I add a few extracts.

Compt of the expensis bestowed upon the building of my houss. 4 of September 1640

Lymeris and Quariorous Compt

Item for quarrell mell twa gavelokis, hameris, pekis,
wedgis, 34 6 8

Item to the quarior Alexander Ross for his sell frome
the first of Jan. 1639, to the first of Jan. 1640 . sex bollis twa
firlotts

¹ Baillie's letters, vol. I., p. 82.

Item for his fie that year	26	13	4
Item to the Lymer for making twantie Scoir bollis Lyme heir at Innes at twa Shillingis the boll is .	40	0	0
Item for his bountey at twa pekis for the scoir	ten	firlott	mcall
Item givin the quarior for winning twa hundreth Long Stanis and ane hundreth and halff of Short Stanis at the Cawesca	28	0	0
		and ten	firlott victuall
Item to Johne King in plewlandis for careing the said Stanis be sea, to Speyslaw	120	0	0
Item caried from Strylay of Lyme upon my awin and freindis horss Twell scoir twa bollis ; and payed for the pryce thairof	50	16	0
Item for twa hameris and twa crawis maid be the Comissar Smyth in elgin weyand sex quarteris yron	5	0	0
Item givin the reed Smyth when he come heir for twa crookis to the gatte weyand twa staine of yron and for making and all	8	0	0
Item givin him self of drink silwer	2	14	0
Item to remember to putt in heir the compt of sparris, dealls, and all wther tymber ; with the naills, and for sharpening the measonis yrons—			
The Compt of the yron maid in crookis and windowis, that come frome Leith extending to auchten stainis and sex poundis and so restis of the yron being ane hundreth stain and two stainis ; four scoir thrie stanis and ten pound ; this 19 of Junii 1641.			
Item givin the Smythis for working four windowis and the crookis	9	0	0
Item for aucht scoir deallis out of Abernethie	48	0	0

Item for sixteen sparris out of Elgin	6	0	0
Item for three dussoun of boords out of Elgin	7	0	0
Item to Wm. Aitoun for Brasen Stylls and drauchtis	20	0	0
Item for ten quarteris of leid at fourtie sex s. aucht d. the stane	5	16	8
Item giwin for my yron windowis whairoff thair wes threttie pound compted alreadie	600		merks
Item thair is wrocht of my yron this day (17 Junii 1642) threttein gaddis quilk extendis to halff of the nummer of the gaddis being twantie sex off all			

Measonnis Compt. 4 September 1640.

Item giwin to William Aitoun Maister Maisoun at Heriott his work for drawing the forme of the house in paper	26	13	4
Item first giwin be thomas Makenzie to William Ross Maister Measoun	24	and twa	bollis meall
Wm Ross Mr Measoun entred to work, the sext of May 1640 and sould hawe two bolls wictuall monethlie and twelff pound; he wes absent at Witsunday, 1640	137	10	0
wictuall Compted at five pound			
hew milne entred to work on the Sewintent day of May his wholl waxis being Compted sen his entrie wntill he left the work and returned to his awin house whilk wes the penult of No- vember extends to	52	0	0

	Item giwin to Alexander Stewart wricht for going twyss to the wood of glen moristoun	12	0	0
19 Octob. 1643.	Summa off all expensis since my last Compt maid the threttie of Julii 1642 is ane thousand Threiscoir fyftein poundis fourtein shillingis aucht pence, is I say	1075	14	8
9 of Septembre 1643.	frome Novembre 1642 to this Novembre cuning 1643 Compt of debursements wpon my workmen Item for yron wark wrocht at Leith for my windess being betuix aucht and nyne stain wecht at thrie pound the stain is	26	0	0
	Item for my towis to it being nyne Stain wecht at thrie pound the Stain is	27	0	0
	Item for the working off it be thome brander and gilbert geddess	9	6	8
	Item for Sex Scoir bollis Lyme brocht frome Leith . .	180	0	0
	Item for bringing my timber from Inuerness to Wm Munro	60	0	0
	Item for Squaring and playning my gestis to gilbert geddess and imlay in Elgin	5	13	4
	Summa of wictuall five scoir alevin bollis twa pekis, at Sevin pound Sex s. 8d. the boll is	813	6	8
	Summa of this year's Expensis in building from November 1642 to November 1643	1646	13	0
	With 1075 pound 14 s. 8d from the first of August 1642 to the first of November 1642 And with the thric thowsand twa hundreth twa poundis that was spendeit from the founding the works wntel the forsaid first day of Agust 1642 is off all five thowsand nyne hundreth twantie four pound nyne s. is I say	5924	9	8

This Compt maid this Nynteint of Octobre 1643 all this is by my Smyth his compt and not compting the expensis of my cart horsis and their winter meatt and the pryces of the Carts that thay work with and by the Leed and Crookis for the doris

Item the wictuall extendit to thrie scoir bollis at ten merkis the boll is four hundreth ponndis . Summa alevin hundreth and fourtie poundis, And with the formar Compt maid in October 1643 is Sevin thowsand three scoir pound and this 7064 by and attour my Cartis the expensis of my work horsis yron to be Crookis and Leid ; and my smyth his Compts. Item to the wrightis twa bollis ane pek meall and for thair Squaring the gestis and Sawin 10 5 0

Item my smyth his Compt yron Leid Cart horsis and wther thingis being Compted is twa hundreth merkis

13 Julij 1647. Summa of the hail is 7200 0 0

October 1648. Summa of the wholl expensis from the founding of the houss nyne thowsand and five hundreth pound is 9500 0 0

15 of March 1650. Compt of the hewing from Novemb. 1648 to March 1649 and of all the measoun work that year wntill the end of October 1649

Item to Wm Ross Maister Meason for thrie monthis and some od dayis with his two Servantis threttein bollis two firlottis two pekis at twelf pound the boll is	160	0	0
Swa wagis for the said thrie moneth is thrie Scoir eighteen pound thrie s. 4d.	78	3	4
.			
Item payit for my roof to the hous and elevin hundreth deallis	1116	13	4
Item for the fraucht of thame	200	0	0
Item for binding the roof and flooring the hous Sex bollis victuall is	72	0	0
Item giwin of mony	133	6	8
Item for naillis Sex thowand is	40	0	0
Summa two thousand and thrie hundreth two pound is	2302	0	0
Item for Crookis to dorris and for Leed and betting the battelmentis	31	0	0
Summa	2333	0	0
And with the former is alevin thowsaud eght hundreth threttie thrie pound is	11833	0	0
It is to be remembred that I have never compted the service of my tenantis in leding Lyme, Stone, tymber, Sand and manie wther thingis, which wold have cost a good deal of mony if I had payed for theme			
Item for the pryce of twantie two thowsand Skleatts bocht from Caitnes	666	13	4
Item for theaking my hous	400	0	0
Item my wright and plaisterer being manie tymis four workmen did begin to work at Witsonday 1650; and wrocht to Mertimes 1651 being a ne year and half and ar no less in victuall and mony nor	1166	13	4

Item for Knappell and wther schip tymber that I bocht for my windowis	333	6	8
Item for bandis to windowis and dorris and plaitt lockis	300	0	0
Item for hair lyme tackettis and lath for plasterour	100	0	0
Item for hewing and winning two hundreth cunzies and rebettis for my office housis	60	0	0
Item for glass to Jhone Innes and glasbands for so much of the housis that is glassed	333	6	8
Item for yron	60	0	0
Summa	3333	6	8
and with the former Summa is fyfteen thowsand ane hundreth thrie Scoir Sex pound this 17th of Apryll 1652	15166	0	0
Item Androw Duncan wright to Mertimes 1652 and in boll and fic ues	100	0	0
Summa	15266	0	0
Is fyfteen thowsand Two hundreth thrie Scoir Sex pound This 13th of Junii 1653			

Such is the last entry. The builder of the house did not live long to enjoy it. Our family historian who married the grand-daughter of "old Sir Robert"—"the old Laird of Innes" of the troubles—characterises him as "a man of extraordinary vertew and reputation." Lord Brodie, his son-in-law, speaks of him with greater affection. In the little summary prefixed to his diary, the Laird of Brodie notes—"the well-beloved Laird of Innes, my dear father-in-law, did take his cancer in the month of January, 1656;"—and on the 17th November, 1658, "the old Laird of Innes my father died; and let his memory and name be had in sweet and everlasting remembrance!"¹ Brodie tells us elsewhere of him, he "was so happy that we had never more peace than in his time, and good understanding among all the families in our county more than had been for many ages before."²

¹ I had not observed this date when I conjectured the death of the old Laird to have happened in 1657. *Supra s. 161.*

² Diary, p. 284.

It is safer to judge him from the character given him by the other faction. James Gordon of Rothiemay calls the old knight a wise and gallant gentleman,¹ and Patrick Gordon of Ruthven says he was esteemed as an oracle through all that country.² The parson of Nairn, who wrote his history of the House of Kilravock in his son's time, rises to enthusiasm in speaking of Sir Robert and his family—"In our own times, there lived Sir Robert Innes of that ilk father to the present laird of Innes, and Sir Robert Innes of Muirtoun, who, for prudence and courage, might have been counsellors to, or commanders under, any Prince. There was also Sir John Innes of Sandside, a very stout and gallant person, who had much of the favour of his present majesty."³

Sir Robert, his son—the "young Innes" of Spalding—fell upon worse times even than those of his father for people of their persuasion. He succeeded, by the death of his father, in the year that Cromwell died. The Protector was no favourer of the Covenant, but he was too strong to need the support of persecution, which came in soon after the Restoration of Charles II., and arrived at its height, and produced its remedy, under James II. The Covenanters owe the sympathy they have received mainly to the persecution they endured. What showed as spiritual pride and intolerance in more prosperous circumstances, became enobled as religious zeal and brave endurance in adversity; and resistance to a cruel government obtained sympathy from loyal and peaceful subjects.

"*Robertus Innes de eodem, junior*,"—had matriculated at Kings' College, Aberdeen, in 1635, and very soon after, the "young laird Innes" is found as a forward man of the Covenanting party of which his father was a leader. He is noted by Spalding to have accompanied an irreverent minister, Mr. Gilbert Ross and the "Laird Brodie," in 1640, in destroying, *but* authority, the rood-screen, illumined with the crucifixion, painted in excellent colours amid stars of bright gold, that still withstood the weather in the roofless Cathedral of Elgin. The desecration was not unattended by marks of divine displeasure, for why should the Puritans have such supernatural signs all on their side! Two years later, by the influence of his father-in-law, the Earl of Moray, and a transaction with Leuchars, the hereditary constable, the young laird of Innes obtained possession and set up his residence at the old Episcopal Palace of Spynie, when Bishop Guthrie retreated before the storm, and was fortunate enough to find shelter in his paternal home in Angus. Neither did that meddling with the property of the Church pass unpunished. Spalding records that his own stately house of Milninn was burnt the same night he took possession of Spynie!

¹ History of Scots Affairs, p. 263. ² Britane's Distemper, p. 110. ³ Family of Kilravock, p. 97.

Sir Robert Innes younger was with Hurry at the rout of Alderne in 1646, and himself "wan safe away," though the lands and houses of his family were diligently destroyed by Montrose, who indeed left the track of his vengeance in fire from the banks of the Nairn to Spey.

We have characters of this Laird drawn by friends and enemies.* Spalding, disliking his principles in Church and State, represents him as a gallant soldier notwithstanding. The Laird of Brodie, who did not love him so well as his father, leaves the impression that he was a man of ability, very resolute, and rather determined to have his own way.

"Young Innes" seems to have managed the estate and county business for his "cousin," the Marquis of Argyll, during his tenure of the Huntly earldom. Some of the correspondence of that time is useful for Moray history. The two drafts are in the young Laird's own hand. His style of writing, especially to his Lady correspondent, is somewhat cumbrous and Oliverian. Perhaps the letter was in better grammar than the "copie."

Copie of my Lord Marques off Argyell letter.

My werrie honnorahill Lord

Haueing receaved noe returne to (at least) thrie or ffour leteris which I haue wrytein to your lordship since Patrick Innes north comeing geives me occasione to think that they haue miscaried, for prevention of which I have sent this berrar by whome your lordship may haue the better and shourer Conveniencie of leteing me knowe your plesour in these particularis I deid mentione in my formers leteris, lykwayis that I may haue your lordships adwyse in some particullaris which presentlie doeth offer. My Lord the ordinarie tyme at which the rentis of this countrey wsed to be payed (whill the bollis in kynd ar not exacted) is mertemes, I find a generall unwillingness amongis the wholl gentillmen to pay any thing, wpone pretentione of ther danger by thois bandis I wryt to your Lordship formerlie of, nor dow I expect any satisfacione without compulsitouris, both which dependis wpone your lordship. On is befor any legall course cane be taken with them, I most haue your lordships seaseing to instruct your titill before the Sherreffes . This your lordship will be plesed to send by the berrar. I should lykwayis humble offer if you think it ffoot that you wald be plesed to wryt a lyne to

Doctour Douglas howe is Shereff of bamfe and ane other to Mr Johne hay who is in the same office in our Shyre of Moray, that they waild dispatche and in so farr as shall be mad apeir to be just owein and forder your lordships bonsines befor ther Judicatores. A secound that will be absolutlie necessarie that your lordship will returne this berrare by Edinbrough and that you waild wryt to any serwant ther to purchasse ane order ffrome the Comander in chieffe To Capitaine Androwes quho now commandis in the boge, or in caice of his remowall to any that shal come in his place to asist me with ane partie in caice neid beis for the colectione of the rent. I shal be werrie on willeing to mak any great wse of this warand quhen it is purchased, if it be not wpoun extrein necessitie, nor would I intertein your lordship so much with this subiect if ther war not tow just a ground. I shal insist no moir wpoune it at this distance, onlie desyres yore Lordship to be spareing in confirmeatione or Coroberatione of any off ther rightis or ffewes till you see how thay carrie, ffor I conceive the best way to persuaid some of them to the discharge of ther dewitie wil be to haue some awe band ower ther hedis. If your lordship keip up your handis ther may be enugh of this, ffor I have extracted the clause irretant of most of ther few charteris. If your lordships sone lord neill be ineffeit in thir landis and that it be his seasing which you send north, it wil be nessesarie that your Lordship cause transcrive my factorie and that he subscribe it and send it north, or that he subscriue a procuratorie to me to pershewe for thos particularris beffor the Shereff. This which most be the ground for me to pershewe on I rather inelyne to the first of thes but lewes it to your lordships owein plesour. I lykwayis humble intreat your lordship to mynd the followeing of some course for the redrese of your walowatione and extraordinarie sesse in this countrey; that I may haue some directione in the cleireing of the restis of the crope 1650, of both which I ded humble offer my owein opinione to your lordship by my formers; quherein I did lykwayis creive a particullar warrand ffrome your lordship ffor payeing the gardner deir keiper (who whill the soulderis are heir is ane necessarie serwant) customer biger of the park dykis and wtheris nessesarie serwantis ther bollis.

Whill Collonell Morgane was last heir he thocht it nessesarie to place ane squadron of horse with the foot which were to stay at this place. This stratnes the accomodatione of the house so that I have no rowines

alowed me ather to wait wpne your lordship if you should come or for my self quhen bousines calles me heir. Your lordship may purchase ane order frome the Comander in Cheiff to allow ws the dyneing rowme and the rounes of that flour ffor your wse. I shal trubill your Lordship no ffordor at this tyme then to intreat ffor ane particullar ansuer to thes particularis and with all to professe my willingnes to extend any thing that is within my possibilitie to dow your lordship service, as being

My Lord,

Your lordships most affectionat Cousin and humbill Serwant

Bogegeich 29 September 1654.

Copic of my ladie Marques off Argyell's leter.

Madame

Tho in thes distractiones and miseries wher wnder this pour land bath thes yeirs bein exerceissed I haue not had the good ffortoune of persounalie to doe my lord or your ladyship that service I both owed and emed at, yit I shall expeck and pled for that faorable constructione att your ladieship may not imepeout it to ather unwillingness or fforgetfulness of thes eyes and obligationes which I am sensibell off to ly wpone me to doe my lord and your ladieship all the posibell service In my pouer. Madame I haue Imbressed this opertounatie in the wundertakeing any charge of my lordis affairs in thes places, not that I conclud my self ffitter for the dischaargeing of them then any he could haue pitsched one, onlie that I may witnes my realitie and willingnes to exteud my self In any thing within my pouer when ocatione shall ffordor offer to doe him service. I dow by tymes wryt to my lord of such particullaris of his affaires as offers, which ather through the miscaireing of the leters or the presouris of my lordis wther weightier purposses I dow not Recaue so direct and full ansers as war nessesarie, I durst humblie Intreat that your ladieship waild mynd my lord of this or in caice of his nessesitat dewertisementis you

would be pleased to supply it, I should take it as a favour. I shall forbear to trouble your ladyship any more then by subscribing my selfe madame

Your ladyship's humble Servt.

boged the 29th of October 1654

The old laird writes more strictly to the point, and in a fine scholarly hand :

For my verie honorabil Lord the Marques of Argyll.

My verie honorabil Lord,

I have returned with the Lord Brodie that wreat which was drawn betwix your Lordship and my sone at Sterling, and has sent wther wreattis relating to that bussines of the same tenor and meaning. I have taken such laudis as are nearest to myne upon the uthir syde of Spey, and for the rental I shall be obliged that it shall not exceed the fourteen chalders victuall and foure hundred pounds. If your Lordship shall be pleased to subscribe the contract and the charter it will put me in some securitie and will not be prejudicatt to your Lordship, and I will ever continue

Your L. most humble servant,

The 3 of October,
1654.

Robert Innes.

[From the Marquis of Argyll.]

For the Lairde of Innes younger.

Loving Cousin

I profes I know littl what to say at this distance but in generall to remit to your self to doe in my affairs what you see best, for I trust you better nor my own judgment at this distance, and for your better exoneration let my Lord Brodie, peter Innes, Achintoull (I mean the gentleman was in Striveling) and Park or any of them whom you can haue, give you thair opinion lykways, or any other understanding men in my lord

huntlie's estate, but I say not this to limit you. I think you wold do weall to propos to the gentlmen of Banfshyre that my rents may be put in sum equalitie of valuation with others for I had rather they did any thing by consent then otherwayis for if I be forced to meen my self in it to the Judges it will doubtles discover thair cas mor nor I desyr to doe, for it is Justice to my self I creave not thair hurt. The dealing of a unnaturall sonne does so tronbl me in thcis pairts that I cannot doe in any thing of my affairs as I wold, but in due tyme I houpe god will look to it in his righteous judgment wpon whom I rest and remainis

Your affectionat Cusin

to serve you,

Argyll.

Inch Conell 13 Sber 1654

[From the Marquis of Argyll.]

For the Laird of Innes younger, thes.

Loving Cusin

I receaved your letter in this place by your Servant and just the day befor, I had wreten to you by Nicolas Dunbar whairin I left to you the doing in my affairs thair what you judged best in the particulars, only for your supplie I desyred you to take advyce of my Lord Broddi park peter Innes and Achintowll as I remember his styll the gentlman who was with ous at Striveling, or any of them you can have, or any other thair who knew my lord huntlie's affairs best. This I wret in generall and I am still of the same opinion but for reduceing theis bands given to my Lord hantly I cannot think that my pairt, for it is known my lord huntly thrust himself in my possession of the bag and I think I may creave my rents from my vassels and tennants without production of any Seasin, and they know Inhibition was served against their paying him any thing. I tell you freely thes wrets ar not so near me that I can have them on a suddain, so you must doe in the present tyme what you can, and send to Mr George Norvall and get his advyce what will be necessar in that busines, for he and Sir Thomas Nicolson ar my ordinars, I shall not forget

I houpe to speak to the Commander in chief about sum rowm in the Bog if it can be. I sent you my advyce concerning the rectification of the valuation, that I wold first try what might be donne by the Shyr themselves, for I know if they do it not by consent they will los by my complaint, so in prudence I think themselves will eas me. I remember no other thing but the letters to the Shirifs which I had no tym now to wret but with the lords assistance they shall be sent to you shortly. So leaving all to your own cair in the mean tym I rest

Your Loving Cusin

Argyll

Inch Conell 16 Sbr

[From the same]

For my Lady Marquis of Huntly.

Madam and dear Neece,

I receaved your letter by David Tyrie and heard a proposition which he maks in your Ladieship's name to give you bak your portion and it wold content you for your joyntour I cannot say but your desyr is reasonabl if any possibilitie wer to satisfie your Ladieship, for I say it trewly to your Ladieship it is not in my power to advance monies; for the burdens of that famelic and others ar lyk to bring me in great straits, for in treuth I never yet had my annuall rents payed in any yeer I receaved most, and many yeers I wanted neer altogither, partly in your father in laws default and lykways in your husbands. Yit all that shall never mak me fall short in my dewitie to the famely without my own ruin, but yit theis things disabl me from doing many things which I wold willingly doe if I wer abll. In the mean tym I am informed that your lord took bands payabl to Kokstoun for a great part of the fearms of the Enyie, I beleeve your Ladieship can cleer that it was no reall deed nather could it be done lawfullie Thairfor I intreat your Ladieship to let the Laird of Innes know the reall treuth of that business, that your Ladieship's ingenuitie in any thing may concerne me may appear.

I received a freinch letter from a young Lady your dochter An, and tho I be not capabl to judg hir french yit I must commend your ladieships

cair in hir breeding and hers in learning so weall; and I wisch heartily you both wnderstood better the right way to that inheritance purchased to ous by a rich pryce and given to all freely for whom it is appointed, and this knowlledge alon and non els can and will strenthen our hearts in the mids of other troubls whairof non ar exempted. So remembering my seruice and blissing to hir I rest

Your ladieship's affectionat Wncle

and Servant,

Argyll

Carrick, 2 March 1655

I expected your Ladieship had remoooved long since from Strabogie and I desyr and intreats your Ladieship it may be so

[From the same.]

for my loving cosen the Laird of Innes younger thes

Loving Cusine

Yours 8th febrnare came to my hands, In answer wherto I am content that the ministers be payed of what Stipends they have legall and just right to, and that since my last Intromissione only; and for what precedit my intromissione I can say nothing to that till I know what they got and whoe Intromettit with anything they wantit. Concerning the tryell wherof I gave commissione formerlie to your selfe Achintoll, Laird of perk, Jon Innies. I have writtin a lettir to the ladie huntlie concerning these bands which Cokstoune hes, which I have sent yow with a flying seall that ye may reid close and delyver the same, and ye may shew Cokstone that he knowes I wes not wanting to doe him any kindnes I could and soe will not expect that he will offer to keip up these bands to which he hes no right because the late marques of huntlie had no power to meddle with these rents nor give discharges therof. I desyre ye will deal all ye can with Cokstoune to get these bands from him; and if he deal so strictlie as to keip them in compensatione of what my nephoy George lord Gordonne wes owing him and that ye can do no better I am content ye transact with him for a thowsand merkis at most and lesse if possible

may be In satisfacione of that debt owing him, and take ane assignatione fra him to the band and get the rest of the bandis fra him that remains efter the payment of that thowsand merkis, iff ye can not get it for lesse. I have according to your desyre writtine a lettir to the laird of Echt of whose freindship and favour in any of my concernments I doubt not. As for my commissione to Peter Innes which ye mentione in your lettir, it hes no contingencie at all with any thing relating to the setting and reasing of tennantis which Peter showes me he disclaimed before my Lord Broddie and yourselffe, neither wold I have done any such thing unknowin to you. I have writtin to Mr Jon Campbell Shirreff Clerk of Aberdein to receive any money from you for me, and his receipt therof shall oblisch me to allow the same to you pro tanto. I intreat you to let me have also much money as may be, for there is much neid of it. Your cair in all these things shall lay a speciall obligatione on me to continow

Your affectionate freind

and Cusine to serve yow

Argyll

Carriek, 3d Marche 1655. (Ressavit 26 March, 1655.)

[From the Marquis of Argyll.]

for my loving Cosen the Laird of Innes younger

Loving Cosen

I remember at the meeting I had at Sterling with my lord Huntlie's freinds it was condiscended that Buckie should have some lands given him for his releese of that soume he is ingaged in for the house of Huntly and because I cannot call to mind the particulars and I am very willing to doe Buckie any good I can and I find him willing to accept of the conditions condiscended on at that tyme or what else the freinds of the house [of] huntly and I shall think fitt to bee done in that busines when it pleases God I returne to Scotland, Therfor I desyre that by the advyce of the Lord Brody park and Auchintowel who were present and consenting to what was done at that tyme, yee may give present possession of those landis and dewties which were agreed on that he should have

by the freinds of the house of huntly and my self at Sterline, and take Buckie's nott when yee put him in possessioun, obliging him selfe to accept of those landis or what else the freinds of the house of huntlye and I shall think fitt to be done for his releese in that busines as compleat satisfiounne of that debt dew by the house of huntly to Donaldsone Hilton's airs for quhich he is cautioner and for all the premises this shall bee your sufficient warrant from

Your affectionat Cosen to serve you
Argyll

London the 23 of ocr. 1656. (Received the 17 of December 1656.)

[From the same.]

For the Lairde of Innes younger

Loving Cusin

I will not complain at this tym that I had so litle rent from the Enyie, but I do Intreat you to provyd what you can this yeer and tymously. I must mak ane other requeist to you that when the wret cumis to your shyr for electing a member to serve in parliament that I may have so muche respect from you as to prevail for Maior Beak captain to his highnes lyf gairde who is a very deserving gentelman, my freinde, brother in law to Coll Lilburne who is a reall freinde to all honest Scotsmen, and I assoor you your shyr shall have no burden for his allowance. All this things I houe will so fortifie my desyr in this that I shall confidently expect a satisfactorie returne, and you may command me as

Your affectionat Cusin
to serve you

Argyll

London 27 Oct 1656

On the back is noted by young Innes—"1 December. The tenor of this letter obeyed in the electione of a Commissioner to the parliament, and in that letter I vreit to the Marques I desyred him to employ another in his affaires in the Eyngie."

The correspondence is bulky and rather monotonous. The Marquis under the constant pressure of his creditors is always urgent for money. "Remit to Mr. George Campbell—to Mr. John Campbell of Aberdeen—finally send victual—send money." On the other hand, his "honoured cousin" had hard work to extract rents out of a poor and disaffected tenantry, who might have no great love for their "natural lords," but neither love nor much fear for Argyll. They had not learnt the western awe of Maccallummore. From the Enzie, it was "a far cry to Lochawe." A few extracts serve to show the state of the country.

By a settlement at Stirling often referred to, the customs of the Huntly Lordship had been fixed. The mart was priced at 20 merks; the mutton 5 merks; the lamb 20 shillings; the capon 6s. 8d.; the hen 5s. These the tenants found exorbitant. 16 merks for the mart; 4 for the wedder; 1 for the lamb; 5d. for the capon, and 3d. for the hens and poultry was all that had ever been paid to the "old lady," and to Colonel Innes and other Chamberlains. The fair price of Moray for 1650 had ruled at 8 pounds the boll, and the tenants pretend they sold their bolls to prevent quarterings for the horse levies.

"I expect the convenience of saluting your Lordship with Patrick Innes, with whom I shall overtak whatt I have not now hinted at.

"I hombilly plead that thes may present my most hombill servise to my ladie." (Letter Young Innes to the Marquis, 5 June, 1654.)

In a draft of young Sir Robert, dated 16 Sep., 1654, he writes:—"If your Lordship doe not come, and that you think it expedient, betwix this and Meremes is the proper time, and I intend to close with the whole tenandrie for ane fyve yeirs take and to incloud with their fermes ther wholl customes and services and make rent of all.

"I have hitherto forborne to mention any thing of the condicione I did find the house of the Boge in, nor should I troubill your Lordship with it now war it not that ther is ane necessitie for reparcing some thing befor ather your Lordship or any wther can have the lest accommodation. Ther is not a bed secuitt tebill great or small stoull forme or chere nor lock upone any oter or iner dor left within the whol hous befor my ladie went away."

"I find the wholl tenantry much depauperat and tho some thing may be gotten of them for this last yeiris dewties, tho by such compulsitors as indeed I dar hardlie justifie myself in, if it had not bein to vindicat my self at your Lordships handis, and that I knowe pairtlic how much yow have bein a loser by that famallie. Patrick Innes was some tyme a witness to the pains I have been at and qubat faire meanes I have wsit to remowve ther skrupells. I was necessitat at last to giwe some of the cuntrye gentlemen to be in hand with me, at

least to connive at my purchasseing of ane partie to quarter wpon the most refractorie. Efter all my lyfeting of catell and casteing of cornes is all I can come by from some. By this I waid onlie hold out the conditione of the pour peopill which hes mainlie been ocasioned through the oppressione of evill maisters by whose crwiltie I know three yeiris dewtie have been exacted in one. . . .

“Andro Hamilton had purchased one of the parks which the house can not weill be without, nor can any deir be kept without it, for besydes the conveniencie of it for the young wood and grase for the deir, now that the most of the wood is cutt, the man labours it for corne and quhen the deir comes out, the hunting of them with doges spoyells them and most of the faunes are killed this year, and all the dykis throwen doune. . . .

“The tenantis are so sore beaten with the pryces the last yeir being fyve pound, that they will hardlie trust themselffis to the fear of Moray so long as I have any interest amongis them, tho indeed thay wrong me, for as I would have ane competet pryce for your Lordships interest yet I shall newer wrong them, and it is lyk I most giwe some meitigatioune of the pryces to some of the pourest peypol. . . .

“Your Lordship’s affairs will hardlie be in so right a fream as I could wish till you be some tyme here. I will not say that all of ws in this pairtis will gewe this counsell, for we cane dow our affairs and represent them more favourablie for our awen behalf at ane distance then your Lordship may judge them to be if you war wpon the place. I will say no moir of this till I have the honor to see your Lordship which I intend to dow werie shortlie, but that I wait for your answer what to do anent the bandis and that I resolve to put them to some poynt befor I come south.” (8 Febr., 1655.)

On 4 March, 1656, the poor Marquis writes from London, “to his much honoured cozen,”—“The incessant importunity of my creditors pressing mee necessitats me to renew the oftener my desyr to you.”

Next year, it is after his return to Scotland, there is still the miserable pressure for money, and he ends—“I am resolved with the Lord’s assistance, to be as soon in that countrie as I can, but the bearer (this seems to have been his confidential counsellor, Patrick Innes of Mefts) can tell you sum present impediments. So, till I hear from you, I can say no mor, but that I am your affectionat cusin to serve you, A. Argyll.” The letter is dated, Rosneith, 22 April, 1657, and has a line of kindness as postscript—“Let this present my service to your lady and father.”

Along with these letters I find a

“ Compt taken of Sir Robert Innes of that Ilk his intromissione of the fermes and multer victuall of the Lordship of Enzie and barrony of Focaberis and Ardidaroch crop and year of God 1654, with the maills and conuersiones, the Toll of Bellie, fair and fish boats of Buckie and Golachie, feu duties of the lands of the forest of Boyne in Birkenbogs hands, and maills of the Smythy croft of Keyth for 1655.”

The Charge of Victual is by Rental four score and four chalders, 4 bolls, 1 fir., 1 peck.

The Discharge consists of payments to Minister of Bellie, the Gardner, the Porter, the bigger of park-dykes, a small quantity given to the deer, and 18 chalders put in the girnell. Sum ch. 26 15 2 2

Rests—converted to Money	£3972	6	2
Charge of Silver	1604	0	0
Price of 34 marts converted at 16 merks	364	0	0
113 widders converted at 4 merks	301	6	8
67 custom lambs at 50s.	50	5	0
5 mill swyne at 4 pounds, and 3 at 10 merks	28	0	0
27 stones brew tallone at 3 pounds	81	0	0
22 dozen elnes of cloth at 6 pounds	132	0	0
125 bolls custom oats converted at 43s. 4d., being half victual	270	0	0
The discharge of Silver consists of “ Ordinar Deductions” .	200	0	0
Cess within Bellie & Raffan in Banff	1733	0	0
Within Fochabers in Moray	117	0	0
Paid to the Laird of Innes, elder, for the annual rent of £20,000 paid for the deceased George Marquis of Huntly to my Lord Drummond			
	1200	0	0
Paid under distress for spulzie of Teinds	2000	0	0
To Alexr. Sherrar for holding courts, &c.	25	0	0

One item of £208 “ giuen to Colonel John Innes ” is marked on the margin “ not allowit.”

The second Sir Robert, like his father, represented his county in parliament when parliaments were restored to Scotland after the Restoration of Charles II. In 1661, "Sir Robert Innes of that ilk" is among the Barons commissioners for shires. The same year he was upon the Commission "for Trade and complaints," and on the Commission for Plantation of Kirks and Valuation of Teinds. He appears as commissioner to Parliament again in 1662; on the Roll of Justices of the Peace in the following year, and among the Commissioners of Supply in 1667.

I do not find when Sir Robert died.

In his time I find the only notice regarding the family arms, for in truth the old Barons were no Heralds. In 1672, when Sir George Mackenzie was collecting materials for his book on precedency and heraldry, he applied at Elgin for proofs of the Innes pedigree and arms. His Moray correspondent, whom I know only by his initials *J.D.*, sends him copies of the two most ancient charters, those of Malcolm and Alexander II., because

"The parchments and seals are so brittill and vorne out with time that the laird Innes durst not adventure to send the originalls." "The antient armes of the familie (he writes) are thrie mulets Azure in a field Argent, situat two above, on below. Therefter they quartered three Beares [*boares*] heads Ore in a field Azure with the old armes, situat two above, on below. The crest a Beare's head. The supporters, two greyhounds. The moto, *Be traist.*

About the end of the reign of Robert 2d or beginning of King Robert the 3d, Sir Walter Innes laird of Innes married Jonet Aberkirdor, only dochter to Sir David Aberkirdor of that ilk by whom he had the lands of Aberkirdor, assuming lykways three Beare heads as ther armes quartered with ther owne which the Lairds of Innes carrie as ther proper arms. I find all the cadents of that family old or late carie the old armes without distinction, *viz.*, Three Mulets Azure in a field Argent alanerly. Innermarkie's predecessor was a second sone of the Laird of Innes family about the dayes of King James the third: but caries no distinction of armes from the rest of the cadents.

Besydes thes of antiquitie the Laird of Innes hes divers evidents that manifest the fame and honor of his aucestors, such as knyghting for service done in batle; lands given them in Murray for ther faithful service to the Crown. Ther great lands, honourable alyances, and memorable actiones of

valour being monuments of honor and power, as well as of antiquitie, I forbear to enlarge, conceaveing the copies of thes two evidents most suitable to your desing and the discharge of the promise made by

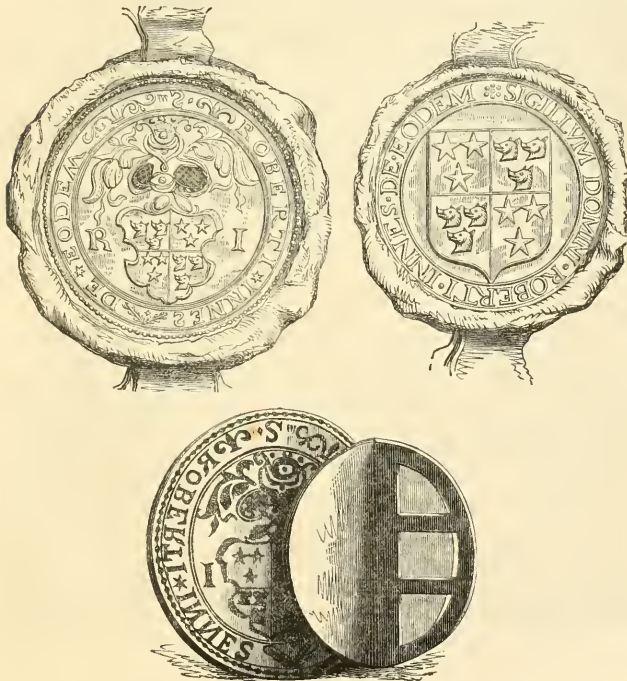
Sir,

Your most affectionat servant,

J.D.

Elgin, Majj 8, 1672.

In our charter-chest are two brass seal-stamps of the two Sir Roberts, impressions of which are found appended to several documents already mentioned. The stamps themselves a little reduced, are figured below their impressions—



Sir James was served heir to his father Sir Robert, as well as to Sir Robert his grandfather, on 26 October, 1697. I think he may have succeeded in 1692, in which year (Jan. 4) I find "a brieff mappe of the affaires of the family of Innes" presenting a sad picture of embarrassment ;

The debt on the estate was £60,000 Scots.

The rents of the barony paid by tenants, after deducting feu duties, the bishop and minister's stipend, and the victual allowed yearly to the tenants for peats and hooks hire, came to 40 chalder, besides the mains, park, meadows, which at 100 merks the chalder, *communibus annis*, make £2666 13s. 4d., leaving £74 or thereabout of overplus.

The mains, parks, and meadows being considerable, were thought sufficient to maintain the family—having the customs and casualties of the whole barony.

The free rent of Corskie, Mill of Garmoth, and Meft, creu fishing, of money, salmon, and victual, with the foresaid surplus of £74, makes in all the sum of £538 or thereabout, which is all can be spared to the Laird and his children over and above as aforesaid.

"The Lady" who was infeft in Garmoth consents that it be dealt with for the family use like the rest of the property. And she and her son subscribe their agreement—

Jeane Ross.

Sir J. Innes.

The contract of marriage of Sir James Innes of that ilk, his father Sir Robert consenting, with Margaret Kerr, third daughter to Hendry Lord Kerr, with consent of ane noble Earl the Earl of Roxburghe," dated 18 July, 1666, together with a Crown charter in their favour (14 Dec., 1666) and seisin thereon, is noted in the Inventory 1767, when it was not yet foreseen of what importance that marriage was to be, *ad restaurandam antiquam domum*.

Sir James had been feudally invested in the barony on his father's disposition, (8 October, 1687) a good many years before Sir Robert's death.

Sir Harry Innes, while still in apparencey—"younger of that ilk"—was elected member for his county, July, 1704. Along with his cousin and brother-

in-law, John Forbes of Culloden, and with many mistaken patriots of that time, he voted against "the incorporating Union" with England.

The following billet of hospitality shows the brothers-in-law in more genial temper: I am indebted for its use to Captain E. D. Dunbar of Kinloss, a descendent of the "Archie" Dunbar, to whom the letter is addressed, the kind genial friend and neighbour—the "Dear Archie," of all Moray.

To the Laird of Thunderton att Duffus.

Dear Archie,

Culloden and I bid you heartily welcome home. I thank you for your care of my letters, but wish you had made this your road. Were my side recovered of my horse' fall and my own, I had seen you this day, which also hindered my seeing your children when I designed.

Culloden and I do most earnestlie beg you to take your morning drams with us here on Monday morning, and it is hard to say but either or both of us will convoy you a part of the way hom, if both be able, and perhaps the whole length home. In the meantime satisfie us if there be a battle in Flanders or not, because it is so told, and if so, who won, and what other of news you please

We are, Dear Archie, your obliged and affectionate comrades to serve you,

Harrie Innes.

J. Forbes.

April 3, 1702,
Innes.

Two more familiar letters help to make us acquainted with young Sir Harry. They are to the same friendly neighbour whose dwelling at this time was in the fine old family house in Elgin, once the town residence of the Earls of Moray:

For Mr. Archibald Dunbar off Thunderton att Elgin.

Dear Archie,

Innes, Dec. 23, 1702.

I am not so great a fool as to make feasts that wise men may eat them; nor yet so great a presbyterian but I can eat a leg of a goose and play at ombre on Yool day. If you will come out here on Thursday

night, the Doctor and you and I shall be as merry as we can: and if you bring Mes-john with you, to be fool in the familie and make us laugh, you shall have a revenge of your lost 15s., and mightily oblige your obliged friend and humbell servant

Harry Innes.

Send me your news by this day's post. If you have any commands for Edinburgh, I am to send aue expresse which will be dispatcht this night.

Innes, February 2, 1703.

Dear Archie,

It is good for a man to pay his debt while he has gear. I send you your swan's skin. But lest you have a highlandman's appetite for annual-rents, for your loan of that I had of you, I send another which I slew yesterday. I shall be glad to play with you at hunting or shooting any day you are at leisure. If the dayis post brings you any news, I shall be glad to know what they are. Meantyme I shall continue

D. A. your oblidgeid friend and
most humble servantt

Harie Innes.

If you have use but for one skin, the Doctor will thank you for the other.

The "Doctor" of these letters was Robert Innes, no doubt "one of the family," who practised at Elgin, and was not only the physician but the confidential friend and humorous correspondent of all the families round.

The mess-John of the irreverent presbyterian was, I think, the Reverend Mr. Henderson, the clergyman of the Episcopal congregation at Elgin, who, a few years later, made such a valiant defence of their right to meet for service in the "Little Kirk."¹

The swans were, no doubt, the produce of the Loch of Spynie, where Charles St. John took his sport a century and a-half later, and which has always been celebrated as the winter haunt of the wild swan.

¹ The whole proceedings are curious, and most of all, the decision of the House of Lords. A summary will be found in Robertson's Appeal Cases, Anno 1713.

It is not much to found upon, but these letters persuade me that Sir Harry the first was a pleasant person to live with, what school-boys call a good fellow.

Of Sir Harry the second we have no domestic or private documents—nothing more characteristic than papers connected with his office of Convener of the County. He died in 1762.

We now part company with the genealogist under whose guidance we have travelled so long. Duncan Forbes of Culloden, our author, was married to Marie Innes, daughter of the second Sir Robert Innes of that ilk, and felt a warm interest in his wife's family. He was a person of great worth, and of some of the intelligence and talent which shone in the next generation of his house. He had turned his attention, as his son did afterwards, to the dangerous state of the Clans, and is known as the author of a "plan for preserving the peace of the Highlands." He was eldest son to John Forbes of Culloden, and father of another John, who, I think, figures in the Culloden traditions as "Bumper Squire John." His brother David was an Advocate and Judge (Lord Newhall.) But the most distinguished person of his family was our author's second son, another Duncan, Lord Advocate and President of the Court of Session, who inherited the puritanism of the families of both his parents, and was withal the best and most useful man of his age in Scotland—an honest man in a dishonest age.

Duncan Forbes, the author of this History, died in 1704; and I have not met with any continuation of the family history he had brought down to his own time, except the little MS. now preserved at Edingicht, which seems to have been penned by Mr. Robert Innes the Lyon Clerk, to whom our author had recommended the duty. (p. 15.) It is a mere transcript of the early part of Forbes's work, with a slender continuation down to 1729.

Sir Harry Innes was served heir to his father, Sir Harry, 29 January, 1723.

The Edingicht M.S. (1729) records that—

"Sir Harry Innes was married on Forbes of Culloden's daughter [Mistress Jean Forbes, his cousin—contract dated 3 and 8 Sept., 1694] to whom she bore many sons and daughters. Several of them dyed young, among others Sir Robert, a pretty youth, dyed a little before his father, whereby the present Sir Harry Innes of Innes, 4th or 5th son of the first Sir Harry, succeeded to title and estate, and has John and another brother alyve as also three sisters, the eldest Mistress Margaret a very pretty young lady, married without her friends consent, immediately after her father's death, Captain George Innes in the Earl of Orkney's Royal Regiment of Scots foot now in Ireland, to whom she has children.

He was her own cusine-german, but a great disparity of age betwix them. Her other sisters, Mrs Anne and Mrs Jean, not yet married.

Sir Hary Innes, the 28th of the family, and is lately married to Mistress Ann Grant 2d daughter to the present Sir James Grant of Grant, and member of parliament, and has prospect of issue. Her eldest sister is married to the present Duff of Braco, a man of an immense estate."

The second Sir Harry's contract of marriage with Mistress Ann Grant, daughter of James Grant of that ilk, is dated 9 October, 1727. He died in 1762.

The eldest son who survived was Sir James Innes, the 29th baron according to Forbes's enumeration. Sir James was served heir to his father, 7 February, 1764. In 1767, he sold Innes and the whole remaining estates of his family to the Earl of Fife. In 1769 he married Mary, daughter of Sir John Wray of Glentworth, grand-daughter and heiress of Fairfax Norcliffe of Langton, and took the name of Norcliffe during her life. Sir James married secondly, in 1807, Harriet Charlewood, daughter of Benjamin Charlewood of Windlesham. On the death of William Bellenden, fourth Duke of Roxburghe, (1805) he succeeded to the Dukedom of Roxburghe, being heir male of the body of Margaret, daughter of Hary Lord Ker, who married Sir James Innes in 1666. James Duke of Roxburghe died in 1823.

James Henry Robert, his son by his second marriage, succeeded him. He is, by inheritance, (6th) Duke and Earl of Roxburghe, Marquess of Bowmont and Cessford, Earl of Kelso, Viscount Broxmouth, Baron Ker of Cessford and Caver-toun in the peerage of Scotland, and, by creation, (1837) Earl Innes in the British Peerage. It is a goodly array of titles of honour, but north-country historians like Duncan Forbes would perhaps consider it not the lowest of his claims of ancestry, as assuredly it is the most uncommon, to be the thirtieth Baron in a proved male descent from Berowald, on whom King Malcolm IV. bestowed the lands of Innes, at Christmas, 1160, after the concord of the King and Somerled.

The Duke of Roxburghe married in 1836, Susan, daughter of Lieutenant-General Sir J. C. Dalbiac, K.C.H. Their children are—

1. Susan Harriet, married to James Grant Suttie younger of Balgone.
2. James Henry, Marquis of Bowmont and Cessford, born 1839.
3. Charlotte Isabella, married to George Russell.
4. Charles John, born 1842.

Floreat.

CADENT FAMILIES.

Perhaps our author's reason (p. 15) may be considered sufficient for not making an account of the collateral and cadent houses of the name of Innes. There are other reasons of even more weight since his time.

The fortunes of the house of Innes were at the height from the days of James with the Beard, the servant of King James III., down to the time of the two Sir Roberts—the old and the young Laird Innes—of the days of the covenant, when the name could still be said to possess all the land from Spey to Lossie, and to have the chief sway in the county. But from that time the fortunes of the family began to ebb. I attribute their decay to the expense of the long civil war in which they took a leading and costly part; to some fines and “benevolences” levied by each party when in power; to the damage occasioned by the ravages of Montrose and other leaders of expeditions; to their losses in the struggle of Huntly and Argyll; to the expenses of a parliamentary life and residence in the capital; and finally to the cost of their new House, of which I have given some details. But from whatever causes, the distress became visible in the 17th Century, showing itself first in the sale of the Aberchirder and Bauffshire lands, and ended in the sale of the ancient Innes barony in 1767.

The other houses of the name followed the Chief's unfortunate course. The lands of Ogestown, Plewlands, Drainie; the great possessions of the bad race of Innermarkie, Balveny and the rest, the lands of Orton, the quaint Tower of Coxtoun with its land, the barony of Muirtoun on the Findhorn, the estate of Blackhills, and last of all Leuchars and Dunkinty nearest to Elgin—all passed to new owners, till in the fair district they had so long possessed exclusively, at the end of last century, not a rood of land belonged to an Innes.

It was not quite so in other quarters. The family of Edingicht in Banff has still retained its estate, though I think pared and curtailed.¹ The Caithness barons of Sandside preserved their ancient possessions longer, but they too have, in the present century, parted with them.

All the old Innes lands in Moray are now the property of the family of Fife, who, for some generations, were of the opposite character to the Inneses. As the first noble of that family—a very remarkable man and a great acquirer of land—was looking over the valley of Strath-isla when on treaty for purchasing it, his guide called his attention to the number of small gentlemen's houses, each giving out its thin stream of blue smoke in the still air of a bright autumn morning. "Aye!" said the old economist, not at all impressed by the poetry of the scene, "we'll maybe learn your reek to come a' out o' ae lum!"

In parting with their lands these Innes lairds, for the most part took little thought of their title-deeds, the *preuves de noblesse* of their families. Only in two instances have I found the family charter-chest in tolerable preservation after the ancient patrimony was gone. The Chiefs valued their charters the more from old Duncan Forbes having arrayed them in evidence of the antiquity of their race. Another family of smaller possessions were also careful to preserve the melancholy memorials of their connection with the soil which they could not save.

On the rich plain on the right bank of the Lossie, three miles below Elgin stood till lately, a lean *single* house of three stories, with high "fore stair," and tall crow-stepped gables. It had nothing of ancient tower or baronial style in our time, whatever may have been of old, but looked the Scotch laird's house of the 16th century, capable of much respectability and some comfort. That was Leuchars, the patrimony of "Craig-in-peril," and his descendents. The line of the roof was broken with window gables, each ornamented with a shield of the three mullets or a single mullet at top, and over the door was the full blazon of Innes with the chevron for difference, but without the boar's heads of Aberchirder. There were some good old hedgerows, and gardens for use more than ornament, ensconced in ugly stone walls, and a stable court of size that spoke of a large home farm. The old building has been swept away in the present generation to make room for an unpretending and I dare say a more convenient house, which is occupied by the factor of the proprietor.

¹ A laird of Edingicht was in company with some high conservatives, out of humour with the progress of free trade and other reforms, and taking a gloomy view of public affairs—the country was going to ruin—this

land was no longer for a gentleman to live in—"Weel!" said Edingicht, "I hae jist ae fant to this lan', and that is, that I hae na a bittie mair o't."

The proprietor of Leuchars, writing in 1709, gives a dreary account of his family residence as it was of old—

The complainer's interest lying in ane profound marish invironed with bogs, mosses, lochs, and inaccessible except at some two or three passes, so that the most urgent affaires would not induced ane stranger, skairslie some neighbours, to come to Leuchars in ane summers day without ane errand, so that his lands did not [need] march stones as other lands doe; and of lait the complainer having by his great expenses and sore labours drayned the said marishes; and the old march dykes, stanckes, and runes of water which formerly served the complainer as walls of defence being now dryed, the said defenders do invade the complainer's property by making their common cart rods and high wayes thorow the compleaner's corne fields and uther meadows yea thorow very close and precinct, and cast and win fealls and divots on the complainer's march, as also cut and win pellocks, reels, stobs, and root out trees for transplanting out of the complainer's bog.

Dunkintie, another little property, the apanage of a branch of Leuchars, lay yet nearer to the Cathedral Town, for which reason, and perhaps also on account of the value of the agricultural acres, the laird lived in the Burgh or just without the precincts of the "chanonry;" and his dwelling, a gaunt old mansion not without some pretension to architecture, entering under a "pend" or arch, and, as I remember, having a little concealed oratory hid within the hangings, was known as "Dunkintie House," till thrown down quite lately. It stood in a large garden, of excellent soil and full of fruit, though in danger from the Lossie in floods.

The family papers of Leuchars and Dunkinty have come into my hands, and I am enabled from them to give an outline of the descent of these cadets, as well as a few personal memorials that will throw some light on the life and feeling of the North, during the time of the great civil struggle of the 17th century. I have also another source of information regarding the Leuchars lairds.

At the beginning of last century lived a John Innes, laird of Leuchars—he no longer took the good old style of "Goodman"—not well pleased with the world, and least of all with his Chief, who, be it remembered, was also his neighbour; and there were marches and pastures and peats enough to make war between men of more happy temper than poor John of Leuchars. To account

for his undutiful feeling towards the Chief of his name, he says it was hereditary, and that his father on his death-bed charged him "never to drink with the Laird of Innes or Dunkinty, nor in anie wayes to be familiar, nor to black paper with them, nor with their seed after them for ever." Our laird had learnt law by woful experience, and writes lawyer-like, though rather after the style of "poor Peter Peebles," and with a sad familiarity with the language of hornings and arrestments and lawburrowes, and all the executorials of law. He was not quite illiterate, and quotes scraps of Latin—sometimes lines from the accidence, sometimes brocards of the civilians. But his learning had not made him wise. Fortunately for my present purpose, he bestowed some of his leisure in pouring out his griefs* on paper, and I have before me one roll, very closely written, very many fathoms in length, entitled "Information John Innes of Leuchars concerning the subtle stratagemes and underhand dealings of the Lairds of Innes, these hundred years bygone."

I propose to use some parts of this Jeremiad, for the poor Laird's information was often derived from his charter-chest which he had studied but too diligently; and it is easy to separate his facts from the colouring of his picture; for he is a simple man, an honest hater, indeed unable to feign or to disguise his feeling of hatred; and it is useful to have a story from more than one point of view. Leuchars, like his forefathers for three generations, was a Churchman and a Tory, and perhaps would have been so even if his Chief had not been Presbyterian and Constitutionalist. Take as our first extract, the account of the family Tragedy:

Having by me ane copy of that book of the Laird of Innes's called ane narrative of the succession of the family of Innes since the first Laird called Beroaldus Flandrensis to this Sir Harie the first of that name, which book is written and compiled by the late witty and pragmatick Duncan Forbes of Colloden, Sir David his brother, and some other writers at Edinburgh. . . . I intend only to ad heir my narrative so far as concerns this present case, their succession to the said estate and title, which is as follows—

To wit, about Six or Seven score yeer bygone the lineal succession of the family having then fallen weak, first the Lairdship fell in to Alexander Laird Innes, who was eldest sou to Robert Innes of Fosterseat only brother-german to the preceeding Laird Innes his brother who had no heirs male of his own body.

This Robert had no more children but the said Laird, and ane younger son called John (ever since called Jock the fool) and ane daughter. I shall not touch what I have heard by tradition as to the janglings betwixt these Lairds of Innes for two or three generations before. But it seems, to reconcile differences betwixt them and the family of Innermarkie, this last Laird Alexander did marry his only sister to Robert (I suppose) Innes of Innermarkie his cousin, and gives him ane tailzie to the Estate of Innes, failing heirs male of his own body. Whereupon Innermarkie supposes himself as well secured as needed be to the Estate in the terms of his tailzie, John the brother being an Ideot.

It having fallen out upon some mistake or other that this Laird Alexander happened to kill Innes brother-german to Innes of Pethnik, at the cross of Edinburgh in the time of ane convention of States, when Douglas Earl of Mortoun was Regent, the Laird of Innes being apprehendit was committed to prison and whilst prisoner was capitulating with the Regent for his remission and had as is reported condescended to give the Regent ane Barony of land called Kilmalemnok. But the said Laird was so foolish as to reveal to some pretended friends that although he conceded to the Regents usurious and unreasonable demands then being prisoner, he hoped that law would not favour the Earl, moreover, if he were at liberty he would gladly see who durst possess his lands; which being revealed to the Regent, the Regent sent for fool Joke and tells him how his brother the Laird and his brother-in-law Innermarkie were traiting him as an Ideot; what would he give the man that would brangle all they had done, and make him Laird in spite of them and all their devices? John easily conceding to all the Regents demands, in short, the Laird's head goes off and John is made Laird, and the Regent got the Barrony of Kilmalemnok, besides other concessions as I find in my own charter-kist. Notwithstanding Johns Lairdship did not make him wise, so John returns to his sister and good brother Innermarkie their house, where efter some short abode, John apprehending some slight from his good brother Innermarkie steals off highly disobliged, and goes with ane great complaint to his cousin Innes of Crombie, who entertains John's fancy at ane high rate and humours him to all intents and purposes, till he oblidged poor John to make tailzies, subscriyve dispositions, and what else he could demand.

However after all this, Innermarkie finds some way or other as is said

to get ane gripp of John frae whom he got some posterior rights though too late. And so under pretence of redressing John's circumvention and maltreatment, Innermarkie makes ane great deal of business with Crombie. And nothing but blood and murder, &c.

Crombie being ane stout courageous man would not be dared out of his purposes, so Innermarkie finding him a little hard upon that head, the said Innermarkie and some of his good advisers resolves they will follow some more subtle and hellish measures by contriving a way to murder Crombie and Robert Innes ane youth his only Son. And accordingly under trysting terms having appointed ane meeting with some friends at Aberdeen, Innermarkie takes his advantage of Crombie who had no body with him but John Innes of Leuchars, Gordon of Muiracke, and their servants. And on the night time whilst there was none with Crombie in his lodging but Leuchars and his son Robert, afterwards called "the Glead Laird," Innermarkie and his accomplices came to Crombie's lodging and at the stair fitt simulates ane plea and cries out with ane loud voice, "murder, murder, a Gordon, a Gordon." This Crombie being ane sister sone of the Laird of Gights, ane bold man, comes down stairs in his slippers, with his sword in his hand, and upon his outgoing of the door, is shot dead. John Innes of Leuchars being in the room, none with him but the young Crombie, being apprehensive of the tragedy and murder, bolts the door, and by providence, as the story is told, there was ane back turn-pyke opened in that lodging which had been bigged up for many years before, at which back door Leuchars made the young man escape, to the great grief and surprise of Innermarkie and his friends, who intended the son's murder as well as the fathers. So Innermarkie having made all his complices *socii criminis* by puting each man his durk or dagger in the dead body, they sent also for Mr. John Innes student at Aberdeen, apparent of Coxtounne then, and caused the young man also put ane dagger in the dead body (as I have heard his own great grand child, the late Sir Alexander Innes of Coxtounne confirm to be a truth)

Leuchars and young Crombie having thus escaped, the next stratagem is how to betray Crombie's relict by getting up the papers, viz. John's tailzie and disposition, etc. from her before she should know of the murder. So the safest and easiest way advised upon was to bribe and seduce William Lorimer, Crombie's Jacksman, to ride post upon his master's

horse with the keys of his Charter kist, signet, and such false tokens, and to get from the said Lady, as it was called, the black box with the foresaid papers which the innocent Lady without any suspicion, being glad to hear that her husband and Innermarkie were agreed, very readily goes to her husband's Charter kist, and gives up the papers.

Thus Mr. Lorimer being ready to return with good success to his Master's enemies, and making ready his Master's best horse, which amongst others he had told, his master had gifted to Innermarkie, Alexander Innes Leuchars brother Coitts coming by the stable door hears Mr. Lorimer giving ane sigh and saying wo was him for his dear master. So Alexander Innes Coitts (my great grand father) being unwilling to surprise Lorimer, being surprised himself and not knowing what to make of the words or sigh foresaid till he examined the fellow, whom he found dejected and prevaricating in his discourse, begins to solicit him that he would tarry a little till he make ready to go to Aberdeen to see the conclusion of the bargain, and so furth, Lorimer being averse and would neither tarry nor give Alexander the use of his cousin's horse, nor the credit of the papers, he concludes upon the tragical mystery, and in a word, the fellow being stronger than he, takes advantage and stickes Lorimer, and so recovers the horse and papers. Within an hour or two thereafter John Innes Leuchars had his orders at the Lady Crombie, shewing her of her husband's murder, and desiring her to call some friends and secure the house and papers.

So this young Crombie, the son of him that was murdered, being but ane young man, who had none of the name of Innes to own him save this people of Leuchars, to wit, John, Alexander, and Adam Inneses, three brethren, all the rest being confederate with Innermarkie; neither had he any friends on his mother side near to him save the Dunbars of Meft, this gleed Laird's mother being Beatrix Dunbar daughter to the Pryor of Pluscarden (for the relict of Crombie being his second Lady, was Isobel Forbes, daughter to Blacktoun). So Leuchars maintains this Crombie or Laird Innes as he was afterwards, with hazard of his own and brethren's lives, not knowing when they might be all murdered, till he got him conveyed to Edinburgh, and there craved the protection of the Government, which was given. And thereafter marries the said Gleed Laird upon Elizabeth, Secretarie Elphinstone's daughter. So the Laird became valiant in law and friends.

(But I know not how it was acted, but I have heard something how, to facilitate the Laird's access and hasten it, to the Lairdship, there was some indirect measures taken with poor fool John, whose death and burial is not well known to this day. I cannot deduce this parenthesis handsomely therefore leaves it.) . . .

The writer here gets declamatory. He informs us, however, that Cottis "children's children are termed by the agnomen of craigie-parrell to this day"—and how Innermarkie brok both himself and most of his adherents, and the Laird Innes little better. He says :

"It would be too tedious to condescend upon various particulars, such as the intended murder and assassination committed against my grandfather Alexander Innes of Cotts, which cost Innermarkie, then called Balvenie, and his friends deep and dear, as I find by ane letter from my grand-uncle Sir Alexander, cup-bearer to King Charles the first, wherein he sends advice to his father how to behave with Balvenie, and that he would make his remission uneasy for it."

Leuchars writes with irony of "that godly family who are and have been always great professors and meddlers as pillars of the Presbyterian Church, although I may say I find nothing of their good actions, but treacherous to their friends, king, and country, whenever they found occasion to advance their own private interest"—but he confesses that Sir Robert, he who died of cancer—"was truly a man of good courage, learned, and well travelled, and educate. He was page to Prince Hendrie, and in good repute with King Charles the first, who did trust him to have been his loyal subject and trusty friend, but being somewhat mortgaged with his Majesty's rents, when conjunct with Sir Robert Gordon of Gourdounstoun, vice-chamberlands as they were designed, to the King's rents, when he found the good King's affairs turning to disorder, his politics allowed him to turn his cloak, and so he became one of the King's most inveterate enemies," and then the pious Leuchars prays the Lord may forgive him for neglecting the death-bed advice of his dying father. His narrative proceeds,—

Now the most part of all these old stories being almost forgotten, as in effect I find very few or none that can give so good an account as myself, having occasion of late to collect several passages out amongst my old

papers, the most part whereof serve for little other use, being casten by hand and lying, many of them rotten, in ane old trunk, I think it not amiss to give some little accompt of my predecessors and their succession.

I am informed by tradition that the first of this family now called Leuchars was Alexander Innes, ane second son to Robert Innes of Rothmagenzies and brother-german to James Innes of Rothmagenzies, afterwards of Crombie, who was father to the above mentioned Alexander Innes of Crombie, murdered at Aberdeen in manner abovementioned. This family of Crombie hath no more issue to this day, but the present family of Innes, Leuchars and Blackhills. Blackhills was the eldest son of a second marriage to this Robert Innes of Rothmagenzies, as is mentioned in that narrative above written of the Laird Innes succession; but this Alexander, predecessor to the present Blackhills, had his post as Captain of Orkney, and his successors had Catbo and Playds, and so were strangers to all the old disputes and pleas above written.

Now this Alexander, of whom the family of Leuchars is descended, died young, and I hear of no more children he had, at least that came to perfection, but John Innes wedsetter of Blackhills, for in these days the lands in Murray were hard to be purchased in heritage. This John Innes of Blackhills had three sons, viz., John, his natural son, who was born in anno 1539, and deceased in anno 1618. (He had pushed his fortune several years in England and in France, and was in Paris at the time of the massacre of Paris; and after coming home to his native country, having purchased some means and in good credit, he became ane great favorite of Chancellor Seatoun's, and so lived here in Murray, being Baillie of the Regality of Spynie, was ane severe justiciar and ane hardy, brisk man, but had never any children, notwithstanding he was thrice married.) Alexander Innes, eldest lawful son to this John Innes of Blackhills, made his purchase on the other side of Spey, viz., Kinairdie, Ardmelie, Kirk-toune and milne of Achterless, Pettie and Hillhead in the Barony of Farmartain near Fyvie; and Adam Innes, the third brother, had the wadset of the Milne of Kinairdie from his brother Alexander. This Alexander being sister son to the Laird of Geight, he courted his cousin-german Marjorie Gordon, Geight's daughter, and there being some intrigue betuixt him and his said spouse, they came off abruptly, this Marjorie Gordon being contracted with the Laird of Tollie Barclay.

Alexander had seven sons and two daughters with this Marjorie Gordon, viz. John, Robert, Alexander, George, Jeedeon, Patrick, and James, all men of good esteem.

John his eldest son, designed of Leuchars, married Elizabeth Douglas, only daughter procreat betwixt Archibald Douglas of Petindreich and Elizabeth Sutherland daughter to the Laird of Duffus. This John did beget with Elizabeth Douglas five sons that came to be men and seven daughters, viz., sons, John, Alexander, Robert, George, and Samuel.

The eldest son John married without consent of his friends, Marjorie Geddes, daughter to James Geddes of Achinreath, who was brother-german to Andrew Geddes of Essill, who though now extinct as to ane family, was the representative of the family of Geddes. And her mother's name was Margaret Innes, only daughter to Archibald Innes, brother-german to the Laird of Balvenie, procreat upon Barbara Innes, relict of Dunbreck baron of Orton after she had born 24 children to the said Baron. And this Barbara was daughter to Mr. John Innes of Cox-toun; So this Marjorie Geddes was ane gentlewoman, and proved ane virtuous wife and bore to this her husband 18 children, whereof ten came to the perfection of men and women, and are all alive at this day (1710) except Walter, who was youngest, and basely murdered at Chattam; after he had wounded his antagonist and taken his sword, he treacherously thrust him thorow the back in cold blood and in peace. The eldest was John, Robert, Alexander, Charles, James, William, and Walter.

This John was ill trysted in his affairs, hurried with the Lairds of Innes and their accomplices, and so, out of credit as to any fortune, under the repute of ane broken man, did not marry till he was full 49 years of age, before he got his business in order, and then married Elizabeth Gordon, daughter to Sir George Gordon of Edinglassie. So this being the true accompt of this family I shall . . .

But here the MS. breaks off. I will try to put old Leuchars' pedigree in shape, connected with such illustrative documents as his "chartour-kist" still supplies.

James Innes of that ilk, the armour-bearer of King James III., known in the family traditions as "James with the beard" (p. 18) who died c. 1491, by his wife Janet Gordon, Huntly's daughter, had two sons—

1. Alexander Laird of Innes, the 17th laird of Forbes's enumeration (p. 21.)
2. Robert of Cromy, and Rathmakenzie.

Robert had two sons—1. James Innes of Rathmakenzie, married first to Catharine Gordon of Gicht, secondly to Margaret Innes, daughter of Laird Alexander. He fell at the field of Pinkie-cleuch, September 1547, leaving a son Alexander, that Alexander who was murdered at Aberdeen in 1580.¹

2. Alexander, who had a wadset of Blackhills (afterwards redeemed) and was styled of Blackhills. He had one son, John of Blackhills.

John Innes, styled of Blackhills, had two lawful sons—

1. Alexander of Cotts, (Craig-in-peril) of whom afterwards.

2. Adam of Reidhall, whose second son, James, had a daughter, Jane, married to Governor Thomas Pitt, the ancestor of the Chathams. The evidence of this connexion, which is stated circumstantially by Collins and respectable peerage writers, must exist in England. Jane Innes, ancestress of the Pitts, died Jan. 10, 1727.

John Innes of Blackhills had also an illegitimate son John—born 1539, died 1618—named in the family notes John of Coldreasons. He was attached to the Chancellor Seaton, who, among other Church property had the Priory of Pluscardin, and evidently stood well also with Alexander Lord Spynie, whose lay lordship was made up out of the ancient Bishoprick of Moray. John was legitimated by a crown charter in 1576. He was already styled, of Leuchars, when he took a charter of Carserig, 5 Dec., 1581. On 27 May, 1584, James VI. granted a charter to John Innes of Leuchars, of “the preceptory of the Hospital callit Maisondieu situat beside the burch of Elgin, to the effect that he may sustene the pair men foundit at the said Hospital, as effeiris.” As early as 1591 he was Bailie of the Regality of Spynie, and held courts of high jurisdiction, civil and criminal, at Elgin, sitting in the “Jewel house of the Cathedral,” as appears from the Court Register preserved in the Leuchars charter-chest, some extracts from which have been printed in the second volume of the Miscellany of the Spalding Club. By what title he acted previously does not appear; but, on 18 Dec. 1599, Alexander Lord Spynie the Lord of erection coming in room of the Bishop of Moray, granted a charter to John Innes of Leuchars in life-rent, and Alexander Innes of Cotts and his heirs in fee, of the heritable office of bailliary of the Regality of Spynie and constabulary of the castle thereof, which was confirmed by Crown charter, 25 Dec. 1599.

¹ See p. 150, 105.—I find among the Leuchars Charters a feu charter by Alexander (Dunbar), Prior of Pluscardin, to Alexander Innes of Crommye, son and heir of the deceased James Innes of Roithmakanze, and Beatrix Dunbar, of the town and lands of Lewchouris, in the

regality of Urquhard, subscribed by the Prior and Convent 10 Mar. 1559, and a seisin thereon dated 10 Dec. 1560. A transumpt was taken at the instance of Robert Innes of that ilk, son and heir of the said Alexander now deceased, 21 Aug. 1591.

John the bastard, the most successful man of his family, left Marjory Strachan (of Thornton, I think) his widow, but no children, and left money and lands to his brother and his family.¹

During the period while the fortunes of the race of Leuchars were growing under the care of Alexander Craig-in-peril and his kind bastard brother, I find some documents throwing light on domestic manners. The first of those that follow I do not pretend to explain; at least I can only guess that the indignation of the family of Coxtoun at their heir's marriage with the daughter of Cotts, arose from some remains of the old feud. We learn from a note of "Old Leuchars" on the back of this document, that "this James Innes was afterwards Laird of Coxtown." Of poor Mariory Innes I have no further information.

Mutuell Oblegment, Alexr and Mr. Jhon Inness of Coxtoune, with Cowbin and the rest of their freinds, to seclude the airis of James Innes and Marjorie Innes ffrom ther birthricht, 1612.

At Coxtoun, the second day of Februar the yeir of God Javi and twelff yeiris. Forsamekill as James Innes sone to Mr. Jhone Innes of

¹ The Leuchars charter chest furnishes the following documents:—

a. Instrument of seisin, John Innes of Luchouris and Marjory Strathquhen his wife, on a charter by Robert Innes of that ilk, in the lands of Fauldis of Innes, with common pasture within the Grenis of Innes, bounded by the common pasture of the barony of Innes on the east, and the arable lands of Carsrige, alias the Lang Rige, on the West, the Coit burne on the north, and the boundaries between the Laird of Innes and the Prior of Pluscardin on the south. 25 April, 1583. precept dated 1 April, 1583.

b. Seisin of John Innes of Lowchiris and Marjory Strathquhen his wife, and failing heirs of his body, to Alexander Innes his brother, son lawful of the deceased John Innes in Blackhills, in the lands and town of Lowchiris, on precept by Robert Innes of that ilk, dated 23 Dec. 1589. Witness, Adam Innes, brother of John Innes. Seisin taken 25 Dec. 1589.

c. Tack by Alexander, Earl of Dunfermline, Lord Fyvie and Urquhart, heich Chancellor of the realm of Scotland, to John Innes of

Leuchars and Marjory Strathquhen his wife, Alexander Innes of Cottis and Marjory Gordon his wife, and to Alexander's heirs whomsoever for 19 years, of the teinds, parsonage, and vicarage of Loucheris, Fauldis, Carse, Erleskars, and Carerig, and of Cottis. 11 April, 1609.

d. Tack of teinds of Blackhills by Alexr. Lord of Spynie, and Dame Jeane Home (Countess of Angus) his spouse, to Alexander Innes of Cottis and Marjory Gordon his spouse for 19 years. John Innes of Leuchars witness. 27 Apr 1587.

e. Seisin of Marjorie Gordon on a charter by her husband Alexander Innes of Coittis (dated 11 June, 1594) in the lands of Cottis called Cottis of Innes, in liferent. 5 Oct. 1595.

f. Seisin Alexander Innes of Coittis on a charter by Sir Robert Innes of that ilk (1 Dec. 1597) to him and Marjorie Gordon and his heirs male bearing the name and arms of Innes, the lands of Coittis and Speyshall *infra portum de Spey ad orientem et portum aquae de Lossye ad occidentem* 1 Feb. 1597.

Haltone, hes undentiffully coupled him self in mariage with Marjory Innes dochter to Alex^r Innes of Cotts, bnt the advyis of Alex^r Innes of Coxtoun his guidschir, Mr. Jhone Innes his father, and by the advyis of Ro^t Innes of Invermarky, Patriek Grant of Carron, Walter Kinnaird of Coubin, his freinds ; THAIRFOR the said Alex^r and Mr. Jhone, his guidsir and father, ar content and be thir presents binds and obleisis them selfs to the said Robert Innes of Invermarky, that they sall seclud the said James during all the dayes of the said Marioreyis lyftyme, and the airs quhatsumever gotten or to be gotten betwix them for ever fra all benefit of inheritance that may appertein to them ather be birth richt tailzie succession or ony wther provyson quhatsumever. PROVYDING alvyes that gif the said Mariory departs this present lyf before the said James without ony airis, upon the said James his humility, he to be resavet, be the advys of the said Ro^t Innes of Invermarky, Alex^r Innes of Coxtoun, Mr. Jhone his father, Patriek Grant of Carron, Walter Kinnaird of Coubin, to his place of birth rycht as he was befor the mariage of his forsaid wyfe. And baith the saids parteis ar content and consents that thir presents be amplefeit and put in forme to the effect forsaid be the advyis of men of judgment keipand alwyis the substantiall heids herof and that betwix the day and date hereof, and the fyftein of Junii nixtocum in this instant yeir of God, Javi and twelff yeris In witnes quhereof we have subscrivit thir presents wrettin be Patriek Grant of Carne, subscrivit with our hands as followis day and place forsaid. Befor thir witness W^m Innes of Orblistonne, and the said Patriek Grant wrettar hereof.

Alexander Innes.

Mr. Jhone Innes.

Robert Innes of Invermarky.

The next is a letter of a very frequent kind during that age, when a gentleman still counted on the attendance and support of his friends at his trial, as in later times, at a passage of arms. The law proceedings are in Pitcairu's Criminal Trials.

Huntlye to Cottis.

Richt traist freind, eftir heartli commendatiounes, Our cousing the Laird of Geicht is summondit to underlye the lawe in Edin^r the twantie sext day of this instant Febr. Quhilk requyris our owne presence for the saefte of his

Lyfe, quhairfor we will desyre [you] most earnestlie to meit us at S^t Jonstowne on Mononday the twantie fourthe of this instant Feb^r be four hours efternein, therefoe to accomanie us to Ed^r quhair ye sall stay butt twantie four hours. Thus lueking assuredlie ye will not omitt to keep the tyme and place appoyntit as we sal be most willing till acqyrt yow quhen occasionne sall offer Quhairto remitting, Committs you to God.

Your assurit and guid freind

Huntlye.

Aboyne the tent or

Febr. 1617.

To our richt traist freind

Alex^r Innes of Cottis

This.

Next comes a letter from Leuchars' patron, the splendid Lord Dunfermling, the restorer of Fyvie, the architect of Pinkie and of Dunfermling house at Elgin. It was of this last mansion that John of Leuchars must have acted as superintendent, in my Lord's absence.

The Chancellor writes from Pinkie on 5 May, 1618, to his 'right traist friend, Jhone Innes off Leuchars'—thinks all he has done to his yaids very weill and ordourlie, and wishes him to continue the outredding of the warke :—

“ In stead of thanks or recompeuce I am ever to burden you the farder and to request you so sone as ye may in the nixt sasone after the ground sall be redde and cleare to cause outredde the same, for treulie I think lang to be in that countrie : and ye may be assured quhairin I can pleasour you or onye of yours I sall ever be readie. In the mean tyme for onye chargis or cost ye bestow on my warkis thair, I pray you give the compt to Jhone Dougall, I have commandit him ansuer you. It is ouer meikle to you to bestow your pains and cair for your kindnes to me : your geir sould be well satisfeit”—then a little law counsel—“for your man David Dun gif he duell under your regalitie, na horning can be valable against him except registrat in our court buikis or Clerk Registers. Alwayes gif he desire have the same free from all parrell, send me ane gift of his escheit, I sal pass it to your name.”

A letter is copied in a nearly contemporary hand, and marked “Copie of letter, John Coldreasons old Leuchars to his nephew efterwards Leuchars.”

I think the youth was at St. Andrews, and he may have complained of small allowance. His uncle takes the occasion of a *tip* to insinuate some good advice. The letter begins—"My werrie veil beloved cusing and brother sone, my werrie hartlie and luiffing commendations rememberit" . . . after introducing a Mr. Harie Urquhart as a valuable counsellor, the writer goes on—

Tak all the guid aduysse and counsall of your father and all wther guid freindis, bot in speciall lay your awn compt to behave your awn self sa weill as ye wald win honour to your self, haif the favour and luif of your father, and of me quha tenderis your weill even as your father and as ye wer my sone, not omitting dewtie to na gentilman nor friend of your acquaintance. That is the way to purcheis honour to yourself, luif of your father, and of myn ye sall haif na caus to doubt. Qulow lang ye are to remaine thair at the plessour of your father I am nocht certain of his mind therof as yet, bot as I may try and find beraris ye sall not want aduertisement. I suppose your father quha is presentlie in Edinburgh sall acquaint Mr. Harie mair of his mind nor I knaw for the present. Alwayes ye sall resaeue fra this gentilman ane takin of myn To wit thrie Rose nobles with ane double angell and four mark pece. This ye sall accept for the present in takin of my guid will and remembrances. And efter I haif resolut with your father I sall move him als far as I haif power to haif a respect to your estait. As also aboue all things haif a respect to your awin guid governement and to remember that your father hes mony barnis quha ar now werry chairgeable to him and is doing quhat lyis in his power to provyd for you all that lyis in his power. Now brother sone, I tak my lief at yow for the present. Referring the rest to this gentilman your speciall freind, committis yow to the protection and blissing of God.

Your luiffing uncle ever in the auld manner,

John Innes.

Elgin, the ferd day of
Februar 1618.

John Innes of Leuchars makes his will at Elgin the xiiii of December 1618, leaving his weilbelovit sponus Mariorie Strachan his executrix testamentar and universal intronetter. He owes to William Layng his seruitor 300 merks, which he received in borrowing from him. Item to Robert Buchane 62 pundis. To the

Bishop of Murray 1000 merks and £15 of teind silver. To Robert Innes, lawful son to Alexander Innes of Coittis 2000 merks.

He leaves to Agnes Innes his sister, relict of Patrick Dunbar, for supplement of her necessitie 100 pounds. To Alex. Layng in Fauldis 100 merks. To William Layng his seruitor 200 pounds, with this provision that he shall faithfullie and trowlie obey and serve the said Marjorie Strahain his spous as he shall be requirit be hir upon hir avne expenses and charges. To Mariorie Layng William's sister 10 lib. To Elizabeth Innes his brothers dochter sex ferlots victual yearlie for her sustentation. To Adam Innes his brother 500 merks. To his auld servand Issobel Lindsay 40 merks. To John Brabner his servand x li.

Witnesses Alexander Innes of Coitis.

Mr. James Guthrie, minister at Urquhart.

Alexander of Cotts, called "Craig-in-peril" from his share in the Tragedy of 1580, married Marjory Gordon, daughter of Gicht, and by her had six sons, all men of action, workmen fit for the work of that rough time, all with sword or pen following Fortune over the world, and still looking back to the loved home, to the honoured parents who had taught them early lessons of godliness and honour. Alexander of Cotts succeeded to his brother's estate of Leuchars c. 1618-19, and died in 1634. Of his children I find some correspondence and other memorials which seem worth recording. Those children were—

1. John, the eldest son, while young served in the French king's guard. He succeeded to the estates of Leuchars and Cotts in 1634.

2. Alexander, a'tached successively to Buckingham, to Strafford while Viceroy in Ireland, and to the King. He had, I know not what office in the Royal household, and was employed on a mission to the Queen in Holland. Some of his letters are from Dublin, and he had affairs of his own to manage in Ireland, as well as the Viceroy's; but he resided long in Clerkenwell, London. He was married, and speaks of his wife, but I have not found her name or family.

3. Patrick (of Mefts) employed in the affairs of Huntly and Argyll, and trusted by both families. Dead in 1676, when George of Calcotts was served heir to him.

4. George, had a pair of colours in Lord Spynie's regiment, raised for the service of Gustavus Adolphus, c. 1626. He was afterwards (1653) a Lieutenant Colonel in the King's army, and was laird of Calcotts. His descendants took their style from Dunkinty, and eventually succeeded to the estate of Leuchars.

5. Robert, in early life was one of the gensd'armes of the French guard, but sold his place in 1626. In that year he was captain—I think in the English army.

I think it was he who, in 1638, had a grant of an "office of intelligence within the cities of London and Westminster, and three myles distant for 41 years." He had a commission to be Quarter-Master-General in 1648.

6. James, a soldier of the King, was a prisoner to the Parliamentary army at Windsor in 1643,—a Major in 1650.

Correspondence by letters is now more used, and this generation of the house of Leuchars—the sons of Craig-in-peril—practised the art with more or less of success. I will arrange some of the letters and documents of their time as nearly as I can, in order of date. If the public events alluded to, and the insight they afford into private life, are not sufficient apology for their insertion, the rarity of letters of that particular period in our Scotch collections, may be my excuse. It will be found that they sometimes incidentally throw light on the history of other persons and families of Inneses.

The early letters are to the old father at home—"the Goodman of Cottis." It was no affected humility that gave him that homely style. He was as conscious of gentle blood as his neighbours, and did not seek, in modern fashion, to conceal the feeling. But he had no barony—held his lands of a subject superior; and the rule of society was still observed, which distinguished the Baron and the Crown vassal from the feuar. The old man lost no respect by his modesty. His neighbours generally addressed their letters to him as "the Right Honourable Alexander Innes of Cottis." The Bishop—Alexander Douglas—writes to "the Right Honourable the Good-man of Cottis," whom he addresses as "Luffing gossip," and subscribes his missive, "A. B. of Moraye." Bishop John Guthrie, his successor, addresses to his "worschipful assured friend Alexander Innes of Cottis." Elizabeth Betoune (Lady Achynachie) directs her letters to her sister—the right honourable my loving sister the Goodwyff of Cottis." Huntly, the great man of the North, addresses to his "right speciall freind the Goodman of Cottis," and writes to his sons as his "assured freinds"—his "much respected," and in similar terms of consideration.

Alexander, the most ambitious in style of the young men, perhaps the best educated in book learning, writes from St. Andrews to his brother John, who had left college and was now at Edinburgh. Their father was displeased with his eldest son, and Alexander, at his mother's desire, entreats that he will not put on mourning apparel for his uncle Leuchars, and secondly, that he will not at once tell his father his debts, but confide them to his loving mother—"for she is a most loving mother." Then the younger brother comes to his own affairs, which lead him to "dictat these unpremeditat lynes."

I am as yet at Sanctandroes and is to stay to Lambas, at quhilk tyme I am to be made master, quhilk day is to be ane day off mutch honor to me, for I must have ane suitt of alls honest apperell that day as ever herefter I will heve, so I look that ye will helpe me to them, for my father is villing to giff me ane stand of setting; as for schankis and garteris and hatt band I leuk that ye will honor me for that day vith the best ye have, for I will seik no service of them bot that only day, and so ye sall heve them bak. Bot I look to see you schortly for my father (as I beleiff) is to send about me to Edinburgh to see my clothes tane off quhen I hope to talk face to face vith you and ther to open my holl mynd to yow as to ane most loving brother. Bot brother giff so be my father vill not svffer me cum to Edinbruch I pray yow brother wrett to me hlow your father hes accepted off yow and all uther things quhilk ye think expedient, and giff ye goe home befor Lambas I pray you vissit me in by-going, and that in the best forme. Brother I wrett familiarli to you as to ane vther father and prayes you through the love I ever caried to you that ye vill doe me honor the day off my laureatione in giffing me in len the best ornaments ye heue and in delling with my father to tak of the best, for I am content they serve efter that day giff it pleis my father and you. Thus brother in hest and familiarlic leuking that ye will obey the contents of this letter as I ever sall be redie to honor you and serve you herefter according to dutie, for your honor is my honor. So rests, committing you to God's protectione your brother to death no less than his owne

Alex. Innes.

Excuse the imperfyttnes of my letter for hest compellit as the berer can sheu.

Sanct. 1619

7 Jun

To his lonin and effectonat brother Jhone Innes apperand of Coitts deliuer.

The following letter, unluckily without date, is in a neater hand than many better spelt and grammared. The writer is in Paris. Robert in Italy. I guess the date to be 1625.

From Patrick Innes to his father Cottis.

Perich the twenty four of October.

Sir, I will not omit no occasion wherin I can let you know off my

doings. I am hear (praisit be God) in Perich weel in body and in soul but I wes farr disapointit at my cumming hear seeing the King is not in Perich but is abow two hundreth liegs vp throw the cuntrey in Leons in warr with his brother with bloodie fights. This hes been much expensiv to me in this dear cuntrey wher I vill not get (in conscience) so much hear for twenty shillings as I will get in Elgin for four shillings. The Lord knowes I liw farr better I must confess now at hom but yet I wold not been vnseen the fashions hear whilk will learn me till vse thrift at hom iff it sall pleas God till send me hom. I car for nothing iff it sall pleas my great Jehowa till preserw yow with my dear and most dear mother whos last words sall be grawen in my heart.

The pest is werie cwill hear and mony diing especially vp throw the cuntrey utherwais I wold haw gon wher the King is but that I regardit your command with my motheris whilk I sall not fail till obey so long as I can stay from the warres; but Sir yee know (and I know yee will excus me) I can not stay hear till spend all that I haw and then be forct till goe. I sall remain hear wntill I see whil Januar and sall liw the meanlier till let yow know whow villing I am till obey your command. I liw hear for vi suis in the day but my bed is extraordinier great, abow four suis in the night and is verie base and mean, but yet I must be content till it sall pleas God till send better. Sir I pray yow wreit your advis to me whilk my lyff sall fail or I disobey. The tym that I stay hear I sall vse it vertuysly in bettring my self whow till learn till liw at hom industriously. Iff yee be weel I car not till go throw the world till shift for my self as God sall giw the fortun, but if it sall pleas God till call yow I mind newer till see Scotland nor sall not care for my self. I haw oft offendit yow yet vold to God I culd recal them yet I hop your tender low and car will forgiw me. Hoping vith Gods grace newer till offend yow mor iff it sall pleas God that I cum hom.

I haw writtin till Robert with James Grant of Remoir and Alexander Spadden who ar turnt Catholik Romans and is gon till Wenis and Rome having gottin recommendations and testimonies whilk I might had iff I wold haw attestit and sworn ther articles and commuicat with their prestis bot I wold not chang my faith for such hiprocacie as is hear. I thought God culd not haw prospert my voyag alheit I had a great intention (if it been your will) till seen my brother Robert.

But seeing the contagion now and the warres and robbers is every wher so frequent and I was not till cast my self away nor to tempt God and so to be vnmindfull of my promis to yow and my mother I resolves to stay. No man can trawell hear albeit he wer the best in Scotland but he must be a Catholik Roman. I eshewed my self a great inconvenient in Nostre Dame Church of Perish becaus being a stranger I went to see the Church wher I escapit from among a number who wes to lay hands on me becaus I vold not humble my self to the idols beeing going about the church in their procession yet (praisit be God) my Jehova strenthned me so that sum of them knew me to be a Scots man by my behaviur towards them. So hawing no mor till trouble yow bot vith my dayly prayers for your happiness and long lyff hoping yee vill vriet to me with the first occasion Maister Alexander vill get them conveyit be James Mell in Deep who receavs dayly vord from London. So I rest

Your humble son to the death,
Patrik Innes.

I sal (God villing) see yow at home about Witsunday praying yow till haw cair off your healths.

For my dear and loving father the Guidman of Cotts in north part of Scotland in Murray.

Another letter is only notable for its indorsation.

Balveny's letter asks Cottis to send him all the help of horses he has to carry stones from Quarriewood to Boat of Fiddicb. Perhaps he was engaged in some additions to his grand mansion of Balvenie. The letter is dated at Kinnivie 1 Nov. 1625, and subscribed "your loving Eame in what I may

Robert Innes of Balveny."

It is addressed on the back "to my honorabill and loving Eame the Goodman off Cottis," but a later indorsation records that

"this wicked murderer notwithstanding of his pretendit kyndnes assasinatis this Cottis shortlie efter at the krukid wood of Urquhard—quhich cost him deep and deer for a remissione to himselfe and freindis."

My ancestor, George, who was afterwards laird of Caldcotts, is introduced as one of that crowd of adventurous Scots taking service under Gustavus Adolphus, the Protestant hero.

From Lord Spynie to Cottis.

Right Honorabill Sir and lowing freind

Plese yow wnderstand your soon George has offered his service to me and referred unto my selffe to appoynt him his degree And seing the gentilmanis mynd was affectionat and bent to follow me, being my near cusing I preferred him to ane coloris quhilk place will yeeld him fourtie doloris a month upone conditione he sold list me threttie men upon my awin charges. This is ane task that he can nott possiblie performe without ye assist and directly doo for him. I know giff ane stranger wer to follow me for the lowe yow caryed to my father ye vald do him all the forderance ye could. I will remain confident that ye will bothe assist and think the better off your sone that he hes maid choyce off me to follow. Rest fully assured that he sall be veale and kyndly usit as any gentilman that sall tak ane part off my fortunis and that I sall ewer remaine

Your faithfull and lowing friend

A. Spynie.

From Holi Rud house the sextine off May.

For my honorabill coosen the goodman of Cottis

From Alexander to his father Cottis.

Sir,

It is nowe a longe tyme since I heard from you. I am impatient to be barred of that may afforde me so much content. It is your health Sir and happie dayes I expect nothing ells but your blessing whitch I will endeavour to merit by the deutie of ane obedient sone. I acknowledge myselff mutch bound unto my good God for the blessing of so lowing a father. I am in deutie bound to acquaint yow whow it goes with myselff; but that at this tyme I crave your pardone hopes have so long failed me, only expect to heir that your sone lives and svbsistes lyke a gentilman of best sort, not beholding. Moir my hopes be gretter and in moir possibilitie then ever befor. Nixt unto almightie God they depend upon my lorde Deuke by whoes favour befor many dayes I hope to obtaine a part of my desyres. The berer is my freind, hes promised to deliuer my lettres to your owen handes. I pray Sir use him with courtasie and kyndnes first as a stranger nixt as my freind. He has saued me the labour of wraytting newes. He

is one of sound judgement and good intelligence. He will acquaint yow particularlie of all forraine or at home news. All our Scottisch lordes be at court: nothing as yet done. I pray Sir lett me wnderstand by him giff ther be any thing worth I may fixe upon in the rewocatione. I am confident to carrie it with a strong power. This gentilmene will be the safest berer. Concerning your office I will make use of it for your profite when I find the king disposed to heir of such affaires. My brother Robert is at London veill, in persewte of fortune, in good hope; he wanttes nether wisdom, diligence nor freindis. God mak the event. George is in Holland, the fittest academie of youth at this tyme. I haue touched all I desayre to heir or acquaint yow. Onlie yow will be pleased to commend me to those yow hold my freindes. Commending yow to the cair and goodnes off Almighty God I take my leave and remaines

Your lowing sone in all deutie

A. Innes.

The best newes I can heir is that my deir mother, a good and deutifull wyff (I am confident) and my vorthie brother a deutifull sone live as God and nature lieth tayed you together. I beleiff William Strauchine hes undertaken for to gett his sisters consent to be devorced . . . not cross it Sir it is the best of evils. He hes forsaken Jeane Douglas as love is colder I hope he never will offend God moir with her.

Alexander Innes to his father Cottis.

Sir

I am mutch aggrieved that I have wreitne soe oft and still my letters miscarric. I hope these will cumme safe to your handes. The berer our Bischope hes hadd noe priuate bussines but publike whairin he needed no furtherance I could doe. At his first cuming I was desayrous to wnderstand off him giff his bussines concerned himself and told him since he was ane stranger to the court that he would make trayall of that my father and all his childring had professed to him, particularly myself and would gladly wundertaken; but the bussines only concerning the Church, abowe my straine, he had his dispatch be Sir Robert Carr and Sir William Alexander, not fullie content as I suppose nor ther propositiones granted (this only to your self Sir) I did him all the courtasies I could. Your owne bussines Sir

of taythes, the king hes referred you and all to the commissioners wher yow may have the worth. For your desayre to Plusquartie as the reduction proceeds I will be myndfull and I make no doubt to obtaine of his Majestic yow to be Chamberlane; and for your baillierie I hope to gett the king to deale for it bot the time as yet is wnproper. Therefor Sir you must resolve patience a little. I will omitt noe tyme for yow, nor for myself. I hope by the helpe of my good God to be no further burden to yow but ewrie day to be anc comfort, the whitch I may be I incall God to witnes I moir desayre then my lyf. The hardest is in the beginning. I can wreit no moir not being aboue ten dayes since I last wreit.

My brother Robert is now at Londone and is schortly to return to Germanie. I assure you Sir he hes made anc gaynfull voyage. He hes employed in London two thousand merkes, whitch I hope within half yeir will be in returne foure, and in Germanie he hes foure thousand moir. He hes ane angell in the day allowance from the Regiment so long as he is abrod. For other newes they are uncertain and dangerous. Onlie we lie in a displeasid state layke unto nowatione. Our bischop the berer will saff the wreitting of them. I desayre to heir from you (Sir) so oft as may be. With my prayers for your happie dayes

I remaine

London 12 Febr
1627

Your lowing sone in all deutie
Al. Innes.

Coxtoun to Cotts.

Sir,

Give your leisur wald permit you I wald meit you in Elgin on Fryday nixt, seing the said day is holy dedicat to the Virgin Marie, ye wil not be about your warldly affairs. As lykwayes my puir tennentis ar in wehement feir of sum of your sonniss for abstracting from tham of thair seruants now in haruest to go to the warris again their wil quhilk can nocht be weil thoct of, seing thair ar not nor never war under condition with tham. And give thair continew in fordre suit of tham it wil tend to the vndoing of the tennentis quha yet skarslie entrit to thair harnest and consequentlie wil do me gryt skaith throw not winning of thair cornis quhilk most be my land duitie and that I wil not expect of on of yours. Bot efter the winning of

the cornis give the capitaine or ony in his name may purchas thar awen
 . . . I wil concur and aid him in his honest interprisses quhat I can
 . . . your ansuer in the premisses I rest
 your luiffin brother at power
 Jhone Innes.

Coxtoun this Wednesday.

To the right honourabil my luiffin brother the guidman of Cottis, these.

Coxtoun to Cottis.

Honorabil Sir and brother I delyuerit your letter to Jhone Petcarne quho I dout not hes wrytin his mynd unto you. The Lard of Innes cam not into this toun till Thurisday at nycht and we did meit on Freday efternoon in my Lord Durry's quhair no thing was don in respect the lard of Innes wald have the tua actionn conjoint and nunitit quibilk can not guidly be. We war content that so suld be provyding that the Lordis wald decerne.

Thair is no occurrents for the present. The Erle of Winton is com hame frome Court quho reportis that Maister Lamb the Duckis phesycian is killit be the printisses of Londoun and the Duk is in ane fear.¹ Ther is an Italian wardit within the toune for transporting of artillarie and pultre and bullet to Kinburt quha constantlie affirms he did no thing bot by directioun of the Duk. His Ma. and lower huis are reconcild bot not thronchlie. The price of victual ar ten markis the beir mail and ancht markis four s. the oitts. Thir ar the prices for the present. I think God willing to wisie yow the nixt oulk. So to than as ever sal I rest your luiffin brother

Jhone Innes of Coxtoun.

Edinb. the xxix of Jun
 1628.

Lat thir presents remember my luif unto your bedfellow and barnis.

To the Richt Honorabil and his luiffin brother the Guidman of Cottis.

¹ On the 13th June, Doctor Lamb, "the Duke's devil," was mobbed and killed in Lothbury—the mob crying, if they had his master, they would handle him worse, would mince his flesh, and have every one a bit of him.

Cottis has handed the letter forward to some neighbour, with this addition :—

My wyff schawis me that your L. desyrit to knaw quhat newes I hed gottin. Pleas your L. read the letter I gat. I knaw na moir, bot in Elgin I hard of mis-contentment amangis frendis. God mend it! Yet I am in hoip the awkward sal be tain away. Send bak this letter.

Your L. servand with service

Alex^r Innes.

I cannot resist giving the following letter, though so carelessly written that in parts I have to guess at the meaning.

Robert Innes to his father Cottis.

Honorabill Sir my humbill dewtie and obedient service ever and at all occasiones sall attend your commandes. Fynding the occasione off this gentillman Mr. Ogilbie I maid bold to wrytt thir informell lynes presuming they schall be in effeccionne ressavit. Sir I wold wrytt oftener bot I am not suir of delyverie thair. Laird Innes waynt awaye unexpect etter the rcept off your letter. I did obey your comanddis in kepping ane cold generall wyssitt huyche was moir as my dew or dewtie bot I confess he was hir in the worst tyme aither to schow my self frynd or fowe. Sir I think my brother Alex^r did wrytt with Leslie the ressonne I did schaw my self att currt so seldome at that tyme quhill I hed my bissines sattlett with my Ingilles allaye. Except for some of my contrie men I hed gottyne ane thowsand pundis starling in ane monthe after my mariage with ane weill furnist houss in Londone and fiwe hundreth pund after my father in law disseas. Yett I [trust] in God itt sall come all ffor the best to Gods glorie my weillfer and content off my best frynds. I dowbt not off the cair off my frynds in saving me from thatt allegitt . . . in Scotland. From henche forthe I will omitt no occasione. The king will have no ressawers off the rewocation bissines bott the old ressawers. For the rest only sall go throwe the tynds. I schall be glaid to wattede ewerie occassione to doe you service or my frynds bot for my pairt I hope God will not put my fortunne bot quhair I schall have content quhilk is not thair. Only my dessyre is to come to have yow my parents blissing wones bot therafter newer to sie that contrie with desyre quhyche I think giff my intention plessing God

sell France sell be scortlie. My best frynd Mr. Clark off the bed chalmer is deid bot he quha provydit the old will also raiss the new. Quhat my lossis be dewle bothe be tyme and meinis I rest for the nixt occasione yow sell heir mor lenth and sertantie of my fortowne and meyne quhyche now I can be ressonne the first day of frindschipe was on sonday last, for quhat ewer I am I sell wryt spairing within compas. I sell vyss at God I may be happie to doe my brotheris or sisteris or ane of yours good offices heir. For news, the parliment goes one heir the tantie off this monthe. Its lyk thay sell have ther will to mucche to crube the kings prerogatiwe as thay have done be ressonne off the necessitie off tyme. The Erll Pembroke now stewart schall be admirall off England. The lord Makgumbrie his brother now chamerlane schall be stewartt, the Errll Kairlell schall be chamberlane the placing quhereof depends on his coming, quhyche is expectit dayly. We sell haw paice with Spayne, merchants the licence to treid ther alraddie, fowr grytt schippes new gone, the Genuweis reffussit the king of Spayne to be thair protectour and hes proclomit the king off France, quherwpon the king of France is raissing ane grytt armie, paice refussit heir with France, offerit be the estattis Imbassadoris. The Queyne for certain with chyld. No fawored sens the dewk bott the queine onlye. The Lord Occultric is going . . . to Nowa Scotia for plantation. I am much bond to our brother Mr. W^m kyndness comes some tymes from Harrag to London. I hope wey sell hawe him a churche in London.

rests in God

Your obedient sone

R. Innes.

London 7 Januarii
1629.

Sir Robert Innes of Innes to Cotts.

Loving Cousin Lat thair be no impediment in me to the paking of your fischis. As for onie oblichment or conditionn that was takin by my servants for redelyverie of the Corfhous and forty ane fisches taken befor the goodwyff off Leucharis death, we sall speak of that hereafter, as also of the meall of the Corfhous. That is litill among freinds quhair men keipis dewtie and kyndnes, quhilk indeed will ewer moir prevail moir with me nor anie wther kynd of doing altho perchance your self and wtheris hes thocht the contrarie. You say that both that and wther thingis sould ap-

pertain of richt to you, I fear that is better allegit nor proving. I can find nather law nor reasonn for that. Bot this is bot to answer that claus of your letter quhilk nicht weill aneuch have bene out of it. Yow will send up the acquittance and rest of my money and I sall be cairfull of the sending your letter south and so restis

Your loving cousin

Robert Innes of that ilk.

To my loving and assurit cousin

Alexander Innes of Cottis.

Alexander Innes to his father Cottis.

Sir, Hawing wreitne by Patrike Hamiltone serwant to my Lord Gordone particularly and also sent ane commission to my eldest brother for ane companie giff yow thocht meitt he should embrace or giff nocht he, it was ane preferment for George. I doe confess the occasione whay my brother Robert and I dealt for him was becaws I did feare he would be constrained to leawe the countrie, so did I in this case hold this ane nobill and profitable way, but all layes upon yow Sir whoe I doe confess hes with so great wisdome and lowe rewled the actiones off your childring. I am confident God will take caire of him who so trewly feares God and the rest to yow to whom all your childring ar bound for so waysse and cairfull ane father (my self in particular) for your kindnes. Sir ther is ane generall order sett downe nor is ther any thing moir the king is willing ewrie gentilman may hawe the just worthe for your bailyerie and patronage. I hawe already mowed it to the King but that his mageste is so full of cair for the protecting of his honor and kingdomes that nothing can be done. Therfor Sir yow resolve wpon patience and the King's better leisser, by Gods helpe I shal be cairfull. My brother Robert is returned into Germanie, Almightie God bless him. He hes woued to God and me to abandon and wtterly forsake that base woman Jeane Douglas. That done, I hope he will be ane comfort and helpe to his frindes. None can exceid him in love, cair, or power. Giff God bless him this summer I hope he will make ane profitable journey. Sir the berer hereof Serjant Young is the cheiff occassionc that at this tyme I hawe wrayttne, recommending

him to yow as one that is and ewer hes beine ane kaynd and worthie frind of mayne. I pray Sir that he may find all kayndes yow can schoe him. He is the Kings serwant one abill with good offices to acquaytte yow and me also for I shal heir of it in London. He hes promeissed to sei yow and your houss so Sir this is all except your blessing and fatherly counsell for the present I am to intreatte at your handes. With my prayers to God Almichtie for you and my mother I tak my leawe.

Your sone to honor and serve you,
Alexr. Innes.

Desyring to be remembred to the rewerend bischwp, to my rewerend friend Mr James, and your constant friend the tutor, and Johne Dougall, the newes I referre to the berer.

Coxtoun to Cottis.

Sir, I have ane desyr to sie yow give your helth and loisir will permit yow to cwm to Cauleotts Mounoday I wald meit yow ther be ten hours or sonner or ony uther day as ye sal appoint. I did yesterday meit Bursyards in my awin huis and eftir sum speiches had of our cautionarie for umquhill Laithes and his laday quha hes subscrivit the band seing it was to exoner hir Ladiship. I did inquir, albeit I had non of my awin, prices. The beir is in Leith at viii markis and sum mor but in este Laudien it is nyne markis. Bad apperance of cornis til Berrick and in Fyf and commonlie be al the wayis in respect of the gryt droucht sene April til Satterday and Mononday ther hes been no raine. I dout not bot thir newis wil be to your harts contentment. Tillibarne cum to Edinr on Satterday at nycht and went to the Abbay on Souday efter the efternone sermon to meit the chancellar quher the erle of Mar Buchquhan and sundre of the nobilitie was present bot disclosit non of his affairs bot desyr the conseil to convein on Tuisday last, and for keiping of the day my Lord Marques of Huntlie crosit the ferre on Mononday at nycht. Letterfurry and James Grant that guid barne hes bein before the conseil quher James Grant hes challencit him of wyld factis quhilk I wil nocht wryt. Tochchie was to be buttit and therefter was to be hangit. I have no more to wryt. Give me not auchtor of thir news for

I had thaim of Bursyards. So to your answer, efter the remembrance of
my best affections unto your bedfellow my cummer I rest

your luffin brother at power
Jhone Innes of Coxtoun

4 of August
1632

To his most luffin brother the gudman of Cottis.

From the Marquess of Huntlye to Cottis

Right Speciall frend

I haif receavit ane letter from Newtoun quherby I wnderstand that thair is some wordes past amangst thir young folkis that he thinkis he cannot be repairit in his credeit till thay mak first some offeris to him of thair satisfacioun. Therfor these are to desyr yow to come heir to me this day alsoone as ye can to the affect I may be your advys draw thame to some conformitie to both thair weillis. So looking for your coming, till than restis

Your assurit guid freind

Huntlye

Boig 25 Merche 1632.

To my right speciall freind the Goodman of Cottis.

In 1634 died Alexander Craig-in-peril, succeeded by his eldest son, John Innes of Leuchars.

Alexander Innes to his brother Leuchars.

Deare Brother,

Wreitting to our mother your self and my other brothers was of my first actiones efter my returne from Irland; wherby I acquainted yow off my wifes and brothers stay ther this winter for following my bussines and that my self was resolved to winter at London. By that letter I was desirous to heare from yow, the rether becaus of our fathers death; that I might be informed how he disposed of the wordle especially

what cair he touk for our deare mother and your self; but most of all that I might heare of his end which I trust in God was happie to the comfort of his childring. As by that letter so by this I sollicitted your cair and dewtie to our most deare and best of mothers and that now yow would (if possible) double that goodness which ewer abounded in yow to her, the rather she now is aged and a widdoe. I knowe deare brother so much goodness and worth in your dispositioun as I am fitter to receawe then giue counsel. Yow have ewer beine an example to ws all for werteowe especially for your pietie, regard, and honor of your parents, for which and your other charatie to your poore tenants and neighbors, althoe I be no prophett, I dare say besydes your reward in heawine, yow shal have comfort upon earth. It is great content to me to heare the wniversall consent off your goodness and uprightnes by all that knowe yow. I trust and pray that God whoe heth giwen yow grace to beginne will and may giue yow to continewe. Iff my former letters have not cumme to your hands doe not writt to London. By Candelmass I trust in God to part from London towards Irland where my deare wife and brother are.

Iff it plesse God I can settle my bussines in Irland I resolute to sei yow this summer in Scotland. Nothing I have moir desired, but my fortune heth hitherto refewssed me that content. Besydes my love to my other brothers and sisters, it is a great suffring that in so long tyme I could neuer be so happie as to sei my deare mother and your self my dearest brother, your good and worthy wiffe, and your suet childring. Direct your letters to Dublin in Irland where I hope to be by the middle of Februarie, and ther I shal remaine most part off this summer.

If possible do your best endeavor that our brother the caiptaine may be divorced from Margrett Strawchine. I knowe yow have not only hadd the cair of a brother but father also off your brothers. This I must commend vnto yow as an acte wherby yow may prewent our brothers ruine, iff it wer with settling that two thousand merkis in the Laird Innes hands vpon her and hers presently for ewer. Crombie is lyke to remaine prisoner vnless his brother relewe him. Next vnto your self, my best love to your worthy wiffe and sweett childring. God bless ws and grant we may ewer remember the manie great affairs to serwe God and sawe our soules. Fairwell deare brother.

Your lowing brother to serwe yow

London 1634 December 24.

Alexander Innes.

We heare of greatt rewdness and disorder in the north of Scotland which I am confident your owne goodness and discretione will not only in your self awoyde as barbarous actiones, but also I trust yow will not suffer our brothers (whom yowth and want of judgement may ingadge and make neglect that rwine that certainly will befall all off them) If any frends ther be of that infortunate number, they should doe weill to withdrawe themselves owt of Scotland, for certainly not one of them are lyke to scape the executioners hands. Dear brother lett not your affectione to any of that number draw you to have corespondence with any of them.

Next summer yow shal heare off ane brawe flectt of shippes which our brawe King will sett to sea, 25 greatt shippes off 800 tunne a shipp is to be furnished and wictualled for sex months, ewrie shyre in England to sett owt one of 800, ewrie way appoyuted. We heare no foraine newes. In England blessed be God we live wnder the goverment off the best King upon earth. Long and happily may he raigne. It is lyke befor thes cumme to your hands, yow well heare the Lord Chancellor and Sir Francis Stewart are dead.

Whois names soewer the King heare that hes bene but of corespondence with those reude and disorderly men, will for ewer make them wncapable off preferment or the King's favour.

To my deare and worthy brother, Jhone Innes of Lewchars these.

Alexander Innes to George Innes.

Deare Brother George

Presently upon my returne out of Irland I wreitt to our mother, brothers and sisters, of whom you were one. I judge it not a neglect of corespondence I have not befor this hard from you all; but that my letters are not cumme to your hands. By them I sollicited your dewtie to our deare mother, the moir that she nowe is aged and a widdoe, . . . Nature will from the worst childring to the least deserving mothers force a dewtie and obedience: To an mother so trewly deare and good, from children that have that obligatiouc to parents as by ther cair received civill education what is to be expected but the doubling of our loue and dewtie. If you profess a desire of the good opinione off the wordle and the blessing of almighty promessed particularly to honorers of parents; honor and obey our most lowing and werteous mother . . .

I heare yow are married to an kinswomane, I am glaid it is to your content and wish yow much happie and joy. Yow are now further interested in the wordle and behoveth the more cair. We hear of great confusion and disorder in the north, from which I pray God deliver all friends. The king's displeasour is so great that all of them are lyke to dye by the executioners hands. Yow must not only be free from ther actiones but awayde also ther companie. They will not nor can escape the power of justice. I pitie ther simplicite and want of consideratione. If yow have not already, doe not wreitt to me unless occasione present to Irland. So I pray lett me heare off your owne content, howe our father dyed, which I pray God may be happie, what cair particularly he tooke for our dear mother and ewrie one of yow my brothers and sister. I am about Candlemas to part from London towards Irland wher my deare wyffe and brother Captaine are, weill, thanks to God.

Iff ther be any thing in your power may further our brother the Captaine's devoire with Margrett Strachine, I commend it to your cair, as you lowe our brothers happiness and desire to prevent his overthrowe. I resolute iff God bless me to see you this summer in Scotland. Next to your self commend me to my cosen your wyff. I remane

Your loving brother

London 1634

Alexander Innes.

December 24.

Robert Innes to his brother Leuchars.

Deir brother

At my returne from Itallie I hed the hapines to meit our brother Alexander att London whou died salut me not only with his oune presens wiche was joye to me bot lykwayes with a gryt maney wther good newes wiche was cordiall to me ; bot inspeciall to heir off our worthie mothers and your and all our brothers good healthe. I haue writtine to our mother at lenth so I neid not to maik reptitione off my sellff or to giue you ancy forder acompt of my proceeding. As I am bound I schall euer esteim it a gryt deall of happines and honour to haue suche a brother as yow. I besuch you good brother still keipe that opinione off me (thoe nather by experience nor aney wertue off me, bot out off your owne good dispositione) thatt you haue nather brother nor child that does honour respect and loue you more. Whou knoes bot it may ples God to change fortowne that I may

express my willing and thankfull reallie. I schall leue nothing that becomes a honest man for performance theroff. I thank you good brother for your good and sellus counsell from tyme to tyme and schall doe as it ples God giue me grace to remember my mothers counsell and yours. As for you writt that I have tryit many countries bot all fells, and at any tyme I may haue a retreat with yow, I doe hartlie and humblie thank you. Thoe my tyme was at the present spent with some sufring, yit I begyne out of Gods gryt marcie to maik some use therof and iff nou after so much experienticht and languagis, wich without brage I will giff ples to feue in Chrisindome, hailthe seruing, to come home to be troblsome to you, I suld think my self worthie to be throwne to the doges as an unprofitabill member, and lykwayes it wald giue the evill exampill. I am ashamed to heir our brothers does not begine to think to liue, for at the laist itt will be seuyne yeirs befor they gett the way off bridging, excepe thay satill at home, thoe I desyre that none off them goe abroid this yeir, the tyme is wonderful dangerus, bot iff thay doe any of thame, lat them call in my name att Mr. W^m Settone off Meldrum, by resson ther is many Setons ther, neir to the Grand Augustines wpon the Key, so it is called in Frence, against the 3 Mors at Mons^r Gyn's house, I schall laue derrections by him, I kno he will be als cairfull off aney that belongs to me as my self, for I doe the lyk for him, for we keepe corespondence.

I pray remember my humbill deutic and reference to my deir and worthie sister your wyffe. I hope sche will pardon the falt I comitit to hir cussine Jane. Schie is now very well marrid to a limner . . . leues very contentit and has a chyld by him.

The Lord Gordone is coming home. I am muche bound to his and his lady respect. Iff I can I will come home with him bot I am not assured. Young Arlogie I think be this tyme be deid. The nycht befor I cam to Parris was run throw the bodie by on Achterfoall, Arlogie being wery drunk persuit the wther in stritts. My Lord was wery cairfull off him. I sie him. He told me he thoct he culd not live tuo dayes. So rests to God as I am

Your louing brother, R. Innes.

Whou sone I come bak wiche will be schortlie God willing, you schall heir off me. I goe to Turryne to the Deuk Savoy's curt.

London 15 June 1636.

To his muche honoured and worthie brother Johnne Innes off

Leuchers Esq^r Leuchers.

In 1636 Robert had already "taken service with the Swede," for on 18 September of that year, Alexander Gordoune of Dunkyutie writes from Cambdell to his Richt honorabil and Loving consing the Guidman of Cotts complaining that his son Robert Innes capitane in M'I, his regiment, had gone to the harvest field of Caldcotts and struck and dung some of Dunkyentie's tenants because they would not suffer their sons and servants to be soldiers to him—

From Alexander Innes to Leuchars.

Deare Brother

I have written by all berers hes presented since my repaire hither altho my fortune hes only beine to heare but once from yow. If I lowe your content as I profess you may imagine how glaid I an to heare off any thing may assewre me off that. I am confident you are sufficiently without apologies perswaded of my dispositione which shal ewer be to lowe you your most worthy wertheous wiffe and sweet childring as I doe my self and mine.

I writ to you by Sir Robert Gordoune by whom I send Sir Alexander Gordones band and discharge according to my promise and other advertiments of busines concernes him heare, so have I nowe sent his trounkes and goods by ane dysert shipp and so performed all I am bound to.

Our cosen young Geight hes worne owt his tyme heare to little purpose since my cuming heare he hes beine continwally parting. He nowe stayes for the Marquess Huntlyes cuming to England upon whom he intends to waite to Scotland. He promises great cair. Cleare your self by faire and frendly meanes if yow can but cum no moir in the briers. His ladies mediacione with my Lord Ogilvie (in whois power it is most) may awaile much.

I heare nothing of Balvenie but that he remaines heare obscurly, as I am informed his great pretenses and sutes goes noe higher then ane protectione.

Our brother Captaine¹ was at Londone and returned back to France and is to be at London next month. I refer yow to his owne letter I herewith send you. For my self deare brother I will embrace your good counsell forbearing that may displeass our almighty and merciful God, and humbly supplicate grace wisdom and success from heavine. My Lord Deputies cuming to England hes delayed my bussiness so as

I must winter in Ireland, my hopes are still the same. Law and conscience I have vpon my part, so I trust Almighty will not crosse me althoe my sinnies deserwe greater ewills. The judge is noble and just with whom I have a little credett and estimatione. Longer then next winter by Gods assistance that kingdome shal not hold me from prosecuting my hopes in England. I think I shall perswade our brother to sei you this winter. If he doe not I resolve to send my serwant Robert next Spring owt off Ireland and fermely resolves by Gods mercy ewrie two or three yeares to sei yow in Scotland. Lett me heare off your content and business that so I may rejoyce and suffer with you . . .

No newes but the great preparationes of warres in France and Italy. Our fleet is at sea, wher I heare not, but vpon our owne cost. The fanine in Germanie is incredible as reported, the liwing are constrained to guard the dead from being taken owt of their grawes for food, from which Good Lord deliver us. The Prince Pallatine remaines heare till the Earle Arundell Lord Marischell off England Ambassador with the Emperor returne what may be expected concerning restoring the Palatinate.

This is all. Praying I may heare from yow upon all occasiones, desiring your prayers as myne shall be for yow and yours. Almighty bless ws.

Your ewer lowing brother to serwe you

Alexander Innes.

Next to your self my best respects to your worthy wiffe my sister and all your childring. When you writt lett me wnderstand how yow have settled that troublesome bussines of Coxtones and your other private effaires. Direct your letters to be left at Mr. Mease house at the signe of the George in Commone Gwarden neare Russell Street.

Alexander Innes to his brother Leuchars.

Deare Brother

Since your brother in lawe Mr. Douglass parted hence (whom I could not intertaine as fitting my respects unto his most worthy sister your wife, at that tyme unsettled, houssed wher was noething but bare valls) this is the first meanes of writting. Your letter to Colonell Gordon I sent, inclosed in the kings pacquett directed to his Majestie's agent at Vienna, so as I make noe doubt of the safe delivery. Besydes our brother Caiptaine

wreitt to Coronell Lesly caiptaine of the Emperors guard to take cair of delivery and conveying bak ansuer of the letter. I gaive directiones sutch as if he pleass to followe yow may haue ansuer wery suddainly directed to my brother or selff.

I make no doubt yow whoe in all your actiones are considerate, will prosecute that resolutione yow imparted to me with judgment and deliberation, and besydes absence from a wife most worthyly deare, hopefull childring, a mother that expects eomfort from you and freinds to love yow, yow will consider the many easualties and uncertanties: But with all, if the gentilman efford but a frendly encouragement I shal most willingly assent to your intentiones and accommodate yow with a fellow adventurer sutch as loues yow and in a jorney of that adventure may proue usefull and comfortable. Iff noe encouragement cume from the noble Coronell and that your resolutiones be grounded upon necessity I doubt not but to propound better and less difficult intentiones. Our brother Caiptaine is weel and is lykly efter long vncertainty to settle himselff in a convenient cours by meanes of a patent the king hes granted him for erecting an office whitch in tyme may proue beneficiall. He intends vpon recommendatione from his Majesty for a company, to goe this spring vnto Ireland, and from thence this summer to see yow in Scotland.

We have little forraine newes here whereof I can wreitt certainly. Only I heare his Majestie intends to send an Embassador for a further treaty for the Palatinate to Spaine; and that the Swedish can not long subsist in Germany.

Deare brother when a bearer [offers] whois cair of delivery yow may trust, I besceitche yow lett me heare of your bussiness whitch I dare say I moir examine then my owne. Dear brother yow haue beine long a schollar and I am confident proficient in Gods schoole. Crosses . . . nether loss of those most deare nor reputation are the more tollerable they are marks of fauor whitch I pray and trust may reduce vs to remembrance off our owne unworthiness and contempt off this wordle wher nothing is worthy settling our affectiones, that so casting all our cares vpon Almighty, contented with honest endewores, we may settle our harts vpon heawine whar we shal not only be deliwered from the serwitute of this wordle but serwe God in everlasting happiness. I am confident your soule practises what my feeble

hart and hand expresses. In confidence wherof I hegg your prayers for him whose shal ewer moir remaine

Your most lowing brother
Alexander Innes.

London 1638

January 8.

With myne, my wiffe presentes your selff and worthy viffe my deare sister all service and loue. I send you a letter from Sir Robert Gordon. Yow may noe doubt part your tythes or Baylry as I suppose vpon better termes then formerly. What the pouer of the Churth is lyke to be you may better imagine than myselff.

To my honorable deare brother Jhone Innes of Leuchars.

Alexander to his brother George Innes.

. . . this is the only bearer hes presented since my coming to London. I am most glaid to heare from yow but hartile sory that any petty poore difference should occasione unnaturall breatches. Pitty and shame it is we should without remorss so freely forgett nature reason and discretion and expose our natures and most private affaires to the censur of those little regard vs. Brother mistake me not. I impute it to none, without flattery I esteeme yow kynd discreet wysse and religious, the supream taye off all. I rether belewe it a just judgement be almighty for our correctione and instruction. I pray God it may proue a future good, howesoewer deare brother its more charity supporting than breaking a bruised reed. Almighty will recompens yow and all honest men commend yow and your aged mother pray for yow.

Our brother the Caiptaine goes this spring to Ireland from thence he intends this summer to sei yow all in Scotland. He is lyk by an office the king hes conferred vpon him lyke to settle himselff weell but that my occasiones of expenss hes heine so extraordinary . . . land to London wherof at our parting we spoke, so soone as pleaseth God possibly I may, I intend to wenture a stock, the benefett is certaine the returne suddaine and the charge smal. After experience of on jorney or two yow may gett moir in on yeares trade then fyve years husbandry at home. By that tyme my occasiones are settled heare I hope yours will be, in Scotland, so trust I in God we may proceed with success.

When you meett with a bearer that wndertakes to be cairfull lett me heare particularly of all frends bussiness especially thosse most concerne vs. Commend me to all loue ws especially to our nephewe Coxtoune and our Cosen his wife to whom I intended to haue written hadd the bearer efforded me tyme. Deare brother George I hope I shal newer descrwe other then that yow should be confident yow may ewer moir command

Your most lowing brother

London 1638 January 8.

Alexander Innes.

Lett me heare I pray how our nephewe Coxtone hold corespondence with yow hes wncles, especially with our brother Lenchars.

To my deare and lowing brother George Innes.

A Precept had been issued by the Commissar of Murray to summon Mr. John Innes of Cokistoune, Walter Innes his sone, John Innes brother german to the said Walter, John Innes of Leuchars, George, Patrick and James Innes his brothers german, narrest of kin on the father and mother side to Alexander Innes son lawful to unquhil James Innes of Haltoun, to hear and see the said Alexander Innes—*minor et qui excessit annum quarto decimum*—make choice of curators, &c.

On 26 August 1634 Alexander the minor compeared personally and elected Sir Robert Innes of Balvanie knight barronet, Walter Kynard of Cowbin, Mr. Gawin Dunbar chautour of Moray, John Innes of Lewehars and Mr. John Innes of Cokistoun his guidis, to be his curators: Leuchars refusing to accept.

The feud between the neighbour cousins must have led to some violent proceedings; for on the 3rd of July 1635, in presence of the Lords of Secret Council Sir Robert Innes of that ilk and Sir George Gordoune elder of Geicht became acted as cautioners and sureties for Alexander Innes of Coxtoun, John Innes of Leuchars, George, Patrick and James Innes his brothers that Sir Robert Innes of Balvenie Mr. Gawin Dunbar chanter of Murray, their wyfes bairnes men tenentis and serwants sall be harmless and skaithless at the hands of the said Coxtoun, Leuchars, George, Patrick and James Innes, under certain high penalties: And that Leuchars shall restore and deliuer to the executors of unquhil Mr. John Innes of Coxtoun, the hail goods geir, gold, silver, insicht plenishing and moveables, nolt, horse

and sheep intromitted with be the said Alexander Innes of Coxtoune, John Innes of Leuchars his brother and thair complices : also that Leuchars shall bring and exhibit the said Alexander Innes of Coxtoune his charter kist or otherwise exhibit the same before his curators to the intent the writs and evidents thairin may be inventored, and also exhibit Balvnie's charter kist that in presence of some famous men trial may be tane if any wrong has been done in it, and shall pay 1000 merks for him and his parte their wrong and insolence committed in the taking of the place of Coxtoun.

Marquis Huntlyc to Leuchars.

Right assured freynd

It hes pleased God of his mercie to call our bedfellow from this transitorie lyf to the fruitione of eternall joyes, whose corpes we intend God willing to interre in S^t Macher kirke of auld Aberdeen vpon Tuysday the xxvj of Junii instant. Thes ar therfoir to intreat yowr presens that day be elewin houres to assist for doing of the last honour to the departed, as we shalbe readie to acknowledge and acqnyte your courtesie quhen occasion shall offer. In assurance of your coming we rest

Your assured freynd

Abe^d 18 Junii 1638.

Huntlye.

To our assured freynd the Good man of Leuchars These.

In another letter of the same lord, he adds a postscript in his own hand—

My Lord of S^t Andrews with the Bishoips of Rosse and Brechin tooke jorney from Newcastle towards Court upon the first of this month, and the Commissioner is expected to be this night at Dalkeyth, and the Councell already called to sitt Thursday next, for hearing his Majesties final resolutions.

Huntlye 18 Sep. 1638.

The Laird of Gicht addresses Leuchars as his noble cuising and remembers his hartliest affectione to himself and worthie bedfellow.

A brother of the good-wife of Leuchars writes to Leuchars as his worthie brother The letter which is written to procure a testimonial from the Presby-

terie of Elgin as he is "putting in for a church," is dated from Lumsdean and subscribed "Mr. Samuel Douglas."

The Marquiss of Huntlye to Leuchars.

Loving freind

The necessitie of the occasione doth not at the time permit manie words, therefoir these are onlye to advertis you for to meit with your whole followars in armes at Inverurie upoune Moonday the twentie fyft of this month be two efternoon, with fiftein days [provision] to serue God, the king, the countrie and your self. Mean whyll I rest

Your loving friend
Huntlye.

Aberdein the 18 Marche
1639.

Lord George Gordon to Leuchars.

Much respected Cosen

I haue lately receaued Advertisement anent what I was frie with yow in, concerning ane honourable bysness tending to the weall off our House, the mariage off my second sister. And hauing receaued her Contract from Ed^r I haue sent it to be subscriued by you amongst the rest thatt are employed herein. And for your security your brother Patrick is to goe South to ouersee the conclusiones thereof as you shall condescend thereupon with him. Concerning which I must renew hear the expression off my acknowledgment, assuring yow thatt neither my Lord nor I can forgett so good ane office. Fare ye well.

Your very louing cosen ever
G. Gordone.

Huntly 1st off
October 1639.

For my much respected cosen the Laird of Lewchars.

James is the worst scribe of all the brothers. His spelling is quite peculiar. One letter addressed "to my mutche honored brother Johne Innes of Leuchars," thanks him for a remittance of money, and goes on thus—

. . . But I confesse it waisse to laytill but I must have patyence. Dir Brother I knowe your love to all yuer brotheres and I sall [pray] to my

God that my fortune may favoure me soe mutche to expresse my selfe as I vald to yow. For your letter to the Marques of Huntleye I delayverett it bot he can doe yow no service albeitt his pouer waire mutche with the king in this tyme, for the king is taken wp with the parlement and with lewetenand of Irlandes bussiness ther can noe thing be done as yet. I am my selfe this day for Holland and nixt I houpe in God to goe for Portigell quhilk I howp will contribuit for my fortune. At the nixt occattyone you sall heir from me and of my intentyons. So wisshin all happines to yow

I rest your most loveing brother till serwe you

The first of

James Innes.

A pray in haste.

Alexander Innes to his brother Leuchars.

Brother,

Two of your letters I receawed, the first from Newcastle, the last from Edinburgh; I wreitt from a remote place and knowe not what conveyance my letter shal have. Since June I have not seine my wiffe nor childring, but intend (if God bless me) this next June or July to be at London. Then and ther I will not, nor shal not, omitte what is in my power to effect your just and reasonable desyres; but to deale plainly with yow I can giwe little assurance, for I feare I shal not only find alteratione of gowernment, but of court and frends. Almighty gowerne us, I can nether take nor giwe other counsell, but pray Almighty to direct ws, for in this wordle ther is nothing happy but only to serwe God.

When I come to London yow shal have particular ansuer to your business, what I can doe my self or what yow may doe by others. If my Lord Liewetenant keepe credit with his master the King and country, I shal be able to doe your business. If he fall I think so will my court. For my part I nether wish him nor my self other then for the glory of God, the honor of his King, and the good of his country. To this it is but fitt all submitt.

I need not commend our deare mother to your cair, yow being the best sonne, example of goodness to all your brothers. I shal not need protestationes to express that lowe placed at first creatione in my hart and shal con-

tinewe till parting and dislodging from my body. I say noe moir but that I am and ewer shalbe

Your most lowing brother
Alex. Innes.

Dublin, Ireland Apryll 7
1641.

My ewerlasting lowe and respects to your most worthy wiffe, my most lowing sister, and your suet childring, especially John and Elizabeth.

The Bailliery of Spynie and Constabulary of the Castle.

The Royal re-grant of the heritable offices of old Leuchars was ratified in Parliament, November 17, 1641, notwithstanding a protest by the Earl of Moray. The warrant in the Register House is as follows:—

Charles R.

Whereas wee haue been graciously pleased for good considerations, to signe vnto John Inness of Lewchars, a gift of the bailliery of the lordship and regality of Spiny, and constabularie of the castle thereof: It is our pleasure that forthwith vpon sight of the said gift, yow pass and exped the same in our Exchequer without any stopp or impediment, notwithstanding of whatsomever warrant granted to the contrary. And for your so doeing these shalbe your warrant. Given at Halyrudhouse the 15th of Nouember, 1641.

To our Commissioners for the Thesaurie Thesaurer-Deput, and remanent Commissioners of our Exchequer of Scotland.

Alexander Innes to Lewchars.

Deare brother,

Accept this scribbled paper from a brother whois affectione can never lessen to your worth and infinite affectione and meretts to me. By John Innes (whoe came to Scotland with the Earle of Lanrik) I wrote that Mr. Lewingstones absence from the Court was the cawsse your business was not done; for my Lord Lanrik (so Mr. Mawle told me) was first willing to try Mr. Lewingstone difficulty in him then by the King. Brother I am sorry I can wreit noe good newes. Summe badd effects I have found in this badd tyme, for since July I have not seine wyffe nor

childring, and my losses in Ireland are lyke to be seconded with the small remnant in England. I am resolved to suffer the worst fortune can cast upon me rather than desert my dewty to our most gracious good King. Great judgements hang over this kingdome, God off his goodness devert them.

I am this farr upon my journey from the King to the Queene to Holland. I am nowe ready to goe aboard. When it pleaseth God I returne yow shal heare from me. Our brothers Robert and James are weel. God bless yow, your good wyffe my worthy sister and sweet childring, and make us all Gods serwantts.

I shal ewer remaine your
Deare Brother

Newcastell January 19
1642.

Your lowing brother to serue yow
Alex. Innes.

Excuse to my deare mother I wreitt not. When it pleaseth God I returne I shal.

Now I think off it, I receawed a letter from Coronell Gordon whoe wreitts our cosen Geight hes parted from him and upon his returne home.

Alexander Innes to his brother [Leuchars.]

Deare Brother

I am glaid of any meanes to wreitt. Yow must expect no other neues but that thanks to God all goes prosperously with our most gracious just King; and I trust the Almighty whois wiceroi he is in Brittain will stablish his owne and posterities throne. Whatsoever be reported, vpon all open actiones the king ouercummes his enmyes, and in my soule his Majestie and Royall consort intend nothing moir then the happiness of his people.

Our brother Robert (as I heare, for from him I can not heare) the Parliament hes committed. Our brother James is still prisoner at Windsor. They must find patience. They suffer for their souereign. They are ther safe from all accidents but the immediate hand of Heauin. When I can, you shall heare from me. My everlasting loue to my most worthy sister your wyffe to your childring and all frends. I shal ewer remaine

Your lowing brother
Alex. Innes.

Oxford June 27
1643.

Turne over.

The leaf to which the correspondent was to "turne over" is gone; and here end the letters of Alexander. Of the issue of his service to his Royal master, and of the issue of his fortunes and life, I am alike ignorant.

Lord George Gordon to Leuchars.

Much honored cosen

I doubt not butt yow know (and haue been participant in) maters tuching the interest off my commission layd upon me by the estates and therefore till I may see yow, which I desyre may be upon Moonday nixt, I will say nothing onlye this much. The cards are (tho nott shuffled) yett in some disorder and according to my commission I am to goe wher my uncle is and therefore doe by thes lynes intreatt that I may haue your companie hear upon Moonday before dinner, wher I shall tell yow that I am still

Your reall freind
to serwe yow

Huntlye
7 7^{ber}

G. Gordone.

For my worthy freind and much respected the Laird off Lewchers.

Read the inclosed then seall and delyver it.

Lord George Gordon to Lewchars.

Much honored cosen,

I thank yow for your myndfullness of mee, and I shall be very gratefull, if my misfortunes will suffer itt.

Yesternight after yow and I did parte, your nephew Coxtoun with my foolische brother Lewis, came in their drink to Germach and picked a quarrell att your brother Peitter without any ground at all, which I will look to the best I can, butt in the mean tyme tell your nephew from me hee is worse then an ignorant to make such fidleing; and iff hee doe nott obey ane order which I have sent him to come to the camp, hee will repent itt after tyme. Yow know (for yow are discret) what to make off this, and so I bid you farewell.

Your reall cosen and freind to serwe yow,
G. Gordone.

Boigge Th^r morning
8 Nov. 1644.

To my worthy cosen the Laird of Lewchars.

From Lord Aboyn to Lieutenant Colonel Innes.

Much respected freind

I shall be glad to see you when ever occasion offeres, both to confirm my former respectes and by my futur assurances to ratifie your just oppinione of them, and since for the present I am allow'd no other means, lett these intreat you to be confident I shall conntinou

Your assured freind

I. Aboyn.

I doe trust nothing of business to paper though I be very certan to satisfie at meeting.

Huntly ii Junii 1646.

For my much respected freind Lieutenant Collonel Innes, these.

John, laird of Leuchars, grandson of Craig-in-peril, died in 1646.

Robert Innes to his nephew Leuchars.

Good Nephoye

I merwell that you did not doe me the favour as I earnestlie desirit you to lat me hear of you, and of a ansuer of my letter to my brother George. I haue writ to him sence by our cussine Quarter Maister Generall bot I heir nothing off him as yet. I pray writ to craue his ansuer of my letter for I am indeferant bot I loue to trye a frind befor I haue muche neid; and lat me know if you can helpe me to a foot man. Wey heir this day werye good newes from England that I think thair schall be litill a doe withe tke Scotts. Remember my humbill serwis and intire lowe to my deare sister your mother I am and schall be hir brother and father to my deare brothers children so in me lyes. In gryt haist

Robert Innes.

For my daire nephoye Johne Innes Esq^r of Leuchers in Moraye Elgyne.

Dischairge Collonell John Gordon to John Innes sone to Umquhill John Innes off Leuchars.

I Collonell John Gordoune for so mikell as having granted vmquhill John Innes off Leuchars ane assignation to ane gold chaine resting to me be Lodovick Lesly brother my Lord off Lindours, so vpon the receipt

off my assignation be John Innes I resaaved from him ane tickett oblidging him according to his intromission thair anent to mak intimation to me. And now since itt hath pleased God thatt . . . dyed nott resaving satisfacti-
 . . . assignation hacke againe from John Innes sone to vmquhill John Innes off Leuchars, so thatt I be thir presants discharges the forsaid umquhil John Innes his hairs execqutors whatt some cuer from any facte or skathe thatt may fall to him be vertiu off the tickett granted to me and by thir presants I discharge him thaireof and his hairs exequtors and assignays by this my discharg subscriwed vith my hand att Hamburg the twallt off Jullay in the year on thousand sex hundreth fortie seven years.

John Gordon.

From Bessie Douglas good wife of Leuchars to her sone Leuchars.

Loweing Sone

My motherlie affectione remembrit with Gods blessing upon yow and your affairs. I caused Pluscarden Kokstoune and Patrik Innes and all your freinds here meet with your umquhil fathers creditors ; (praised be God) they contineu in that same mynd towards yow that they had at the last tryst ; its nowe continued to the 22 day of Merch till ye be at home your selfe. I haue spoken David Dunbar and John Chalmer and they'll doe what they can to get one who will giwe fowre thousand merk on the West syde of Meft. I wish your heastie returne for it puts me in great affrightment to heare that the Pest is broken up both in Leith and Edinbrugh. I pray yow neglect not to write to your unqil Peeter who is my one inteir freind and hes most regard to your stand of any. Send me word what hopes of pryces of wictuall is ther for I hawe not yet sold me wictuall.

Remembering lowe to all freinds and excuse me to David Setone that I had not tyme to wreate to thank him for his kynd remembrances, for the post could scarce stay till I caused wreate this. So committing yow to the directione and protectione of God almightie. I rest

Your lowing mother
 Bessie Douglas.

Elgine the 12 Febrii
 1648.

To my loweing sone Mr. Johne Innes of Leuchars to be delywrt at James Innes innkeeper at Leith.

Patrick Innes of Mefts to George Innes of Caldcotts

Deare Brother

I have receiued yours and shall according to your desyre extend my self to bring that bussiness off James Fullertoun to ane closure, and withall I should desyr that either yow would causs draw up wher yow are or causs doe the same by your information hear any paiper off that nature seeing I am altogither ignorant off the state theroff; yow may wreat to Mr. Jhon Hay hereoff that it be drawn up by his adwyse and thereafter instantly I shall seriously goe about the samen.

James Graham his sad Catastrophe hath almost schent ws all hear and hath buried almost wther occurrences for the tyme. His declaration hear hath altered sum heads off the treaty concerning sum noble men now abroad who was not only accessory to his commission but also was putting in for the same themselffs, which hath occasioned nyn noble men and wthers to be debarred from cumming home viz. Hamiltoun, Latherdail, Traquair, Kalendar, Sinclair, Neaper, old Ruthen, Aithen, Hempfield, which 'tis thought will produce new effect. Howsoewir all things hear are preparing for his Majesty hom cumming; the English are preparing for ws and ther hath been ane great conflict betwixt Sir Charles Scutt and the Irishes. The differences off the victorie is that the English kepted the fields. George Monro hath made his peac and hath writtin hear for ane save conduct to cum home.

Crumwell is loth to goe for England. The English was newer so strong by sea and hath rigged fourth ane number off friggots sum off them carriing fyftie gunnes, what further I referr to the bearer and shall still continew

Your humble brother and servant

Patrick Innes.

Edinburgh 23 May

1648.

I iutreat remember to Cokstoun and his Lady and your own good woman.

For my dear brother George Innes of Caldcotts.

On this letter for the first time I notice a post mark—the figure 2.

The following letter, in the opposite interest, seems to be from Colonel Innes of Lichnett. It is sealed with a neat shield of three mullets, without difference.

I cannot explain its being found in the Leuchars charter-chest, unless Patrick Innes, the confidential adviser of Argyll, may have preserved it after his trial.

John Innes to Major Holburn.

Right Honorabill, My penn must now make knowin the saddest newes almost that evir I recounted withall, and that which I feare (unless God prevent it as I hope he will) will goe neir to hassard the cause, if other regiments do as myne have done which is to be feared. I am ashamed to be the first divulger off it, being so mainlie concerned in it, bot alace it will come from other hands and therefor come what will come to me I shall say somthing off it. It is thus. Ryding throw Coupar this morning I mett a poast from my . . . with letters telling me they ar brokin and gone wher they pleased with ther . . . heir and there except to the number off one companie off all the regiment, and just after that post I mett som runawayes whom I have laid fast heir in the tolbuith, who confess that it is so and that their comerads ar gone some on way some another. The reason that som off my officeres, especially my majore, gives for it is first they heiring of the levie intend to make their benefit that way, and again heiring they were to march northward toward Inuernes (which the provost of Inuernes John . . . as he went throw Dundee was takin in) they wer unwilling to goe thither. These and other reasones best known to them selves hath occasioned this sadd disaster off my regiment, and its to be feared otheres that ar to march northward presently will doe the lyke, for Laweres in whom we wer all most confident wanteth alsoe to stere alreadie. So Sir my desyre is earneastlie to you that som speedie course might be takin to send to St. Johnstoun and to Sterlin, for most of my men went that way, and cause apprehend and punish such as can be gottin according to their demerit and acquaint the parliament at least som of them if you think fitt heirwith, least in this intended expedition they trust in a brokin bow. When I com to the handfull off my men that ar yet together I shall send all the officeres severall wayes to see what can be done wher they ar best acquainted. The late woefull engagement showes the saddest effects that it hath at any time heirtofor. The Lord turu all to his glorie and his kirks confort, for humane

helpe is now verie low. I am so cast down that I cannot expostulat, so I rest

Your humble servant,
Jo. Innes.

Couper in Fyffe the
first of March
1649.

For Major Holburn my honoured friend
in hes absence to the Marquiss of Argyll.

On the back is noted—2 March 1649—Productit be the Marques of Argyll.

The following vigorous scheme for settling the perplexed affairs of Huntly is in George Innes's hand-writing, and is marked on the back—

Scheme Huntly's affairs drawn by Caldcots.

Articles of Condescendance betwixt the Lord Marquise of Huntly and the Mar. of Arguill probablie and evidently tending to the standing and the weifair of that noble familie and also to the honor advantage and interest of all that is concerned and friendis thairof; as also an cleir way and perspicues demonstration that no worthy and kynd friend shall be in any hassard loss or indammittie in contribution and assistance of the forsaidis

Imprimis: That the Lord M. Arguille is to transfeir all legall title right quahatsomever either be comprisinge and the legallis expyred, lyfrent right or escheat, in favoris of any most competet, and that for the payment of four hundreth thowsand markis aleanerlie, with a suspension of the sowm it self to '56 and in interim to pay only the annuall rent viz. 24,000 merkis yeirly.

2. The Lord of Arguill is to undertake to compon transacte for all uther debtis quahatsomever befor the forsaid '56 yeir and all to the utilitie and speciall interest of the said M. Huntly.

Item: The Mar. Huntly hes listed 20 of his most speciall and assured friends for securitie of the forsaid annuell rent aleanrle quhairif if twelbe be only employed it extendeth only pro rata to 2000 merkis ilk man, and for ther relieff of all ther sowm they shail haif 10 subordinat but responsall and wald genthmen bound for ilk principall his exoneratioun, quhilk will

extend only to ilk man of them pro rata to 200 merkis, and for releiff of all both principallis and wtheris, landis heretages and rentes proportionable devyded and sequestrated is to be disponed to them be the Marquise of Arguille with homologatioun consent and assent of Huntly and chamerlans of ther own to be appointed for that effect who shall bind for the frie rent and quhat else can be done in disposition and intromission in omni habili modo.

Mor, the Marquise of Huntly is to obliedge himself to do nothing in his weichtie and affairis of consequence without the speciall advyse and consent of all the forsaid principalls engadgers and to order himself with such competencie as they shall think convenient.

W. Hackat to Leuchars.

Honorable Sir,

We resaued youres with ane lettir from Walter Cothrone therein contained. For ansuer quherunto resaued hereinclosed ane order to the collector of this schyre for ansuering yow that soume contained in Walter Cothrones lettir. Quherin else we can express our selfis we shall be studious to continue.

Sir,

Your affectionat freindes and servandes

W. Hackat, J. P. C.

Grange

22 March 1650.

To our honorabil and very much respected Capitaine Johne Innes
of Leucheris, thes.

The King's Majesty and Committee of Estates beeing well satisfied with the abilities and faithfulness of Major James Innes Do hereby recommend to the Committee of Warr of Elgin and Nairne and to the Laird of Innes younger to elect and make choyce of the said Major to be Leivtennent-Colonell to the said Laird of Innes in the present service.

Extr.

A. Henderson Cl^s Dom. Com.

Perth the 11th day of Januarie 1651.

Huntly to Caldcotts.

Assured frend,

The pressur of my affairs does requer my presence at Hunt-hall and I hauing busenes off gryt importance to impart to you, it is my most earnest desyr that you will meet me ther. I intreat you not to fail in this for it does me much consern.

Your reall frend

Huntlye.

Gairluing the 22

off March 1653.

For Lieutenent Collonell Innes of Caldcotts.

The following is a good specimen of a family contract, without the wordy formalities. It is docqueted in my grandfather's hand—"Minute of contract of marriage betwixt George Innes of Caldcots for his son Alexander Innes of Dunkinty and Jeane Falconar for her daughter Jeane Kinaird spouse of the said Alexander." The minute is subscribed by all the parties; and witnessed by James Falconar of Colfield and Archibald Dunbar eldest son to James Dunbar of Scotstoun, written by John Falconar, warden.

At Lochfut 12 Apryll 1655 it is agreed betwix Jeane Falconer relik of John Kynnaird (of Cowbin) and George Innes of Caldcoats and Patrick Innes his brother . . . The widow is content to giue in present portion to her dauchter Jeane Kynnaird 4000 merks with that part of the stell fishing callit the Eath stell presently in her own possession, and that after her deceass Jeane and her future husband shall have access to the wther soumes of money quhilk perteind to John Kynnaird, and now to her in liferent.

George Innes obliges him to give in joynture to Jean Kynnaird being married to his son Alexander, five chalder of victual and 5000 merks and that after his death Alexander and the heirs of the marriage shall have access to his whole lands and heritages according to his wisdom and the said Alexander his good deserving.

Patrick binds himself to provide Alexander and the heirs of the marriage in 5000 merks, reserving his own liferent.

Bessie Douglas relict of unquhil Johne Innes of Leuchars made her testament in the volt chamber at Leuchars 23 July 1655. She left little gear—only 8 score

pounds Scots and 23 bolls victual—a chist with certain plenishing clothes—a stand of silk courtains, with velvet pands and silk fringes, in the hands of Eupham Betoun sometime Lady Achynachie, impignorat to her for £80—a great double over-gilt goblet with the coverlet thereof impignorat to George Gordon messenger—(the goblet was a family heir-loom, too often in the hands of the money-lenders in security of loans)—the timber work plenishing and vther insight plenishing of Leuchars: the ground rents of my rent of Leuchars such as are resting undischarged of crops 1654-5.

Any superplvs over paying debts to be equally divided betuixt Margaret Innes, George Innes, Samuel and Alison Innes, my bairnes.

Early in 1661, one of the Leuchars brothers had died in London, and Robert writes to Patrick about confirming his will. There was some difficulty about realizing the funds, and influence was to be used. "My Lady Bakkarras" was strong at court. Sir Samuel Jones was trysting with Robert—"He is verie rich but also verie willfull." Robert consulted in law with Sir William Smith, cancellor in law, and Mr. Bidge, attorney, and others. "If letters could be purchased from my Lady Lorn and my Lady Duffus to my Lady Latherdale, so that they were powerfullie written, they would avail much. My Lord Dunferling is very kynd, but takes no paines; indeed he fails much in that for himself, otherways he might be much more considerable and have had his place in the bed chalmer. He is taken up much with play." Robert desires Patrick to ask assistance from my Lord Lorn and David Casley, and to thank his Lordship for his kindness to him. He will take all help, spare no pains or expense, and has committed his way to God. He bids his brother, his good wife, and all freinds fairwell; dates from Kingstreit in Stephens Alley, London, 16 March 1661, and directs to "My dear brother Patrik Innes off Mefts in Morra, near Elgin, Scotland."

I find little more of interest in the line of Leuchars. The spirit of enterprise died out with the first generation of the descendants of Alexander of Cotts, and with that stirring time which was the heroic age with us, as well as in England, though we had no Clarendon and Vandyck to ennoble our homely heroes.

If the 17th century was our heroic age, the following one was a period of great national depression. To speak more precisely, the low period of spirit and feeling and motive in Scotland succeeded the Revolution of 1688 and extended down to the time when the Abolition of Heritable Jurisdictions had fully produced its effects and removed the heaviest of the weights that had crushed down the energies of the country, which I think was about 1780. In that time no man had yet studied agriculture. The soil was scratched and sowed in the aboriginal manner—its capabilities still undiscovered. There was no opening for

military enterprise. The little foreign trade and home manufacture of an earlier time were paralyzed. There was nothing to stir religious enthusiasm not even persecution. Whatever were the causes of the want of progress after all the foundations of national prosperity had been laid, the fact is not doubtful. The fathers of this generation saw the end of that time and were able to compare it with a better; Statistical writers were then at work too, and we know the state of the country very accurately. It was a period of mere stagnation—the surface of the pool only stirred by the storms of the '15 and the '45. During that time the life of the Scotch laird was a dreary existence little calculated to elevate the character or to improve the intellect or the temper. Those acquainted with our family papers know how petty were the occupations—how poor the manner of life—of the country gentleman of that time.

Son after father of the race of “Craig-in-peril” succeeded to the gaunt chateau on the Lossy—to the paternal acres and the paternal debts. There are no more English adventures of the sons of the house—no more service in France, Italy, Holland, and the German wars. The Leuchars lairds of last century staid at home, and made room for families of many sons and daughters, content to live and die under the ancestral roof. If, in spite of embarrassments and poverty—to which long use had made them callous—there was some cultivation, some home comforts, some enjoyment of the society of neighbours, and of the pleasures of that pleasant country—those fields which the Lossy—the Liris of the North—

quieta

mordet aqua taciturnus annis

—such domestic and social pleasures—such peaceful enjoyments—have left no record in our charter-chest. To judge from *its* contents during the period I allude to, one might suppose its masters occupied in nothing but petty squabbles with neighbours about the river banks and the course of its stream, about marches, peat-mosses, fishings, rights of way, rights of sea-ware; or in the wretched expedients for staving off importunate creditors and the diligence of the law. I have already quoted the complaint of the poor laird, the great grandson of Craig-in-peril, in that curious communing with his own spirit which I have used for a purpose he did not foresee. I am induced here to give a letter of his father to him in early life, which shows something of the life at home, the paternal counsels, the youthful training, which joined to produce the curious character that we observed in that jeremiad. The spelling of the laird's latin is peculiar as well as his English. One can almost see that he accented *vectigal* as Burke did.

John Innes of Leuchars to his son.

John, Iff God be with yow yow neid not fear what man be against

yow. The veratie is strong and I hope at last will prevall. Seek God that yow may have fortitud and prewdance and that God may be the streuthe of your hand and portion for ewer, for yow have seen and knowes the condision of your mother and me and of the brethren. Learne I pray yow to be sober painfull wigelant and diligent above all things for diligence passes all sheame and ane man diligent in his calling shall not be ascheamed to stand beffor kings, for diligence maketh Riche (ll. in the example off many and with ws James Calder who be his diligence and riches is now agried and sermoned with Grissell Innes the Lairds daughter, but not as yet married It is expected shortlie. *Hac itur ad astra.*)

As to particulars I haue not many to add to what I sent with yow, bot iff yow can settell your self with the Knight that wants children it war good. Iff not, yow may mak your chise to stay or returne. Remember the Regesters, to witt Gight band, my precept of seasen off the Regalatie and Earnsyds disposition of Ordifusche to Mark Maver Commissar of Murray. Yow haue the not by yow. Acquaint your self with William Brodie the Deane and insinuat with the Clerk Regesters men and iff yow come being employt be any wther in or for hearrying off the Regester, seek after thes things and in owne employment mynd your self and be saiffing and spairing. For *Non intelligunt homines quantum vectigall sit parsimonia, et ex parvis magnus aservus.* The greattest summes ar maid off smaller. Remember the letter of horning contra the Grants. Remember the summons in my name and yours for compt and reaking against the creditors I gave you and put in James Gordon in the list Remember what is become of Jane and hir husband and as yow have ane secure occasion wreat thos petisians and letters for the king and send them to hir This day Duukintie was beleagared and taken by Mungo Grant the Laird unqll upon ane caption for his father. How they have sattlit I know not as yet. Remember that I spoak to yow off Calcoitis and learne what Balveny and Mr. Alex. Martine are doing at law or frendle (it concerns yow). Remember all my last memorandom. Get me ane new hat from Mr. Sorl . . . and ane pair off showes such as yow brought home last. I shall send yow mony iff yow stay. Try concerning Reids busines. Try concerning the Earl of Morton wher he is and iff com home. I trust Robert Innes will be much for yow since he hathe inhibition. (The next part is all about law processes and nearly unreadable.)

I pray yow learne to speak and doe for your self and wtheris ffor time is presius and Read and practisse for historie will learne yow language.

Borrow mony iff yow can haue it, and doe for your selfe and me and work and win to pay it and iff I can it shall be relieved. Try anent my generall suspension that yow haue that since the creditors that ar suspended mony of them ar dead and payt and how I may renew the suspention against ther airs and assignays for compt and reackning since the intromission is with moar then had payt them. . . .

You may remember James Wysmans descourse to yow and your mother latlie for it farethe so with sundries and me who thinks that I am in thair debt and yet they ar greatly in myn. I pray yow Learne to doe for thes and wther things and yow shall be liberali reairded for your pains as it pleasethe God to prosper yow. Be off good hart in the Lord for iff that guid wail and iff God giue you successe with his blissing and if yow be honest and diligent in your calling yow may tuis majoribus wirtute preluere and keip and buld up thos monuments perteans yow, for all is as yit to the foar that ewer my forbears did win and to the advantage iff justice shall haue place.

I wold gladly haue ane letter off Recommand from the king that since his father rest me the king may . . . in my fawors for justice and protection.

If I can gait mony I wold ather goe or send thair. Try anent Madam Innes in Irland near Dublin. I pray yow John mynd God and sek and begin with him and his counsels and learne his directions who hath ane oppen ear to the cry of the nedey and afflicted. I intreat yow be sober and temperatt (Sustine et abstine) is ane excellent qualitie bot upon ane Christian accompt as fast and pray that we enter not in to temptation Means are still to be used for soull and body for we ar desyred to work out our saluation with fear and trembling. My lowe to . . .

I rest your loving father

23 July, 1673.

John Innes.

For Johne Innes in Edinburghe, thes.

Take a document serving to connect, however slightly, these remote and obscure provincials with the great stream of European history and poetry—with

the 30 years war and the murder of Wallenstein. The following is in the hand of "Old Leuchars" again, who may have understood his own genealogy better than he knew to explain it.

Information for Samuel Innes 20 April 1674 anent Collonel John Gordon who serwed the Emperor and was Governor off Eager at the killing of Walstein General to the Emperor.

This Coll. John Gordon was near Cousine german once removed with John Innes of Leuchars whos mother was Marjorie Gordon doechter to William Gordon off Gight who was cousine German with the said Coll. John Gordon. This Collonell Gordons father wes ane John Gordon sone to John Gordon off Kadenbanno brother to ane Gilbert Gordon off Ardmackyer who was father to William Gordon who fell in to be Laird of Gight after the slauchter of Sir George Gordon who wes killed att the windmill of Dundie be the Laird of Tollie Forbes who killed eache other at that place. So this Sir George had only ane daughter Elizabethe who wes married to George Innes Baille off Dunbar who with hir had twae daughters ane mareid to Hew Lord Suffoek in England (called Howart to surname) the uther to the Earll of Houme.

This Collonell Gordons father and William Gordon of Gight umquhill John Innes grandfather war brother bairns. Collonell Gordon guidsyre Gordon off Kadenbano and William Gordon of Gight, his father was John Gordon off Ardmachyer (Kaddonbanno and Ardmayer wer twae brothers cadent neare cousins ather brothers or brothers sons off the Laird of Gight.)

This Collonell Gordon was neare kinsman to umquhil Leuchars and war in France to gither soldiers in the King of France Henrie the fourt his guard, so Lenchars coming home did lewe John Gordon thair with whom ther was (with the blood relations) greatt intimatic and correspondence all ther days. This Gordon became ane Collonell and ane Riche man under the Empror and in anno 1644 cam from Wien in Austria to Leuchars and stayd with him (being seek of the gout) fiwe weaks. He intended to haue sattled himself be Leuchars adwysse and to have bought Cromartie, but the intesten trouble of Scotland diwerted him who returned to Germanie, and wold have had Lewchars with him, and deyt at Dansek and was brought from hence to Delft in Holland whar he was buried and did lewe ane Mr.

Alexander Petrie exequitor who married his sister (Anna Weache). Ther was ane wther sister off that name, also ther was ane Juda Narne ane other halfe sister off Collonell Gordons. This Juda Narne had been maried to ane Grigor ane marchant in Sanctandros in Scotland in Fyff who was killed at the battell off Kilsythe contra Montros. This Juda Narne had twae sons who went to Holland to ther unqill and ar thair riche men. This Mr. Alex^r Petrie was sone to Mr. Petrie minister at Rotterdam. This Mr. Alex^r Petrie exequitor did wreit ane letter to me denaying that Collonell Gordon who promised to lewe me in his testament sum . . . money as also promisd to my father to do . . .

Collonell Gordon had maid testament, for Sir John Hurray who was General Major told me att the Boige when he was prisoner thar with Montros that he was att Collonell Gordons buriall in Delft at Holland whar he was certane informed thatt Collonell Gordon had left me 4000 dollors in his testament wher upon I sent Andro Michell my serwant to Holland to Mr. Alex^r Petrie ane of the exequitors to Collonell Gordon who wold not lett my servant see Collonell Gordons testament bott did wreatt ane letter of refusall of any such thing quhilk letter with Juda Narne letter and Collonell Gordons letter are sent herewith that as yow hawe occaseon mak usse thairof as umquhill Collonell Gordons nearest kynsman on his father syd. For Collonell Gordon mother was called Margrett Caldwell. She was thrise maried, first upon Collonell Gordon father who was killed (a livetenand) att the batell off Flanders: ^{2^dlie} she maried ane Johne Nairn and last ane Liutenant Weache father to the Collonell his youngest sister whom he did lewe the most part off his means (it was said that this Collonell did kill ane Weache ane young man that was halff brother to his sister called Weatche.) You may awer to be Collonell his nearest kinsman off his father and that yow hawe best knowledge of his genologie and that yow will mak it . . . he yow boare brieff as Gordon from Gight. First try whar Collonell Gordon testament is confirmed befor yow lett the exequitors know your intent and iff directly or indirectly yow find the testament beare any ground yow may alledge stronglie that exequitor ought to be comptabill to yow in right of his letter.

They will be gottin intelligence off at Rotirdam or Delffe in Holland.

A few such letters and whole bundles of those pitiful documents connected

with debt and law diligence, with the help of the tradition of Elgin, show us these later lairds of the first Leuchars line sinking lower and lower into a fretful imbecility; till they died out in the person of John Innes, a captain in the army—in 1785. This last of the line had served in General Wynyard's regiment, in the West Indies, and I find some kindly letters written by his comrades, who treat him as an innocent, but address him as "Dear Jock." The latter part of his life was secluded and solitary. He married very late in life, and left no family. He had one maiden sister, who turned Roman Catholic. My father's uncle, John Innes of Dunkintie, the descendant of George of Caldcotts, was served heir male to him, the estate of Leuchars being so destined; and upon his death my father inherited both estates of Leuchars and Dunkintie.

I have said that the race of Dunkintie descended lineally from George of Caldcotts, a younger son of old Craig-in-peril. Of George himself I have given some memorials above.

On 21 Dec., 1663, George Innes of Calcotts disposes to his eldest son Alexander, on his marriage with Jeane Kinnaird of Cowbin, the town and lands of Dinkintie and Gilmersyd, reserving the Crook on the west side of Lossie, and liberty of cutting of trees in the bog of Dinkintie as necessitie requires.

I know less of his son and successor Alexander. I treasure his Bible as some evidence of his scholarship, as well as his piety. It is of the Latin Edition, London, 1656, and an unusually neat specimen of what I take to be Scotch binding. The owner's initials A. I. are on the binding, and on the fly leaves various markings in his hand, in Latin and English.¹

I have not found much evidence of the religious opinions of the cadent families of Innes. On one occasion the presbytery of Elgin addressed a letter (undated) to Leuchars, and another in the same terms to Patrick of Mefts. They had been informed that Mr. James Park had expressed some detestable doctrines anent the

¹ These are the notes on the fly leaves:—

Q. E. A. G. wpon F. A. S. T. 29 A. 30 Nov. 1678.

In the midst of wrath O Lord remember
mercie,
Iff narrowly thou markest iniquitie who can
either be

Justified or appear in thy presence;
O Lord, becaus thou are a God of mercie
sinners flee to thee,

For thy great name saik blott outt all myn
iniquitie,
Since wpon the knees of my soul I make my
humble and most sincere adress

And supplicatone to the, the only, God of
my lyff!

Post tenebras spero lucem

Sub mole resurgo

Est in me virtus unica sola fides

Per ardua virtus.

Alexander Innes, 1678, 25 September.

His grandson and great-grandson have
written their names also—John Innes, 1726—
John Innes, 1790.

horrid murder of our late Sovereign, and they ask these neighbour lairds who were his constant hearers to attend a meeting of Presbytery, to give some light thereanent. This was after the Restoration I presume, from the language, and it must have been soon after, for I find James Park, Minister at Urquhart was "deposed for various crimes" in 1660.

I have always believed the Leuchars sept—the whole descendants of Craig-in-peril, to have been Churchmen—I mean of Episcopal and perhaps non-juring and Jacobite leanings. I know the line of Caldecotts or Dunkintie was so. George Innes of Dunkintie, grandson of George of Calcotts, was provost of Elgin in 1712-3, when the Magistrates fought so stout, and ultimately so successful a fight, to have the "Little Kirk" originally the choir of the Parish Church of St. Giles, appropriated for an Episcopal place of worship. The whole proceedings in the Justiciary Court and in the Court of Session were somewhat anomalous, but nothing is so remarkable in the case as the final judgment of the House of Lords,¹ which perhaps astonished the people of Elgin as much as the late Decision of the case of the Trinity College Church of Edinburgh has excited the admiration of the whole people, lawyers and laity, in our time.

I find a disposition by Sir Alex. Innes of Cockstoun (I know not how he came to have the superiority) to George Innes of Dunkinty, of the towns and lands of Dunkinty, Easter and Wester Caldecotts, townes and maynes thereof, the town and lands of Gilmersyd, the town and lands of Kirkhill, and the town and lands of St. Andrews Kirkstoun, with all and sundry their manor places, houses, biggings, yards, orchyards, dovecotts, milns, mill lands, multure, kilns, barns, byres, office houses, tofts, crofts, outsetts, insetts, mosses, mures, graings, commonties, pasturages, parts, pendicles, with teinds, with the salmond fishing upon the water of Lossie, within the bounds of the said lands next adjacent thereto, . . . and sicklyke the great stone lodging and tenements of lands, high and laigh, back and fore, with their houses, biggings, yeards, and pertinents, lying within the burgh of Elgin, bounded as in the original rights and infestments, dated 3 March, 1704.

For want of more characteristic document to mark the son and successor of the non-juring Provost, take the following patent of the Lord Lyon, to which his Royal seal is duly appended by a blue and white ribbon.

Arms of Innes of Dunkinty.

To all and sundry whom these presents do or may concern, Alexander Brodie of Brodie, Esquire, Lyon King at Arms, doth hereby certifie and

¹ Robertson's appeal cases, A. 1713.

declare that the Ensign Armorial pertaining and belonging to John Innes of Dunkinty, Esquire, an ancient family of the county of Elgin and Forress, is matriculated in the Publick Register of the Lyon Office, and is thus blazoned, viz., Argent a Chevron between three Stars Azure; above the Shield a Helmet befitting his degree, with a mantle Gules doubling Argent: and on a Wreath of his Collours is set for his Crest a Star Azure. In an Escrol above, this motto, *Virtus ad Astra*, and upon a Compartment below, *Sub Tigno Salus*.

Which Coat above Blazoned is hereby Ratified, Confirmed and Assigned to the said John Innes and his heirs as their proper Coat of Arms and Bearing in all time comeing. In testimony whereof these presents are subscribed, and my seal of office appended hereunto, at Edinburgh the twelfth day of June One thousand seven hundred and fifty-three years.

Alex^r Brodie Lyon.

On 3 August, 1781, John Innes of Dunkinty was served heir to old Craig-in-peril in pretorio burgi de Elgin, in manner following. Jurati dicunt quod quondam Alexander Innes de Coittis, Abavus Joannis Innes de Dunkinty. obiit ad fidem Caroli I. et quod dictus Joannes Innes est propinquior hæres masculus dicti demortui Alexandri Innes de Coittis—*ficus* filius et hæres demortui Georgii Innes de Dunkinty qui erat filius et hæres Alexandri Innes de Dunkinty qui erat filius et hæres Georgii Innes de Caldecotts qui erat filius dicti Alexandri Innes de Coittis, secundum authentica scripta instrumenta et documenta coram illis producta.

There is a memorandum of those *documenta*, as follows:—

1. Disposition by George Innes of Dunkinty to the Claimant his eldest son, 23 Jan. 1736.

2. Bond by Alexander Innes of Dunkinty to the said George Innes his second son, 20 April 1687.

3. Depositions of three witnesses emitted before Lord Arniston, showing the death of David Innes elder brother to the said George Innes, [unmarried] 8 April 1707.

4. Disposition by George Innes of Caldecotts great grandfather of the Claimant to the above Alexander Innes of Dunkinty his eldest son of the lands of Dunkinty, and Gilmorsyd, 21 December 1663.

5. Bond by George Kirk of his Majesty's bed-chamber to the above George Innes of Caldecotts wherein he is designed son to Alexander Innes of Coittis, 24 Jan. 1661.

6. Principal declaration of trust by George Innes of Caldcotts to Alexander Innes of Coittis his father, ult. Nov. 1633.

The John Innes of Dunkintie who was thus served heir to old Alexander of Cottis, and became the male representative of Craig-in-peril, was nevertheless known and styled as "Dunkintie" till his death. He was of course well known about Elgin, and has been so minutely described to me by my father and others of the last generation, that I seem entitled to say that the picture under which I sit and write these words—a kit-cat, in powdered periwig and stock, and a coat of blue velvet—is a correct likeness. He is a high-nosed personable man, with a good brow, looking, as he was, not a fop but a well-dressed and well-mannered gentleman. He was of the age of clean hands, before sport and country work had introduced the shooting jacket, and made a gentleman impatient of powder and a three-cornered hat. Perhaps he stood a little too much on his gentility, never soiled his high-heeled shoes, and never made the little journey from "Dunkintie House" beside the Cathedral, to the acres of Dunkintie on the banks of the Lossy, without putting in requisition his lumbering coach and pair of long-tailed horses. When I came as Sheriff to Elgin, the venerable machine—"Dunkintie's coach," with its gilt nails and corners sorely tarnished—was shown me, serving the ignoble purpose of a summer-house in the Inn garden. The Laird was a kind gentleman, much attached to the depressed remnant of Episcopacy in Scotland; very fond of his nephew who described him to me.

Dunkintie's brother Robert was an active man of business. He wrote himself "Robert Innes merchant in Elgin," and his merchandise was no mean one. Like many of the younger sons of gentle families—like some Lairds of the North who found their acres not productive enough to live idle upon, Robert Innes dealt largely in exporting corn, and brought home French wine in exchange. He bought the "ferme victual"—the oat-meal and bear received as rent by the landlords of Moray, and paid it in short drafts on Thomas Coutts & Co. of *Edinburgh*; and those bills were in great demand, for as yet there were no banks be-north Forth. Of all my unseen ancestors I have the greatest regard for Robert Innes my grandfather. I have a good deal of his correspondence which, though all on business or trivial subjects shows him sagacious, independent, very friendly and genial, with a strain of racy humour. He had his reward in the general respect and good will of his neighbours. I think he and some of the Duffus Dunbars must have written almost daily letters to each other. Their letters would help to give a picture of the life of the gentry in and round Elgin during the latter half of last century—a purpose I trust they may serve when my friend Captain Edward Dunbar fulfils the expectation of the North by turning his large

collections to a popular and useful purpose—the illustration of the domestic history of Moray.

I have my grandfather's bible (folio London, 1616) which, on a fly leaf between the Apocrypha and the New Testament, has a family record, from which I take the following entries :—

At Elgin the 30 Dec. 1736. That day about nine at night Robert Innes merchant in Elgin was marryed to Mary Gordon youngest lawful daughter to William Gordon of Farskan deceast, per A. Irvin Min^r.

Elgin 9 Dec. 1738. That day twixt 7 and 8 at night was born my daughter Helen and baptised that evening by Mr. John Gordon. God-fathers, John and Alex. Duffs, Alex. Tulloh. Helen Sutherland Lady Roscommon and Christian Strachan.

Then follow a son, who died in infancy, and was “buried with his forefathers in the kirk of St. Andrews ;” two daughters, baptised by Bishop William Falconar, and lower—

Elgin 13 Oct. 1747. My son John was born, being Tuesday twixt 5 and 6 at night and baptised per John . . .

After two other births of daughters, comes the last entry—

Elgin 10 Mar. 1751 years, I was visited by the afflicting hand of God in the death of my beloved wife Mary Gordon the mother of the forenamed nine children and buried in S^t Andrews.

The John Innes born 13 Oct. 1747, succeeded to his uncle Dunkintie and also to the estate of Leuchars. He began agricultural improvements on his paternal property, but finding it too narrow and already too much cultivated for his object, he sold his hereditary property in Moray, and invested his fortune in the comparatively unimproved estate of Durris, on Dee-side, of which he obtained a long lease, and there carried on large operations in agriculture and planting, which have paid very well—but not to him. His lease was decided to be beyond the powers of the proprietor, an heir of entail, and the succeeding heir took possession and reaped the benefit of his improvements. He died in 1827.

I am the only surviving son of that John Innes, once of Leuchars and Dunkintie, by his wife, Euphemia Russell, of whose family I have said something in the Kilravock book. For myself, I am "an unsuccessful lawyer," but as contented with my position and fortune as most successful ones. The old line is not likely to fail in my person. Two of my sons have gone into the Indian army (the eldest, John, fell a victim to fever when he had just entered on a hopeful career). Two are merchants in China. They say they will restore the fortunes of the old house, and their father believes them. My youngest son has chosen the career of a civil engineer, and he must live in patience and hope.

Such is the meagre account I am able to gather of the cadent families of Innes. Of the Moray families, Coxtoun, Draynie, Orton, Blackhills, I fear there are no charter proofs preserved. The descendants of all these, however, will find some information touching their descent in this volume. I have not had access to any papers connected with the old Innes possessions in Caithness. Nor am I aware of the existence of any thing more than a mere "progress" of the lands which still belong to the Baronets of Edingicht.

Failing original documents, I was desirous to take advantage of the labours of early genealogists, but here also disappointment has met me. Duncan Forbes's account, which I have re-printed verbatim, is indeed very praiseworthy, at any rate it proceeds on a good plan, being, as he himself says, "gathered from authentic writs." It derives also some additional authority from the age of the writer, who might preserve current traditions now lost. Following a suggestion of Forbes (p. 15), a member of the family, Mr. Robert Innes of Blairtoun, in Balhelvie, writer to the signet, and Lyon Clerk, copied Forbes's MS., and added his own genealogy, tracing from the Inneses of Glenmark in Glass, and Ardtannes, and originally of Benwall, "who," he says (apparently on tradition), "came off the house of Innes long before Crombie, Innermarkie, or Balveny." But he traces his ancestry only up to a Beroald Innes of Ardtannes, who, he says, was second son of Benwall. Beroald had a son, James, of whom the Lyon Clerk writes—

The reason of James Innes of Ardtannes and Glenmark his settling in Murray was this:—

Beroald Innes of Ardtannes his father had a sister married to Keith of Auchorsk, betwixt whose brother and Beroald Innes there happened a quarrell at the boat of Iuverury. Keith went into the boat and then threw a durk (or bayonnet) at Beroald Innes standing on the land, and killed him

therewith, he not being on his guard. Keith made his escape beyond sea. Walter, the second son of Beroald pursued the murderer over the seas into Poland, to be revenged on him; but Keith being unknown to Walter by eyesight, tho they were severall times near other, yet never happened to encounter. Some years after, Keith returned to Scotland, being weary of wandering, and came to his brother Anchorsk's house, whereof the Lady Anchorsk privately advertised her nephewes the sons of Beroald, who thereupon went to Anchorsk's house and revenged their fathers death by killing the murderer, and then fled to Murray to their Chief the Laird of Innes, who protected them untill they got remissions from the king. This Laird of Innes was Alexander the eldest brother of Laird John the fool.

This Blairtoun MS. which I have referred to as the Edingicht MS. from its present possessor, gives the following additions to Forbes's text.

At page 42 on the notice of Auchlunkart—

The daughter married one of the name of Stewart, and her son and others of the children go by the father's name, Stewart, which ought not to be.

At page 43 on Dennoone—

Nota, he had only three daughters, all married in Angus, who divyded his estate.

Page 43 on Orton—

Nota.—Sir James Innes of Ortonn, as now nearest heir male to Denoon and Balveny, took on him the title; and his eldest son Sir Robert Innes represents him; but the estate is all in his creditors' hands who are carrying on a sale thereof before the Lords, this 1729. And Sir Robert carried arms, first in Royal Scots gray dragoons, as a voluntier, and now in Lord Cobham's dragoons; thereafter an ensign of foot in Minorca.

Page 43 on Sir Alexander of Coxtoun presently living—

Nota.—This Sir Alexander Innes of Coxtoun was esteemed by all that knew him to be one of the first gentlemen in Scotland, being a graceful person and of fine naturall parts, and a man of remarkable honour and undaunted courage. His eldest son was Sir George, who succeeded him and dyed in the 1715, leaving his eldest son Sir Alexander Innes to succeed to the title of knight Baronet, but not to the estate of Coxtoun, that being now sunk with debts. But Sir Alexander, in right of his mother, who was heiress, succeeds to her estate and name of Towie Barclay, and calls himself Innes alias Barclay of Towie. It lyes in the shyre of Banff.

Prefixed to the first edition of Duncan Forbes's "Historicall Account," (Edinr. 1820,) is a sort of Tree reversed, constructed to show the 16 quarterings which the old heralds and heraldic undertakers loved to blazon, founding on the ancestry of Sir Harry Innes on father's and mother's side, all in the taste of the time of Sir Alexander Erskine, Lord Lyon, who vouches for the heraldry as well as the pedigree. The copper-plate is still preserved at Floors, but I have not thought it worth while to use it for this edition. Mr. R. Innes of Blairtoun, the Lyon clerk, however, has copied it in his book, and under his copy his Chief has certified with his own hand—*This is the copie of my own sixteen Branches as done by Captain Porteus and signed by the Lord Lyon in the Book. Harry Innes.*

Another pedigree was engraved under the following title—*A Genealogical Tree of the ancient family of Innes, now merged in the Dukedom of Roxburghe.* It begins with Berowaldus whose date is incorrectly given in false Latin, and the last event recorded is the birth of the present Duke of Roxburghe, July 12, 1816. It is very meagre, mostly without dates, and altogether without reference to proofs. So far as I have examined it, it appears to be very faulty.

In 1819 was printed a folio sheet, entitled "*The Genealogy of the Family of Innes of Coxtown, in the County of Moray, now represented by Sir Hugh Innes of Lochalsh and Coxtown, Baronet.*" It deduces Sir Hugh's branch from "Barowald, chanter of the diocese of Moray," whose existence is proved by his monument in Alves; but no documents are quoted to show Barowald's descent from the house of Coxtown. For the descent of Sir Hugh from the Chantor, reference is made to "family papers" not specified.

These are all the family trees or pedigrees of Inneses with which I am acquainted.

By chance, the printer's proof of this sheet reached me in the old father-land, and I wished before sending it to press, to make one more search for Innes monuments. Yesterday (28 April, 1864) in company with a friend and clansman, I visited three old parish cemeteries in Moray, and here notè the results of our search.

The pretty village of Lhanbryd has an old churchyard and marks of where the old church stood. The choir has been walled in, in modern times, and is now known as the Coxtoun aisle, but it may have been at an early time the place where the turbulent race of Invermarkie found rest at last.

On the East wall, under a canopy, is an effigy in stone of a recumbent knight in armour, with helmet open, his hands joined in prayer, and the feet resting on a lion; the workmanship of the 15th century; no arms nor inscription.

Close by, a stone tablet on the side wall of the aisle has an inscription in memory of Mary Gordon of Gicht, who died 20 August, 1647, erected by her husband Alexander Innes of Coxtoun. There are two shields of arms—Innes without difference, but without Aberchirder; and Gordon—also I think without difference.

A tall stone, now leant against the wall, but which has originally been a flat tomb-stone—has a plain coat of Innes rested or supported upon two thistles crossed in saltire behind, and the initials A. J. with this inscription:—

Hic requiescit in Domino Alexander Innes Cokstonus ex illustri familia Innermarkie oriundus, qui fatis concessit 6 Octob-612 sue vero aetatis 80. (I suppose the date is meant to be 1612.)

We could find no other Innes monuments in Lhanbryd. From thence, a short walk took us to the site of the old church of St. Andrew's. The two parishes are now united, and the materials of both the old churches have been carried away to make the present kirk: But the cemeteries are used as of old.

On our way to the foot bridge over Lossie we crossed some fine fields where once was the Bog of Dunkintie, which, the farmer says, is some of the best land in Moray, though he himself remembers cutting willows for baskets there. Farther down, towards the sea, Leuchars lay in sight, backed with some old wood. On that side it was a rich and peaceful landscape. But when we climbed the little knoll of Kirk-hill we came on a view taking in Coxtoun and the hills that hold the glen of Rothes, which I think is the finest of rural landscapes in Moray. At the foot of the hillock, partly surrounded by Lossie, lies the little cemetery of

St. Andrews, and in it, among the "through-stanes" and humble tombs, we found two burial places enclosed, the larger, which the neighbours know as that of the Leuchars Inneses, having not only a high wall round it, but its door-way built up with substantial masonry. We climbed over by help of a ladder, but no monument or grave-stone was to be seen. The place had been used as a receptacle for the rubbish of the grave-yard, and a vigorous crop of nettles flourished among remains of old coffins, and broken bottles and pitchers.

It was after scraping some time that the heel of my shoe came upon a flat stone, and on procuring a spade, the first spot I uncovered was a shield, with the three mullets. Round the edge of the slab runs this inscription—*Heir lyes ane honorable man Alexander Innes Mathimilne who departit November the first 1636.*

Another stone, disinterred with similar trouble, gave us no coat, but a monogram of A. I. and J. K., with the full names of Alexander Innes and Jean Kinnaird, and the date 1688. Their marriage contract is at p. 243.

We walked along the ridge of the Barefat hills to Elgin. The morning had been cloudy and grey, but as we got in sight of the towers of the Cathedral the sun broke through and lighted them up, as well as the little city behind them—a view not readily to be forgotten.

In the Cathedral I had previously ascertained that the inscriptions given by Monteith, in his "Theatre of Mortality," are all gone but the Bishop's, which is much mutilated. There is, however, on a fragment of an old tomb, a coat which should be noted. It is Innes and Aberchirder quarterly, impaling Elphinstone. The shield is supported by a grey-hound on the dexter and a salvage man on the sinister side. The crest, a boar's head—the motto, *Be Traist*. The initials on the stone are R. I. and E. E., plainly those of Robert Innes (The twenty-third Laird of Innes, of Forbes's numeration) and Elizabeth Elphinstone his wife.

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ERRORS.

- P. 51 l. 7, for *son*, read *grandson*.
56 l. 17, for *trival*, read *trivial*.
72 last line, for 18—, read 1850.
79 l. 13 from foot, omit *of*.
82 l. 10 from foot, for *spouse*, read *sponse*.
84 l. 5 from foot, for *lands*, read *hands*.
97 l. 9, for *tendendas*, read *tenendas*.
142 l. 9, for *Paidis*, read *Plaidis*.
227 l. 13, for *grandson*, read *son*

