

The Distaff Side : a Study in Matrimonial Adventure in the Fifteenth and Sixteenth Centuries

A NOTICEABLE feature of histories and biographies is the slight attention paid by the compilers to the women of the families concerned. The achievements of men, their aspirations, their motives and their characters, are minutely considered and appraised ; and, as far as is consistent with truthfulness—or the bias of the writer—success is ascribed partly to the man himself and partly to the generosity of his father in transmitting the requisite qualities to his son.

Very little consideration is necessary to lead one to the conclusion that many characters, historical and otherwise, have derived their dominant qualities from the distaff side—the male parent having been what is technically known as the ‘recessive’ factor. An ambitious, energetic, unprincipled woman married to a douce ordinary man will certainly transmit her peculiarities to some of her sons, probably not to all of them. And the history of Scotland is largely a function of traits inherited on the distaff side.

A man’s wife, also, may *ex proprio motu* exert a tremendous influence on himself and his career ; his actions, good or bad, may be actuated entirely by her. But she, in exercising her influence, may really be acting, unconsciously, as a representative of her own family. Many a man, no matter what his position in life or the age in which he lives, thinks he is taking an entirely independent course of action when he really plays the part marked out for him by his mother-in-law. To him history awards the credit or blame which, if we knew more, are due to her.

Finally, a man’s daughters may by their marriages exercise a marked influence on his career. The most casual reference to the history of Scottish families shows what care the medieval father, under the direction no doubt of his wife, exercised in the selection of sons-in-law. Misreading of Scottish history is often caused by neglect of the distaff side. In the history of Scottish families, of

cadet branches as well as of the main line, women played almost as important a part as the men. By their own and their daughters' marriages the men of these families bound themselves to certain lines of policy; and, though it may not always be possible to determine whether the policy was *post* or *propter feminam*, it may fairly be said that, with their own inherited tendencies and those of their wives, no other course of action, no different careers could have been expected.

Women and men, they mutually influenced each other, and nearly always in the same direction as their preceding generation; and they must have known that in their blind adherence to certain ideals they were often playing a losing game. These women saw their menfolk killed in battle, attainted, imprisoned and ruined, generation after generation; but they appear rarely to have used their influence to make them change their outlook on life. They accepted it, though all these misfortunes recoiled on themselves.

Whatever was the custom amongst the general population of Scotland in the Middle Ages, there can be little doubt the *mariage de convenance* was the universal rule among the greater and lesser nobility. Marriages were arranged on business lines—including in that term political; and the Scottish baron was more interested in the property and political connexions of his helpmeet than in her personal charms or character. The Crown recognised the advantage to itself that resulted from this system, and bestowed heiresses on its supporters with the same open-handed generosity as it showed in the disposal of the lands of its opponents.

Innumerable examples of this are to be found in Scottish family history; one only may be quoted here, viz. the bestowal of Elizabeth, daughter and heiress of Sir Nicol Ramsay, by King David, in 1335, on Sir Alexander de Seytoun, in recognition of the latter's gallant defence of Berwick. Sir Alexander, in turn, gave the lady—and her lands of Parbroath—to his son John.

The system of contracting alliances with the definite object of acquiring lands or political influence had the obvious defect that, if the conditions which originally determined the contract were themselves altered for the worse by the kaleidoscopic changes of political life, the inducement for the man to be quit of his engagement and to embark on a new venture became overpowering. The same applied to the women.

Throughout the Stewart régime in Scotland long minorities occurred at intervals, and the country was governed by regents

whose tenure of office was liable to sudden ending when the reins of government were seized by a powerful rival. In such circumstances there must always have been men who found that, with a little more acumen or a little more luck, they might have made choice of a more profitable wife. These men found themselves under the painful necessity of trying to cut their matrimonial losses and make a fresh start.

As romance in these matters does not appear to have then existed, the Scottish nobles were rarely backward in claiming the assistance of the only institution that could help them in their difficulty, *i.e.* the Church; and, in many families at least, divorce of successive wives became almost a family habit—each divorce synchronising with an actual or prospective change of government or political conditions. Looking back on the history of leading families of medieval Scotland, it is possible to estimate the enormous influence on the political activities of the leading men in the country of their matrimonial arrangements, and to explain the otherwise inexplicable changes of policy which punctuated their chequered careers. The obvious difficulty in regard to these so-called ‘divorces’ is the fact that marriage, according to the Roman Catholic Church, is indissoluble, and when the term itself is used—as it habitually was in findings of Bishops’ Courts—it implied either nullity, *ab initio*, on the technical grounds recognised by the Church, or separation *a mensa et thoro*. Neither would be regarded as divorce in the modern sense.

Even the term marriage in those days was a somewhat elastic one. A regular marriage involved consent by both parties, absence of fraud or misrepresentation by either, proclamation of banns and solemnisation *in facie Ecclesiae*. And, normally, the marriage would be preceded by *sponsalia* entered into by the parties concerned, or their parents or guardians, before a priest and witnesses.

But there were other engagements which had all the consequences of a regular marriage attached to them. *Sponsalia per verba de futuro carnali copula subsequuta* constituted such an arrangement as voided any future marriage contracted by either party during the life of the other; similarly *sponsalia per verba de presenti*—which meant that the parties were prepared to marry, but left the celebration of the ceremony to a future date—constituted a valid though not a regular marriage.¹

¹ For a very complete and instructive dissertation on the marriage laws of the early sixteenth century see the preface to *Liber Officialis Sancti Andree* (Abbotsford Club).

Consanguinity and affinity within the prohibited degrees—whether through a legitimate or illegitimate connexion—voided a marriage, however celebrated; and this convenient fact was taken advantage of freely, not only by men but by women, who had come to the conclusion that they might have done better for themselves in the matrimonial market. Out of 170 actions for divorce recorded in the *Liber Officialis Sancti Andree*, between 1513 and 1553, ninety-two were founded upon an original nullity on account of consanguinity or affinity.

Scotland, it must be remembered, had few inhabitants, and the ruling class was numerically very small indeed, and kept at a low level by constant fighting, assassination and political murder. Intermarriage among these few families necessarily resulted in an ever increasing degree of blood relationship in succeeding generations, which tended sooner or later to make any particular marriage a matter in which the Church took more than an academic interest.

An example of such a divorce, followed by remarriage with another lady of superior political attractions, is detailed below; and it casts a lurid light on the part played by the fair sex, sometimes deliberately sometimes unconsciously, in the history of Scotland. This particular case has been noted by family historians and peerage lawyers alike as obscure, though the result—determining the succession of the Earldom of Huntly to a younger son by a second marriage—is of considerable importance.

About 1408 Sir Alexander de Seytoun (i) married Elizabeth, daughter and heiress of Sir Adam de Gordon, and thus started the family of the Seton Gordons, the large majority of whom subsequently dropped the patronymic and became simply Gordons. Besides the large Gordon possessions in Berwick, Sir Alexander obtained from the Regent, the Duke of Albany, a confirmation of the lands of Strathbogie, which had been forfeited long previously by the Earl of Athol and granted by King Robert the Bruce to an earlier Sir Adam de Gordon. And subsequently, in 1427, he got, through his wife's mother, Aboyne and Cluny. In the same year he was created a Lord of Parliament, with the title of Lord of Gordon.

He was a man of considerable prominence in his time. He accompanied John, Earl of Buchan, to France with the force of Scots troops raised by that remarkable man, and shared in the victory over the English at Beaugé and in the defeat at Verneuil. On his return to Scotland he became *persona grata* at the Court

of James I., and was one of the hostages and guarantors of the young king's ransom. In 1437, after the murder of James, he was one of the ambassadors sent to negotiate a truce with the English.

During this time Alexander was no doubt brought in contact with that skilful adventurer Sir William Crichton, who had been a confidant of James I., Master of the Royal Household, and Keeper of Edinburgh Castle, and, generally speaking, the power behind the throne.

Crichton's position increased still further in importance after the king's death. In 1439 he became Chancellor of Scotland, and was created a Lord of Parliament, and in the following year was deeply implicated, along with Sir Alexander Livingstone, his quondam rival, in the murder of the young Earl of Douglas; with occasional temporary reverses of fortune he continued to exercise a dominating influence in the country until his death in 1454.

Alexander de Seytoun, Lord Gordon, had a son Alexander (ii), Master of Gordon, who is the hero of the divorce case.

When seventeen years of age, in 1427, he married Geilis or Egidia de Haya (Hay), daughter and heiress of Sir John de Haya of Touche, Tulibothie (Tullibody), Enzie, 'and utheris grit landes,' a lady to whom, as indicated in the Papal letter below, he was related 'within the fourth degree of consanguinity.' As, however, he obtained the necessary dispensation there is no question of the validity of the marriage.

By this marriage he had a son Alexander de Setoun (iii), ancestor of the Setons of Touch and the Setons of Abercorn.

Alexander (ii), Master of Gordon, succeeded his father on the latter's death about 1441. Long before that event, however, he had observed the rapid rise of Sir William Crichton, and decided to get rid of his wife and marry Crichton's daughter; this he proceeded to carry out.

The date of this affair is uncertain, but it must have occurred before November, 1438; for in 1436 a charter¹ of James II. mentions Elizabeth Crichton as 'sponsa nobilis domini et potentis Alexandri de Cetoun, domini de Gordoun.' The forgiving Egidia Hay, 'Lady of Tullibody,' granted him, for his lifetime, all her lands of Tullibody and certain properties in Banff, and in the relative charter (Gordon charters) describes him as 'her beloved kinsman, Sir Alexander de Seton, Knight.'

¹ *Antiquities of Aberdeen and Banff* (Spalding Club), iii. 319.

This unfortunate and ill-treated lady died some time subsequent to the remarriage of her fickle husband, but before the Papal letter of August 13, 1441, leaving a son Alexander (iii), a lad of about nine years of age.

The divorce of Egidia Hay and the remarriage of Sir Alexander de Seytoun with the daughter of Chancellor Crichton are facts which have been long known; as to the tortuous methods adopted by him to bring them about there has been no information available until recently.

In connexion with questions arising out of the subsequent disposal of his dignities after his elevation to the Earldom of Huntly a search was made in the Vatican records for documents connected with the divorce proceedings; and the following letter, now published for the first time,¹ has come to light:

TRANSLATION OF LETTER FROM POPE EUGENIUS TO THE
BISHOP OF MORAY, dated 13th August, 1441.

Eugenius etc. to his venerable brother . . . the Bishop of Moray, Greeting. Whereas the course of the petition of thy diocese and that of Saint Andrews presented to us on behalf of our beloved son, Alexander de Seton, layman, and of our beloved daughter in Christ Elizabeth Crichton, his wife, showed that formerly after that the aforesaid Alexander and Egidia de Hay his former wife, who were united within the fourth degree of consanguinity, having obtained a dispensation from the Apostolic See, at the same time contracted Holy matrimony by the lawful words and consummated it by holy wedlock through the procreation of offspring, the aforesaid Alexander, asserting the marriage contracted after this fashion between himself and Egidia to be null and void on account of the impediment which arose from the aforesaid consanguinity and by reason of a defect in the dispensation of the said Holy See, which dispensation he denied having obtained and concealed with malicious intent in his own house, sought that his marriage with the said Egidia should be declared null and void and that he should be divorced from the said Egidia:

and, whereas our beloved son Henry Horny, Archdeacon of Moray, to whom thou, by thy authority as Ordinary, hadst committed the hearing of this cause and the due settlement thereof, in virtue of such commission, caused the parties to be cited before him for trial:

¹A printed précis will be found in the Advocates' Library, *Papal Letters*, vol. ix. p. 72.

and, whereas, the said Archdeacon, having entered into the said cause, pronounced a definite judgment against the said Egidia :

and, whereas, the said Alexander, since the said Egidia made no appeal against this judgment, contracted marriage according to the legal form with the aforesaid Elizabeth, who was entirely unaware of the said previous marriage, (the said Egidia being still alive) and solemnised the said union in the presence of the Church, and lived with her for some years in the marriage thus contracted, and continues to do so at the present time :

and whereas the aforesaid Alexander and Elizabeth cannot continue in the marriage thus contracted between them unless they obtain an apostolic dispensation therefor :

and whereas this same Petition sets forth that the aforesaid Egidia hath departed this life, and that the said Alexander, being pricked in his conscience, is sincerely repentant of the sins committed by him :

and whereas, if a divorce took place between the aforesaid Alexander and Elizabeth, dissensions and scandals would be likely to arise between their friends and kinsmen ;

an humble supplication hath been made to us on behalf of Alexander, and also of the aforesaid Elizabeth, who, as she declares, was entirely unaware of the previous marriage, and who was not in any degree party to the death of the aforesaid Egidia, praying that we, of our apostolic benignity, would be pleased by the grace of a fitting dispensation, to free the said Alexander from sins of this kind, and from any sentence of excommunication which, by reason thereof, might perchance lie against him and the said Elizabeth.

We therefore, inasmuch as we have not certain information concerning the foregoing matters, and seek the peace of all and sundry and desire to avoid all causes of offence whatsoever, so far as by the Grace of God we may, for the reasons aforesaid and others which have been laid before us, being moved by the petitions in this matter,

Do now charge and command thee, by our Apostolic letters, by reason of the special confidence which we have reposed in thee in the Lord in these and other matters, that thou shouldest absolve the said Alexander, if he should humbly seek such absolution from these his sins and from any sentence of excommunication which he may have incurred as aforesaid ; and this absolution thou shalt grant on this Our authority, for this occasion only, in the accustomed form of the Church : and thou shalt enjoin him,

by virtue of an oath which he shall take in thy presence, that he shall commit no such things any more nor countenance those who do such things, by aid, counsel, or favour.

And, nevertheless, if it appear expedient to thee that such a dispensation be granted, the said Elizabeth shall not on that account be ¹: since thou shalt, by apostolic authority grant a dispensation to the said Alexander and Elizabeth, permitting them to contract a marriage afresh at the same time, and to remain lawfully in the same when it is contracted, by declaring legitimate any offspring born of the said Elizabeth, or which may be born from the marriage to be thus contracted.

Given at Florence in the year of our Lord's Incarnation 1441 on the 13th day of August in the eleventh year.

Arch. Segret. Vaticano Reg. Lateran 368 (alias Eugen iv. 1439. Anno 9 Lib 116) fol 661.

From this remarkable document it is possible to form a fairly close idea of the course of the tragedy.

It is quite certain that the original marriage between Alexander and Egidia, though related within the fourth degree, was perfectly regular: but the mere fact that Alexander is absolved from the guilt of having 'concealed' the dispensation 'with malicious intent in his own house' indicates that he did act precisely in this manner. Egidia Hay was a young girl, and an orphan, and may well have been ignorant of the necessity for a papal dispensation before she could marry;² on the other hand, Alexander probably concealed the document against a day when it might be useful to forget he had had such a dispensation, and would get his marriage declared null and void in consequence.

It emerges then that the Archdeacon granted the divorce without being aware of the existence of a dispensation; and the divorce was in consequence obtained by fraudulent means.

Alexander then took advantage of the silence of Egidia and married Elizabeth Crichton.

'For some years' all went well, and a son was born; and then Alexander found himself faced with difficulties. In the first place he was afraid of excommunication; then he was afraid of his

¹ Illegible in the manuscript.

² The cynical view may be taken that Egidia Hay, in spite of her youth, was a worldly young woman who, in her desire to marry Alexander, did not trouble about dispensations or prohibited degrees; and was herself a party to the fraud.

fraudulent action being found out, and of another divorce which might lead to unpleasantness with his father-in-law; and, possibly, he had already made up his mind to leave his property to his son by Elizabeth Crichton.

So he applied for the belated dispensation to marry Elizabeth Crichton, which was given by the Pope. Even then, however, he lied—for he asserted that Elizabeth 'was entirely unaware of the previous marriage,' a statement which is incredible. It is inconceivable, too, that Crichton himself was unaware of Seytoun's previous regular marriage to a lady of such old family and such great possessions.

The Pope himself admits that he has not 'certain information concerning the foregoing matters'; but indicates that he had 'other' reasons 'which have been laid before us'; and so, to save a scandal in high life, he granted the request, subject to a formal remarriage.

Truly a pitiful exhibition of fraud on the part of Alexander and Elizabeth on the one hand, and of weakness on the part of the Bishop and of the Holy See.

With Egidia Hay dead and his own and Elizabeth's characters whitewashed, Sir Alexander's career was now quite straightforward. On his father's death he became Lord Gordon in 1440 or 1441, and in 1445 he was created Earl of Huntly.

But again he failed to run straight.

With the concurrence, no doubt, of Elizabeth and the Chancellor, he decided to disinherit his eldest son by Egidia Hay, Alexander (iii), in favour of George, son of Elizabeth Crichton; and to accomplish this, he surrendered his dignities to the Crown in 1449, and had them regranted to him—with the exception of one—in favour of George, who subsequently succeeded his father as second Earl of Huntly.

This case is not a peculiar one, except perhaps in so far as the tortuous procedure of the principal character was particularly unprincipled.

With the upbringing he must have had, George, second Earl of Huntly, was unlikely to attach much sanctity to marriage vows, especially when it was to his advantage to do otherwise. He, indeed, was married three times, and divorced two wives, both of whom he selected in the first place—or had selected for him—on account of their family interest, and both of whom had had previous experience of matrimony. With each he acquired something to his material advantage.

Before considering his first marriage it is necessary to go back a few years.

James Dunbar, Earl of Moray, left two daughters, co-heiresses. Of these, the younger, Elizabeth, married Archibald Douglas, brother of the eighth Earl of Douglas. By devious means the elder sister was ignored, and Archibald became Earl of Moray. On the murder of his brother at Stirling in 1452, Moray took arms to avenge his death. Huntly, the first earl, in his capacity of Lieutenant of the North, happened to be engaged in fighting 'the tiger Earl' of Crawford; and, during his absence, Moray harried Huntly's lands of Strathbogie. After beating Crawford at Brechin, Huntly was himself beaten by Moray at Dunkinty in May 1452.

For this Moray was attainted, and his earldom was conferred upon the Chancellor's eldest son, James Crichton, who had married the disinherited Janet Dunbar—another example of the ambition of Crichton. The forfeiture appears to have been reversed, however, soon after, and Moray then again devoted himself to the support of his young nephew, the ninth Earl of Douglas, and was killed fighting the king's troops at Arkinholm, on 1st May, 1455.

Only a few days after Moray's death his widow made a contract of marriage with the Earl of Huntly's son, George; both of them evidently thought she would be allowed to take the Earldom of Moray with her. In this, however, they were disappointed, as very shortly after the marriage, in 1455, the Earldom was again forfeited to the Crown.

Having failed to secure the Earldom of Moray, and appreciating that the Douglas family was ruined, the Master of Huntly made haste to divorce the lady, and, in 1455, advanced the time honoured plea of consanguinity. Perhaps he had avoided the mistake made by his father, and had no awkward dispensation to conceal or explain away. Elizabeth herself, in 1462, married, for a third time, Sir John Colquhoun. The plea of consanguinity and affinity appears to have been a more than usually exiguous one, as it was based on the fact that the son of young Huntly's uncle, Lord Crichton, his own cousin, had married Janet Dunbar, sister of Elizabeth.

The Master of Huntly then decided to contract a royal alliance, and, in 1459, married the Princess Annabella, sister of James II. In this he was no doubt advised by his parents. Crichton was dead, and the old earl perhaps felt that it would be very

advantageous for his son to be connected by marriage with the Crown.

The Princess had previously married the Count of Geneva, but the King of France, in 1458, succeeded in having the marriage dissolved; and the lady was given 25,000 crowns and sent back to Scotland. Her disposal presented considerable difficulties, and the king was probably glad of the opportunity to make such a good alliance for her.

The Master of Huntly's married life continued without any noticeable incident until 1471, the year in which he succeeded his father as second earl; and the Princess bore him four sons and four daughters. But the inherited tendency was again too strong for him, and, in the same year, he got rid of his royal wife, on the ground that she was related *in tertio et quarto gradibus* to his previous wife, Elizabeth Dunbar, Countess of Moray.¹

The new king, James III., bore Huntly no malice for casting off his aunt, as is clear from the earl's subsequent career.

Within a month of this second divorce, banns of marriage between the Earl and Lady Elizabeth Hay, daughter of the Earl of Errol, were proclaimed at Fyvie; but the marriage only took place five years later. It is not possible to determine now what Huntly's object was in marrying Elizabeth Hay. The connexion between the two families, however, was not a new one; and it continued in later generations.

The Huntly family was by no means peculiar in respect of their matrimonial vagaries. For instance, another crop of divorce cases occurred about the same time in the Maule family, and these too were effected by the Consistory Court of St. Andrews.

Sir Thomas Maule married Elizabeth Lyndsay, daughter of the first Earl of Crawford, and Maule's sister married Sir David Guthrie. After some years, and after having borne him several children, Lady Guthrie was divorced by her husband as being related to him within the prohibited degrees, and, in bringing about the desired result, the Earl of Crawford took a prominent part.

This action on the part of his father-in-law infuriated the lady's brother, and, as the old chronicler of the family expresses it: 'Thearfor Sir Thomas did tak sic indignatione at the Earle that he did repudiat his wyf, albeit ane innocent woman, and to quhome no man could reproche any notoure fault.' She lived long after

¹ The statement that the Princess divorced Huntly, made by certain writers, is evidently incorrect, in view of the wording of the divorce proceedings.

her husband, but he soon married again and lived happily ever after.

The seamy side of married life in the middle ages is ruthlessly exposed by the Records of the Bishops' Courts that have survived; and an interesting fact is that, in the claims for nullity, the ladies of those days were often not too modest in showing cause why they should obtain release, even at the expense of their own fair fame.

An example of this, one of very many at the time, is to be found in the matrimonial history of Ninian Seytoun of Touch, grandson of the Alexander Seytoun whose mother was the Egidia Hay above mentioned.

Ninian Seytoun married Matilda Graham. Unfortunately, this lady, before her marriage, had had a regrettable affair with the Earl of Montrose, who was related to Seytoun in the third and fourth degrees of consanguinity; and thus, at the time of her marriage, bore the same degree of affinity to her husband. It was consequently decreed that the '*pretensum matrimonium*' was null and void.¹ Seytoun was then free to marry again, and his choice fell on Janeta Chisholm, widow of Napier of Merchiston. There was evidently friction between them, and the lady, after many years of married life, brought a suit for nullity on the same grounds as were advanced in the previous case, *i.e.* that, on account of a liaison with one Andrew Buchanan, who was related to Ninian Seytoun in the third and fourth degrees of consanguinity, she herself bore that degree of affinity to her husband when she married him. So the marriage was dissolved, and Janeta married Sir James Touris of Innerleith within a couple of years.²

This Ninian Seytoun's daughter, Margaret, married Daniel Somerville of Plane, a widower. In July 1544 a sentence of nullity was pronounced by the Bishops' Court of St. Andrews,

¹ *Lib. Off. St. Andr.*, fol. 14. The sentence in this case was as follows: 'Ex et pro eo quia dicta Matilda diu ante celebrationem dicti pretensi matrimonii fuit carnaliter cognita per quondam nobilem et potentem dominum Wilhelmum comitum de Montrose . . . quiquidem Ninianus et dictus quondam Wilhelmus se invicem attingebant in tercio et quarto gradibus et sic dicta Matilda in tempore contractus dicti pretensi matrimonii attingebat sibi Niniano in tercio et quarto gradibus affinitatis de jure prohibitis.' This is a good example of the acquirement of a prohibited degree of affinity by one party to another through a previous lapse with an individual who was himself in the prohibited degrees of consanguinity.

² *Ibid.* fol. 232.

on the plea of Somerville that his first wife, Elizabeth Elphinstone, was related in the fourth degree of consanguinity to Margaret Seytoun, and that she consequently was in that degree of affinity to him when she married him.¹

One of the most striking matrimonial histories of the sixteenth century was that of Queen Margaret, daughter of Henry VII. of England and consort of James IV.

To begin with, her original marriage with James was a political affair, the ultimate object of which was the securing of a stable peace between the two countries. The negotiations commenced in September 1499, shortly after the renewal of the Truce of Ayton at Stirling, but took close on two and a half years to carry through. It was necessary to obtain a Papal dispensation for the union, and, on the day following the signature of the marriage agreement, 24th January, 1501, the Earl of Bothwell acted as proxy for James in the ceremony. The Princess at this time was only in her fourteenth year. In August 1583 she arrived in Scotland and the wedding took place at Holyrood.

Left a widow by the disaster of Flodden in 1513, the position of the young queen was one of great difficulty; and it is not to be wondered at that she looked around for some man to help her in her responsible duties of guardian of the infant king, and regent of the kingdom. These were already coveted by Albany and a large section of the nobles, while her relationship to Henry VIII. did little to commend her authority to the country at large.

In these circumstances she selected as a helpmeet the most eligible of the Angus Douglasses, Archibald, sixth earl, grandson of 'Bell-the-Cat,' a youth of about nineteen years of age; and married him in August 1514. His object in marrying the Queen Dowager was to obtain the Regency, and to benefit his own family; but, having married in haste, he found he was quite unable to carry out his plans, and, on the landing of Albany in May 1515, was compelled, with his wife, to take refuge at the English Court.

Shortly after their departure Margaret had a daughter, the Lady Margaret Douglas, afterwards mother of the unfortunate Darnley; but Angus, anxious to fish once again in the drumlie waters of Scottish politics, deserted his wife within a year of his marriage, and made his peace with Albany. Henry VIII., furious at this treatment of his sister, at once visited his wrath on Scotland, and finally succeeded in forcing Albany out of the country.

¹ *Lib. Off. St. Andr.*, fol. 325.

In the years that followed the relations between Angus and Margaret became increasingly strained, and, in 1527, she obtained a separation '*a mensa et thoro!*'

Although such a separation did not permit of a fresh marriage she immediately married Henry Stewart, subsequently Lord Methven, who was related to Angus '*in III^o et 4 gradibus consanguinitatis,*'¹ and therefore held the same degrees of affinity to herself. The facts that she was not entitled to marry again, and that Stewart and Angus were related in these degrees, must have been perfectly well known to both parties at the time of the marriage.

After some ten years of married life, Margaret claimed and obtained a declaration of nullity of the marriage on the grounds above stated, and it is believed her intention in doing so was to remarry the Earl of Angus, now at the zenith of his power.

This plan did not eventuate, and in 1541, after a life full of matrimonial excitement vouchsafed to few women, she died at Methven Castle, the seat of her latest husband.

The cases of divorce quoted above—cases of nullity they might be more properly called—are merely samples selected almost at random; but they show sufficiently clearly what went on in the leading families of Scotland, prior, at least, to the Reformation. The records show that a large proportion of cases, of which details are still available, were based on pleas of consanguinity or affinity in the prohibited degrees. Generally speaking, it will be found, if contemporary history is brought to bear on individual cases, that there was always some reason, apart from mere incompatibility of temper, domestic differences, or disregard of the Seventh Commandment, which was a sufficient inducement to one or other of the parties to apply for release from the contract which had become unbearable or even inconvenient; and this reason was the superior attraction of some one else, as a possessor either of wealth or political influence.

The astonishing thing, however, is that—men and women alike—the parties concerned had no hesitation in pleading impediments of which they and their kinsfolk must have been perfectly well aware before they embarked on matrimony; and this appears to indicate that *per se* prohibited degrees of consanguinity and affinity were not deterrent to any appreciable extent when weighed against material advantage.

¹ Angus and Methven were great-great-grandchildren of a common ancestor.

The part played by the Church may appear to be open to criticism. In the creation of all kinds of barriers to matrimony canon law was, no doubt, originally actuated by a perfectly justifiable regard for eugenics; but the multiplication of these impediments defeated its own ends, and produced a demand for dispensations on the one hand and declarations of nullity on the other which had to be met. Granted, as these were, on payment of fees, and with a minimum of inconvenience to the parties, the indissolubility of marriage became a mere theory which was negligible in everyday life.

And so it comes about that, in endeavouring to estimate the part played by individuals on the history of their times, it is essential, for a right understanding, to take into account the enormous effect of the distaff side.

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