DUKES, EARLS, AND MAORMARS.

It is with great regret that I am compelled to pursue my controversy with Mr. Lindsay, but it is necessary, in simple justice to myself, to call attention to his astounding statement :—

"In answer to Mr. Round's concluding paragraph, I say, emphatically, that the Maormar of ancient Celtic Scotland was as truly a peer as the dukes (*sic*) and earls of Saxon England. If the latter had left heirs there would be no absurdity in an existing English Earldom dating from before the Conquest, and such a fact does not appear incredible, or its assertion amusing, when it relates to Scotland" (*ante* p. 124).

For my part, I can only "say emphatically" that, but for this paragraph, I should have refused to believe that an official of the College of Arms could, in these days, gravely record his belief in the existence of Saxon "*dukes*" (!) Of course, if Mr. Lindsay believes this, it is most natural that he should believe, as he gravely does, an existing Scottish Earldom to have been "created before 1014," on the ground that a "maormar of Mar" occurs (in Ireland) in that year. No doubt Mr. Lindsay feels a generous pity for that mushroom nobility south of the Tweed, which cannot boast among its ranks an existing Saxon "duke-dom," derived from these Saxon "dukes" (*duces*) who were, no doubt, "as truly" dukes, as "duke Shammah, duke Mizzah," and their fellows among the sons of Esau! It is scarcely necessary, in these days, to explain that *duc* in "Saxon England" was the Latin equivalent of *Ealdorman*, "the chief magistrate of a shire or cluster of shires" (Stubbs, *Const. Hist.* i, 111, 113, 158-9 ; *Select Charters*, p. 519).

But let me refer Mr. Lindsay to a treatise by a fellow-countryman of his own, Mr. M'Kerlie's *Earldom of Marr*, where he will find these pleasant dreams rudely dispelled. The writer deals mercilessly with the Erskines' persistent—

"Attempt to make out an ancient standing for the earldom, which has no basis. The claim has been that from the ancient mórmhaors, it, and thereby their own descent in the female line, can be traced. This is opposed to history" (p. 1).

He proves, in the *first* place, that the *mórmhaors*—

"Held a much higher position than the earls who followed, although, through common phraseology, they have been confounded with them . . . They were, however, as distinct in rank and power as in race" (p. 4).

and, in the *second*, that—

"Of Donald, the nominal mórmhaor of Marr, who was killed at Clontarf in A.D. 1014, of whom mention has been made, *there is not a shadow of information of any kind to show, or prove, that he ever had any, or left, issue to carry on his line.* The conclusion, so far as can be gathered, is all the other way, and that with him his family ended" (p. 17).

Let me specially commend to Mr. Lindsay Mr. M'Kerlie's sagacious words :—

"There have been writers in abundance who have transferred the subject from the mythical to the real, and carried many believers with them, but *I think the period of that style of writing has expired*" (p. 18).

Surely, if there is such a thing as history, it is one's duty to raise a

protest against such a statement as that made, at Holyrood, by Mr. Goodeve-Erskine, that, as to the "ancient" earldom of Mar—

"I have the honour to inherit it from my Uncle, and the Earls of Mar, for the last *thousand years* (!)"

Is it not time for any sober historian to cry *Quousque tandem?*

Mr. Lindsay has exalted, before now, "the ancient nobles" and "the great dignities of Scotland" (GENEALOGIST, vii. 124). Let me suggest that his panegyrics should be compared with Mr. M'Kerlie's remarks on these Dignities:—

"It is fatal to purity of descent for titles to be inherited by females, who through marriage may take them to families of the lowest origin. . . . If properly understood, the chequered course it [the Scottish peerage] has had, should moderate pride and over-value."

Lastly, as to my critic's observations on my views as to the Earldom of Mar and its present position, I need only point out that I never insisted on the mediæval earldom being "extinct," but only in its being, at best, *dormant* (and, therefore, yet to be claimed); and that, instead of meeting me on my own ground, he endeavours, as was to be anticipated, to drag me into a discussion on the *merits* of the decision, which I distinctly, from the very first, excluded from my theme. As Mr. Lindsay is thus compelled to "travel out of the record," it must surely be concluded that my own argument remains unassailable and intact.

J. H. ROUND.

In answer to the foregoing observations of Mr. Round, in which he, with great regret, exhibits my ignorance, expresses emphatic astonishment that an official of the College of Arms should gravely assert the existence of Dukes and Earls before the Conquest, and finally accuses me of having endeavoured (as he expected) to drag him into a discussion (out of the record) upon the merits of the decision in the Mar Peerage case—supporting his ridicule of any possible connection between the Maormars and Earls of Mar by copious quotations from and references to a Mr. McKerlie—I beg leave to make the following remarks:—

1. That whether or not a lineal descent from Maormars to Earls can be proved as a matter of pedigree, I have expressed no opinion, but inasmuch as the seven original earldoms of Scotland were Celtic, and occupied a position *sui generis*, I think it very probable that the first Earls found in possession were the representatives of the previous Maormars, though the law of tanistry may have prevailed and the relationship may not have been that of father and son. Upon this point others may differ, and think the contrary opinion more probable. My "dreams" will not, however, be "rudely dispelled," unless by a writer of recognised authority, and I candidly admit that I am unacquainted with Mr. McKerlie's claim to that rank.

2. I think it very probable from the whole tenor of Mr. Round's argument that he has derived his knowledge of the subject from Mr. McKerlie and not from the Minutes of Evidence and printed Cases. I enquired in my first article last January, whether Mr. Round had read these, but have not elicited a reply.

3. There exist at least 150 Anglo-Saxon Royal Charters attested by persons with the title "dux." That this was not altogether a vague title

is shown by the strict order of precedence, and by the fact that in some cases the nobles are divided into *duces* and *comites*.

A charter of "Godiva uxor Leurici Anglici Consulis" to Victor, &c., of the date 1060—1066 is granted, confirmed, and attested by King Eadward, Leofric *dux*, Seward *dux*, Harold *comes*, and Tosti *comes*, among others.

A charter of Coenuucalha King of Wessex, before 675, is confirmed and attested by the King, the Archbishop, three Bishops, one "dux," one præfect, and one "comes."

The opinion that an elaborate system of feudal peerages or dignities existed at an early period in England, is supported by a charter of the date 664, or thereabouts, by "Wulfere Rex Merciorum et Mediterraneorum Anglorum . . . . . Deo et beato Petro et monasterio suo de Medeshamsted..." in which, after a long enumeration of lands, occurs the following passage :—"Præcipimus etiam quod prædictum Monasterium et dominia sua sint libera et quieta ab omni dominatione, exactione comitum, baronum, vice-comitum et ministralium suorum, &c."

This charter is confirmed and attested by four kings and four nobles with the title *princeps*. The Saxon charters from which I take these extracts were collated, latinized, and printed, under the editorship of John M. Kemble, by the English Historical Society, and I refer my readers to vol. iv. p. 168, and vol. v. pp. 2 and 12, for the above quotations, and to the prefaces for a list of the manuscripts consulted.

An index of Kings, Bishops, Dukes, Abbots and the general *Fasti* of the Anglo-Saxon kingdoms was promised but I do not possess it.[1] I am of opinion that whatever may have been the constitution of dignities before the Conquest, I have sufficient authority for the expression which has astonished Mr. Round.

4. I have not the slightest wish to drag Mr. Round into any discussion whatever. I consider—to speak frankly—that it is he and not I who has travelled out of the record, and that he has not shown me the courtesy I had a right to expect. He began by impugning the *honesty* of those who argue for the continued existence of the ancient Earldom of Mar side by side with a modern Earldom admitted only by them in deference to the House of Lords. And when I endeavoured to explain the admissibility of the argument, he retorted in a very unusual manner, and he now with great regret but—in justice to himself (!)—endeavours to ridicule me in my capacity as an officer of arms.

Whether he succeeds or not I must leave to the judgment of my readers. I continue to believe in the existence of a connection between Saxon and Norman peerage in England, and between Celtic, Saxon and Norman dignities in Scotland—just as I look to the Wittenagemot for the origin of Parliament. I regret that the ancient English Earldoms should have died out, and I am glad that a few exist north of the Tweed But I reserve my "generous pity" for those whose object it is to make our institutions as modern in their origin as possible; for those who have no belief in peerages before letters patent and summonses by writ; and for those who import personalities into antiquarian argument.

W. A. LINDSAY, *Portcullis*.

[1] I refer Mr. Round further to the fifth chapter of Selden's "Titles of Honour."