



Open Research Online

Citation

Marsden, Richard A. (2016). Innes, Cosmo Nelson (1798-1874), antiquary. In: Cannadine, David ed. Oxford Dictionary of National Biography. Oxford: Oxford University Press.

URL

<https://oro.open.ac.uk/56053/>

License

(CC-BY-NC-ND 4.0) Creative Commons: Attribution-Noncommercial-No Derivative Works 4.0

<https://creativecommons.org/licenses/by-nc-nd/4.0/>

Policy

This document has been downloaded from Open Research Online, The Open University's repository of research publications. This version is being made available in accordance with Open Research Online policies available from [Open Research Online \(ORO\) Policies](#)

Versions

If this document is identified as the Author Accepted Manuscript it is the version after peer review but before type setting, copy editing or publisher branding

Innes, Cosmo Nelson (1798–1874), antiquary, was born on 9 September 1798, at Durriss, near Stonehaven, Aberdeenshire, the fifteenth child of John Innes (1747-1827), farmer and formerly laird of Leuchars in Fife, and his wife Euphemia, *née* Russell (d. 1833), daughter of John Russell, commissioner for the Earl of Moray. He was brought up as an episcopalian and his childhood was spent at Durriss, with winters in Edinburgh during which he attended Edinburgh High School. Innes's later childhood was marred by a protracted legal battle over his father's lease of the Durriss manor, eventually leading to the family's ejection from the property in 1824. Yet by the early 1810's Innes and his mother had already moved to Stonehaven. Innes attended the parochial school there, studied briefly at King's College, Aberdeen, and then the University of Glasgow between 1814 and 1817. He entered Balliol College, Oxford, in 1817, and graduated BA in 1820 and MA in 1824. Innes was called to the Scottish bar in 1822 and was in 1834 was made advocate-depute under Lord Grey's whig ministry. In 1840 he was appointed sheriff of Moray but in 1852 resigned that position to return to Edinburgh as principal clerk of session. Throughout this period he worked as a peerage lawyer, seeking out obscure genealogical proofs relating to vacant or disputed titles. In 1826 he married Isabella Rose (1806-1891), daughter of Hugh Rose and Katherine Baillie, at Kilravock Castle. The couple had nine children of whom the eldest, Katherine (1824-1898), served as a nurse in the Crimea and was an advocate of women's education; in 1855 she married the historian John Hill *Burton. Cosmo and Isabella's son James (1834-1901) became a colonial official in Sarawak and married the author, Emily Anne Robertson [see Emily Anne *Innes], while their youngest child, Mary (d. 1911), married Robert Bannatyne *Finlay, who became a Liberal MP and served as lord chancellor in Lloyd

George's wartime government. The 1861 census records Innes and his family as resident at 15 Inverleith Row, Edinburgh.

Innes's career as an antiquarian began in 1824 when he was employed by Thomas Thomson, the deputy clerk register, to work on the *Acts of the Parliaments of Scotland*. Following Thomson's dismissal in 1841, Innes was given charge of the project and saw to publication the long-awaited first volume in 1844, as well as an exhaustive index to the series in 1875. Their friendship survived but Thomson warned his protégé that the parliamentary acts 'must be a forbidden subject between us' (Innes, *Memoir of Thomas Thomson*, 228). It was through Thomson that Innes was elected in 1829 to the Bannatyne Club, founded six years earlier by Sir Walter Scott to publish Scotland's historical and literary muniments. The club was an exclusive affair whose rolls included the luminaries Francis Jeffrey and Henry Cockburn, with whom Innes was on good terms. Such was his relationship with Jeffrey that Innes named one of his sons Francis. In 1849 Cockburn recorded a trip to Pluscarden Abbey, near Elgin, in which 'we loitered about the ruin for some hours, and had ... a good deal of calotyping [photographing], conducted by my friend Cosmo Innes' (Cockburn, 356). Innes was an enthusiastic photographer and, in the early 1840s, a founding member of the Edinburgh Calotype Club, as well as of the later Photographic Society of Scotland. A periodical essay, 'Account of a photographic tour in France', published in 1856, demonstrates his interest in the technical side of photography.

Between 1831 and 1874 Innes produced numerous volumes of medieval and early modern source material. These related to the monasteries of Paisley (1832), Melrose (1837), Holyrood (1840), Dunfermline (1842), Scone (1843), Kelso (1846), North Berwick (1847),

Inchaffray (1847), Arbroath (1848–56), and Newbattle (1849), in addition to the bishoprics of Dunkeld (1831), Moray (1837), Glasgow (1843), Aberdeen (1845), St Andrews (1845), Brechin (1856), and Caithness (1858). He also produced source editions pertaining to his wife's family, the Roses of Kilravock (1848), the earls of Morton (1853), the marquises of Breadalbane (1855), the thanes of Cawdor (1859), and the Inneses of Innes (1864), as well as the University of Glasgow (1854) and King's College, Aberdeen (1854). As an editor Innes was responsible for the Spalding Club's edition of John Barbour's *Brus* (1856), the *Ledger of Andrew Halyburton* (1867), *Ancient Laws and Customs of the Burghs of Scotland, 1124-1424* (1868), and *Facsimiles of the National Manuscripts of Scotland* (1867-72).

In the same period Innes masterminded the *Origines Parochiales Scotiae* (1850-5), an exhaustive survey of Scottish parishes, and wrote a number of historical works, including *Scotland in the Middle Ages* (1860), *Sketches of Early Scotch History* (1861), and *Lectures on Scotch Legal Antiquities* (1872). As well as the Bannatyne Club, he was a member of the Maitland and Spalding clubs, both of which were dedicated to disseminating the sources of Scottish history in printed form. These three clubs provided the funding for most of his edited collections. Innes's burgeoning antiquarian reputation also enabled him to write for periodicals like the *Quarterly Review* and the *North British Review*, and in 1846 he was appointed professor of civil (from 1862 constitutional) history at the University of Edinburgh.

In the early nineteenth century, Scotland had been considered largely irrelevant to a mainstream understanding of British history based primarily on the English past. Innes's contribution to Scottish antiquarianism and Scottish intellectual life did much to challenge

this view. While accepting that the glories of the British parliament derived from English constitutional history, he maintained that Scotland's ancient jurisprudence had made a vital contribution to Scottish national character:

When we look deeper, we come to regard those ancient foundations of our political system as a part, and an important one, of that which has formed our national habits and character, which separate us so widely from the rest of the world, and distinguish us somewhat even from England (Innes, *Scotland in the Middle Ages*, 199-200).

This belief is evident throughout Innes's work on the sources of Scottish history. Monastic records showed that the medieval church had been responsible for Scotland's 'first step in civilisation' (Innes, *Registrum Monasterii de Passelet*, xix-xx). Indeed, this affirmation of Scotland's Catholic past proved so inflammatory with the presbyterian majority that Innes, a practising episcopalian, was accused in some quarters of papistry. At the same time Innes maintained that family papers provided 'the truest picture of the progress of society, of language, of the arts, of education and of civilisation' (Innes, 'Annual address', *Society of Antiquaries of Scotland*, 5, 1864, 204).

Innes certainly embraced the near-universal unionism of his day, but he also argued for a historically-based Scottish identity and a distinctly Scottish contribution to the union. He used whig-enlightenment narratives of constitutional and social progress to dispute the Anglo-centric dismissal of Scottish history common among his countrymen. This was underpinned by a quiet romanticism that used the study of laws and institutions to highlight

the singular nature of the Scottish historical experience without recourse to the misty glens or noble savagery of the Celtic revival. The pioneering use of illustration and facsimile in his editions was central to that endeavour. Unsurprisingly, Innes's claims about Scottish national progress drew a mixed response from reviewers, though his emphasis on the texture of past lives drew widespread approval:

It is since Scottish writers have abandoned the search of a lost political history, have dropped their enthusiasm for a timid and turbulent ecclesiastical history, and have been content to depict the domestic annals of the people, to enter their shops and their houses, to follow them in the streets and the fields, and to record their every-day life—their eating and their drinking, their dress, their pleasures, their marriages, their wealth and their science—that Scottish history has become an enticing study. [...] In this new path none has been more active than Mr. Cosmo Innes (*Times*, 3 April 1861, 7).

Innes died unexpectedly at Killin, Perthshire, on 31 July 1874. He was buried five days later at Warriston cemetery, Edinburgh, and was remembered as 'one of the most distinguished, and also the most universally respected of our Edinburgh citizens' (*Scotsman*, 3 August 1874, 5). He was survived by his wife, who died on 11 May 1891. Innes's success in restoring Scottish history to a position of respectability was such that for one London newspaper his name would be 'long associated with our antiquarian literature' (*Pall Mall Gazette*, 4 August 1874, 6).

More recently his contribution to historical research has gone largely unremarked, despite the fact that many of his source editions are still in use today. This is perhaps because Walter Scott and the Enlightenment have together cast a long shadow across modern assessments of Scottish intellectual achievement in the Victorian period. Nonetheless, modern historians of Scotland have celebrated Innes's contribution as 'the greatest of Thomson's successors' (Ash, 57) and as 'an historian of insight and distinction' (Lenman, 173).

Richard A. Marsden

Cosmo Nelson Innes

Sources Used

- R. A. Marsden, *Cosmo Innes and the defence of Scotland's past c. 1825-1875* (2014)
- M. Ash, *The strange death of Scottish history* (1980)
- K. Burton, *Memoir of Cosmo Innes* (1874)
- H. Cockburn, *Circuit journeys* (1888)
- C. Innes, *Memoir of Thomas Thomson, advocate*, Bannatyne Club 99 (1854)
- C. Innes, *Scotland in the Middle Ages: sketches of early Scotch history and social progress* (1860)
- C. Innes, 'Annual address', *Proceedings of the Society of Antiquaries of Scotland*, 5 (1864), 196–212
- B. P. Lenman, 'The teaching of Scottish history in the Scottish universities', *Scottish Historical Review*, 52 (1973), 63–190.
- C. Neaves, 'Biographical notice of Cosmo Innes', *Proceedings of the Royal Society of Edinburgh*, 8 (1875), 453-60
- *Registrum Monasterii de Passelet: Cartas Privilegia Conventiones Aliaque Munimenta Complectens a Domo Fundata A.D. MCLXIII usque ad A.D. MDXXIX; ad Fidem Codicis M.S. in Bibliotheca Facultatis Juridicae Edinensis Servati nunc Primum Typis Mandatum* [Maitland Club 17], ed. C. Innes (1832)

- A. Ross, 'The Bannatyne Club and the publication of Scottish ecclesiastical cartularies', *Scottish Historical Review*, 85 (2006), 202-30

Paper Archives

- Mitchell Lib., Glas., papers, MS no. 891069
- Elgin Museum, ELGINM: L1987.S, corresp. with George Gordon
- NA Scot., GD1/238/3, corresp. with James Calder Macphail
- U. Edin. L., La IV 17, fols. 4895-4972, letters to David Laing
- NL Scot., acc. 7183, letters to E. D. Dunbar
- NA Scot., SRO10/78, letters to the lord clerk register

Likenesses

- A. Edouart, silhouette, Scot. NPG

Wealth at death

- £6992 17s. 2d.: NA Scot., SC 70/1/170, 142