

## VII.

## FURTHER NOTE ON THE BIRTHBRIEF OF WALTER INNES.

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An illustration is now forthcoming of the birthbrief from the city of Aberdeen, 9th July 1669, in favour of Walter Innes, in the service of the Queen Dowager, Henrietta Maria, of which a translation was printed in the *Proceedings* for 1920-21, vol. lv. p. 105, by the Very Rev. J. Stirton, into whose possession the original document had come.<sup>1</sup> Whilst he gave a general description thereof, the present notice deals with the technical aspect of the document from several important antiquarian angles. As will be seen from the illustration (Pl. XIV), it is an attractive illuminated parchment bearing the Royal Arms at the top, and on either side the coats-of-arms representing the eight branches of the petitioner's ancestry—namely, on the right, Innes of Drainie, Rose of Kilravock, Gordon of Cairnborro, and Falconer of Halkerton, being the paternal branches, and on the left the maternal branches, Young of Kinminitie, Gordon of Daach, Duff of Terrisoull, and Pittendreich of that Ilk.

The petitioner Walter Innes, who had gone abroad, apparently in the Queen's service, about 1642, was the son of Alexander Innes of Kinminity, a second son of Innes of Drainie in Moray. The house of Innes of Drainie was an important cadet of the family of Innes of that Ilk, and noticeable for its High Church and to a considerable extent Catholic persuasions, and the Lairds of Drainie had held office as bailie of the episcopal regality of Spynie, and as bailie of the Bishopric of Moray, an office equivalent to that known as *Vidame* in the bishoprics of France. The first of the family, Robert Innes, whose line before acquiring a feudal title had been tenants of the episcopal territory of Drainie, was the third son of Sir Robert Innes of that Ilk, known as "Ill Sir Robert," whose eldest son, Sir James Innes of

<sup>1</sup> The birthbrief was among the muniments of the family of Innes of Balnacraig, of which an account appears in the *Deeside Field*, vol. v. p. 76, and was among the possessions of that family which were scattered as promiscuous gifts by Mrs Chisholm of Glassburn (see J. Stirton, *A Day that is Dead*), the actual representatives of the Balnacraig family being the Inneses of Arsallery in Glenesk, descending from Innes of Drainie through Sir John Innes of Braco, Kt., and the Inneses of Blackhills-in-Dallas (*Lyon Reg.*, vol. xxxvi. p. 57). More fortunate than some of the Jacobite relics of the family which have vanished, the birthbrief came into the hands of Dr Stirton, who brought it under historical notice.



Birthbrief of Walter Innes, 1669.

SIR THOMAS INNES.

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that Ilk, Squire of the Body to James III, became ancestor of the Inneses of that Ilk, and Dukes of Roxburgh.

Precisely why Walter's birthbrief was obtained from the city of Aberdeen instead of from the Lord Lyon, and therefore recorded in the Public Register of All Genealogies and Birthbriefs in Scotland—which would have seemed more becoming in the circumstances, particularly for a member of the household of the Queen Mother—is not, of course, disclosed to us. Then certain discrepancies in the textual pedigree would not have occurred, nor certain slips in the heraldry. It may be assumed that he made application to James Skene, burgess of Aberdeen, or that on writing to his cousin, the Laird of Drumgask, the latter was assured by James Skene that this would be a cheaper and easier way of obtaining the document than by applying to Edinburgh. In the result, however, we find by comparison with the texts of Lyon Court Birthbriefs, interesting evidence of the technical distinctions between two forms of genealogical proof. It may, however, first be observed that since Queen Henrietta Maria died in 1669, the birthbrief was presumably applied for on that account, and with the purpose of securing a testimonial to obtain some other employment. Attractive though the document is, one is obliged to point out that, since it had no Royal or governmental authority, the arms at the top should have been those of the city of Aberdeen and not the Royal arms, which are appropriate only on a birthbrief from the Lord Lyon. Again, the unfortunate consequences for a person in this station not obtaining his birthbrief from the appropriate source emerged even in the paternal arms of the petitioner himself, for the shield of Innes of Drainie is painted with the armorial tinctures arranged inverted, viz. azure, a crescent between three mullets argent, instead of argent, a crescent between three mullets azure.

It is nevertheless a document worthy of note, as showing the interest taken in kinship in the greater Scottish burghs, where a Municipal Propinquity Book was kept. Their Councils sat in judgment upon genealogical claims, principally in relation to burgher families, and to what upon the Continent are known as the lesser ranks of *burger-adel* and the municipal *patriarchaacht* of mercantile cities, a lesser form of nobility than the feudal baronage or gentry.

A birthbrief from the Lord Lyon commences: "To All and Sundry whom these Presents do or may concern, and especially unto those of noble race competent by whatsoever means of authority or position to take cognisance of titles, We, Sir X of Y, Lord Lyon King of Arms, Send Greeting in God Everlasting"; the municipal birthbrief, although duly specifying "High and Mighty Kings" and others as amongst its prospective recipients, comes down to those to whom such a document was more likely in ordinary practice to be presented—"Provosts, Magistrates and Councils of Towns, Cities and Maritime Ports." In the Lord Lyon's birthbrief there follows a grand

preamble stating the reason why it has been the especial care of the State to maintain genealogies and arms in a state of purity and correctness, and as an example and inspiration to those descended of these illustrious and unspotted houses included in the Public Register of All Genealogies and Birthbrieves. In the municipal version this does not occur. The Provost and Magistrates, however, carefully intimate that the petitioner's agent appeared in presence of "us sitting in judgement," and then, in case of misapprehension, after adding, "the petition being so just we could not reasonably decline it," naively explain that they had taken some evidence of witnesses, "that it may be found that we did not grant these presents rashly or by mere assent." The Lord Lyon's variety is much more grandiose, in the form of a patent or certificate, narrating antecedent procedure by proof and judgment, after which follows the most grandiose description of all sorts of nobility, chiefship, details of fiefs and estates, and in short all the other requisites which will render the holder of the document an attractive subject for matrimony or the rank of field-marshal.

The municipal birthbrief, on the other hand, proceeds more modestly with the genealogy, and unfortunately gets the names of the successive Lairds of Drainie inverted, much as it does the colours in their coats-of-arms, though otherwise the pedigree set forth is accurate.

The Magistrates then proceed to "earnestly request all and sundry among whom the said Walter may tarry" that they recognise the applicant in terms of the certificate. The Lord Lyon does nothing of the kind; he assumes that his "conclusive testimony" will be received with the respect it deserves amongst all the high and mighty to whom it has been addressed, and whilst expatiating on the grandeur of his subject, does not, like the Provost and Magistrates of Aberdeen, commit himself about the character and moral probity of the illustrious person, either because such an averment would have been superfluous, or some might say risky. But perhaps the climax comes towards the conclusion, where the municipal birthbrief enjoins the presumably municipal recipients, and perhaps the high and mighty kings, princes, etc., "that if they do this which we hope that they will do, we freely promise to render them, when the occasion arises, equal if not greater service." This specimen of the genealogical *quid pro quo* has naturally no place in the Lord Lyon's *diploma stematis*. This concludes by a further pronouncement that the King of Arms does "Will and Declare that the proper blason and tokens of nobility of the subject as recorded in his archives are of such and such a blason"; and finally, in order that the qualities of nobility in relation to the foreign country specified may be the more certain and avouched by extracts, he ordains the birthbrief to be recorded in the Public Register of Genealogies, and causes his official seal to be appended thereto at Edinburgh. While the corresponding authorities in Spain described their capital as "the Most Noble, Most Loyal and Imperial, Most Heroic and Kingly Town and Court

of Madrid," neither the Lord Lyon nor the Magistrates seem to have thought of a suitable string of adjectives for prefixing to the cities of Edinburgh and Aberdeen.

The normal purpose of municipal birthbriefs, such as this obtained for Walter Innes, was of course to avouch the integrity and status of the member of one great burgh family to the trading community of similar mercantile cities on the Continent, whilst those of the Lord Lyon were directed rather to establishing, whether at home or abroad, the nobiliary status, qualifications for office, dignities or titles, or what on the Continent is termed *ebenburtlichkeit* in relation to matrimony, and establishing to the satisfaction of those concerned his position in the family as cadet or head. In short, the two varieties of document were intended for a different purpose and a different class of recipient, and no doubt the municipal birthbrief was a much cheaper variety of document in the seventeenth century. At any rate, as we see, it was, though less heraldically accurate than those from the Lord Lyon, an attractive-looking document, and of course a valuable family muniment.

The armorial decoration is interesting and effective, though, as might be expected in a document from a municipal source, it is by no means accurate. In the top centre appear the Royal arms for Scotland, presumably to give the document a flavour of regal authority which it did not possess, and the Ensigns Armorial of the city of Aberdeen which issued it are, strange to say, absent. One might have expected the two coats of the burgh of Aberdeen, the towers and St Nicholas, to have appeared at least on either side of the Royal arms.

Down each side in the approved lay-out of the period appear the arms attributed to the eight branches of the recipient, and since most of these are contemporary drawings of arms which had not yet been matriculated in the Public Register of All Arms and Bearings in Scotland, it is useful to itemise the blasons:—

1. *Innes of Drayne*. Azure, a crescent between three mullets Argent. (This is wrong in any event, as the tinctures have been counter-changed.) Crest, a dexter hand a forearm issuant from a cloud and holding a chaplet all proper. (It is difficult to say of what the chaplet consists; it may have been intended for laurel, and hardly looks prickly enough for holly.)

2. *Rosse of Kilraock*. Azure, three water bougets Argent, two and one, a boar's head coupé in chief. (Here both the emblasonment and the tinctures are wrong, as the shield is Or and the water bougets Sable, whilst the boar's head should be at the fess point.) The crest appears to be a demi-otter, which I am not aware of being otherwise attributed to Rose of Kilravock.

3. *Gordoun of Carneburrow*. Azure, a crescent between three boars' heads erased Or. Crest, a stag's head coupé proper attired Or.

4. *Falconer of Halcourtoun*. Gules, a stag trippant between three mullets

Or. (It looks rather as if the stag was depicted as being seized by the head of a falcon projecting over its back.) Above the shield is placed an antique crown Or, the rim charged with four mullets Gules, and for crest a falcon volant proper.

5. *Young of Kinminitie*. Argent, three piles Sable, each charged with an annulet Or. Crest, a hand coupé holding a sword in pale smoking all proper.

6. *Gordoun of Daach*. Azure, a mullet between three boars' heads erased Or. Crest, a stag's head coupé proper attired Or.

7. *Duff of Terrisoull*. Vert, a fess dancetté Ermine between a stag's head cabossed in chief and two escallops in base Or. Crest, a stag's head coupé affronté proper attired Or.

8. *Pettindreich of that Ilk*. Argent, a saltire engrailed cantoned between four roses Gules. Crest, a rose-bush in flower proper. (The arms are those of Lennox, and are not those associated with the house of Pittendreich at all, which in fact seems to have borne otters' heads, according to the old sixteenth-century *seize quartiers* of Barclay, author of the *Argenis* (*House of Barclay*, vol. ii. p. 122).)

The Mantlings are all Gules doubled Argent, and the gold has turned a bright copper-green.