

THE POLITICS OF
RELIGION IN THE
AGE OF MARY,
QUEEN OF SCOTS

*The Earl of Argyll and
the Struggle for Britain and Ireland*

JANE E.A. DAWSON

University of Edinburgh



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CONTENTS

<i>List of figures</i>	<i>page</i> xi
<i>Acknowledgements</i>	xii
<i>List of abbreviations</i>	xiv
Prologue: 1560: British policies and the British context	1
1 Argyll's life and character	11
Education and formation	14
Marriage and divorce	27
Character and beliefs	35
2 Semi-sovereign prince	48
Military strength	51
Legal jurisdiction	56
Clan Campbell	59
Land and wealth	68
Argyll's court	73
The 5th earl's affinity	81
National office and influence	83
3 The creation of a British policy: 1558–1560	86
The Reformation in Scotland	87
The forging of the Anglo-Scottish alliance	96
British policy in Ulster	104
4 The collapse of amity: 1561–1565	111
Mary's personal rule	112
The failure of British policy in Ulster	126
The fracturing of Anglo-Scottish friendship	137
5 The reconfiguration of British politics: 1566–1568	143
The disintegration of Mary's rule	144

Shane's death and the Ulster marriages	155
Bargaining with the English	165
6 The withdrawal from British politics: 1569–1573	170
The Scottish civil wars	171
The creation of a client state	191
Re-establishing the MacDonalDs	199
Conclusion: The earl of Argyll and British politics in the age of the three kingdoms	209
<i>Chronology, 1558–1573</i>	220
<i>Bibliography</i>	230
<i>Index</i>	244

FIGURES

1	Map of the north-western seaboard	<i>page 7</i>
2	Genealogical table of Argyll's family	16
3	Map of Ulster	22
4	Map of Clan Campbell power	63
5	Map of Argyll	78
6	Map of Lowland Scotland	113

Argyll's life and character

In an age of personal monarchy and small, tightly-knit élites, personal rule lay at the heart of political power in the early modern period. The story of personalities and powers revealing the interplay of men and events forms the central narrative of its political history¹ and comes closest to the way in which contemporaries analysed their own world. The structures of government were important, but at each level of the political process it was the personal and kin networks that ensured they worked. This was particularly true of Scotland, where governmental institutions were less well developed than in other European states. Political biographies are essential in the study of sixteenth-century British history. Before 1603, there were no common political institutions covering all three kingdoms. In that sense, British politics had not yet arrived, though a handful of British policies and British politicians flourished. The political history of the Atlantic archipelago during the sixteenth century has to be written around these personalities and their actions.

The use of political biography also offers an escape from two concepts that have dominated modern historical writing and have bedevilled the writing of British history.² The first is state-centred history, which assumes that politics

¹ The general links between history and biography have been explored in T.C.W. Blanning and D. Cannadine, eds., *History and Biography: Essays in Honour of Derek Beales* (Cambridge, 1996) and in Professor Beales' inaugural lecture on the subject reprinted on pp. 266–82. Diarmaid MacCulloch's outstanding study of *Archbishop Cranmer* (New Haven, CT, 1996) illustrates the way in which a biographical approach can transform English political and ecclesiastical history of the first half of the sixteenth century.

² The pioneer of the 'new' British history is Professor J.G.A. Pocock whose seminal articles, 'British History: A Plea for a New Subject', *Journal of Modern History*, 4 (1975), 601–28; 'The Limits and Divisions of British History', *American Historical Review*, 87 (1982), 311–86, sparked a lively debate and created a group of adherents for the new subject, myself included. It has taken some time for the subject to establish itself in print, with M. Nicholls, *The History of the Modern British Isles, 1529–1603* (London, 1999) being the first sixteenth-century textbook to appear. It was preceded by a series of collected essays, most notably R. Asch, ed., *Three Nations: a Common History?* (Bochum, 1992); S. Ellis and S. Barber, eds., *Conquest and Union: Fashioning of a British State 1485–1720* (London, 1995); A. Grant and K. Stringer,

and international relations can be explained exclusively in terms of the state and its institutions. Although the interaction between centre and localities has long been recognised, many of the underlying assumptions about the institutional nature of early modern politics remain. The second and related problem is the national approach that has divided British history into the separate compartments of Welsh, Irish, Scottish and English histories. Much effort has recently been expended on breaking down the barriers, but it has proved difficult to construct the new 'British' history. Many of these problems cease to exist when the subject is approached through the career of a single figure who moves across the boundaries of nation and state. Because of his highly unusual position within the British Isles and his career as a British politician, a political biography of Argyll offers an ideal opportunity to reveal the complexities and subtleties of the world of early modern British politics.

A study of the 5th earl has become possible because of the wealth of available evidence. Of central importance for understanding Argyll's thought and actions is the survival of a considerable quantity of his correspondence, comprising over 200 items. These letters demonstrate the huge range of Argyll's contacts and concerns, encompassing the local, regional, national and international spheres. Over half were previously unknown, forming part of the sixteenth-century correspondence discovered in the Breadalbane collection in the National Archives of Scotland. The Breadalbane correspondence as a whole opens a window into the worlds of Gaelic and Scottish politics, especially, but by no means exclusively, seen through the eyes of Clan Campbell and their chief, Argyll.³

The Argyll manuscripts at Inveraray Castle contain extensive records of his property and other legal and financial affairs, though few letters. At the start of the twentieth century, Duke Niall devoted much of his life to the collection of Campbell records, which he entered in his manuscript volumes of Argyll Transcripts. These have been extensively consulted and, where possible, checked against those originals held at Inveraray.⁴ The Argyll manuscripts furnish a vast quantity of information about the day-to-day rule which the 5th earl exercised over the region of Argyll and the Western Highlands and provide a guide to his movements. The existence of so much sixteenth-century material within the Breadalbane and Inveraray collections

eds., *Uniting the Kingdom?: The Making of British History* (London, 1995); B. Bradshaw and J. Morrill, eds., *The British Problem, c. 1534–1707* (London, 1996); B. Bradshaw and P. Roberts, eds., *British Consciousness and Identity: The Making of Britain, 1533–1707* (Cambridge, 1998).

³ See *Campbell Letters*, Introduction.

⁴ Except where there is no AT listing or a full quotation has been included from the original, references have been given to the Argyll Transcripts. I am most grateful to the present duke of Argyll for permission to consult and cite from his muniments.

was not accidental. It reflects a general Campbell attitude towards the use and preservation of documentation. The quantity of surviving manuscript evidence has proved a hazard as well as an opportunity by delaying the completion of this study.

As well as the wealth of private documentation, Argyll's career left considerable traces within the public records of Scotland, England and Ireland, and the earl attracted comment in the memoirs and chronicles of the time. Less conventional sources also provided insights into the 5th earl's life. What set Argyll apart from his contemporary Scottish peers was being a member of the Gaelic-speaking community, the Gàidhealtachd. Unfortunately, apart from the 1555 treaty with Calvagh O'Donnell, no manuscript in Gaelic has survived which can be firmly linked to the 5th earl himself or his period. This is unremarkable because Gaelic was not the language normally employed for either correspondence or legal documents. However, the contemporary Gaelic poetry has given valuable evidence concerning Argyll and his court. The strong oral tradition within the Gàidhealtachd has furnished a number of stories, though the hazards of dating such material precisely has usually prevented a firm link being established with the 5th earl. Less acute dating difficulties were encountered in the use of material evidence. A number of buildings associated with Argyll remain, though nearly all are in ruins. Carnasserie castle, built by the 5th earl, in particular, yields many clues as to his lifestyle and outlook.⁵

Although there was no shortage of documentary evidence, there were some important gaps, most notably the absence of formal ecclesiastical records for the Highlands. This has made it difficult to reconstruct the full impact the 5th earl had upon the Reformation of the region.⁶ Similarly, the lack of judicial records hides the great importance of Argyll's control over justice in the Highlands. Details concerning the earl's household were also unavailable because no accounts or lists of its members survived. However, it is the wealth of evidence, rather than the occasional gap, that is most striking. From this material, it has been possible to provide a remarkably detailed picture of the 5th earl's life, his mental world and his political activities.

In common with other rulers and nobles, the 5th earl was a public figure, making it hard to draw a sharp line to separate his public from his private life. For example, Argyll's marital difficulties could not remain a personal

⁵ The task of interpreting such evidence has been greatly simplified by the splendid *Argyll, An Inventory of the Ancient Monuments* (hereafter *Argyll Inventory*) produced by the Royal Commission of the Ancient and Historical Monuments of Scotland (7 vols, Edinburgh, 1971–92).

⁶ The existing evidence has been discussed in Dawson, 'Clan, Kin and Kirk'; Dawson, 'The Protestant Earl'; Dawson, 'Calvinism in the Gaidhealtachd in Scotland' in A. Pettegree, A. Duke and G. Lewis, eds., *Calvinism in Europe, 1540–1620* (Cambridge, 1994), 231–53.

problem, becoming instead a public, and even a political, issue. Nearly all the earl's actions as an adult had a significance within, and an effect upon, one or more of the political arenas in which he moved. For Argyll and his contemporaries, this merging of the two spheres was an inevitable consequence of the personal nature of political rule. Consequently, a ruler's personality was of crucial importance. The 5th earl's character and his mental world were formed by his upbringing and education during the 1540s and 1550s.⁷ His adult life was dominated by his political activities and by his unhappy marriage.⁸ Thanks largely to the survival of his letters, it has been possible to piece together a picture of Argyll's personality and his beliefs, which help reveal the man as well as the politician.

EDUCATION AND FORMATION

During his brief career from 1558 to 1573, the 5th earl played a crucial role in the mid-century upheavals within Scottish and British politics, which transformed the relationships between the three kingdoms. That role rested upon his position as both a Highland chief and a Scottish peer. These were responsibilities for which his education and training were intended to prepare him. In many respects, his childhood and adolescence were typical of the Scottish aristocracy into which he had been born. However, two formative experiences during his teenage years brought him a different perspective, enabling him to think in British and European terms and operate successfully within all three kingdoms of the Atlantic archipelago.

Archibald was twenty years old when he succeeded to the title of earl. He was a striking figure of a man, being very tall, strong and handsome. No portraits survive, but the 5th earl was 'lovely of face' with a fair complexion and brown hair, accounting for his Gaelic nickname 'Gilleasbuig Doun' or Brown Archibald.⁹ He was a child of his father's first marriage to Helen Hamilton, the eldest daughter of James, 1st earl of Arran and sister of James Hamilton, later duke of Châtelherault. The duke was heir apparent to the Scottish throne and the Hamiltons were one of the most powerful and extensive aristocratic kindreds within Scotland. Archibald was born in 1538, nearly ten years after his parents' wedding. As their first and only surviving child, his arrival would have been a joy and a considerable relief: securing the succession was as crucial for a noble house as it was for a ruling dynasty.¹⁰ Although his mother died two years later, leaving him with few recollections

⁷ Discussed on pp. 14–26, below. ⁸ Discussed in chs. 3–6 and pp. 27–35, below.

⁹ To distinguish him from his father who was a redhead and nicknamed Archibald 'roy': *Records of Argyll*, 5.

¹⁰ The 4th earl had married Helen Hamilton by 27 August 1529: AT, III. 220; RMS, III. 826–7.

of her, his respect for her memory and her lineage were reflected in the loyalty he displayed towards his maternal kin. As an adult, the 5th earl remained close to the Hamiltons, whom he treated as far more than political allies, with their unpopularity sometimes causing him political problems.

The 4th earl quickly remarried, taking as his second wife Margaret Graham, only daughter of William, 3rd earl of Menteith. Young Archibald would have attended the wedding on 21 April 1541 in the beautiful setting of the Priory of Inchmahome, on the Lake of Menteith. Within the next four years, his immediate family grew with the birth of three siblings, Colin, Margaret and Janet. Archibald was not especially close to his younger brother, probably because they spent so little time together as children after Colin was sent to Menteith to be fostered.¹¹ He did become attached to his sisters and to his illegitimate half-brother John, who was probably brought up in the 4th earl's household.¹² After his second wife died, the 4th earl married for a third time in 1545. His young bride was Katherine MacLean, daughter of the Highland chieftan Hector Mòr MacLean of Duart, with the wedding being celebrated by the bishop in his cathedral at Dunblane.¹³ There were no surviving children from this last marriage, with Katherine outliving her husband and later becoming an important dimension of the 5th earl's Irish policies.¹⁴ The third marriage sought to end the feud between the MacLeans and the Campbells.¹⁵ The links between the two clans were further strengthened by the wedding of the 5th earl's sister Janet to Hector Og, son of Hector Mòr MacLean of Duart, which took place around the New Year of 1558.¹⁶

Throughout his childhood, Archibald was at the heart of an extended kin network, which spread out from the inner group of his parents and siblings to the close relatives in the house of Argyll and into the extended family of his Campbell kinsfolk. In addition, he was a valued member of his foster family, which Gaelic tradition regarded as closer even than blood kin. As was usual for the sons of Gaelic chiefs, Archibald was fostered away from his parental home. Following family tradition, he was placed in the household of one of the major Campbell cadet families, thus keeping the fostering within the clan and reinforcing the links between the main line and its subsidiary branches. Archibald was raised by Matilda Montgomery and

¹¹ Hence his Gaelic nickname 'Cailean Teach or Tealach', meaning Colin from Menteith, *Records of Argyll*, 5; *Highland Papers*, II. 102.

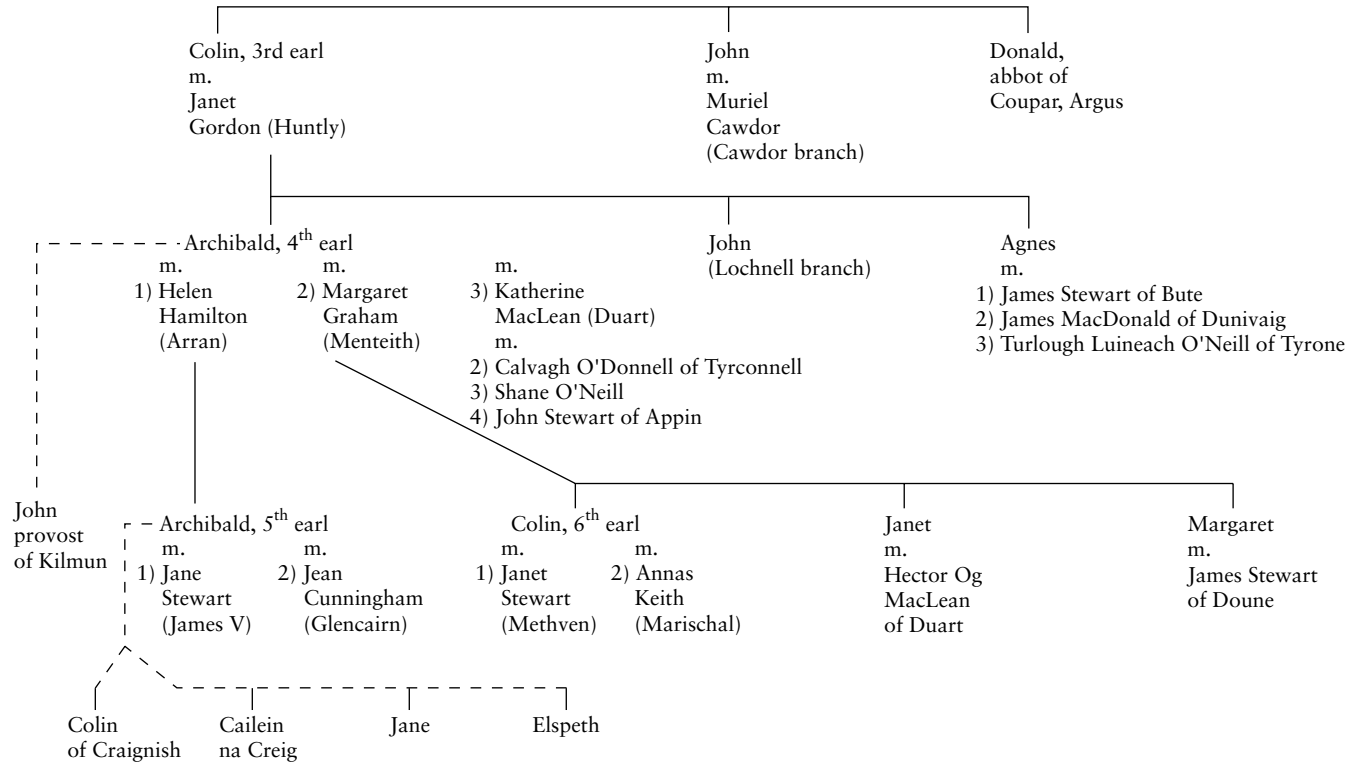
¹² John, later provost of Kilmun, who has erroneously been called the illegitimate son of the 5th earl, e.g. *Highland Papers*, II. 101–2.

¹³ Maclean-Bristol, *Warriors and Priests*, 78–9, n. 29. Marriage contract 12 December 1545: AT, IV. 159.

¹⁴ See below pp. 104–10 and pp. 155–65.

¹⁵ As explicitly stated in the charter Archibald gave to his father and Countess Katherine, 23 January 1547: AT, IV. 164; 173; *HMC*, 4th, 477.

¹⁶ 26 December 1557, confirmed 26 January 1558, AT, V. 80–1, 97–8; *RMS*, IV. 1240.



2. Genealogical table of Argyll's family

her husband Colin Campbell, 5th laird of Ardkinglas, who was his official curator or guardian.¹⁷ Ardkinglas had lands in Cowal and his seat was the castle at Ardkinglas at the top of Loch Fyne, not far from the centre of Argyll power at Inveraray. As one of his main advisers, Ardkinglas frequently attended the 4th earl, allowing young Archibald easy access to his father and family.¹⁸ Until his death in 1562, Ardkinglas remained one of Archibald's closest advisers. More distant, though still important, were the ties between Archibald and his godparents. The affection he continued to feel for his godmother, Agnes Leslie, did not diminish when they found themselves on different sides during the civil wars.¹⁹

One of the most significant relationships of Archibald's life began during his early years, when he encountered the cleric John Carswell. By 1549 at the latest, the future superintendent of Argyll had entered the 4th earl's service. Carswell knew Archibald well as a boy and may have acted as one of his tutors.²⁰ Little is known directly about Archibald's education, except that the Protestant convictions, which were so strong a part of his life and later policies, were rooted firmly in his upbringing. After his own conversion to the new faith, the 4th earl ensured that his family were raised as Protestants.²¹ Carswell later praised Archibald for having read the Bible assiduously in his youth, learning from an early age to value its teaching more than the 'old-established customs' that had been followed by his ancestors.²² Alongside his religious education, Archibald was taught to read and write in Scots and Latin. By the age of six he could sign his own name.²³ He could also read and

¹⁷ For example 7 May 1554, GD112/23/1/5. At the death of Matilda Montgomery, the 4th earl claimed a 'bairn's part' of her estate, which indicates a fostering relationship, 4 September 1557, AT, V, 78; Dumbarton Protocol Book B 16/1/2 fo. 57v.

¹⁸ Shown by the frequency with which Ardkinglas acted as a witness to the 4th earl's legal documents: AT, V, *passim*.

¹⁹ Agnes Leslie was the daughter of the 4th earl of Rothes and wife of William Douglas of Lochleven. The 5th earl sent his special regards to his 'cumer' (godmother) when he wrote to William Douglas, 22 July 1570: *Reg Hon de Mort*, I, 59, and see below pp. 35–6, 184.

²⁰ Witness to contract, 8 March 1549, AT, IV, 200. Carswell was also closely associated with the 5th earl's foster family, later marrying Margaret, daughter of Campbell of Ardkinglas: Carswell, *Foirm*, 173, 178. There are interesting similarities between Carswell's handwriting and that of the 5th earl, which suggest that he might have taught Archibald to write, cf. GD112/39/16 and 17.

²¹ The Family Pedigree of 1634 implied that the 4th earl was introduced to Protestant ideas when he was in France, possibly during 1536 when he accompanied James V to his wedding. It categorically stated that the 4th earl 'was instructed in the religion, came to Scotland a convert long before the Reformation . . . [and] caused his son Archibald . . . to be instructed in the religion': *Records of Argyll*, 7. Although no firm date for the 4th earl's conversion has been established, he certainly provided an evangelical education for his children.

²² Carswell, *Foirm*, 175. For a full discussion of Carswell's dedicatory epistle, see D. Meek, 'The Reformation and Gaelic culture' in J. Kirk, ed., *The Church in the Highlands* (Edinburgh, 1998), 37–62.

²³ For example charter of 9 April 1544, AT, IV, 140–1.

write in Gaelic and was educated to appreciate that language's flourishing literary culture by the members of the MacEwan family, who served as bards to the earls of Argyll.²⁴

In conjunction with his literary and religious formation, Archibald's education prepared him for his future role as clan chief and one of Scotland's foremost peers. This involved long hours of practising the noble arts of warfare and hunting and becoming an apprentice learning the administrative duties of 'lordship'. His early experiences were predominantly within the Gaelic culture and society of the Highlands but from the beginning the Scots language and Lowland practices were also present. Within Campbell households, the two cultures and languages co-existed and Archibald grew up equally at home with both. In 1542, at the tender age of four, Archibald was introduced to feudal grants. He became the 'fiar' or possessor of most of the lands held by the 4th earl, leaving his father with a life rent. On 13 November the little boy had been personally present to receive sasine of the Lordship of Lorn.²⁵ From that time onwards Archibald, assisted by his father and by his guardian Ardkinglas, was involved in the granting of charters. As the eldest son of the 4th earl, he was known as the Master of Argyll, and by 1554 had become Lord Lorne, the title held by the Argyll heir.²⁶

From his earliest years he followed a peripatetic lifestyle, travelling extensively around the region of Argyll, learning about the heartland of Campbell power and meeting his clansmen. He visited the earl's Lowland residences such as Castle Campbell, seeing for himself the many different properties that formed part of the earldom. His training also prepared him for a role within national politics, and, as he grew older, he attended the royal court. He was welcomed there by his Hamilton uncle, the regent Arran, who was lavish in his gifts to his nephew. Archibald remained in Arran's household for extensive periods during 1549–50, gaining valuable experience. During these prolonged stays, the young Archibald became fully acquainted with James Hamilton, Arran's heir. His cousin was an exact contemporary, and they became firm friends and later close allies during the Reformation crisis.²⁷

Arran's eventual loss of the regency in 1554 did not damage Argyll's links with the court. The queen dowager, who succeeded as regent, had been cultivating good relations with the Campbells for some time. Father

²⁴ 'The MacEwans', Appendix II in Carswell, *Foirm*, 183–6.

²⁵ RMS, III. 2811–6; AT, IV. 113, 116–9; sasine at Dunstaffnage AT, V. 17 (where misdated 1552: see AT, IV. 119, 121). Such a transfer of lands avoided feudal casualties at the time of succession and was a device used by the earls of Argyll throughout the sixteenth century and permitted by the crown, their feudal superior.

²⁶ For example RMS, IV. 139, 467, 944. When referring to the Argyll heir, Lorne is spelt with a final 'e'; when the geographical area is meant, the spelling is the more typical 'Lorn'.

²⁷ TA, IX. 261, 298–9, 306–7, 394, 428, 457. James was four or five years old in 1542: J. Durkan, 'James 3rd Earl of Arran: The Hidden Years' *SHR* 65 (1986), 154–66 at p. 155.

and son had both accompanied Mary of Guise on her progress to the north of Scotland in 1552. Whilst staying in Aberdeen, Archibald fell ill and the queen regent sent her own apothecary and paid for expensive remedies to help him recover.²⁸ Mary's general concern to cultivate the Master of Argyll can be seen in the generous pension paid by the crown throughout the 1550s, which, in 1558, had risen to the princely sum of £525 annually. By that date, Archibald had completed his noble training and gained the basic political education at court needed by a young aristocrat who would one day take his place at the centre of Scottish and Highland affairs.²⁹

Three events during his mid-teens had a profound influence upon Archibald's life and his future policies as earl. The first was his marriage to Jane Stewart in April 1554; the second was the military expedition which Archibald led to Ulster in the winter of 1555–6; and the third was his meeting with John Knox during his preaching tour to Scotland of 1555–6. They represented the main concerns that would dominate the rest of Archibald's life and career: the importance of his house and his honour, his commitment to the Protestant faith, and his involvement in Irish and British affairs.

An advantageous marriage was an essential component in the successful formation of any early modern nobleman. It was primarily a decision for the house rather than the individual.³⁰ As one of their main methods of integration within the national political elite, the earls of Argyll had pursued a consistent long-term strategy of marrying their sons into the Lowland aristocracy. In 1542, the crown had granted the 4th earl the feudal right of the marriage of his son and heir.³¹ However, plans had been made for a prestigious marriage in the first year of Archibald's life.³² King James V had agreed that Archibald should marry Jane, his illegitimate daughter by Elizabeth, daughter of Sir John Beaton of Creich. Despite this arrangement, in 1549 another pre-nuptial contract was signed betrothing Archibald to Margaret, eldest daughter of George Gordon, 4th earl of Huntly.³³ Such changes were not uncommon, especially when the prospective couple were still children, and reflected the shifting patterns of aristocratic politics. By 1553, when Archibald was fifteen and of marriageable age, the choice of partner had returned to Jane Stewart.³⁴ She was about four years older than

²⁸ £14 was paid to the queen's pottingar: *TA*, X, 102.

²⁹ *TA*, X, 130, 212, 233, 240, 291, 312, 331, 354.

³⁰ For a fuller discussion of noble marriage strategies, see *Campbell Letters*, 28–34.

³¹ 18 October 1542: *AT*, IV, 114, 116.

³² The date of 10 December 1538 was given for an initial agreement in the copy of the marriage contract of 5 July 1553 now in the Moray Papers, NRA(S), 217, Box 15 No. 441. I am grateful to the earl of Moray for permission to consult and cite from his muniments.

³³ 10 July 1549: *AT*, IV, 203.

³⁴ By canon law a man was thought fit to marry at fourteen years old, a woman at twelve, and these ages were retained by Scots law after the Reformation: G.C.H. Paton, ed., *An Introduction to Scottish Legal History* (Stair Society, 20, Edinburgh, 1958), 92.

her future husband, having been raised in the royal household and serving as a maid of honour to Mary of Guise.³⁵ It was the queen dowager who took the leading role in the marriage contract of July 1553. That agreement also involved the duke of Châtelherault, as heir to the throne and senior male relative, and James V's other illegitimate sons, James Stewart, commendator prior of St Andrews; James, commendator prior of Kelso; Robert, commendator prior of Holyrood and John, commendator prior of Coldingham in the payment of Jane's tocher or dowry.³⁶

The match brought Archibald into the immediate circle of the royal family. Even though they were illegitimate, James V's children had an honoured and secure place in the royal household and in the affection of Mary of Guise. When Mary, Queen of Scots returned to Scotland in 1561 she emulated her mother's example and gathered her half-brothers and sisters around her. She had a particular affection for Jane, who became one of her ladies in waiting and a close confidante.³⁷ At the time of Jane and Archibald's wedding in April 1554, the marriage alliance offered a prestigious husband and generous settlement for the bride, and a good dowry and political connexions for the groom and his family.³⁸ In the event, the marriage became a personal disaster for the couple and ended in a messy and acrimonious divorce. The breakdown and the lack of a legitimate heir were to have a profound impact upon the 5th earl for the rest of his life.

The second episode that shaped Archibald's future outlook and career took place in Ireland. Although the earls of Argyll had adopted the Lowland practice of male primogeniture to govern their own succession, within Gaelic society it remained essential for the heir to prove he was a worthy chief for his clansmen to follow. The traditional way to demonstrate his fitness to be MacCailein Mòr, the honorific Gaelic title for the head of Clan Campbell, was to lead his clansmen in battle.³⁹ An opportunity arose for Archibald in 1555. During the previous summer, the 4th earl had commanded a military

³⁵ For example TA, VI. 205, 262, 411, 416; VII. 101, 120–1, 319, 410. A. Thomas, ‘“Dragonis baith and dowis ay in double forme”: Women at the Court of James V, 1513–42’ in E. Ewan and M. Meikle, eds., *Women in Scotland, c 1100–c 1750* (East Linton, 1999) 83–94 at p. 87. I am grateful to Dr Andrea Thomas for information concerning Jean Stewart's childhood in the royal household.

³⁶ James V's illegitimate sons had been granted these monasteries *in commendam* as a way of funding their upbringing. The marriage contract, 1/5 July 1553, NRA(S) 217; Box 15 No. 441; AT, V. 25, 27; Hamilton Papers in *Miscellany of the Maitland Club IV* ed. J. Robertson (Maitland Club, 67, Edinburgh 1847), 200. Payments of the tocher, *Letters to Argyll Family*, 2; *Clan Campbell*, 6, 2; NRA(S), 217, Box 1 No. 130; P. Anderson, *Robert Stewart Earl of Orkney, 1533–93* (Edinburgh, 1982), 9, 169.

³⁷ Donaldson, *Queen's Men*, 58.

³⁸ The month of the marriage is taken from the divorce decree, 22 June 1573: CC8/2/6 fo. 121v, and see below, pp. 27–35.

³⁹ At the end of the seventeenth century, Martin Martin recorded that it was still necessary for potential chiefs to lead their men on a raid to prove their prowess, *A Description of the Western Islands of Scotland, c 1695* (Edinburgh, 1994; reprint of 1934 edn), 165.

expedition in the West Highlands against the MacDonalds of Clanranald. His son had probably used that successful campaign to convince his father he was ready for an independent command.⁴⁰ At the time, Calvagh O'Donnell of Tyrconnell or Donegal was in the middle of a bitter dispute with his own father Manus O'Donnell and was seeking military assistance to overthrow him and seize Donegal for himself.⁴¹ Like many Ulster chiefs before him, he looked across the North Channel for his mercenaries and found the Campbells willing to negotiate. The subsequent agreement marked the first formal extension of Argyll's authority into Ulster. By accepting a prominent Irish chief into his affinity, the 4th earl extended the Campbell sphere of operations to include the north of Ireland. Archibald was immediately involved in this major development, which was to have such an impact upon his future. On 13 July 1555, having travelled to the Highlands for the purpose, Calvagh signed a bond with the 4th earl.⁴² As a result, Archibald, Calvagh, a large number of Highland troops and some artillery sailed to Donegal, arriving on 1 November. Foreshadowing future alliances, the MacDonalds of Antrim, linked by marriage to the earl, formed part of the expedition. Employing a pincer movement with the Campbell soldiers and Calvagh on one side and their allies, the MacDonalds, on the other, the winter campaign was swiftly and successfully concluded. Manus O'Donnell was captured at the outset at Rossneagh, remaining in prison for the remainder of his life. His strongholds at Greencastle in Inishowen and Eanach castle near Derry, as well as his fine house at Lifford, were taken. Large numbers of casualties were slain and prisoners seized during the campaign, which laid waste sixty miles of Donegal countryside.

Leaving his clansmen to complete operations, Archibald returned home by 24 February 1556.⁴³ The key to the campaign's success had been the artillery Archibald brought with him, which was capable of demolishing castle walls. One cannon in particular impressed the Irish annalists who named it *Gonna Cam* or 'Crooked Gun'.⁴⁴ The use of the latest military

⁴⁰ *The Scottish Correspondence of Mary of Lorraine 1542/3–60* ed. A.I. Cameron (SHS, 3rd ser. 10, Edinburgh, 1927), 388–9; *Letters to Argyll Family*, 2–3.

⁴¹ B. Bradshaw, 'Manus "the Magnificent": O'Donnell as Renaissance Prince' in A. Cosgrove and D. MacCartney, eds., *Studies in Irish History Presented to R. Dudley Edwards* (Dublin, 1979), 15–36.

⁴² The contract of 13 July 1555 exists in both a Gaelic and Scots version: AT, V. 39, 45–7; printed in J. Mackechnie, 'Treaty between Argyll and O'Donnell', *Scottish Gaelic Studies*, 7 (1953), 94–102; *Highland Papers*, IV. 212–6. It was renewed in 1560, see below, pp. 105–6.

⁴³ Lorne personally signed a charter in Stirling on 24 February: AT, V. 62. The Campbell troops remained in Ireland until St Brendan's Day (16 May).

⁴⁴ *The Annals of the Kingdom of Ireland by the Four Masters from the Earliest Period to the Year 1616* ed. J. Donovan (7 vols., Dublin, 1851), V. 1541; G.A. Hayes-McCoy, 'The Early History of the Gun in Ireland', *Journal of the Galway Archaeological and Historical Society*, 18 (1938–9), 43–65 at p. 65; G.A. Hayes-McCoy, *Irish Battles: A Military History of Ireland* (Belfast, 1989; reprint of 1937 edn), 76.



3. Map of Ulster

technology also caught the attention and created alarm among the English authorities in Dublin. They were convinced that because the expedition possessed expensive and sophisticated brass cannon, it must have the covert support of the Scottish government.⁴⁵ The English had little experience of Argyll's military capabilities and could neither comprehend the political independence he enjoyed nor the semi-sovereign nature of his power.⁴⁶ For his first serious command Archibald had been entrusted with a magnificent artillery train and he had deployed it and the rest of his forces with considerable skill. The Irish expedition had proved he could lead his clansmen in battle, thereby strengthening his authority within the clan. A reputation as a successful war leader brought him other clans' respect, needed to operate successfully within Gaelic society. His Donegal campaign provided Archibald with first-hand experience of the Ulster countryside and its politics. It marked the beginning of his long-term friendship with Calvagh O'Donnell and of his continuing interest in the Irish wing of the Gàidhealtachd. His expedition had also brought him into contact with the English presence in Ireland. In 1559, these experiences made it possible for the 5th earl to take the next step of adding an English dimension to the pre-existing link between Ireland and Scotland and thus creating a British policy.

Archibald's future career was equally profoundly influenced by the third episode in the mid-1550s. His first meeting with John Knox took place in October 1555. Lord Lorne, as Archibald was then known, along with his brother-in-law Lord James Stewart, commendator prior of St Andrews, and his cousin John Erskine, 6th Lord Erskine, went to listen to Knox. At this point in his clandestine preaching tour of Scotland, the reformer was staying at Calder House, Mid-Calder, outside Edinburgh. The three young nobles, already sympathetic to reforming ideas, were sufficiently impressed with the sermon and their subsequent conversation with Knox to urge him to start to evangelise publicly. Lorne wanted more positive and direct action to promote the Protestant cause, but could do little immediately because he spent most of the winter in Ulster. He had been back for two months when Knox decided to return to Geneva, in May 1556. This provoked a concerted attempt by members of Clan Campbell to persuade the reformer to remain

⁴⁵ They reasoned that 'the great pieces of ordnance of brass which being not wont to be the furniture of a common subject is the more like to have come from some other of greater power than themselves'. Sir Thomas Challoner's complaint to Mary of Guise in February 1556 SP 51/1 fo. 18. The English were only partially correct in their deduction. Although the brass cannon had probably been taken from the royal collection at Dumbarton castle as part of the 1554 Highland expedition (*TA*, X. xlvii–viii, 229, 287), they had not been sent to Ireland with Mary of Guise's authorisation. She had written to the 4th earl unsuccessfully countermanding the expedition and instructing Argyll to come to her: 8 and 9 October 1555, *TA*, X. 298; *HMC*, 6th, 614b.

⁴⁶ See below ch. 2.

in Scotland under its protection.⁴⁷ Knox would only stay a few extra days at Castle Campbell, during which time he preached and possibly celebrated communion, and in July he left for Geneva promising to return, if called.⁴⁸

The 4th earl was strongly committed to the Protestant cause but, with his health failing, it was his son who took the initiative.⁴⁹ Archibald was one of the signatories of the letter of 10 March 1557, which requested Knox to return to Scotland.⁵⁰ After much delay, confusion and misunderstanding about his proposed role, the preacher remained on the Continent. This did not prevent the Protestant nobles taking decisive action on their own. On 3 December 1557, they made their most challenging move to date by drawing up the First Band. It contained a bold and uncompromising affirmation of the Protestant cause, declaring that the nobles would renounce 'the congregation of Sathan, with all the superstitions, abomination and idolatry therof' and use 'our whole power, substance and our very lives' to maintain, nourish and defend the 'whole Congregation of Christ'.⁵¹ Following the order of precedence in the Scottish aristocracy, the 4th earl was the first to sign, followed by two other earls, Glencairn and Morton, then Lorne and finally his cousin John, Lord Erskine. Having been endorsed by these leading nobles, the bond was then circulated among other Scottish Protestants.⁵²

The five lords had agreed a programme of action to accompany their declaration. Being the most prestigious and powerful, the house of Argyll took the lead in implementing its provisions. John Douglas, a former Carmelite friar, was brought into the earl's household where he preached publicly and carried through reforming measures.⁵³ Such actions were a direct challenge

⁴⁷ Knox was brought by Robert Campbell of Kinzeanleuch, one of the leading Ayrshire Protestants, to visit the 4th earl and Lorne at Castle Campbell. Colin Campbell of Glenorchy, chief of one of the main cadet branches, was also present and together the Campbells sought to convince the preacher to stay.

⁴⁸ Knox, *History*, I. 123–4; S. Cruden, *Castle Campbell* (HMSO, Edinburgh, 1984), 19; Dawson, 'The Protestant Earl', 339–40.

⁴⁹ With scant regard for humility, the Family Pedigree likens the 4th earl to David and the 5th earl to Solomon who fulfilled his father's wish to build the Temple: *Records of Argyll*, 7.

⁵⁰ Knox, *History*, I. 132.

⁵¹ Knox, *History*, I. 136–7. Although the subject was religious, the First Band was phrased in the language of bonds of maintenance. The five nobles took the ministers and all other Protestants as their dependents whom they would protect and support against the Catholic clergy.

⁵² Knox, *Works*, VI. 675, for facsimiles of the five noble signatures, no other signatures are extant. The final signature was that of the nobleman Lord Erskine, later earl of Mar, and not, as has previously been assumed, that of John Erskine of Dun, the Protestant laird and later minister. The signature on the original (NLS Ch 902) is the same as that of Lord Erskine, e.g. NLS MS 73 fos. 20–1, 29, 32–7.

⁵³ Knox, *History*, I. 125, 138; Keith, *History*, I. 152; see below pp. 43, 86–7. *The History of the Church of Scotland*. By John Spottiswood, Archbishop of St Andrews eds. M. Napier

to the Scottish ecclesiastical hierarchy and close to open defiance of the regent.⁵⁴ They were the initial public steps along the road leading to the Wars of the Congregation. In the two years from his meeting with Knox to the implementation of the First Band, Archibald had moved from being a passive enquirer to an active leader of the Scottish Protestant movement. His dedication to the Protestant cause was further strengthened by his father's dying command to establish Protestantism within Scotland, at whatever cost to himself or his lineage.⁵⁵

The years between 1555 and 1558 had changed Archibald from an untried adolescent to a twenty-year-old who had proved himself capable of military leadership and of taking political and religious initiatives. By the time the 4th earl died, in the middle of November 1558, Archibald was prepared for the demanding duties of a Scottish peer and Highland chief. He had already acquired the ideas and experiences that would mould his future policies. He knew his own mind and, having become the earl of Argyll, he wanted to put those new ideas into practice. His successes and failures can be followed in the analysis of his political career, which lasted for the next fifteen years until his untimely death in 1573.

Apart from an illness in 1554, he seems to have had a trouble-free childhood and grown into a strong and healthy adult. He was fortunate to avoid serious injury when he was involved in the military campaigns in Donegal, during the Wars of the Congregation and the civil wars. However, on the day of the battle of Langside he was afflicted by a seizure, possibly a minor stroke or heart attack, which prevented him commanding the queen's forces. Any incapacity he experienced was temporary and he was functioning normally a few weeks later.⁵⁶ This might have been the first signs of a problem that was diagnosed as 'the stone', the sixteenth-century term for a variety of ailments of the internal organs. This caused him considerable pain, and in September 1571 he was taken seriously ill. Though reported to be dying, Argyll appeared to make a full recovery. However, he had been sufficiently shaken by his brush with death to make immediate provision for his succession.⁵⁷ For

and M. Russell (3 vols., Bannatyne Club, Edinburgh, 1850), I. 186; J. Durkan, 'Heresy in Scotland, the Second Phase 1546–58', *RSCHS*, 24 (1992), 320–65 at pp. 352–3.

⁵⁴ Archbishop Hamilton's letter to the 4th earl, 28 March 1558, Knox, *History*, II. 246–54; Dawson, 'Clan, Kin and Kirk', 218–9.

⁵⁵ The Family Pedigree stated that the 4th earl 'has left in his testament and latter will that Archibald would overthrow the masse altho it should endanger his estate, God would build him up. This he enjoyns him under a heavy curse. This to be seen in his testament': *Records of Argyll*, 7. The 4th earl's will has not survived but Knox recorded a very similar injunction, 'that he should study to set forward the public and true preaching of the Evangel of Jesus Christ, and to suppress all superstition and idolatry, to the uttermost of his power': Knox, *History*, 138–9.

⁵⁶ See below, pp. 32, 155, 174. ⁵⁷ 9 October 1571, CSPSc, IV. 4.

the next two years the earl was as busy as ever, and there were no further reports of weakness, incapacity or illness.

His death was sudden and unexpected. The 5th earl was making a routine journey through mid-Argyll and stayed the night of 12 September 1573 at Barbreck. He had been well when he retired to bed but died before morning. It was assumed the 5th earl had died of a further attack of 'the stone', rather than poisoning, the common sixteenth-century suspicion after a sudden demise.⁵⁸ His brother, Colin, succeeded him as 6th earl. When they heard the news, he and his wife Annas Keith had been on their way to overwinter at Darnaway castle in Moray. They stopped at Dunnottar castle near Stonehaven, Annas' family home, and hurriedly rearranged their plans.⁵⁹ In Edinburgh, Regent Morton had reacted rather differently to Argyll's death. He broke into the 5th earl's room at Holyroodhouse and unceremoniously deposited all his belongings in the open street. This unseemly behaviour was viewed by the Campbells as offensive to the 5th earl's memory and insulting to the 6th earl.⁶⁰

Argyll died at the height of his powers, when he was only 35 years old and had ruled as earl for a scant 15 years. He was buried alongside his predecessors at the collegiate church of Kilmun in Cowal. His tomb had no effigy, in accordance with his Reformed convictions, which included a desire to avoid ostentation, especially at death. Its Latin epitaph simply read, 'Archibald Campbell, earl of Argyll, an imitator of ancestral virtues and most worthy of such a family, a most resolute supporter of religious truth, died in the year 1573'. Those restrained and succinct Latin phrases expressed the essence of a humanist understanding of Protestant nobility and virtue, one of the models to which Argyll had aspired. A Latin poem written by John Johnston elaborating upon these sentiments was later carved on the plaque.⁶¹ On the other side of the North Channel, the Gaelic community noted the passing of the 5th earl. The *Annals of the Four Masters*, which did not often trouble itself with foreigners, recorded the death of Macailein Mòr with the laconic comment, 'by no means the least distinguished of the Gaels of Scotland'.⁶²

⁵⁸ Valentine Brown to Burghley, 4 October 1573, *CSP For 1572-74*, 427. Poison was suspected when the 4th earl of Atholl died suddenly in 1579 and an autopsy was undertaken, NLS MS 3157.

⁵⁹ Annas Keith to Hugh Rose of Kilravock, 1 November 1573, *Rose of Kilravock*, 263-4.

⁶⁰ This was the first of eight complaints the 6th earl made about Morton's behaviour towards him which led to a feud between the two men: n.d., AT, VI, 224-6.

⁶¹ *Argyll Inventory*, 7, 178 and 547, n. 19; Johnston's poem was also printed in *Heroes ex omni historia scotica lectissimi* (Leiden, 1603), 36: see below pp. 46-7. I am grateful to my colleague Professor David Wright for his assistance in translating the poem and to Mr and Mrs Gilles of Kilmun and Ian Fisher of the RCAHMS for further details concerning the mausoleum and the inscription.

⁶² *Annals of the Four Masters*, V, 1663.

MARRIAGE AND DIVORCE

The 5th earl's adult life was dominated by the failure of his marriage, which became a public as well as a personal tragedy.⁶³ From a relatively early stage, the couple had encountered difficulties. The countess enjoyed living in the Lowlands, certainly preferring it to the peripatetic lifestyle as wife of a magnate in the Western Highlands where she missed her friends and life within the court. After the sophisticated French ambience of the royal household, she might have judged the Gaelic culture of her husband's court in Argyll strange and even 'barbaric'.⁶⁴ Another source of friction was that the marriage was childless. The 'blame' for failing to produce an heir fell upon the countess because the 5th earl's illegitimate children proved he was not sterile. A clash of personalities exacerbated these underlying tensions. Lady Jane inherited the pride and stubborn wilfulness evident in James V's other children. She was not afraid to leave her husband and was sufficiently brave and determined to withstand menaces, captivity and relentless pressure. For his part, Argyll could be just as proud and intransigent, and he became deeply resentful of his wife's behaviour. His wife's defiance revealed a cruel and violent streak in his nature. On several occasions he ordered, or at least permitted, his clansmen and servants to imprison her and threaten her life.⁶⁵ By the end of the 1560s, there was too much bitterness between them for any amicable settlement to be reached.

Mutual hostility and recrimination were evident by 1560 when Lady Jane was accused of adultery, which might have provoked her imprisonment for a fortnight during that summer. According to later statements in court, one of Argyll's servants laid hands upon her and threatened her. At this juncture John Knox was invited to intervene and a reconciliation took place. When Mary, Queen of Scots returned in 1561, the countess of Argyll became a close companion of her royal half-sister and resided a great deal at court.⁶⁶ By spring 1563, the couple were at loggerheads again. The queen was in the difficult position of being on warm terms with both husband and wife and able to see the faults on each side. Mary strove hard to bring them

⁶³ David Sellar and I are preparing an extended discussion of the Argylls' divorce set in its legal and social context.

⁶⁴ For Lowland attitudes towards the Gàidhealtachd, see Dawson, 'The Emergence of the Highlands', 280–92.

⁶⁵ The details of Lady Jane's treatment were given in the legal pleadings in her later case concerning the divorce. Although no longer extant among the Court of Session papers (CS15), they survive in a late sixteenth-century copy made by Oliver Colt in his *Legal Style Book*, RH13/2 fos. 73v–77v. I am grateful to Dr Alan Borthwick for his assistance in tracing this manuscript.

⁶⁶ In 1566 the countess was receiving a pension of £150, *TA*, XI. 512. She was one of the very select group who were dining with the queen on the night of Riccio's murder: Keith, *History*, III. 266–7 and see below, p. 145.

back together. In an improbable alliance, she enlisted Knox's help in her marriage guidance plans. The queen and the preacher worked harmoniously together in an attempt to save the Argylls' marriage. Knox agreed that Mary should deal with her half-sister whilst he concentrated his attention upon the 5th earl. On 7 May he wrote an extremely sharp letter criticising Argyll for refusing to sleep with his wife. The preacher declared the earl's duty was to live with the countess, unless he could prove that she had committed adultery since their last reconciliation. He added that it made no difference that the countess's pride and stubbornness were driving Argyll to distraction. In addition, Knox had heard rumours that the 5th earl had taken a mistress. In his best prophetic style the minister thundered, 'every moment of that filthy pleasure shall turn to you in a year's displeasure; yea, it shall be the occasion and cause of everlasting damnation, unless speedily ye repent: and repent ye cannot, except that ye desist from that impiety'. Not surprisingly, Argyll found the letter's tone difficult to accept. However, as even Knox grudgingly admitted, in public he remained on his accustomed friendly terms with the reformer.⁶⁷

Mary, Queen of Scots had chosen a softer approach. She was anxious that Argyll did not discover she had spoken to Knox because, 'I would be very sorry to offend him in that or any other thing'. Instead she sought to influence Lady Jane by warning her that royal patronage and favour would be withdrawn if, after a new reconciliation, 'she behave not herself so as she ought to do'. In a subtle move, the queen chose to go on progress to the Western Highlands that summer. This ensured that the couple had no choice but to unite to entertain her during her journey through Argyll to Inveraray castle. The successful progress was a happy and light-hearted journey, which probably also advanced the queen's agenda of a reconciliation.⁶⁸ The hope that the marriage would endure was expressed in stone at Carnasserie castle, built in the 1560s. The armorial panel carved directly above the main doorway displayed in its two halves the royal arms of the countess alongside those of the house of Argyll.⁶⁹

The marital truce lasted four years; however, in August 1567 the countess left Dunoon and, by refusing to return to live with the earl, caused a complete breakdown of the marriage.⁷⁰ Her decision was connected to the loss of her secure place in the royal household, which had been dismantled following the queen's imprisonment and abdication in July and August 1567. The

⁶⁷ Knox, *History*, II. 74–6.

⁶⁸ T.A. Small, 'Queen Mary in the Counties of Dumbarton and Argyll', *SHR* 25 (1927), 13–19.

⁶⁹ *Argyll Inventory*, VII. 218; J.W. Bannerman, 'Two Early Post-Reformation Inscriptions in Argyll', *PSAS*, 105 (1972–4), 307–12; Dawson, 'The Protestant Earl', 337.

⁷⁰ The details of the separation were given in the decree of adherence, 28 January 1572, CC8/2/5, no pagination; and the divorce decree, 22 June 1573, CC8/2/6 fo. 121v.

precise order of events during that summer is unclear. Probably in July, Lady Jane had been imprisoned again, and her life was threatened by a Campbell laird. She then either escaped on foot or was allowed to leave to consult her friends. Whatever happened, she did not return. The 5th earl immediately sought an uncontested divorce on the grounds of his own infidelity, but the countess refused. Her half-brother, Moray, was bitterly opposed to the idea, which, along with the disagreement over Mary's abdication and the regency, created a rift between him and Argyll.⁷¹

The final separation caused serious problems for the 5th earl. The lack of a legitimate heir of his own body threatened the continuity of the house of Argyll and the stability of the whole of Clan Campbell, ensuring his marital difficulties could not remain a personal matter. His dilemma was particularly acute because the Campbells belonged to two different cultural worlds. Within Gaelic society, marriage customs had traditionally permitted greater flexibility over sexual relationships, including the institution of Celtic secular marriage, and there was no sharp division between legitimate and illegitimate offspring. A chief was expected to sire children from a variety of liaisons and, like most of his forbears and contemporaries, the 5th earl had fathered illegitimate offspring.⁷² A chief's mistress, especially one of noble birth, was a recognised and respected member of his household. The sister of John Campbell of Cawdor, Jean or possibly Beatrix, was a noblewoman of considerable standing within the clan and was one of Argyll's mistresses.⁷³ She was the mother of Colin, called Cailein na Creig, and of Jane and probably also of Elspeth, Argyll's two natural daughters who were born in the early 1570s.⁷⁴ An earlier illegitimate son, also named Colin, had been born to his first mistress in 1557 or 1558 and was tutored by John Carswell.⁷⁵

⁷¹ Throckmorton to Queen Elizabeth, 22 August 1567, Keith, *History*, II. 746, and see below, p. 153.

⁷² W.D.H. Sellar, 'Marriage, Divorce and Concubinage in Gaelic Scotland', *TGSI* 51 (1978–80), 464–93.

⁷³ She subsequently married Patrick Grant of Glenmoriston. In the legal pleadings Lady Jane alleged the earl had three mistresses, but only initials are given and the dates left blank in the manuscript, RH13/2 fo. 77r.

⁷⁴ These three natural children were mentioned in the 6th earl's will of 1584, *Letters to Argyll Family*, 65. Jane was noted as being particularly beautiful and was married to Angus Mackintosh of Dunnachten, contract 26 February 1586, mentioned in 18 May 1586, GD176/140. Jane's second marriage was to Donald Campbell of Ardnamurchan. See A. Campbell of Airs, *The Life and Troubled Times of Sir Donald Campbell of Ardnamurchan* (Society of West Highland and Island Historical Research, Inverness, 1991), 9–11. Elspeth became Lady Macfarlane and Cailein na Creig died without issue in 1606.

⁷⁵ RH13/2 fo. 77r. Colin received the castle and lands of Craignish in 1564 from his father, see 27 January 1584, GD112/1/249. He was legitimated on 4 July 1566, RSS, VII. 2926. He was probably the son who was fostered with Donald Gorm MacDonald of Sleat, see 21 April 1571, AT, VI. 160–2: see below, p. 207. In 1573 he was fifteen years old when he was suggested as a hostage to be held in England, 18 April 1573, CSPSc, IV. 549. There is confusion as

A relationship with a third mistress based in Argyll was only ended by the earl's second marriage in August 1573.⁷⁶

None of the natural children could inherit the earldom. Unlike other Highland chiefs, the integration of the earls of Argyll into the Lowland aristocracy, and particularly their choice of Lowland brides, had made their adherence to primogeniture obligatory. With Lady Jane unable, or perhaps unwilling, to conceive his child, the 5th earl needed a legal divorce so that he could remarry and produce a legitimate heir. As Henry VIII had famously discovered before him, achieving that goal was not a straightforward matter. Each man had to resort to parliamentary statute as well as court cases to ensure remarriage and legitimate heirs.

In the decade after the Scottish Reformation of 1559–60, considerable confusion remained concerning the appropriate jurisdiction over divorce cases. Much of the business of the old ecclesiastical courts was transferred to the new secular commissary courts set up in 1564, which gave the Edinburgh court comprehensive jurisdiction over all divorce suits.⁷⁷ In addition, through its own disciplinary courts, the new Kirk dealt with cases of sexual misdemeanour and with the 'scandal' of marital breakdowns. It had adopted the view that the guilty party in a divorce suit, especially if the grounds were adultery, was not free to remarry.⁷⁸

Since the countess had rejected a swift, uncontested divorce in 1567, it was difficult for the 5th earl and his legal advisers to know how to proceed. The problem concerned the grounds on which to seek a divorce. The earl could not cite the countess' adultery because the subsequent reconciliation removed

to whether this is the Colin (cf. *Records of Argyll*, 6), or whether there was a third Colin, the illegitimate son of the 4th earl, who married Katherine Campbell, the heiress of Barbreck, and became known as Colin of Barbreck or Craignish, 25 February 1578, GD111/4/6; 'The manuscript history of Craignish' in *Miscellany of the Scottish History Society IV* (SHS, 3rd ser. 9, Edinburgh, 1926), 222 and 270; 31 January 1577, *Clan Campbell*, VI. 32. I am grateful to Alastair Campbell of Airds for advice concerning the various Colins.

⁷⁶ RH13/2 fo. 77r.

⁷⁷ D. Smith, 'The Spiritual Jurisdiction, 1560–64', *RSCHS*, 25 (1993), 1–18; L. Leneman, *Alienated Affections: The Scottish Experience of Divorce and Separation, 1684–1830* (Edinburgh, 1998), 6–7.

⁷⁸ Although this was the practice in the church courts, doubts remained, e.g. the Thomson v. Philib divorce in St Andrews, *Register of the Minister, Elders and Deacons of the Christian Congregation of Saint Andrews... 1559–1600* ed. D. Hay Fleming (2 vols., SHS, 1st ser. 4 and 7, Edinburgh, 1889–90), 302. The conviction of Nicol Sutherland at an assize in Elgin caused Regent Moray to raise the matter again in the General Assembly, March and July 1569 and March 1570, *BUK*, I. 140, 146, 197. For a discussion of the legal position, see Paton, ed., *An Introduction to Scottish Legal History*, chs. 7 and 8; W.D.H. Sellar, 'Marriage, Divorce and the Forbidden Degrees: Canon Law and Scots Law' in W.M. Osborough, ed., *Explorations in Law and History: Irish Legal History Society Discourses, 1988–1994* (Dublin, 1995), 59–82. I am grateful to David Sellar for his help on the legal aspects of the 5th earl's divorce.