

A SCOTTISH BETROTHAL

There to I give thou my troth...

On the evening of Saturday, November 5, 1552, sometime between the hours of seven and eight of the clock at the fortified manor of Maillwell (modernly Melville, just outside the village of Dalkeith), a company of people met to discuss and execute the betrothal of Cristiane Ros and Nycholaus Ramsay.

The couple in question were present, as was her father, Lord Ninian Ros (Lord of Hawkhead according to *The Scots Peerage*). Additionally, there were the named witnesses – Patrick Sinclair of Castlelaw, William Pyott, Adam

Law, George Sinclair and Richard Knowis. Also in attendance was the chaplain, Thomas Stevin, and Alexander Law, a Notary Public who notarized the contracts at the wedding. It was Thomas Stevin, also a Notary Public, who actually recorded everything in the Haddington Council's books. There were others present, "*utheris diverse*", but they are not named.

Cristiane had been married previously to John Mure of Caldwell and, interestingly, some of the terms of her first marriage contract were mentioned in the second. This included that she had satisfactorily met the condition of coming to her first marriage as a virgin and had thereby been awarded the "*Lands of Capillrig*" in addition to other dower lands and monies.

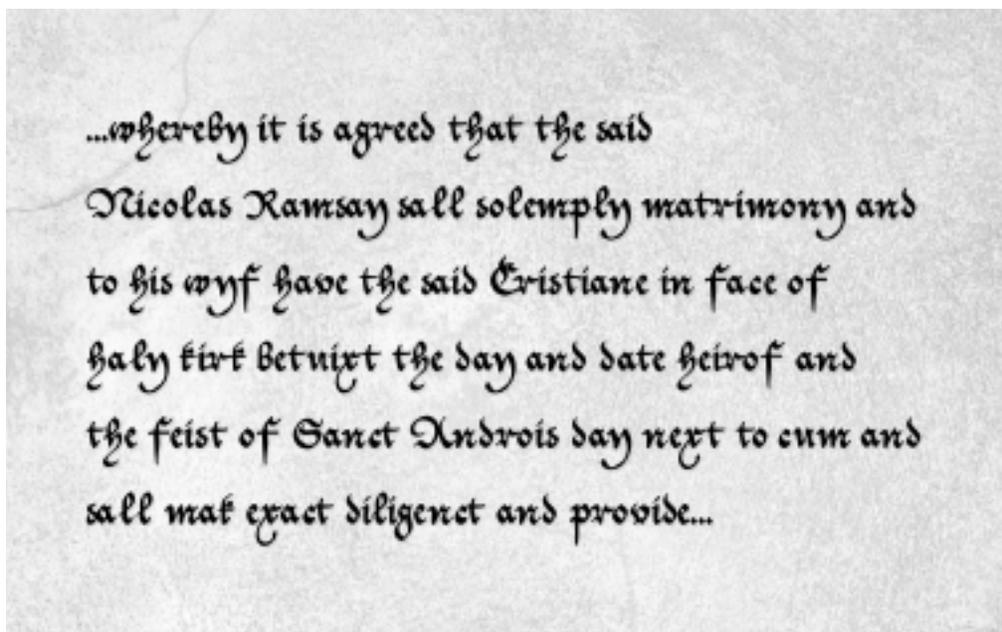
As a condition of this second marriage, Cristiane agreed to surrender the property to her father, and release John Mure and all his heirs from any future claims. Cristiane and John Mure were divorced, but no reason for the divorce is listed, and additional claims from her original marriage contract are not spelled out.

Nycholaus Ramsay, as a term of the betrothal, agrees solemnly that he will marry her and will have his wife Cristiane present "*in face of haly kirk*" for a wedding between November 5th and the upcoming St. Andrew's Day, which falls on November 30th. This is a literal phrase, in the 'face of the church'. Weddings at this time were traditionally held outside the front of the church, for all to see, making a wedding a public occasion with as many witnesses as possible.

Nycholaus further promises to provide £1000 Scots and an additional £1000 Scots to be used on family lands that he and Cristiane will inhabit jointly.

This money is for improvements on the land and nothing else, no matter which of them lives longer, the "*langar levand of thaim*". Further, in any contingency, this money is specifically earmarked to be spent on the land and nothing else. This included possible children of their marriage, and could not be contested no matter what the executors of either of their estates chose to do with other goods or properties.

It appears there was some expectation they would consummate their betrothal prior to the actual wedding ceremony – there is a statement entitling their children to £1000 Scots no matter "*quhat tyme or quhow sone it happinnis barne or barnis to be gotten betwixt thaim*" (what time or how soon it happens [that a] bairn or bairns is gotten between them). This also would neatly cover the possibility that she might



already be pregnant during this betrothal.

Further, Nycholaus promises that in the event any impediment to the marriage is discovered prior to the wedding (any reason they might not be lawfully wed, such as prior contracts or degrees of consanguinity etc.), he will be the one to ensure that a Dispensation from the Vatican is sought and received. Additionally, he agrees to take on any expenses incurred in so doing “*upon his awin expenses*”.

They then both swear in very strong language (which goes on for several sentences in the original document) “*under the pains of cursing and executorials*” that everything they have stated is true, and that they will both do their utmost to fulfill their “*Band of marriage*”. Even further than these provisions – Nycholaus agrees that if some impediment to the marriage is found, and he doesn’t do all he can to secure a Dispensation within 40 days, then not only will he refund any costs incurred by Cristiane if they must be divorced because of it, but she and any children of their union will still be entitled to the original £1000 Scots, separate from the land fund.

It may be notable that this situation had come up before and either Cristiane or her father wanted to cover all eventualities. Cristiane’s first marriage to John Mure of Caldwell in July of 1538 had required a Papal dispensation.

Cristiane also was now divorced from her first husband, so one would think this was uppermost in Cristiane and Ninian’s minds. Perhaps this is what led to the specific language and lengthy directions regarding a dispensation and divorce in this pre-nuptial agreement.

Cristiane and Nycholaus then each signed the contract themselves in their own hands, as did all the previously listed witnesses. The Notary Alexander Law very carefully noted that he witnessed everyone signing in his own hand.

Alexander Law then took the time to state that he personally had witnessed their exchange of vows, and he included these in their ‘vulgar’ i.e. usual or common tongue:

[I, Nycholaus Ramsay of
Dalhousy takest thou
Cristiane Ros to my
spoused wife and thereto I
give thou my troth.
I, Cristiane Ros takest thou
Nycholaus Ramsay of
Dalhousy to my spoused
husband and thereto I give
thou my troth.]

There are no further entries given from the Haddington Council books regarding the marriage. However, further investigation revealed a few more clues about the later lives of the major players. It appears that Cristiane was divorced from John Mure of Caldwell around 1544. Nycholaus Ramsay of Dalhousie died sometime before 9 May 1555 according to *The Scots Peerage* and Cristiane wed for the third time on 8 July 1555 to a John Weir.

It is not evident that Cristiane had children in any of her marriages. One last tantalizing clue: a Cristiane Ros was relict (left widowed by) of a James Kaa in 1576, but it has not confirmed to date if this was the same Cristiane Ros. If she married young, then she would have been in her early 50’s in 1576.

The preceding extract on the betrothal is from “*A Description of the Oldest Council Books and Other Records of the Town of Haddington with Copious Extracts*” by Thomas Thomson, Esq., W.S., F.S.A.S. from the Proceedings and is available at <http://ads.ahds.ac.uk/cfm/archway/volumeSelector.cfm?rcn=1340> pp. 411-412

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The New Advent Catholic Encyclopedia, see "Consanguinity in Canon Law"

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There is an excellent and woefully underused resource to be found on the internet in The Proceedings of the Society of Antiquaries of Scotland from 1851 to 1999. They are online in their entirety at

<http://ads.ahds.ac.uk/cfm/archway/volumeSelector.cfm?rcn=1340>. *The Proceedings are full of primary and good secondary source information about a host of topics. Most concern Scotland, from prehistoric times to more modern doings; but also included are studies of artifacts from other countries, which are in Scottish museums and collections. Some of the information has since been superseded by more authoritative works, but a large amount of it is information not found anywhere else. There are many articles in the Proceedings which examine extant documents. This article concerns an entry in the Protocol Book of Thomas Stevin, who was a chaplain and Notary Public in Haddington. His Protocol Book records were included with the Council Books of the City of Haddington (a small town about 20 miles west of Edinburgh, with Maillwell about equidistant between Edinburgh and Haddington). These records for the city of Haddington begin in the year 1423. The Proceedings does not give the council or protocol books in full, but gives selected extracts. The entry, made in 1552, is a Notary Public's legal record of a betrothal. The legal record established the betrothal's legality and also sets out the dowry and prenuptial agreements. The bulk of the entry is in vernacular Scots of the period (which is very similar to English), but some of it is in Latin. While this is certainly not representative of every single marriage that took place in Scotland, it gives an insight into an important ritual, in both its public and private aspects.*

Regarding the value of a Scottish pound in the 16th century: A Scots pound was never worth as much as an English pound, and the rate fluctuated throughout the 16th century. There was not a set rate of exchange until after the Union of the Crowns in 1603. At that time, the rate was set at 1 Scots pound to 1/12 of an English pound. To give an idea of what the £2000 Scots promised in the marriage contract would have been worth in 1552, consider that at around that same time, a Master Mason, one of the most skilled and well paid of all laboring craftsmen, made approximately £120 Scots in a year. (See *Prices, Food and Wages in Scotland 1550-1780* pp. xv & 370)

In her first marriage, Cristiane had to seek a Papal Dispensation to marry John Mure of Caldwell. "Joanne et Cristina super impedimento quartie et quarti consanguinitatus gradus praedicti..." The Dispensation, dated 10 July 1538, was recorded in the Caldwell Family's Papers, which were published by the Maitland Club in the 1850's. According to the dispensation, they were related within the fourth degree of consanguinity. Though the dispensation did not list specifically their common ancestor, *The Scots Peerage* entry on the Ros family shows that Cristiane's great-great-grandfather Sir John Ros of Hawkhead was married to Marjory Mure. She was the great-great-grandmother of John Mure, which gives the fourth degree blood relation. (See "Consanguinity in Canon Law" New Advent [online] Catholic Encyclopedia article).

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MARGARET HEPBURN (OL) was born in 1545 at Nunraw Abbey in East Lothian. Her mother came to Scotland in the retinue of Marie de Guise and her father was a clerk in the employ of Lord Lyon King of Arms. A fortuitous marriage into the Montgomery family while living in France has brought her to Ardrossan in the west of Scotland.