

Broken promises of marriage in early eighteenth-century Norway: the case of Madam Bull vs. Lieutenant Rosencrantz

Anne-Sofie Schjøtner Skaar, Norwegian University of Science and Technology (NTNU)

Abstract: In early modern Norway, the engagement was by law binding, but the rules concerning what exactly constituted a binding engagement were more ambiguous. This ambiguousness was a common trait in several countries at the time and led many people to prosecute their lovers in court for breaking both formal and private promises of marriage. While stricter demands of evidence concerning the engagement were put forward in several countries at the turn of the seventeenth and eighteenth centuries, Norwegian researchers has demonstrated that the judicial practice in Norway did not change until well into the eighteenth century. In this article, an in-depth study of the Madam Bull vs Lieutenant Rosencrantz case (1707–1711) is presented, concerning a broken promise of marriage in early eighteenth century Trøndelag, Norway. Such a case study has not been conducted in the Norwegian context before and serves to provide a deeper insight into the judicial practice and more specifically the lingering importance of medieval tradition in trials concerning broken promises of marriage in Norway.

Keywords: Broken Promise of Marriage; Marriage Contracts; Matrimonial Cases; Legal History; Case-study; Love Magic; Margrete Bull; Christian Rosenkrantz; Norway; Trøndelag.

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Introduction

In 1707, Margrete Bull accused lieutenant Christian Rosenkrantz of breaking his promise of marriage. The past years had not been easy for her; she had lost her former husband in 1700 and become a widowed mother of three, and although she was resourceful and ascended from a high standing family, she found herself in a situation with lower standards of living. Sometime in the following years she got involved in a relationship with Christian and got pregnant. According to her, they were engaged, but following her pregnancy he denied the engagement and married another woman. The following years would bring about a long-lasting legal battle between the two.

Today, a promise of marriage is not legally binding, but in early modern Norway many were prosecuted for breaking such a promise. The engagement was for long a legally binding act holding a similar importance as the wedding ceremony. Moreover, extramarital sexuality was criminalized and could cause serious damage to a woman's reputation, thus making it crucial to prove that a marriage was in fact intended from both parties before the sexual relation had commenced. However, the rules concerning what exactly constituted a binding engagement were more ambiguous. While public engagements became mandatory in Norway after the reformation, the medieval tradition of excepting informal arrangements as binding was simultaneously upheld, not only among the laity but also in the legislation. This ambiguity was a common trait in several countries in the period and led many people to prosecute their lovers in court for breaking both formal and informal engagements.¹

In this article, I examine the Bull vs. Rosenkrantz case, which falls into the broad judicial category of broken promises of marriage in early modern Norway. The case is exceptionally well documented, making it well suited for a case study. Moreover, what makes this case particularly interesting is that it occurred in a period of transition. During the turn of the seventeenth and eighteenth centuries, the legislation and judicial practice concerning such cases changed in several countries. In England for instance, the Marriage Act of 1753 stated that only a

¹ Hanne M. Johansen, 'Ekteskap, erstatning eller avvisning? Om makesøking og falske ekteskapsløfter i Norge 1570–1800', *Historisk tidsskrift*, 70 (1991), 1–29 (pp. 2–3, 7–9); Lawrence Stone, *Uncertain Unions: Marriage in England 1660–1753* (Oxford/New York: Oxford University Press, 1992), p. 31; Beatrice Gottlieb, *The Family in the Western World: From the Black Death to the Industrial Age* (Oxford/New York: Oxford University Press, 1993), p. 64; Malin Lennartsson, *I säng och säte. Relationer mellan kvinnor och män i 1600-talets Småland* (Lund: Lund University Press, 1999), pp. 83–89; Nina J. Koefoed, *Besovede kvindfolk og ukærlige barnefædre. Køn, ret og sædelighed i 1700-tallets Danmark* (Copenhagen: Museum Tusulanums forlag, 2008), p. 135.

formal wedding ceremony was legally binding, but as Lawrence Stone has argued, trials concerning broken engagements had already ‘died away to almost nothing between 1680 to 1733, largely because of this generally hostile attitude of the courts.’ In this period the English courts did not accept claims of clandestine marriage contracts and unofficial promises.² In Sweden, stricter demands of evidence in trials concerning broken promises of marriage were put forward in the Church Ordinance of 1686, and even more so in the new Swedish Law of 1734. Swedish scholars generally describe the 1680s as the turning point when Swedish courts started to demand stricter evidence in such cases.³

In Norway and Denmark, on the other hand, Hanne M. Johansen and Nina J. Koefoed have argued that the judicial practice did not change until the issuing of a new ordinance in 1734, stating that women could no longer demand marriage based on a promise. After this ordinance, medieval customs were no longer judicially valid, and strict conditions were put forward to distinguish private promises from the formal ones. It became substantially harder for women to attain victory in such cases, and trials concerning broken promises of marriage were consequently reduced.⁴ Before the ordinance of 1734, Johansen has however demonstrated that almost all trials conducted in the Norwegian Consistory Courts ended in favor of the woman, and that judges often looked to medieval tradition when deciding upon the matter.⁵

This article provides a more detailed look into this period of transition in Norway, by examining what attitudes the courts held in the Bull vs. Rosenkrantz case. What did the judges consider to be sufficient evidence of a binding relationship? Did they demand evidence of a formal engagement from Margrete? Who was viewed as the responsible party in this case – Margrete or Christian – and why? While the Norwegian research on broken promises of marriage has been focused on large-scale studies over time and extensive source material from the Consistory Courts, this article will make a unique contribution to the research field by for the first time presenting an in-depth case-study. The case-study provides a deeper look into the Norwegian judicial practice in such cases, in a period when this practice was subjected to profound changes in other countries. Such an in-depth case-study moreover provides the opportunity of ‘bringing the past alive’,

² Stone, p. 21.

³ Jan Sundin, *För gud, staten och folket* (Lund: A.-B. Nordiska bokhandels förlag, 1992), pp. 318–319; Lennartsson, pp. 160–161, 286; Mari Välimäki, ‘Responsibility of a Seducer?’, in *Gender in Late Medieval and Early Modern Europe*, ed. by Marianna Muravyeva & Raisa Maria Toivo (New York: Routledge, 2012), pp. 191–203 (pp. 191–192) [Crossref](#).

⁴ Johansen, ‘Ekteskap, erstatning eller avvisning?’, pp. 22–23, 26; Koefoed, pp. 220, 146–147.

⁵ Johansen, ‘Ekteskap, erstatning eller avvisning?’, pp. 19, 22.

as Lawrence Stone once put it.⁶ Thus, while this article partly seeks to shed light on a larger phenomenon, it also pays attention to details which are otherwise not included in broader studies. Although briefly mentioned in other works, the case of Bull vs. Rosenkrantz has never before been presented in detail, nor in the context in which it will be presented here.⁷ The article will follow the chronology of the story, from the early roots of their relationship to the final verdict given by The Supreme Court in Denmark.⁸

A broken promise of marriage

The sources do not reveal detailed information about Margrete Henrichsdatter Bull; neither her birth nor her death seems to be known. She was a high-standing woman, often addressed as ‘Madame Bull’ in the court protocols. Her father was the vicar of Statsbygd (in Trøndelag), Henrich Jørgensøn Bull (1624–1688), and her mother was Anna Andersdatter Holm (d. 1696). She moreover had one brother and four sisters.⁹ There are several Bull family lines in Norway; the one which Margrete belonged to traces back to at least the mid 1500s and later gave rise to the well-known historians Edvard Bull the older (1881–1932), Edvard Bull the younger (1914–1986) and Ida Bull (1948–).¹⁰ In the Norwegian census of 1701,

⁶ Stone, p. 4.

⁷ Part of this case has previously been told by Jens Bull (1886–1948). In his book, references are made to the proceedings in the Consistory Court of Trondheim, The Supreme Court in Norway (*Overhoffretten*), the Supreme Court in Denmark (*Høyesterett*), and letters written by Margrete and other actors to the king, see Jens Bull, *Den trønderske slekt Bull: utgitt på grunnlag av N. R. Bulls stamtafle av 1886* (Oslo: Cammermeyers boghandel, 1938), pp. 38–39. However, Bull’s account is brief and does not include references to the magistrate protocols, where several court sessions were conducted regarding this matter. These local trials were mainly held in Beitstad and Stod parishes, in Inderøy magistrate district (in Trøndelag). The letters written to the king were moreover included in the master’s thesis of Bjørn Næsje: *Klagemål over Kongens embets- og tjenestemenn: En kildestudie av norske supplikker inneholdende klagemål over embets- og tjenestemenn mellom 1700 og 1730* (MA thesis, University of Oslo, 2008), pp. 144–146 <http://urn.nb.no/URN:NBN:no-21014>.

⁸ Thank you to PhD-student Haakon Hegsvold Sørli and associate professor at Volda University College, Ola Teige, who helped direct my attention to relevant sources and literature. Sørli moreover provided me several pictures from the Trondhjem Cathedral Chapter protocols, after one of his archival trips to the State Archive of Trondheim (i.e. *Statsarkivet i Trondheim*), and he was the one who discovered the letter addressed from vicar Hersleb to regional governor von Ahnen (see footnote 57). Teige provided me with personal notes from his own examination of the Trondhjem Cathedral Chapter protocols and moreover directed my attention to the Hirsch & Hirsch records (see footnotes 12, 15, 48).

⁹ Bull, pp. 21–37. Her brother and sisters: Anders (1666–1735), Anna (d. 1702), Ellen (d. 1696), Martha (d. 1718) and Dorothea (d. 1736).

¹⁰ Bull, pp. 7, 230–231.

it was informed that ‘the widow of Lieutenant Tønder’, i.e., Margrete Bull, was residing on Fosnes farm in Beitstad parish, with her servants and children.¹¹ Her late husband was a high-ranking military officer named Raphael Tønder, who had died in 1700.¹²

In a local history book about Beitstad, the author claimed that the widow of lieutenant Tønder kept the farm until 1701. After this, Bartnes stated, ‘The widow gave up the farm – probably to remarry, and a lieutenant Rosenkrantz got it to rent.’¹³ Judging from the magistrate protocols however, it is clear that Margrete Bull kept living on the farm for a few more years. In the many trials in which Margrete was involved in the next decade, her neighbors still mentioned her living on Fosnes farm. In the census of 1701, ‘lieutenant Tønder’s widow’ was listed as the person living on the farm, but lieutenant Christian Rosenkrantz was listed as the man responsible for it. It was in fact an officer farm, assigned to him in payment for his military service, meaning that Margrete must have been paying him to live there.¹⁴

Christian Rosenkrantz was a military officer, like Margrete’s former husband. From 1700 to 1709, he was a lieutenant in the infantry regiment of Trondhjem, and in the magistrate protocols he was most often referred to as Lieutenant Rosenkrantz.¹⁵ The Rosenkrantz family is a noble family dating back to at least the 14th century. For many, widowhood was equivalent with lower standards of living and remarriage could thus be a solution, but not everyone was successful in this. Social standing was a decisive factor, as those without access to resources or land were viewed as a burden. On the other hand, women from the elite remarried less frequently, because they could not marry ‘down’ on the social ladder.¹⁶ For Margrete Bull, remarriage may have been a favorable solution, particularly if her potential husband was of noble kin.

¹¹ *Riksarkivet* (National Archives of Norway), The census of 1701, Inderøy and Namdalen bailiwicks, p. 9. The census was designed to include only the male part of the population, and her name was thus not directly noted. Beitstad had an estimated population of 775 in 1701: Henrik Bartnes & Haakon Kvam, *Beitstadboka. Gårdsboka, 3 vols* (Steinkjer: Beitstaden historielag, 1977–1994), II: *Opdal–Solberg, by Kvam* (1985), p. 8.

¹² He had earlier been a musket in the infantry regiment of Trondhjem, then a sergeant, an ensign for a period and lastly, from 1696 until his death, a first lieutenant. J. C. W. Hirsch & Kay Hirsch, *Fortegnelse over danske og norske Officerer med Flere, fra 1648–1818*, 12 vols (facsimile ed. of handwritten manuscript, [Copenhagen] 1907), XI: *Sk–U*, p. 356. See also Bull, p. 37.

¹³ Bartnes & Kvam, I: *Elda–Haugen, by Bartnes* (1977), p. 290. Original quote: ‘Enka ga opp gården – trulig for å gifte seg pånytt, og ein løytnant Rosenkrantz fikk den i bøgsel.’

¹⁴ *Riksarkivet*, The census of 1701, Inderøy and Namdalen bailiwicks, p. 9.

¹⁵ Hirsch & Hirsch, IX: *Re–Scha*, p. 212. Christian Rosenkrantz died in the battle of Strømstad in 1717, during the Great Nordic War (1700–1721).

¹⁶ Hanne M. Johansen, ‘Widowhood in Scandinavia – an Introduction’, *Scandinavian Journal of History*, 29 (2004), 171–191 (pp. 173, 185–187) [Crossref](#).

The first signs of hardship appeared in 1706 and 1707, when Margrete was summoned to court several times for lack of tithe payment and the like. Furthermore, in a court meeting in Beitstad during the fall of 1707, Margrete revealed that she had given birth to a baby earlier that year (who died some days after birth), of which Christian Rosenkrantz was the father. This child was proof that she had engaged in a sexual relation outside marriage (*leiermål*), but Margrete claimed that Christian had given her a promise of marriage and that they were engaged. She summoned a few high-standing men to court to give their testimonies, which may indicate that she had a strong case; among others, she summoned the vicar in Stod parish, Christopher Hersleb, the vicar in Beitstad parish, Albert Jersin, the chaplain in Beitstad parish, Willad Bing, and the colonel of the infantry regiment of Trondhjem, Johan von Lemfort. However, neither Christian nor the other men appeared in court and the only person present to give her testimony, was one of Margrete's servants. She told the court that she had been sent by Margrete after the birth of her baby to deliver the news to Christian. When she found him however, he answered, according to her, that 'she could find a baby father wherever she wanted, it would not be on his account ...'¹⁷

In January 1708, the case was addressed again, but this time in the Consistory Court of Trondheim. This was the court in which all Norwegian matrimonial cases were to be examined in the period 1542–1797. They were located in each cathedral city: Bergen, Christiania (Oslo), Trondheim and Stavanger/Kristiansand. They consisted of both secular and ecclesiastical judges, among others the king's regional governor (called *stiftamtman* from 1692), the bishop and other important members of the clergy. According to Johansen, the judges of this court regularly had to decide in cases concerning broken promises of marriage.¹⁸ In the January trial, Margrete's lawyer (*procurator*) presented evidence that there had in fact been an engagement, in the presence of three witnesses, and that Christian had made her pregnant. The three people who had witnessed the engagement and who also affirmed this were colonel von Lemfort, vicar Jersin and chaplain Bing. The lawyer thus argued that Christian should be forced to marry her, with reference to the offence which he had brought upon her good name.¹⁹ In this situation, could Margrete make Christian follow through with his promise of marriage? The legal context in which she acted will in the following be more thoroughly presented.

¹⁷ *Statsarkivet i Trondheim*, Inderøy magistrate district protocol 6, 1706–1710, fol. 62b. Original: '... da suarede Lieut. Rosencrantz at ... kunde hun tage sig barne fader huor hun vilde, det kom icke i hans Regnskab ...'

¹⁸ Hanne M. Johansen, 'Ekteskap, erstatning eller avvisning?', pp. 2, 6–7.

¹⁹ *Statsarkivet i Trondheim*, Trondheim Cathedral Chapter negotiating protocol 42, 1682–1723, fol. 132a–133a. Her lawyer referred to article 4 and 5 in the Norwegian Law of 1687, book 6, chapter 13 (presented below).

Legal context

In the Middle Ages, marriage was mainly established by two ceremonies: the *festermaal* and the formal wedding ceremony. During the *festermaal*, a binding marriage contract was created and celebrated privately. Moreover, according to Mediaeval Canon Law, a binding relationship was created once a man and a woman had given their consent, agreed upon marriage and commenced a sexual relationship. After the reformation, however, laws concerning morality became firmer. In 1582/1589, public engagement became mandatory in Denmark-Norway with king Frederik II's Marriage Ordinance. The public engagement was binding, but only if it occurred in the presence of five witnesses and a vicar. If a couple wanted to break this engagement, they had to apply in the Consistory Court.²⁰ With the 1582/1589 ordinance, private engagements lost their former value, and one could in theory only be prosecuted for breaking a *formal* engagement. Furthermore, couples could not engage in sexual relations until they were officially married. In contradiction to this, however, and in correlation with medieval tradition, the ordinance also implied that a private promise of marriage or even sex alone gave the woman a right to demand marriage or a compensation.²¹

This contradictory ordinance was later integrated in the Norwegian Law of 1687 (NL 1687), with some minor changes. The 6th book, 13th Chapter, Article 4 of NL 1687 stated that:

If someone ... asks for an honorable man's daughter, and thereafter sleeps with her, before the engagement happens, or [before] he gets a final answer, then he shall finally marry her, if her parents, or guardians, give their consent. If they do not, he should give her an honorable compensation based on his wealth.²²

Moreover (NL 1687 6-13-5): 'It is the same matter if someone lies with an unmarried woman, or a widow, who has previously been free of rumors.'²³ Thus, if a man had seduced a woman of good reputation, and even if there were no plans of a future wedding, he could be bound to marry her or provide her with a com-

²⁰ Johansen, 'Ekteskap, erstatning eller avvisning?', pp. 2, 7.

²¹ Johansen, 'Ekteskap, erstatning eller avvisning?', pp. 7-9; Koefoed, p. 93.

²² *Kong Christian den femtes Norske Lov av 15de April 1687*, ed. by Otto Mejlænder (Christiania: Mallings Bohandels Forlag, 1883), 6-13-4 (p. 806). Original: 'Dersom nogen ... beder om en Dannemands Daatter, og derover beligger hende, før Trølovelsen sker, eller hand faar endelig Svar, da skal hand endeligen tage hende til Egte, om hendis Forældre, eller Formyndere, ville det samtykke. Ville de ikke, da bør hand at give hende en hæderlig Hiemgift efter hans Formue.'

²³ *Kong Christian den femtes Norske Lov av 15de April 1687*, 6-13-5 (p. 806). Original: 'Det samme er og, dersom nogen beligger anden Møe, eller Enke, som tilforn haver været uberøgtet.'

pensation. A good reputation would in this context predominantly mean that the woman had not previously engaged in sexual relations outside marriage.²⁴

This emphasis on protecting the honor of an ‘un-rumored’ maiden or widow (*møykrenkelse*) was in line with medieval custom and referred not only to an offence made against the woman herself but also her kin. If a woman’s reputation was damaged through a sexual relation outside marriage, this could ruin her future prospects of marriage. The man was viewed as the responsible party in this situation, and by marrying the offended woman or providing her with a compensation he ensured that her honor remained intact. After the reformation, the sexual relationship was however increasingly considered an offence committed by *both* parties against God and the divine order of society.²⁵ According to Jan Sundin, in Sweden the practical effects of this change eventually led to an abolition of the concept of the offended maiden in the late seventeenth century. While the secular courts had held a more pragmatic attitude towards sexual felonies, and thus emphasizing the man’s responsibility of compensating the maiden and her family, the Church managed to gradually shift the focus to a more religious aspect.²⁶ In line with this development, Swedish scholars have found that a crucial shift in responsibility occurred: the responsibility was in practice increasingly emphasized to be on the side of the woman. The woman was now considered fully responsible of securing a formal engagement before engaging in a sexual relation, and she could no longer define herself as an offended maiden.²⁷

In both Norway and Denmark, this shift in responsibility also occurred, but not until the issuing of the 1734 ordinance.²⁸ As Kari Telste has pointed out, however, debates concerning this issue started to occur already in the early eighteenth century, and when the 1734 ordinance was issued judicial practice changed instantaneously. Thus, she argues that the ordinance may have been an expression of changing attitudes that had already taken place among Norwegian officials in the preceding years.²⁹ However, Koefoed and Johansen have argued that the repetition of the medieval provisions in the Danish Law of 1683 and the Norwegian Law of 1687 likely gave them a renewed legality. Koefoed has moreover pointed out that, in this early phase of the absolutist regime the king had emphasized

²⁴ Koefoed, p. 110; Johansen, ‘Ekteskap, erstatning eller avvising?’, pp. 8–9.

²⁵ Koefoed, pp. 87, 96.

²⁶ Sundin, pp. 318–319, 325, 345. See also Lennartsson, pp. 274–276.

²⁷ Lennartsson, pp. 165, 317ff; Välimäki, pp. 191, 198.

²⁸ Johansen, ‘Ekteskap, erstatning eller avvising’, p. 25; Kari Telste, *Brutte løfter. En kulturhistorisk studie av kjønn og ære 1700–1900*, Acta Humaniora, 67 (Oslo: University of Oslo, 2000), pp. 445–446; Koefoed, pp. 135–136, 147, 156.

²⁹ Telste, pp. 178–179, 188–189, 446.

that the courts must only judge in accordance with the letter of his law.³⁰ This may have refrained anyone from judging differently, and in practice it made the new legislation stricter than the preceding ones. But why were these medieval provisions continued in Denmark-Norway, and not in Sweden? Sundin explains this with reference to the Church's control in Sweden. He argues that the control of extramarital relations was particularly intense in Sweden, compared to many European countries at the time. While in Norway, the crime was still met with both pragmatism (the continuing emphasis on *møykrenking*) and religious punishment (*leiermål*), in Sweden the pragmatic attitude disappeared earlier.³¹

Johansen has pointed out that the ambiguous Norwegian marriage legislation brought about some confusion as to what was considered a binding engagement: on the one side, the engagement was only judicially binding if it was public and formal, but on the other side a woman could also demand marriage or compensation from a man if he had given her an unofficial promise or even if they had just engaged in a sexual relation. She argues that there were three different case categories in this period: 1. The couple was publicly engaged, but one of them refused to follow through with the marriage. 2. A private promise of marriage had taken place, but one of them refused to follow through with the promise. 3. None of the parties had given a promise, but the woman demanded marriage or compensation after sexual intercourse.³² As Johansen has pointed out, women relied on support (witnesses) from friends and relatives to get their case presented before the Consistory Court in this period. In return, however, these women often prevailed. Clandestine promises and/or sexual intercourse alone could have judicial repercussions, if the woman had a good reputation.³³

As will be demonstrated in the following, the case of Margrete and Christian nearly fell into the first category, though not every aspect of the engagement had been formalized. Margrete was a high-standing woman of good reputation, and her chances of winning were thus good. Nevertheless, the case was filled with complications, and a good reputation could be ruined if it was proven that she had acted indecently.

³⁰ Hanne M. Johansen, 'Dømt til ekteskap? En retts- og sosialhistorisk undersøkelse av ekteskapsakene ved kapittelretten i Bergen 1604–1708' (*hovedfagsoppgave* thesis, University of Bergen, 1984), p. 115; Koefoed, pp. 85, 100–101.

³¹ Sundin, pp. 345–346.

³² Johansen, 'Ekteskap, erstatning eller avvising?', p. 10.

³³ Johansen, 'Ekteskap, erstatning eller avvising?', pp. 17, 19, 21.

To ruin a good reputation

In April 1708, Christian initiated a lengthy trial against Margrete in the local court. On his request, six witnesses were summoned to disprove her allegations and bring about some new information about her role in their relationship. Though the Consistory Court was already involved and responsible for passing judgement in matrimonial cases, sexual relations outside marriage (*leiermål*) were generally subjected to the secular local courts, which explains why the case was once again addressed there.³⁴

Christian's witnesses all claimed to know nothing about the supposed engagement. One witness however noted that she had observed or heard Margrete and Christian in bed together. Margrete defended herself by pointing out that they were engaged when this occurred, to which Christian responded that '... he had never been her engaged beloved.' Christian thereupon asked one of the witnesses – a servant of his – if it was not so that he had in fact asked her to remove Margrete from his bed once. The servant affirmed his, noting that on the second day of Christmas in 1706, Margrete had been in the lieutenant's bed. When the servant came into the bedroom, Christian had gotten up on the other side of the bed, ordering his servant to 'part me from this shameful human ...'³⁵ To this, Margrete responded that she had on that occasion 'boldly' sought out his bed, because she was pregnant with his child.

Margrete's witnesses were also heard. Nine people stood forward in court and affirmed that she and Christian had spent much time together. One witness, corporal Lars Stabel, told in detail about the flirting which he had observed between the two. He recalled one day when he was invited into the living room at Fosnes farm to have a drink with Margrete and Christian. Margrete sat on Christian's lap in a chair, and they were both somewhat intoxicated. Christian then asked Lars: 'what would you think if I was to take this woman [to marry] ...' Lars also recalled one night in which he had attended a dinner with Margrete, Christian, the vicar and the vicar's wife. During this meal, Margrete had punched the wig off Christian's head. In return, he had punched the hat off her head, all in 'cheerfulness', as described by Lars.³⁶

³⁴ Koefoed, p. 144.

³⁵ *Statsarkivet i Trondheim*, Inderøy magistrate district protocol 6, 1706–1710, fol. 80a–81a. Original quotes: '... Rosencrantz suarede at hand aldrig har veret hendis forlovede Ki-ereste.' (fol. 80b) '... og stod op fra hende paa den anden side af senge, og sagde, skiel mig af med dette u forskammede menniske ...' (fol. 80a).

³⁶ *Statsarkivet i Trondheim*, Inderøy magistrate district protocol 6, 1706–1710, fol. 82b. Original: 'da sagde Rosenc. Huad meener I om Ieg skulle tage denne Kierring ...'

Moreover, several witnesses pointed out that Christian had given her things, such as food, shoes, money and cattle.³⁷ These things may have been perceived as engagements gifts (*festegaver*). The exchange of such gifts had been a custom since the Middle Ages. In her study of broken promises of marriage in the Consistory Court of Bergen, Hanne M. Johansen found that some women had tried to convince the court that an engagement was real with reference to such gifts.³⁸ Lawrence Stone has similarly emphasized the importance of engagement gifts in England, which were regularly cited in court as possible evidence of an engagement: 'Both the gift and its acceptance constituted, it was believed, evidence certainly of a courtship relationship, and possibly of a contractual one.'³⁹ Though the gifts which Margrete had received from Christian may not have been considered sufficient evidence in court of an engagement, the mentioning of these gifts as well as the testimonies confirming that they had spent much time together, was proof of an existing relationship. As Johansen has argued, such testimonies were important because it would support the view that the woman was decent: she had not engaged in a random relation but had been involved with this man over time.⁴⁰

Another interesting testimony was given from one of Margrete's servants. She told about the trips which Margrete and Christian had made together, and of the many nights which he had spent at the farm. She also recalled Margrete stating once that she and Christian were to be married. However, one time she had overheard Margrete asking Christian, 'why do you come to me at night and not during the day?', to which Christian had answered: 'Woman, give me no evil words, I am welcome whenever I come.' Margrete reacted to the servant's testimony by crying in court. When she was asked why she was crying, she answered that she cried of (in the magistrate's word) *blufærdighed*, which may be translated to bashfulness, implying that Margrete was ashamed.⁴¹

Nonetheless, when the jurors were asked if they had ever heard anything indecent about her before, they answered that they had never heard anything other except that she was both a proper and decent woman.⁴² This was important because according to law a good reputation was a prerequisite to win in these cases. During another local trial in July 1708, the case was continued, and Margrete stressed that

³⁷ *Statsarkivet i Trondheim* Inderøy magistrate district protocol 6, 1706–1710, fol. 81b–83a.

³⁸ Johansen, 'Dømt til ekteskap?', p. 96.

³⁹ Stone, p. 19.

⁴⁰ Johansen, 'Ekteskap, erstatning eller avvisning?', p. 20.

⁴¹ *Statsarkivet i Trondheim*, Inderøy magistrate district protocol 6, 1706–1710, fol. 82b–83a. Original: '... hørte hun Margrete Bull sagde til Rosenc. huorfor kommer du om Natten og icke om dagen, der til Rosenc. suarede: Moer giv mig ingen onde ord, ieg er Velkommen naar ieg kommer ...'

⁴² *Statsarkivet i Trondheim*, Inderøy magistrate district protocol 6, 1706–1710, fol. 83b.

she had no reason to deny the testimonies demonstrating the heavy ‘cheerfulness’ between the two in the past, justifying their relationship with the fact that she was at that time engaged to him and expecting his child.⁴³ Thus, she had done nothing wrong, she claimed, demonstrating her familiarity with both law and custom.

At the same time as these trials were being conducted, however, Margrete was also faced with lawsuits from Christian on financial matters. In April 1708, the issue of her lacking payment and caretaking of Fosnes farm was the subject at hand (as mentioned, Christian Rosenkrantz was listed as the one responsible for the farm though Margrete was living there). An inspection of the farm and a valuation of the main building was conducted, on Christian’s request. It was noted that the farm was nearly dilapidated. It was pointed out that she had an obligation to keep the farm in good condition and pay her annual fees, which she had failed to do. Thus, she was sentenced to pay the whole cost of damage to Christian, 43 *riksdaler*.⁴⁴ During the fall she was summoned to court once again, this time urged with paying her taxes and at the same time charged with having sex outside marriage (*leiermål*), likely referring to the baby which she had given birth to the previous year. The outcome of this trial was that she became subject to paying more fines.⁴⁵

Christian’s harsh campaign against her was likely a conscious tactic. As Johansen has pointed out, the men being charged with breaking a promise of marriage in this period usually tried to prove that there had never been an engagement, but yet another tactic was to convince the court that he had a valid reason to break his promise.⁴⁶ Telste has similarly argued that, if it could be proven that a woman had a bad reputation, the man’s honor would remain intact even if he broke his promise to her. A man who did not wish to follow through with his commitment thereby needed to prove to the court that the woman was ‘rumored’, or that she had acted in a way which gave him a valid reason not to trust her.⁴⁷ At this point, Margrete Bull was not only in danger of losing her honor, but moreover in danger of falling into a state of serious economic degeneration.

⁴³ *Statsarkivet i Trondheim*, Inderøy magistrate district protocol 6, 1706–1710, fol. 87a–87b.

⁴⁴ *Statsarkivet i Trondheim*, Inderøy magistrate district protocol 6, 1706–1710, fol. 83b–84a. In comparison, one cow could bear the worth of three *riksdaler* in 1700, and a good horse could bear the worth of ten *riksdaler*.

⁴⁵ *Statsarkivet i Trondheim*, Inderøy magistrate district protocol 6, 1706–1710, fol. 101b–102a.

⁴⁶ Johansen, ‘Dømt til ekteskap?’, p. 102.

⁴⁷ Telste, pp. 155, 169–170; see also Koefoed, p. 142.

A turning point

A second court meeting in the Consistory Court of Trondheim was set up in February 1708. However, only days before this court meeting Christian Rosenkrantz had married another woman named Johanne Joachime Vibe. The wedding happened on Egge farm in Stod parish, where Johanne had been living for some years and to which Christian had also moved.⁴⁸ Johanne was the daughter of the lieutenant general and vice governor-general (*visestattholder*) of Norway, Johan Vibe (1637–1710), and moreover the widow of a late military officer named Jacob Ludvig Schlippenbach (1652–1699). Thus, she had hitherto been known as Madame Schlippenbach. The farm on which Johanne was living, Egge, was approximately 20 kilometers from Fosnes farm, and she and Margrete Bull knew each other well.⁴⁹ Marrying someone while still engaged to another was in conflict with the law, making Christian's misdoings even graver. In NL 1687 6-13-23, it was stated that: 'Those who betroth themselves to someone, and then marries another, should flee the king's kingdom and land.'⁵⁰ With this new information, the Consistory Court could not reach a decision in the February trial, and the case was thus postponed until the fall.

In September 1708, the case was addressed once again in the Consistory Court. During this session, Margrete was asked by the court if Christian had at any point told her that he was engaged to another woman. Upon this she answered that, while they were still on good terms, he had told her that 'it hurt him that he could not give his heart to her alone, since his heart was split ...' She continued: 'When he saw that it hurt me, since I loved him, he said to me: my child, just as you are hurt today, I shall please you tomorrow ...'⁵¹ It was only after she got pregnant, she claimed, that he wanted to 'change his love' and started addressing her with harsh words (among other things, calling her an 'ugly troll'). By telling this to the court, Margrete was

⁴⁸ *Statsarkivet i Trondheim*, Trondheim Cathedral Chapter negotiating protocol 42, 1682–1723, fol. 135a–136a. Johanne is mentioned in the census of 1701, living on Egge farm as the widow of 'Major Slippenbach' (*Riksarkivet*, The census of 1701, Inderøy and Namdalen bailiwicks, p. 49). Johanne is moreover mentioned as the wife of Jacob Ludvig Schlippenbach in Hirsch & Hirsch, X: *Sche-Si*, p. 98.

⁴⁹ As later testimonies would show, Margrete and Johanne had been on trips together with Christian Rosenkrantz and others, and they had previously been involved in quarrels with one another in court over financial matters.

⁵⁰ *Kong Christian den femtes Norske Lov av 15de April 1687*, 6–13–23 (p. 814). Original: 'Hvo som trolover sig med een, og siden sig i Egteskab med en anden begiver, bør at rømme Kongens Riger og Lande.'

⁵¹ *Statsarkivet i Trondheim*, Trondheim Cathedral Chapter negotiating protocol 42, 1682–1723, fol. 143a. Original quotes: '... ded gjorde hannem ont, hand kunde ikke give mig sit Hierte allene, ti hans Hierte Var parteret.' 'Og som hand da saa, at ded fortrød mig, saa som Jeg elskede hannem, sagde hand der efter: Mit barn ligesaa bedrøvet du er i dag, saa skal Jeg glede dig i morgen ...'

trying to prove that Christian had seduced her while simultaneously being involved with another woman, and that he had consciously left her once she got pregnant. Furthermore, when she had asked him if he could love her as much as he loved the other woman, he had answered no, explaining to her that the difference between her and Johanne was too great.⁵² This is interesting, because it implies that Christian preferred Johanne because she was descending from a more powerful family. According to Hanne M. Johansen, this was often the case; a man of higher standing seduced a woman of lower standing, but never really intended to marry her. Johansen moreover points out that, to people of the upper social class, economic considerations often weighed most heavily when deciding on a spouse.⁵³

Margrete's testimony seemingly made an impression on the judges. In November, a verdict was made, and it was not in Christian's favor. With reference to NL 1687 6-13-4 and 6-13-5, regarding the seduction and offence of an un-rumored maiden/widow, the Consistory Court sentenced him to give her 300 *riksdaler* in compensation (matching the worth of 100 cows), and it was stressed that Margrete's good name and reputation would not be damaged in any way. She was to be considered 'un-rumored and abandoned' (*uberygtet oc forlat*). This sentence is interesting because the scribe also noted that, according to witnesses and documents presented in court, '... the so-called engagement has been more the result of other's talk, than [the result of] Lieutenant Rosenkrantz' own desire and order, and it has neither happened in the way, or with [the presence of] sufficient witnesses, [...] that it can be considered with any kind of strength ...' Moreover, according to the testimonies there had been no formal exchange of engagement gifts (*festegaver*). It should also be noted that even though a vicar had been present during the engagement, it did not necessarily mean that he had conducted a formal betrothal ceremony. Nonetheless, it was concluded by the Consistory Court that they were engaged, that Christian had made her pregnant and that Margrete was an honorable woman. By cause of this, Christian was obliged to follow through with his promise and marry her, but since he was now married to another woman, an economic compensation was decided upon instead.⁵⁴

⁵² *Statsarkivet i Trondheim*, Trondheim Cathedral Chapter negotiating protocol 42, 1682–1723, fol. 142b–143a.

⁵³ Johansen, 'Dømt til ekteskap?', p. 129; Johansen, 'Ekteskap, erstatning eller avvisning', p. 11.

⁵⁴ *Statsarkivet i Trondheim*, Trondheim Cathedral Chapter negotiating protocol 42, 1682–1723, fol. 143b. Original quote: '... det fornemmes af Acterne at dend saakaldet trolofvelse har veret mere et Sagt Verk af Andre, end af Lieutenant Rosencrantz Self begieret eller bestilt, oc hverken skeet efter dend Maade, eller med saamange vidne, som om Trolofvelsen oc ja ord befales, at det kand ansees af nogen fynd, iche heller fornemmes at nogen Fæstens gafve, som Manerligt, er gifven eller tage.' See also Telste, p. 78, about the vicar's role in the engagement.

In this verdict, it is clear that the judges perceived Christian to be the responsible party. It was furthermore not an issue that the engagement had not been *entirely* formal. The verdict reflects the customary perception that, as long as a woman had a good reputation, she had good chances of winning the trial even though not all formalities had been followed in the process of the engagement. Margrete was perceived as the offended party by the judges, and the verdict which was given to Christian was meant as a protection of Margrete's honor.

Regarding Christian's 'change of heart' and his relationship with Johanne, this was not viewed as a valid argument by the judges to break up an engagement. Kari Telste connects this to the contemporary view that marriage was supposed to be life-long and harmonic. A 'change of heart' was not a valid reason to end a marriage contract. It was expected that both parties kept their emotions in balance and under control. If someone had made a promise of marriage to another person but later changed their mind, they were still expected to take responsibility for their promise.⁵⁵

It was however not only the actions of Christian Rosenkrantz which were examined in the Consistory Court. Because it was now established that Christian and Margrete had been engaged, the vicar who had married Christian to the other woman got in trouble as well; he had married the two while being aware of the previous engagement, and while the legal investigation was still ongoing. Thus, he had been a hinder in Margrete's righteous claim to marry Christian. This vicar was Christopher Jacobsen Hersleb. He was summoned to meet in court the next summer.⁵⁶ Before the charges against vicar Hersleb were addressed in court, however, he managed to bring Margrete to trial on a separate charge. He had sent a request to the regional governor (*stiftamtman*) of the Trondhjem diocese, Iver von Ahnen, asking for permission to arrange an extraordinary court session. Hersleb's aim was to prove that Margrete had used illegal measures – more specifically love magic – in her pursuing of Christian. In his letter addressed to von Ahnen, he stated that:

Because I am now being prosecuted by Margrete Bull [...] in which she [...] seeks to label me as the one who ruined her happiness and marriage, I have been caused to [...] demonstrate how Margrete Bull's marriage proposition could not have any other progress because [it was] not sought out [...] with legal Christian and honest means

⁵⁵ Telste, pp. 199–200, 205.

⁵⁶ *Statsarkivet i Trondheim*, Trondheim Cathedral Chapter negotiating protocol 42, 1682–1723, fol. 143. Hersleb was the vicar in Stod parish from 1688 to 1721. The reason why the vicar in Stod, and not Beitstad, was involved, was because Johanne and Christian had gotten married on Egge farm, which was located in the parish of Stod, see Svein T. Dahl, *Geistligheten i Nord-Norge og Midt-Norge i tiden 1536–1700* (Trondheim, 2000), p. 131.

[...] but rather by old, suspicious women's consultant, fasting and dreaming for her on holy days [...]⁵⁷

A new dilemma had thus arisen, and it may be argued that vicar Hersleb would not have put Margrete on trial for this matter if he was not already bothered by her. It seems this was yet another attempt to create a hinder in Margrete's claim of the broken engagement.

Using illegal measures: love magic

On the 25th of May 1709, Margrete was summoned to the local court by vicar Hersleb for 'not having used legal measures to continue her marriage.'⁵⁸ Two main witnesses were brought forward in court: Randi Thorsdatter and Marit Erichsdatter. They both recalled separate encounters with Margrete during the fall of 1707, in which she had supposedly asked them to help establish which man she would have to marry. This deed had to be done on All Saints' Eve and involved the practice of divination by dreaming. If they agreed, the person appearing in their dreams that evening would be the one which Margrete would marry. Both witnesses told in detail about Margrete's request, and Marit moreover told the court that she had in fact done the deed. To the testimonies of both Randi and Marit, Margrete protested and claimed them to be untrue and utterly unprovable. A few more witnesses were brought forward in court. Some testified that they had never heard of the matter, while two of her servants testified that they had witnessed Marit spending the night at the farm, one of them claiming that she had told him about the deed.⁵⁹

This form of love magic was quite common in Norway, according to Ørnulf Hodne. People typically wanted to know who they would have to marry, and one variation of this was divination by dreaming. By executing simple rituals,

⁵⁷ Original: 'Efter som ieg undertegnede nu ophørlig forfølgs af Margrete Bull [...] huorved hun fornemmelig søger at tegne mig som den der schulle forspilt Lycke og Ægteschab, har ieg høilig bleven forarsaget til [...] at gjøre demonstrerit huorledis Margrete Bulls gifte propos ingenlunde kunde have anden fremgang efterdi ej søgt af hende ved lovl. Christelig, og Erbare midler [...] men heller i den sted ved gamle Suspecte Kierlingers Consuleren, Fasten og Drømen for hende paa hellige tider.' (*Statsarkivet i Trondheim*, the country governor in Southern Trøndelag, first delivery, copy books 1709. 5th of April 1709, letter from parish vicar Christopher Hersleb to diocesan governor Iver von Ahnen. Thank you to Haakon H. Sørli for discovering this letter in the archive and making me aware of it.)

⁵⁸ *Statsarkivet i Trondheim*, Inderøy magistrate district protocol 6, 1706–1710, fol. 123b–124a. Original: '... at bemelte Madame Bull, iche schal hafue brugt de loulig middel at fortsette sit gifftermaal med, som schee burde.'

⁵⁹ *Statsarkivet i Trondheim*, Inderøy magistrate district protocol 6, 1706–1710, fol. 124a–126a.

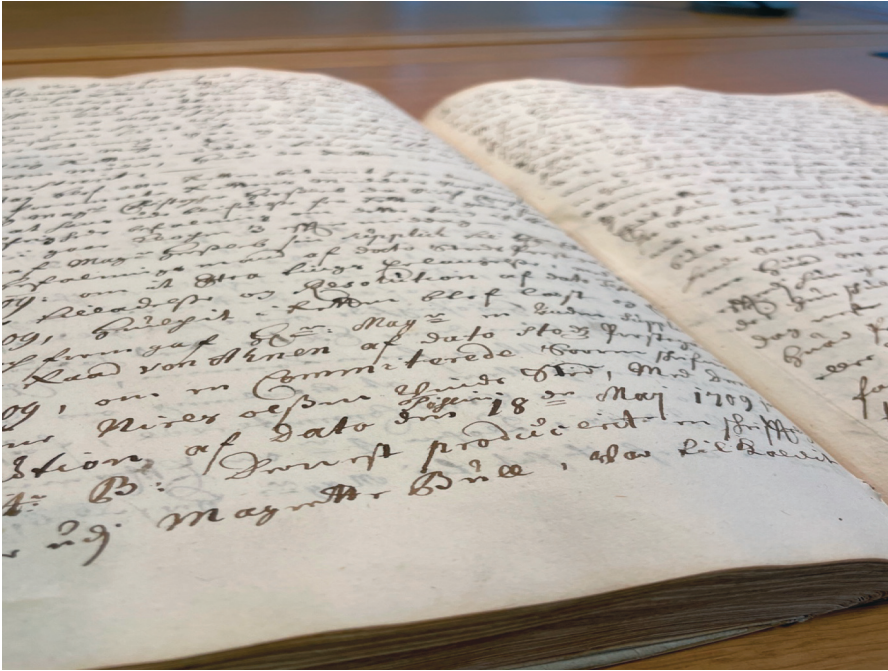


Fig. 1: Statsarkivet i Trondheim (State Archive of Trondheim), Inderøy magistrate district, protocol no. 6, 1706–1710, fol. 123b–124a (private photo).

like placing one's shoes beneath the bed, eating something special or sleeping in a certain place, a dream vision could be induced, and the future revealed. As exemplified in the trial against Margrete, there were specific dates and times for executing such rituals to give them extra effect, for instance around Christmas time, on St. John's Eve or on All Saints' Eve.⁶⁰ In NL 1687, love magic was not directly mentioned, but innocent acts of beneficial magic – for instance divination – could result in exile and confiscation of all property. In the neighboring parish Inderøy, in 1704, a man was sentenced in accordance with this article for practicing divination, and the charges against Margrete were thus not insignificant.⁶¹

⁶⁰ Ørnulf Hodne, *Kjærlighetsmagi. Folketro om forelskelse, erotikk og ekteskap* (Oslo: Cappelen Damm Faktum, 2012), pp. 7, 37–39.

⁶¹ His sentence was later reduced by the Court of Appeal, but the case was handled carefully in the local court, reflecting the potential graveness of such crimes (*Statsarkivet i Trondheim*, Inderøy magistrate district protocol 5, 1703–1706, fol. 38–40b, 51a–51b, 58b–59a; SAT, Court of Appeal protocol 5, 1701–1709, fol. 173b, 177a). See also *Kong Christian den femtes Norske Lov av 15de April 1687*, 6–1–12 (p. 743).

Vicar Hersleb had been somewhat aggressive in pursuing these charges against Margrete: in addition to his request to the diocesan governor of hastily putting together an extraordinary court session, he and three other men had carried out interrogations of the two key witnesses, Randi and Marit, before the trial.⁶² By charging Margrete with this crime, vicar Hersleb may have been trying to shift the question of blame. If Margrete was no longer considered a decent woman, and if the engagement was not considered valid, neither himself nor Christian would be responsible. Nonetheless, the magic trial ended abruptly. There were no conclusions made and the matter was never addressed in court again. The reason why these charges were not further pursued, was likely due to lack of evidence and testimonies confirming the accusations. It seems plausible that Margrete and vicar Hersleb were rather reconciliated shortly after the trial. When he did not succeed in proving his allegations, this may have been a favorable solution to both of them.

Margrete and vicar Hersleb met in the Deanery Court (*prostrett*) a couple of months later, where the vicar's previous offence against Margrete (marrying Christian Rosenkrantz to Johanne Vibe) was addressed. The tone between the two had changed fundamentally. They agreed upon a settlement: he was to pay her 150 *riksdaler* for all the trouble, burden and hardship which she had endured. They both signed their name stating that they would forget all that had passed. Vicar Hersleb also stressed that they had been good friends in the past and that he would like to continue their friendship and continue bearing the highest respect for one other.⁶³ The case was thereby resolved and closed.

Johansen has argued that the Norwegian courts did not readily accept accusations designed to cast doubt on the plaintiff's reputation. If it could not be sufficiently confirmed by people in the community, it would not damage her case in any way.⁶⁴ Telste has similarly argued that, in the years preceding the 1734 ordinance, few men were successful in their endeavors to convince the court that the plaintiff had a bad reputation.⁶⁵ In her endeavors to seek repairment for the damage which the broken promise of marriage had caused her, Margrete was faced

⁶² *Statsarkivet i Trondheim*, Inderøy magistrate district protocol 6, 1706–1710, fol. 125a–125b.

⁶³ *Statsarkivet i Trondheim*, Trondheim Cathedral Chapter negotiating protocol 42, 1682–1723, fol. 147a–148a. The Deanery Court (*prostrett*) was practically the same as the Consistory Court, but when the person prosecuted was a vicar or another member of the congregation, it was labelled the Deanery Court.

⁶⁴ Johansen, 'Dømt til ekteskap?', pp. 104–105; Hanne M. Johansen, 'Marriage or money? Legal actions for enforcement of marriage contracts in Norway', in *The Marital Economy in Scandinavia and Britain 1400–1900*, ed. by Maria Ågren & Amy L. Erickson (Aldershot: Ashgate, 2005), pp. 23–38 (p. 34).

⁶⁵ Telste, p. 173.

with countermeasures from both Christian and vicar Hersleb. In each instance, the courts however sided with the former, and any attempts to cast doubt on the reputation of Margrete were unsuccessful.

The final verdict: 'he lured an un-rumored widow'

Margrete was however not happy with the verdict given to Christian Rosenkrantz by the Consistory Court the previous year, and she thus made an appeal to the Supreme Court of Norway (*Overhoffretten*). In March 1710, it was decided by this court that Margrete should receive 500 *riksdaler* from Christian, making the original verdict of 300 *riksdaler* noticeably stricter. In reaching this decision, it was neither the broken engagement nor Christian's decision to marry someone else which was explicitly emphasized by the judges. What was emphasized in their verdict, with reference to NL 1687 6-13-5⁶⁶, was the sexual intercourse and the offence which he had made towards an otherwise good-rumored widow. Christian was moreover presented as the active and responsible party: he had engaged in a sexual relation with her, and he thereafter offended her by refusing to marry.⁶⁷

The following year, the matter was addressed in the Supreme Court of Denmark (*Højesterett*), i.e., the highest level of court. Here, she once again prevailed, and the final verdict resulted in the compensation sum being more than doubled from the original one; Christian was now faced with paying a staggering 1,000 *riksdaler* to Margrete. During the Supreme Court voting, the judges put particular emphasis on the damage which had been brought upon Margrete's good name, but also the fact that Christian had broken the law in an additional manner when he married Johanne. Furthermore, he had actively tried to put further damage on Margrete's reputation by addressing her with harsh words and writings.⁶⁸ In other words, with reference to NL 1687 6-13-4 and 6-13-5, the original verdict may have been justified, but when considering Christian's further misdoings, the judges agreed that Margrete was entitled to a higher compensation. One of the Supreme Court judges addressed these misdoings in particular:

The sum which the Supreme Court [in Norway] has attributed to the plaintiff to enjoy would in every sense have been sufficient if Rosenkrantz had only let it be with

⁶⁶ See footnote 23: 'It is the same matter if someone lies with an unmarried woman, or a widow, who has previously been free of rumors.' (NL 1687 6-13-5). In other words, if a man and a woman had engaged in a sexual relation, and if the woman had a good reputation, the man should either marry her or provide her with a compensation.

⁶⁷ *Riksarkivet*: *Overhoffretten 1667–1797*, *Avsiktsprotokoll* no. 40, 1710, fol. 18b; *Overhoffretten 1667–1797*, voting protocol no. 145, 1710, fol. 28b–29a.

⁶⁸ *Rigsarkivet* (Danish National Archives), *Højesteret*, voting protocol no. 53, 1711, pp. 8–14.

the offence which he made towards a good-rumored widow, but when I consider his behavior which is indecent and offensive, indecent in that he has tried to bring her into disgrace with unprovable additions, offensive in that he has so little respect for the King's law and right and have married another [...] [he] should at least give her 1000 *riksdaler* ...⁶⁹

Not all of the judges were in agreement regarding the sum. While nine of the fifteen judges had agreed on a final compensation of 1000 *riksdaler*, four judges argued that 500 *riksdaler* was enough. One judge argued in favor of 700, while another argued in favor of 600 *riksdaler*. One of these judges moreover argued that Christian should be forced to leave the country. Several judges pointed out that Christian had indeed *lured* a good-rumored widow into a relationship and offended her; before he married Johanne Vibe. One judge moreover noted that Margrete had only been involved in a sexual relationship with Christian because she thought that he had given her an honest promise of marriage. In other words, the responsibility was again perceived to be on Christian's side, and he was presented as a cunning seducer.⁷⁰

It is however uncertain if she ever received the compensation. In a letter written in 1712 by Margrete to the king, she revealed that she had not yet received any money. She complained that all her assets had been spent on the trials and on the numerous long journeys which she had to make in the course of this process. Her friends had lent her money, but they were now requiring her to pay them back. Thus, she begged the king to make Christian pay what he owed.⁷¹ This indicates that even a woman of high standing such as Margrete Bull would have trouble taking a case to the level presented here; the only way she managed to withstand this lengthy process, was through support. She was however not the only one having trouble with money. In several letters written in 1711 by Johanne (Christian's new wife) to the king, she explained that Margrete had tried to get a hold of Christian's salary – 400 *riksdaler* yearly – since he would not provide her with the compensation. Johanne complained about Margrete's endeavors, explaining to the king

⁶⁹ *Rigsarkivet*: Højesteret, voting protocol no. 53, 1711, p. 13. Original: 'Dend summa Oberh-Retten har tillagt CitantJnden at nyde hafde i alle maade været tilstreckelig dersom Rosenkrantz hafde alleene ladet det blifve ved dend krenkelse som var skeet af Een uberøgtet Enke mens naar ieg considererer hans adferd som er usømmelig og formastelig, usømmelig i det h[an]d hende har vildet gravere med ubeviislig tilleg, formastelig i det h[an]d har baaren saa lide respect for Kongens lov og Ret og ... ladet sig vie til Een anden, Saa kand ieg icke rettere skiønne end slig adfærd andre til exempel bør straffis, og at Rosenkrantz i det ringeste bør gifve hende 1000 rd ...'

⁷⁰ *Rigsarkivet*: Højesteret, voting protocol no. 53, 1711, pp. 10–14.

⁷¹ I have not managed to find the original letter, but it is summarized in Bull, pp. 38–39.

that she and Christian had lost everything and were now poor. She begged to have the punishment reduced and for Christian to keep his salary.⁷²

Johansen has pointed out that women's main motives for suing their lovers in court for a broken promise, was on the one side economic. The compensation would make the woman attractive once again on the marriage market, and if the relationship had resulted in an illegitimate child the woman was in need of economic support. However, Johansen also argues that '... monetary compensation was important because it placed guilt on the man, the seducer, and symbolically restored the woman's honour.'⁷³ Telste has similarly argued that these trials concerned more than demands of marriage and compensation; they primarily concerned honor. For many, the purpose of the trial was predominantly to seek reparation for the defamation which had occurred.⁷⁴ This aspect is clearly reflected in the above-mentioned verdicts. Thus, even if Margrete Bull never received the money which Christian Rosenkrantz owed her, her reputation remained intact, which was an important victory as well.

Conclusion

In this article, I have conducted an in-depth case-study of the Bull vs. Rosenkrantz case, concerning a broken promise of marriage. In line with previous research on such cases in early eighteenth-century Norway, this is in several ways a typical example. Christian had given Margrete a promise of marriage and made her pregnant, and then changed his mind. He denied fatherhood of the child and moreover denied there had ever been an engagement. However, Margrete had support in the community and was considered a decent woman. She managed to prove that, although not all formalities had been followed, Christian had given her a promise of marriage in the presence of a vicar and a couple of witnesses, and moreover made her pregnant. The courts thus sided with her. What makes the case less typical was the social status of Margrete and Christian: they belonged to the upper strata of society and had plenty of resources to make it a lengthy trial.

Though Margrete had a stronger case than many other women in her time, the judges' particular emphasis on protecting the honor of a 'good-rumored widow' indicates that providing evidence of an engagement was not necessary to win the trial. If a woman had sufficient support in the community (witnesses), the judges did not find it too important whether there had been a formal engagement. While

⁷² Danske Kanselli 1672–1799, Norske tegnelser, no. 19 1710–1714, fol. 208a–208b; Næsje, pp. 145–146.

⁷³ Johansen, 'Marriage or money?', p. 32.

⁷⁴ Telste, pp. 182.

the courts demanded *some* evidence from Margrete, it did not hurt her case that the engagement was found to be only semi-formal. The seduction, the sexual intercourse and the offence which Christian had made towards her good name was to a larger extent emphasized in the final judgements, more than a broken engagement. In the judges' views, Christian was the seducer. When he refused to marry her, he had offended her. Christian was viewed as the responsible party in this case, because Margrete was considered a decent woman. This was also reflected in the judges' consistent siding with the latter: any attempts made by Christian and the vicar to hinder her endeavors were unsuccessful.

This was in line with the pragmatic, medieval conception that illicit sex was a man's responsibility if the woman was considered decent: in this situation, it was an offence committed by the man against a virgin, or a widow (*møykrenking*). To restore the woman's honor, the man could either marry her or provide her with a compensation. Norwegian scholars have demonstrated that, before the issuing of the 1734 ordinance (stating that only formal engagements were judicially valid), Norwegian courts often looked to medieval tradition when reaching their verdicts. In contrast to for instance Sweden at the time, this tradition was still seemingly strong in Norway. Private promises of marriage or even sex alone could be considered judicially binding, making it possible for the woman to demand marriage or a compensation. The case study presented in this article has provided a deeper insight into the persisting relevance of this tradition in Norwegian matrimonial cases, in all levels of court, and in a period when other countries had transitioned to stricter regulations. The case study demonstrates that, in early eighteenth-century Norway, women could still present themselves as an offended maiden in court if they had a good reputation and sufficient support from their local community.

ANNE-SOFIE SCHJØTNER SKAAR (b. 1994) is a PhD-student in history at the Norwegian University of Science and Technology (NTNU), Department of Modern History and Society. Her research interests particularly include the witchcraft trials in early modern Europe and Sami missionary history, and she has mostly worked with magistrate protocols and other judicial records. She is currently working on her PhD-project about the late witchcraft trials in eighteenth-century Trøndelag, Norway, exploring how the Norwegian trials came to a final end in this period.

Figures & tables

Date	Court	Plaintiff vs. defendant	Subject of the trial	Outcome
30 th of January 1706, 7 th of July 1706, and 27 th of January 1707	The local court in Beitstad	The deputy bailiff (<i>lensmann</i>) and the tithe subcontractor vs. Margrete Bull	Missing tax and tithe payment	After the final trial, she was sentenced to pay what she owed within 15 days
16 th of September 1707	The local court in Beitstad	Margrete Bull vs. Christian Rosenkrantz	The broken engagement	Inconclusive
11 th of January 1708	The Consistory Court in Trondheim	Margrete Bull vs. Christian Rosenkrantz	The broken engagement	Inconclusive
22 nd of February 1708	The Consistory Court in Trondheim	Margrete Bull vs. Christian Rosenkrantz	The broken engagement	Inconclusive
26 th and 27 th of April 1708	The local court in Beitstad	Christian Rosenkrantz vs. Margrete Bull	The broken engagement	Inconclusive
27 th of April 1708	The local court in Beitstad	Christian Rosenkrantz vs. Margrete Bull	Lacking payment and care-taking of Fosnes farm	Margrete was sentenced to pay the cost of damage, 43 <i>riksdaler</i> , to Christian
11 th of July 1708	The local court in Stod	Margrete Bull vs. Christian Rosenkrantz	The broken engagement	Inconclusive

Table 1 presents an overview of the many trials in which Margrete Bull was involved in the period 1706–1711.

24 th of September 1708	The Consistory Court in Trondheim	Margrete Bull vs. Christian Rosenkrantz	The broken engagement	Inconclusive
13 th of October 1708	The local court in Beitstad	The bailiff vs. Margrete Bull	Missing tax payment (5 <i>riksdaler</i> and 1 <i>ort</i>), and charges of sex outside marriage (<i>leiermål</i> , 6 <i>riksdaler</i>)	The magistrate noted that her iron stove (worth 15 <i>riksdaler</i>) would be confiscated until she was able to make payment
6 th of November 1708	The Consistory Court in Trondheim	Margrete Bull vs. Christian Rosenkrantz	The broken engagement	Christian was sentenced to pay 300 <i>riksdaler</i> to Margrete
24 th and 25 th of May 1709	The local court in Beitstad	Vicar Christopher Hersleb vs. Margrete Bull	Love magic	Inconclusive. They were likely reconciled
5 th of July 1709	The Deanery Court in Trondheim	Margrete Bull vs. vicar Christopher Hersleb	The marriage of Christian Rosenkrantz and Johanne Vibe, which was conducted by vicar Hersleb	They were officially reconciled, and vicar Hersleb was sentenced to pay 150 <i>riksdaler</i> to Margrete
7 th of March 1710	The Supreme Court of Norway (<i>Overhoffretten</i>)	Margrete Bull vs. Christian Rosenkrantz	Increasing the compensation sum decided upon by the Consistory Court	The original verdict of the Consistory Court was tightened: Christian was sentenced to pay 500 <i>riksdaler</i> to Margrete
5 th of March 1711	The Supreme Court of Denmark (<i>Høyesterett</i>)	Margrete Bull vs. Christian Rosenkrantz	Increasing the compensation sum decided upon by the Supreme Court of Norway	The verdict of the Supreme Court of Norway was tightened: Christian was sentenced to pay 1000 <i>riksdaler</i> to Margrete