

Jane Stewart, Countess of Argyll: the story behind GD112/39/8/1

[Based on a paper give to the Marie Stuart Society, Edinburgh, 2006]

Let us start in May 1563 with a pair of marriage guidance counsellors, a man and a woman. They are united in their shared goal of trying to bring back together a couple who have become deeply estranged. The couple are Jane/Jean Stewart, Countess of Argyll¹ and her husband Archibald Campbell, 5th earl of Argyll². Together the counsellors worked out a joint strategy, splitting the task along gender lines with the woman having a quiet word with the Countess and the man tackling the earl.

You might be surprised at the identity of this marriage guidance team. The woman is Mary, Queen of Scots, and the man is John Knox. On this difficult case, they worked together harmoniously as a team, and they achieved a limited success. We will return to this unlikely marriage guidance team later.

It wouldn't be a surprise to learn that Queen Mary was concerned about the welfare of the Countess because, as you will know, Jane was Mary's half-sister, probably born c1537 and about five years older than the Queen. Jane was the illegitimate daughter of James V and Elizabeth Beaton, one of at least nine women who had a child with the Scottish king. Elizabeth was herself the daughter of Sir John Beaton of Creich, the keeper of the Privy

¹ Jane was also known as Jean, since the two names were synonymous in the 16th century.

² For further details on Argyll see Jane E A Dawson, *The Politics of Religion in the age of Mary, Queen of Scots: The Earl of Argyll and the struggle for Britain and Ireland*, (Studies in Early Modern British History, Cambridge University Press, Cambridge, 2002). I am currently completing an article on the divorce of the Countess and the 5th earl.

Seal who had been ambassador to France. Based in Fife, the Beatons were part of a large family network containing many royal servants and with extensive links to the royal court. One of Elizabeth's cousins was the well-known cleric, Cardinal David Beaton and Jane was the first cousin of Mary Beaton, one of the four Maries. Sometime following Jane's birth, her mother Elizabeth married Lord John Stewart of Innermeath.

In common with his other illegitimate offspring, Jane became part of her father's household and probably received special treatment because she was the only surviving daughter. The King certainly included her in his political plans, seeing her future marriage as a political asset to be used where it best suited him. Since child betrothals were common, in Jane's early years negotiations were begun by James V first with the Border family of the Humes and then the Campbell, earls of Argyll, and a pre-nuptial contract was drawn up in 1538 betrothing the year-old Archibald, heir to the earl of Argyll, to the two-year-old Jane. Although still a toddler herself, Jane and two of her own attendants were attached in a ceremonial capacity to the household of Prince James, the heir of King James and Mary of Guise born in 1540, but dying a year later.

The death of the King himself in 1542 brought no dramatic change to Jane's position. She was fortunate that Mary of Guise, with a remarkable generosity of spirit, treated all of James' illegitimate children well and was especially good to Jane. She continued at court becoming a maid of honour to the Queen Mother and developing an affection for her mistress and a deep sense of belonging to the royal family. Throughout her life Jane thought of herself as a Stewart and seems to have had little to do with her natural mother

or the Beatons in general. One of the things which subsequently brought Mary, Queen of Scots, close to Jane would have been their memories of the maternal care and love Mary of Guise had given to them both. The Queen Mother was the driving force behind the conclusion of the contract in July 1553 signed in the royal palace at Falkland. Since the couple were now both past the canonical age for marriage, the 15 year-old Jane was formally betrothed to Archibald Campbell, Lord Lorne and Master of Argyll.³ The contract also involved Jane's Stewart half-brothers and the Duke of Châtellherault, as heir to the throne, senior male relative in the royal family as well as Archibald's uncle. The family links among the Scottish royal and noble families ensured before they could marry the couple had to obtain a papal dispensation for consanguinity.

The wedding was held in April 1554, either in Edinburgh or at Castle Campbell near Dollar, and the Queen Mother would have provided Jane with a suitably splendid dress, and the occasion would have caused much celebration at court. Jane had brought a good dowry of 5,000 merks to the marriage and received a substantial jointure in return⁴. Her illegitimate birth created no social bar, with her publicly acknowledged Stewart blood instead bringing the future earl of Argyll into the intimate circle of the royal family. As Countess of Argyll, Jane would be one of the foremost ladies in the realm, whose husband ranked third in the peerage. It seemed a brilliant match and Mary of Guise probably felt that she had done the best for her maid of honour. As it turned out, the

³ Fourteen years old for a man and twelve years for a woman.

⁴ 500 merks p.a. and £2,000 at the wedding. Pre-nuptial contract in the Moray Muniments N[ational] [Register] of A[rchives] (Scotland) 217 Box 15 No. 441; also see Argyll Transcripts [Argyll MSS, Inveraray Castle] V 25, 27; 'Hamilton Papers' in *Miscellany of Maitland Club IV* ed. J. Robertson (Maitland Club, 67 Edinburgh, 1847) p. 200; payment of tocher *Letters to the Argyll Family* ed. A. MacDonald (Maitland Club 50, Edinburgh, 1839) p. 2; P. Anderson, *Robert Stewart, earl of Orkney, 1533-93* (Edinburgh, 1982) 9 & 169. I am grateful to the Duke of Argyll and the Earl of Moray for permission to consult their papers.

marriage was a personal disaster for both Jane and Archibald and it ended in a messy and acrimonious divorce which soured the rest of their lives.

Little is known of Jane's life during the 1550s, though with the 4th earl's death in 1558 she became the Countess of Argyll. Cracks in the marriage were probably already present with the 5th earl taking a mistress and around 1557-8 fathering an illegitimate son, Colin of Craignish. Jane seemed to be unable, or perhaps was unwilling, to become pregnant and this was obviously of major concern to a dynastically-minded noble such as Argyll and to his clan, the Campbells. The 5th earl was a very prominent member of the Protestant Lords of the Congregation and helped lead the rebellion that resulted in the Protestant Reformation of 1559-60. Despite being on opposite sides in that struggle, the 5th earl came to visit Mary of Guise in June 1560 as she lay dying in Edinburgh Castle.⁵ It is unlikely he was accompanied by his wife who would have been very anxious to say her farewells to the woman who had been as a mother to her.

It was probably during the Reformation crisis that the first serious marital crisis occurred. Possibly with a sense of tit for tat, Jane took a lover and with the double standard prevalent at that time was accused of adultery. Possibly when the earl was away campaigning during the Wars of the Congregation, she was held captive for 15 days by her husband's clansmen and followers and threats made against her. Jane's royal blood helped give her a toughness of character and she did not give in to this bullying. Her husband later described such an attitude as 'proud stubbornness', and he found it deeply irritating. In the kin-based society of sixteenth-century Scotland marital breakdown

⁵ *John Knox's History of the Reformation in Scotland* ed. W.C. Dickinson 2 vols. [Edinburgh, 1949], I 321.

among the nobility automatically involved the wider family and kin group. Sometime before the summer of 1561, the kin and friends of both husband and wife brought about a reconciliation, aided by John Knox. Jane promised to inform the minister if a problem should arise in the future.

Having been brought up in the royal court, Jane had grown accustomed to its life with the luxury, the bright lights and the sense of being at the heart of things. When the opportunity arose with the return of her half-sister Mary, Queen of Scots, to Scotland in August 1561 Jane took her chance. This was made easier because Queen Mary made a determined effort to surround herself with her blood relatives, bringing the illegitimate sons of James V into her own circle. Naturally, this also included Jane and her husband Archibald who had become one of Mary's chief political advisers. The Countess became one of Mary's ladies in waiting and the half-sisters formed a close relationship. Characteristically, the Queen was generous to her sister, giving her luxurious clothes and jewels to signify her high position at court.⁶

No doubt Jane complained to the Queen about her marriage. Mary was deeply troubled by the problem because it brought into conflict personal friendship; family loyalties and political considerations. She relied upon the 5th earl to support her regime and also seemed to enjoy his company. Mary recognised that there was fault on both sides of the marriage. Assuming the couple could be brought back together, the Queen turned to Knox for assistance in May 1563. She spoke at length to him, commenting that she

⁶ For the Queen's gifts of clothes and jewels to 'ma soeur', *Inventaires de la Royne Descosse* ed. J. Robertson (Bannatyne Club, 111 Edinburgh, 1863) pp. xxxviii, 99-100, 103-4, 108, 113.

thought this was one of the most serious matters she had faced since her return to Scotland. Whilst she wanted the couple's difficulties resolved, she was anxious Argyll did not know she was taking a direct hand in the matter and that he did not take offence.

Together the ad-hoc marriage guidance team devised a strategy to repair the latest breach and separation between the Argylls. Following the Queen's command, on 7 May Knox wrote a remarkably direct letter to his co-religionist the 5th earl reprimanding his behaviour in no uncertain terms. He instructed Archibald to return to living with his wife and to give up the extra-marital affairs he was rumoured to be conducting. The earl was not amused especially by the tone of the minister's letter but he did heed some of the warnings and in public at least he remained on warm terms with Knox.⁷

Meanwhile, Mary adopted a more subtle approach. She talked to the Countess privately, urging the need for marital unity, and adding the threat that royal favour would be withdrawn if Jane remained obstinate. In a clever move Mary also guaranteed the couple would have to come together and co-operate with each other. The Queen decided that her royal progress that summer would include a visit to Argyllshire and she would stay at Inveraray castle, the seat of the 5th earl. Consequently, the earl and countess would have no option but to entertain the Queen together.

That progress was probably one of the most enjoyable of Mary's reign and one of the happiest times of her life. She launched herself into the preparations with great glee, deciding to indulge to the full her passion for dressing up in the appropriate costume. The

⁷ Knox *History II* 73-6.

entire court was instructed to acquire Highland dress to wear on the trip. This provoked a panic response from Thomas Randolph, the English ambassador. He wangled a temporary recall to England to avoid the horror of traipsing around the country in a saffron shirt and plaid. For her own attire, Mary looked to her half-sister and to Lady Agnes Campbell, Lady Dunivaig, to help and they lent her 'a marvileus fayre' 'Highland' dress.⁸

One of Jane's complaints was probably that she disliked staying in the wilds of Argyll and away from the court. By bringing the court to that shire, Mary managed the next best thing for her sister. There was excellent hunting for the Queen and feasts and other entertainments as well as the chance for Mary to show herself to her subjects.⁹ The Queen stayed at Inveraray between 22-25 July before moving through Cowal and then across the Clyde to Ayrshire¹⁰.

Such halcyon days did not last for either the Queen or the Countess. The 1563 reconciliation between Jane and Archibald held together for about four years but was always shaky. Jane spent her time at court and became more closely associated with the Queen whilst Mary attended to the difficult matter of selecting a second husband. When in 1565 Argyll went into rebellion over the Darnley marriage, the Countess remained

⁸ Thomas Randolph to William Cecil, 13 June 1563, *Calendar of State Papers relating to Scotland and Mary, Queen of Scots, 1547-1603* eds. J. Bain et al. [13 vols Edinburgh, 1898-1969] II 13. Unfortunately, it is not clear what Highland dress meant and how they differed from Lowland clothes. Marion Campbell's poem and description in *Argyll: The Enduring Heartland* [Grantown-on Spey, 1995] 117 imaginatively reconstructs the scene.

⁹ Ewir Campbell of Strachur would have been delighted when the Queen stayed in his house at Dripps on Loch Eck to take refreshment and to sign a charter for his lands, 27 & 30 July 1563, AT VI 16.

¹⁰E. Furgol 'The Scottish itinerary of Mary Queen of Scots 1542-8 and 1561 -8' *Proceedings of the Society of Antiquaries Scotland* 117 1987 219-231 and fiche c1-d6 [c8]

firmly with Mary. After the earl was escheated as a rebel, Jane was immediately granted back her dower lands of Castle Campbell and its environs.

Jane became one of the closest of the Queen's companions and Mary's confidante. She was a member of the extremely select group who formed that famous supper party of 9 March 1566 so rudely interrupted by Darnley and his allies. In the confusion that followed the seizure of David Riccio in that small chamber at Holyrood where they were eating their meal, it was Jane's quick thinking that saved an even worse disaster. The table had been knocked over in the fracas and the candleabra had been sent flying. Jane managed to rescue it in time before it set alight the furnishings and burnt down Holyrood. During the following frantic hours, Jane probably also helped Mary persuade Darnley to abandon his fellow murderers and flee from the palace.

It seems likely that Jane was there to assist the Queen at the time of the birth of her son James. By that time, Argyll was restored to royal favour and was given the chamber next to the Queen's. As well as being a formal honour to a leading peer of the realm, this probably indicated Mary wanted Jane close to her. The Queen's gratitude and favour to her sister were given very public recognition at the grand court celebration held for James' baptism. The Countess was chosen to act as proxy for Queen Elizabeth, the godmother of the Scottish prince. Since in a 16th-century baptismal service the godparents rather than the natural parents held and presented the child to the priest, this made Jane the centre of attention. Her role in the service attracted the notice of the Kirk

who rebuked her at the next General Assembly for participating in a Roman Catholic sacrament.

In the closing months of 1566 and the first half of 1567, one can imagine conversations between Mary and Jane about the difficulties of abusive husbands. The summer of 1567 was disastrous for both of them. The Queen's troubles leading to her enforced abdication are well known. Although he had been prepared to oppose Mary and Bothwell at Carberry, the 5th earl rapidly became disillusioned with the other Confederate Lords and joined his own relatives, the Hamiltons in their support of the Queen's cause. This placed him in the opposite camp from James Stewart, earl of Moray, when he returned to Scotland and took the Regency upon himself. In the summer of 1567 these two men, previously the very best of friends, fell out over Mary's fate. They were also at loggerheads over Jane, with Moray supporting his half-sister and opposing Argyll's desire to divorce his wife.

During those tumultuous political events, Jane's marital life ended with the complete breakdown in her relationship with the 5th earl. In an unusual and brave act for a sixteenth-century wife, the Countess left her husband and flatly refused to return. Although the precise details and chronology are confused, it seems that Jane was confined to her chamber in Dunoon castle, and then moved to a laird's house where her life was threatened by Campbell clansmen. She either escaped and went on foot to safety or managed to talk her way out of confinement and went to her friends, never to return. The very public separation that followed was the subject of great gossip which could not

be ignored, leading the General Assembly of the Kirk to try to deal with this 'scandal'. Meanwhile, Mary's imprisonment had a direct impact upon Jane's position. At a stroke, it dismantled the royal court leaving the small rump of James' household, even after his coronation as king more a royal nursery than a thriving court. In captivity Mary, Queen of Scots, was left with the bare minimum of servants attending her at Lochleven castle. Jane found herself without either her marital home or her alternative home at court, and she was forced to turn to her Stewart kin and to her friends within Mary's former household.

From 1567 onwards, Archibald was clear about his aim of divorcing his wife, but it was not obvious how it could be realised. Like Henry VIII before him, the 5th earl needed a divorce that would leave him free to re-marry and to father a legitimate heir. Separation was insufficient and a legal process of divorce was required. However, the law in Scotland concerning divorce and the court in which it might be obtained had been thrown into confusion with the Reformation. Providing echoes of Catherine of Aragon, Jane was not prepared to go quietly and blocked the attempt at a consensual 'quickie' divorce. She refused Argyll's offer of 10,000 merks and an admission of his own adultery. Being unable to return to her 'family', Jane needed a substantial settlement to keep her for the rest of her life and she probably judged the sum inadequate. In addition, she felt she had been extremely badly treated. A later copy of the legal pleadings on her behalf in relation to the divorce has survived though since it is part of a legal form book, the names of all those mentioned have been anonymised. Jane provided for her lawyers details about her

treatment and about Archibald's mistresses and his illegitimate children, but the names, places and dates have been removed.

Other sources confirm the 5th earl had several mistresses, though that was not an uncommon practice among noblemen in sixteenth-century Scotland. Contemporaries would not have regarded Archibald's unfaithfulness as a valid reason for separation. Jane also presented a story of abuse with persistent threats of violence and occasions when she was kept against her will by Argyll's kinsmen. She maintained she was in fear of her life from 1567 when she had left the earl until 1573 when the divorce was granted. Although not condoned in the sixteenth century, marital violence was not recognised as grounds for a divorce.

In the time-honoured Scottish way, there was a major effort in 1570 to sort out the problem through negotiation between the two kindreds involved, the Stewarts and the Campbells. Interestingly, it was John, 4th earl of Atholl, who acted as the head of the Stewart kin. Although he was an extremely distant relative, Jane much appreciated his efforts on her behalf. She wrote thanking him in July 1570, declaring about her husband that she 'lwikit nocht for na bettir at that ongrait manis hand'.¹¹ Defiantly, she pointed out she would not change her mind about her terms and no true friend would expect her to do so. Not surprisingly, the negotiations foundered.

¹¹ Jane Stewart to Atholl, 2 July 1570, *Campbell Letters, 1559-83* ed. J. Dawson (Scottish History Society, 5th ser. Vol 10, Edinburgh, 1997) No 111 p164. The transcript of the letter can be downloaded from the Breadalbane Letters website http://www.div.ed.ac.uk/scottishlett_1

By this time Jane was staying at Stirling castle with Annabella Murray, Countess of Mar, her friend from earlier court days. Another fellow courtier, Madam Christiana Pagès, wrote to Mary, Queen of Scots, in England that Jane was 'very angry and in great poverty', the one probably exacerbating the other.¹² Her position was not improved when she was put to the horn [outlawed] as a consequence of the judgement against her in the new Commissary Court of Edinburgh.¹³ The 5th earl had brought a case to compel her to return to him, though it must be doubtful if that was what he actually wanted. Despite getting Jane outlawed, this brought an impasse because the Commissary court was not willing to go any further or pronounce on divorce without additional clarification of the position in Scots law.

Archibald then turned to the church authorities to try to get things moving. Jane was back in the Holyrood area of Edinburgh which placed her in the Canongate parish and a process of admonition and excommunication was directed against her on the grounds of her separation from her husband. To complicate matters the capital was being fought over between 1570-3 by the King's and Queen's parties. At the start of 1573 Jane decided to enter Edinburgh castle to join the last remnants of the Queen's party holding out under the captaincy of Sir William Kirkcaldy of Grange. After a long siege and a protracted battering from the English artillery sent to help Regent Morton, the castle finally fell in May 1573. The presence of the English army gave Jane the opportunity to write directly to Queen Elizabeth appealing for assistance and protection from her husband, Morton's right-hand man. In an impassioned petition Jane explained she,

¹² Madam Pagès to Mary, Queen of Scots, 15 Aug 1570, *CSP Scot* III 314.

¹³ The civil Commissary Court was established in 1564 to take over the jurisdiction concerning marriages and testaments previously exercised by the pre-Reformation Church courts.

'hath through the unkind dealinge of her husband bene long dryven to seeke releif within the Castill of Edenburgh, And now... Is enforced to forsake that place and frendes there by whom stode her greatest staie of lyvinge, fearinge now to be delivered into the custodie of eny her enemyes least from thence she should be redelivered into the said earle her husbandes handes by whom she is then most assured to loase her lief.' In common with most of the Castilians, Jane was released and travelled safely to Fife where she was reported to be comfortable. The English Queen had written tartly to Morton that she had no inclination to meddle in marital disputes about which she knew nothing, and by implication, cared even less.¹⁴

Whether through fear or poverty or in the hope that she would have a legal advantage later, Jane made no attempt to contest her husband's case for divorce when it came to the Commissary Court in June 1573. By then the 5th earl had secured a special Act of Parliament in the April meeting of the estates setting out the procedure for a divorce on grounds of separation. Although couched in general terms, this act was a device to secure his own divorce and he used it immediately to bring his case to court. On 22 June 1573 a divorce decree was granted to Argyll on grounds of separation that stripped Jane of her tocher [do wry] and her marriage jointure.¹⁵

¹⁴ Contemporary copy of Petition of Countess of Argyll to Queen Elizabeth, n.d. [early June 1573] National Archives of Scotland GD24/5/152. Queen Elizabeth to Regent Morton, 9 June 1573, *CSP Scot* IV 583; his reply 26 June 1573, *CSP Scot* IV 593.

¹⁵ For the complicated proceedings concerning the divorce case in Edinburgh's Commissary Court and elsewhere, see my forthcoming article.

This was definitely not the end of the story. Immediately he had his divorce, Argyll married for a second time and fathered a child. However, he unexpectedly died six weeks later and was succeeded by Colin, his brother, and Archibald's longed-for, posthumous son died at birth. There were now two Dowager Countesses of Argyll who fought each other and the hapless Colin through the courts over their dower lands. Legal cases multiplied with Jane also mounting a vigorous attack in the Court of Session against the divorce decree granted by the Commissary Court and the Act of Parliament on which it was based. After four years of wrangling a series of out-of-court settlements were reached. Of the three parties involved, Jane came out best, receiving a substantial pension. In addition, she had cast sufficient doubt about the legality of the divorce for her to continue to use unchallenged her title of Countess of Argyll and 'relict' [widow] of the 5th earl. She also referred to the second Countess as the 'pretendit spous' of the 5th earl.

The settlement seemed to have alleviated Jane's financial problems and she lived with several servants near her old stamping ground of Holyrood Palace in lodgings in the Canongate owned by William Cockie, an Edinburgh goldsmith. No doubt to her own immense satisfaction, this tough survivor outlived the other and much younger Countess of Argyll. She would have been saddened and probably outraged to hear the news of the execution in England in 1587 of her half-sister and friend Mary, Queen of Scots. Less than a year later, Jane died on 7 January 1588 and, as was appropriate for the daughter of a Scottish King, was buried in the chapel at Holyrood. In her will and testament, registered defiantly in the name of the Countess of Argyll, she left £1561 in cash

including a number of fine pieces of jewellery and her magnificent collection of 106 gold buttons.

In common with her younger half-sister, Mary, Queen of Scots, Jane inherited a good measure of the Stewart pride and she never forgot she had royal blood in her veins. Her lineage gave her the toughness of character to survive what was certainly an eventful life, though not a particularly happy one. Jane Stewart was a survivor.

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