

**A LOST CHAPTER IN THE HISTORY OF MARY
QUEEN OF SCOTS RECOVERED: NOTICES OF
JAMES, EARL OF BOTHWELL, AND LADY JANE
GORDONE, AND OF THE DISPENSATION FOR
THEIR MARRIAGE; REMARKS ON THE LAW AND
PRACTICE OF SCOTLAND RELATIVE TO
MARRIAGE DISPENSATIONS**

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JOHN STUART

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Portrait of a woman in a dark, hooded garment, holding a rosary. The image is a black and white reproduction of a painting.

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THE DISPENSATION FOR THEIR MARRIAGE;
REMARKS ON THE LAW AND PRACTICE OF SCOTLAND
RELATIVE TO MARRIAGE DISPENSATIONS;
AND
AN APPENDIX OF DOCUMENTS.



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INTRODUCTION.

A FEW years ago, in the course of an examination of the documents in the charter-room at Dunrobin, for the Historical Manuscripts Commission, I had the good fortune to bring to light the original Dispensation for the marriage of James Earl of Bothwell with Lady Jane Gordon,¹ the mysterious disappearance of which, soon after its date, formed the subject of contemporary question, as it has continued to be a theme of speculation with Scotch historians from that time to our own.

The importance of this document in any attempt to explain the eventful relations between Queen Mary and the Earl of Bothwell is sufficiently obvious, but it seemed to me that a detailed notice would lead to a better appreciation of its unique position in that series of events which connected the fortunes of the Queen with those of her subject.

Having communicated my design to the Duke of Sutherland, his Grace, with the utmost readiness, placed the Dispensation at my disposal, together with any other

¹ Second Report of the Royal Commission on Historical Manuscripts, Appendix, p. 177.

documents at Dunrobin, which might serve to illustrate the subject of its history.¹ He, at the same time, gave me the use of the portrait of Lady Jane Gordon, from which the engraving in the present volume has been prepared.

In the first part of the work will be found a narrative of the circumstances out of which the Dispensation arose, and with which it subsequently came to be mixed up; and as it appeared desirable to elucidate the contemporary law and practice of Scotland on the subject of Marriage Dispen- sations, I have added some remarks on these in a con- cluding chapter.

JOHN STUART.

¹ In availing myself of the Duke's courtesy, I have been greatly aided by the Rev. James M. Joass, minister of Golspie, who examined the papers for me, and selected such as seemed likely to be of use.

NARRATIVE OF EVENTS.



I. THE EARL OF BOTHWELL AND HIS MARRIAGE TO LADY JANE GORDON.

JAMES, fourth Earl of Bothwell, was born about the year 1535, and succeeded his father in the year 1556. At an early period of his life he gave evidence of his turbulent and restless disposition; while in politics he adhered to the party of the Queen Regent, which rendered him obnoxious to those who relied on English influence. At the time of Queen Mary's accession to the throne, Bothwell was in France, having been despatched thither by the Queen Regent to solicit aid for her side. After Mary's arrival in Scotland in the month of August 1561, Bothwell was appointed a member of her Privy Council, but he was at the same time at feud with several powerful nobles, and especially with the Earl of Arran and the Queen's brother the Earl of Murray.

He was imprisoned in the castle of Edinburgh for a time in the autumn of 1562, on a charge of treason brought against him by the Earl of Arran. From this he contrived to make his escape, but only to fall into the hands of the English Queen, by whom he was detained a prisoner in London for more than a year. At the end of that time he was permitted to go abroad, his residence