THE EARLDOMS OF DOUGLAS AND MAR.

Mr. Lindsay has said of my offer to write on the evidence laid before the "Mar Restitution" Committee on the titles of Douglas and Mar :—"I confidently await his onslaught" (*ante* Vol. ix, p. 197). That "onslaught" will, as before (in my article on Janet Barclay), consist merely in confronting the evidence with the records on which it professed to be based, and shewing again, as I shewed then, that—however incredible the assertion may appear—the evidence deliberately given, and of course accepted by the Committee, was, on several points, at direct variance with the records, and at variance, moreover, with the witness's own interpretation of them as Editor of the Exchequer Rolls. That is my case.

It was, admittedly, of the utmost importance for establishing the preamble of the Bill, to prove that Margaret, wife of William, and mother of James, Earls of Douglas, was Countess of Mar in her own right, and that her daughter Isabel succeeded her in that dignity. It was equally necessary to prove that Margaret's son James, who died in her lifetime, was only Earl of Douglas, and never Earl of Mar. Round these two points the struggle has throughout raged. Let us take them *seriatim*.

Firstly, as to James. Messrs. Burnett and Lindsay, before the Committee, strenuously urged that he was Earl of Douglas, but never of Mar also (pp. 28-9, 53). Had he been so, indeed, there was an end of their case. Yet when we turn from Mr. Burnett the witness to Mr. Burnett the Editor of the Exchequer Rolls, we are distinctly and ultroneously informed that he *was* Earl of Mar! In Mr. Burnett's introduction to Vol. iii, he is spoken of as "the eldest son of the Earl of Douglas, afterwards *James, Earl of Douglas and Mar*" (p. lxxxiii). Again, in this same volume his widow, also, is recognised by Mr. Burnett as Countess of Douglas *and Mar*. On p. 725 we read :—"Isobel, daughter of Robert II., wife of James, second Earl, called Countess of Douglas and Mar [p.] 691." The entry referred to on p. 691 records the remission of the custom on six sacks of wool to "the Countess of Douglas *and Mar*" ("Comitisse de Douglas et *Mar*"). Though no name, we see, is mentioned, Mr. Burnett unhesitatingly identified this Countess with the widow of Earl James, whom *ut supra* he similarly styles "Earl of Douglas and Mar." But when we turn again from Mr. Burnett the Editor to Mr. Burnett the witness before the Lords' Committee, we find her no less unhesitatingly identified (not with Isabel, the widow, but) with Margaret, the mother of the Earl!

9. MR. LINDSAY.—"Is there a reference there [p. 691] to Margaret, Countess of Douglas and Mar?"
   MR. BURNETT.—"Yes: 'Et in remissione facta per regem Comitisse de Douglas et Mar,'" &c., &c.
14. LORD BLACKBURN.—"Is it Margaret or Isabella?"
   MR. BURNETT.—"It must be Margaret."[1]

This, we see, is directly contrary to Mr. Burnett's verdict as Editor. Moreover, there is no "must" about it, so far as the entry itself is concerned. One Countess is *prima facie* as likely to have received the

[1] ***Minutes***, p. 53.

remission as the other, and indeed Mr. Burnett himself assumed, as Editor, it was Isabel. Of course, if (as the preamble required) Margaret alone could be Countess "of Mar," the entry could only refer to her, but there is nothing in the entry to prove this assumption, which indeed was the very point in dispute before the Committee!

Now if a mere "Southron" like myself had ventured to speak of James as "Earl of Douglas and Mar," one can imagine Mr. Lindsay overwhelming him with scorn. But, only last year, an article in the *Scottish Review* (xx, 252-3), from the pen of the present Lyon, contained these words :—

> The Douglas or "Cavers" standard has long been a puzzle to antiquaries. It is described in the Catalogue [of the Heraldic Exhibition] as the standard of James, second Earl of Douglas and Mar, which was carried by his son, Archibald Douglas of Cavers at the Battle of Otterburn in 1388.

Now this catalogue was the work of Mr. Grant, Carrick Pursuivant, a "Scottish Herald," of whom Lyon went on to speak in high terms (p. 249). What has "Portcullis" to say to "Carrick?"

But indeed even Messrs. Lindsay and Burnett could not always agree about these titles and their use. Take, for instance, such evidence as this :—

p. 31. LORD BLACKBURN.—"Is it correct that William is never called Earl of Mar?"
MR. LINDSAY.—"On the contrary, my Lord, *he is almost always called Earl of Mar* after 1377, the date of the death of the last male Earl."

p. 53. MR. BURNETT.—"There are frequent mentions of both Earls of Douglas [James and William]; *they are always called Earl of Douglas merely.*"

Before we leave Earl James and his wife, attention may be drawn to to this passage in Mr. Burnett's Introduction to his second Volume (p. lxxxii) :—

> "Sir James of Douglas, son of the Earl of Douglas, had immediately on Robert's accession, an annuity of 100 marks settled on him; £500 were paid him (*sic*) on his marriage to the king's daughter Margaret (*sic*), p. 433."

On referring to p. 433, we find, from the entry itself, that (though the annuity was paid to James) the £500 were paid *not* to James but to his father. We further find that his bride's name was *not* Margaret but Isabel.[1] This ultroneous substitution, by Mr. Burnett, of "Margaret" for "Isabel" of his own record, becomes more strange when we read in the Introduction to his fourth Volume (p. clxiii) that

> "there is abundant evidence of her name being Isabel, while Margaret was the name of her elder sister."

Returning once more to the entry relating "Comitisse de Douglas et Mar," which "must," Mr. Burnett told the committee, refer to Countess Margaret, we find the evidence proceeding as follows :—

11. CHAIRMAN.—"That is the only mention of Margaret?"
MR. BURNETT.—"The only mention in the Rolls."
12. "Under either name?"
"Under any name. She is called Countess of Douglas and Mar."[2]

I meet this evidence with a direct negative. Iti s not the case that this is "the only mention" of her "in the Rolls." We need go no

[1] "In solucione facta *domino Willelmo Comiti de Douglas* causa contractus matrimonialis inter filium ipsius comitis et *Isabellam* filiam regis, ut patet per literas regis de precepto et *ipsius* comitis de recepto V^c li."

[2] *Minutes*, p. 53.

further than the Index (ii, 647) to learn that she appears on the Rolls as "Countess of Douglas" in 1364.[1]

More striking still is the case of her daughter, "the Countess Isabella." Let us look at this evidence (pp. 53-4).

17. CHAIRMAN.—"Have you anything [in the Exchequer Rolls] about the Countess Isabella?"
MR. BURNETT.—"The Countess Isabella is not mentioned until shortly after her marriage, and she is always called Countess of Mar."
18. LORD BLACKBURN.—"When is she mentioned?"
MR. BURNETT.—"About the very time of her marriage."
19. "What is she called then?"
"She is never called anything but Countess of Mar."
20. CHAIRMAN.—"In the Exchequer Rolls?"
MR. BURNETT.—"In the Exchequer Rolls. There is no mention of her under any other name."
21. LORD REDESDALE.—"When is she first called Countess of Mar?"
MR. BURNETT.—"About the time of her marriage with Alexander Stewart."
22. LORD BLACKBURN.—"How is she brought in? Has she a remission of the tax on wool or what?"
MR. BURNETT.—"I will refer you to the passage. This is an account rendered on the 24th of March 1405-6 by the custumars of Aberdeen, or collectors of the Aberdeen custom."
23. LORD REDESDALE.—"It is after her marriage?"
MR. BURNETT.—"After her marriage . . . [24] That is the earliest mention of her in the Exchequer Rolls."
25. LORD KER.—"That was after her second marriage?"
MR. BURNETT.—"Yes."
26. LORD REDESDALE.—"After the charter?"
MR. BURNETT.—"After the charter."

I meet these persistent and repeated asseverations with two direct negatives. It is *not* the case that "There is no mention of her under any other name," and that "she is never called anything but Countess of Mar." It is *not* the case that the passage referred to above by Mr. Burnett "is the earliest mention of her in the Exchequer Rolls." The earliest mention of her on the Rolls is to be found, not in an account of 1406, but in one of 1391, *fifteen years earlier*. She is there merely styled "the sister of the late Earl of Douglas" ("sororis quondam comitis de Douglas.") We have, in fact, a series of entries relating to her, originating thus. Her brother, the Earl, had held an annuity of 200 marks charged on the Customs of Haddington. At his death she, as his sister and heir, became entitled to receive two-thirds of the annuity, while the balance formed the terce of his widow Isabel, her sister-in-law and namesake. Accordingly we find their respective husbands drawing these shares in right of their wives :—

> "Et domino Malcolmo de Drommund, percipienti per annum de custumâ dicti burgi duas partes ducentarum marcarum hereditarie sibi contingentes racione *sponse sue sororis quondam comitis de Douglas* . . . Et domino Johanni de Edmunston percipienti racione *Comitisse de Douglas sponse sue*," &c., &c.[2]

In the next entry (16 March 1391-2) Drummond receives his share "racione *sponse sue*," while Edmonstown draws his "racione *Comitisse de Douglas sponse sue*." Either (as implied by the evidence) the styles in these entries are of importance, or they are not. If they are, it is

[1] "Et comiti de Douglas . . . Et comitisse de Douglas," ii, 132.

[2] Account of the Custumars of Haddington, rendered 15 Feb. 1390-1, (*Exchequer Rolls*, Vol. iii, p. 227).

strange, to say the least, that the alleged Countess in her own right has no style assigned her, while that of her sister-in-law (though she only bore it as her former husband's widow) is duly entered.[1] Is it on this account that these entries were thus ignored by the witness? It is at the Account of 13 May 1400 (from 29 April 1399) that Drummond last draws his share "pensionis sibi debite racione *sponse sue.*" Not till she appears upon the Rolls as the wife of her second husband is she styled Countess of Mar, a fact which (if, as I have said, these styles prove anything) is certainly significant, considering that she is not so styled before. Thus the entry quoted (*ut supra*) by Mr. Burnett (24 March 1405-6) styles her Countess of Mar ("domine Isabelle Comitisse de Mar.") But here again arises the question as to inference from these styles.

24. CHAIRMAN.—"The husband is called Dominus de Mar?"
MR. BURNETT.—"Yes, and the wife is called Countess of Mar."

Mr. Lindsay called attention in a similar way to another such mention of the same parties:—

"You will observe that she is styled 'Issobella de Douglas Comitissa de Mar et Gareach,' and Alexander Stewart is not styled Earl of Mar."[2]

Yet, as an instance of how misleading such distinctions are, let us take the Account of the Custumars of Haddington, which Mr. Burnett did not quote, and compare it with the Aberdeen one of the same Session, which he does. The Haddington Annuity is entered as paid.

"*Alexandro Comiti de Marr* percipienti per annum hereditarie ducentas marcas racione *Isabelle Comitisse de Marr sponse sue.*"[3]

Here then Alexander is styled "*comes* de Mar" on the Rolls, though in the Aberdeen Account only three days before, he had appeared on them as "*Dominus* de Mar." This has an important bearing on the case of the first husband, Sir Malcolm Drummond. On this we read:—

LORD BLACKBURN.—"Is there anything to show this:—although Sir Malcolm Drummond may have styled himself 'Dominus de Mar,' he never claimed to be Earl of Mar in right of his wife, I think?"

MR. LINDSAY.—"No; I am not prepared to say he did not, but I cannot prove that he did. I put it in that way, because I am inclined to think that there is some slight evidence about it, but it is very slight . . . He called himself 'Dominus,' but I cannot see that he called himself 'Count.' The question as to the circumstances under which a person who married a Peeress in her own right became Earl, would be a matter requiring much argument and consideration."[4]

Yet though the matter is here left thus doubtful by Mr. Lindsay, he subsequently appeals to the fact that Sir Malcolm is not described as "Comes" of Mar, and urges as an "inference" of the highest importance that—

"if it is clear that Sir Malcolm of Drummond was not described as Earl of Mar there, it is perfectly certain that she [Isabella] is not Countess of Mar as the widow (*sic*) of Sir Malcolm of Drummond."[5]

[1] So again later (p. 314) Drummond receives "tanquam heres dicti comitis, racione *sponse sue*," while the terce is deducted "racione comitisse de Douglas."
[2] *Minutes*, p. 42. Compare also Mr. Lindsay. (p. 30):—"Your Lordships will find at No. 471 a document, which is translated into English below, which describes 'John of Swinton' as 'Lord of Mar,' and 'Margaret, his spouse,' as 'Countess of Douglas and Mar.'"
[3] Vol. iii, p. 643.
[4] *Minutes*, p. 25.
[5] *Minutes*, p. 32.

Passing over the fact that the Charter to which Mr. Lindsay here refers is of date 1397, and that Isabella was then the wife, not the "widow" of Sir Malcolm;[1] we find him basing his argument on the fact that Sir Malcolm is only described as "Lord" not "Earl" of Mar. But we have seen, in the case of Alexander Stewart, how interchangeably these styles were used. Nay more, we have Mr. Lindsay himself elsewhere, and for another purpose, insisting upon this very fact:—

MR. LINDSAY.—"I venture to submit that 'Earl' and 'Lord' are to all intents and purposes the same thing . . . Numbers of persons who are undoubtedly Earls are styled 'dominus,' although it is not done the other way. There are numbers of persons whose titles are interchanged."[2]

That is to say, to put it plainly, "Lord" means the same as "Earl," when it is desirable that they should do so; but when it is not, then there is a distinction from which a most important "inference" can be drawn. I need not comment on the unsatisfactory character of such evidence as this. It is best to explain it by confusion on the part both of counsel and witness.

Returning now to the reiterated assertions, in Mr. Burnett's evidence that Isabella "is never called anything but Countess of Mar" in the Exchequer Rolls; let us take this further evidence.

27. MR. LINDSAY.—"Are there many other references to Isabella, the Countess of Douglas (*sic*)?"[3]
MR. BURNETT.—"Yes, there are, later."
28. "Is she always called Countess of Mar?"
"Yes."[4]

What then are we to say to such an entry as "*Isabelle de Douglas* sponse sue?" (iv, 69.) This is a matter so simple that anyone can decide it at once. Is the evidence here and elsewhere accurate, or is it contradicted by the very entries themselves?

When the discrepancies I have laid bare in this paper are carefully considered, it cannot but be thought a most extraordinary and indeed suggestive circumstance that such evidence as this should have been formally given before a Committee of the House of Lords. Stranger still is it that it should be given by the very Editor of these Rolls himself, who was, moreover, described by Mr. Lindsay as "having made a considerable study of all the documents relating to the Earldom of Mar, and being very well qualified to explain any of them.[5] Mr. Lindsay (who himself it will be remembered announced that he was "very familiar with the Exchequer Rolls") further informed the Committee that Mr. Burnett would state "that the originals of them have been in his custody, as the Government Editor, and he will certify that the printed copies of the documents, which have been in his custody, are correct."[6] Accordingly, we read as follows:—

[1] He last appears as drawing the annuity in her right 13 May 1400. (*Exchequer Rolls* iii, 493.)
[2] *Minutes*, p. 44.
[3] She was, of course, never Countess of Douglas at all.
[4] *Minutes*, p. 54.
[5] *Minutes*, p. 5.
[6] *Ibid*, p. 28.

1. MR. LINDSAY.—"Have you searched the Exchequer Rolls of Scotland for reference to the Earls or Countesses of Douglas and Mar?"
   MR. BURNETT.—"I have . . . [4] I have gone over them and examined them carefully."
7. CHAIRMAN.—"Have you compared them with the paper which you propose to put in?"
   MR. BURNETT.—"Yes."
8. "And is it correct?"
   "Yes."[1]

For my part I am content to take my stand on the single point of Mr. Burnett's evidence as to the date of "Janet Barclay's" death. This alone would prove my case as to the almost incredible carelessness with which his evidence was given and received. Nor should it be forgotten that my criticisms and corrections all refer to a very narrow range of extracts from the Exchequer Rolls.

But really the evidence as to the contents of these Rolls is of a piece with the whole proceedings. What I seek specially to insist upon is their essentially unsatisfactory character. Take for instance their treatment of this important point that the Erskines themselves only claimed to be heirs expectant to "*ye half of* ye fornemyt erldome & lordship."[2]

LORD BLACKBURN.—". . . his claim is only to one-half of the lands, or rather his wife's half."

CHAIRMAN.—"I take it for granted there was a sister."

LORD BLACKBURN.—"I suppose there must have been."

MR. LINDSAY.—"I do not think I can prove that to your Lordship; but otherwise, why should Sir Robert Erskine, in his first claim, have claimed half the lands?" &c., &c.

LORD BLACKBURN.—"I suppose his wife had a sister; we do not know who that sister was; still less do we know who was the elder of the two sisters."

MR. LINDSAY.—"We do not," &c., &c.

LORD REDESDALE.—"Was not the other half supposed to go to Lord Lyle?"

MR. LINDSAY.—"That suggestion was made in the case with which your Lordship is so familiar, but I do not think it ever was proved."[3]

Is it possible, I ask, to imagine a more "lame and impotent conclusion?" The Lyle heirship, on which Lord Crawford's assumption is absolutely without proof, remains wholly unaccounted for, while the mysterious "sister" is left in such obscurity that for all we know, it would seem from this, she may, if she existed, have been the elder, and consequently the heir to the Dignity, and have been ousted somehow or other in those lawless times!

I think that those who have done me the honour to peruse my two articles, "Janet Barclay" and the present one, will admit that I have made out my case beyond the possibility of question, and that never was evidence more loosely given than that on which was based the preamble to the Act by which "Mr. Goodeve Erskine" became "Earl of Mar."

J. H. ROUND.

[1] *Ibid*, p. 52-3.

[2] Mr. Lindsay claimed that this "erldome" was "certainly not" a territorial earldom (*i.e.*, the lands merely), but the Committee would not listen to this, even the Chairman pronouncing, "That the whole clearly relates to the lands there can be no doubt at all" (p. 38).

[3] *Minutes*, pp. 37-8.

THE EARLDOMS OF DOUGLAS AND MAR.

In January, 1893, Mr. J. H. Round concluded an article on "Janet Barclay" with the statement that he was "quite prepared to criticise and rebut some of the evidence bearing on the titles of Douglas and Mar." I accepted his challenge, and in reference thereto he has published an article in the October number of the *Genealogist*, attacking not the Earldoms of Douglas and Mar (as to which, except in one sentence, he says nothing at all), but attacking the accuracy of myself and the late Mr. Burnett, acting as counsel and witness in 1885. He says, in effect, that evidence was then given, respecting the Exchequer Rolls of Scotland, at variance with the records themselves; and that Mr. Burnett's opinions or inferences stated in 1885 differed from the opinions which he had expressed as Editor of these Rolls.

The first ground for this indictment, stated on page 65 of the *Genealogist*, turns out on examination to rest on a mistake in the Index to vol. iii of the Rolls. There an entry is indexed under Isabel, Countess of Douglas, which anyone who consults the entry, with the assistance of later knowledge, can see should have been indexed under Margaret, Countess of Douglas and Mar.

Then follows a quotation from the present Lyon King of Arms, writing in the Scottish Review, shewing that he and Mr. Grant (Carrick Pursuivant) spoke of a person as Earl of Douglas and Mar who has been proved to have been Earl of Douglas only.

A long quotation is given from Mr. Burnett's evidence to show that he spoke of certain entries as the first relating to certain persons, whereas they were not the first, the reason being that Mr. Burnett was speaking of the entries of names, and not of references. On page 67 the indictment is brought to a head with reference to Isabella, who is stated by Mr. Burnett to be first named in an account of 1404-5, while Mr. Round finds her mentioned *fifteen years earlier*. So she was mentioned, but not by name. Whereas Mr. Burnett was giving evidence as to the use of a style or designation.

Further quotations are given from the Minutes of 1885 for the purpose of describing the Act "by which 'Mr. Goodeve Erskine' became Earl of Mar" as founded upon evidence "loosely given;" the innuendo being of course that the Preamble of that Act was not properly proved, and that "Mr. Goodeve Erskine" was not previously Earl of Mar. Surely an attack on my accuracy, or on that of the late Mr. Burnett, even if Mr. Round made out his case, is hardly worth all this labour. If Mr. Round wishes the readers of the *Genealogist* to believe that the Select Committee of the House of Lords—one of the strongest in respect of legal knowledge that ever sat on a peerage case—had false evidence foisted upon them, and were led to a wrong conclusion, why does he not say so in express words? And if he means less than that what is the value of his article? On page 68 appears the only sentence which can lead the reader to any perception of a definite proposition. "Not till she appears on the Rolls as the wife of her second husband is

she styled Countess of Mar." (This fact was stated by Mr. Burnett to the Committee.) I infer from this passage that Mr. Round still believes in the exploded myth that Countess Isabella was Countess only as the wife of a created Earl, but this loudly-trumpeted "onslaught" does not formulate that proposition.

Were it not for the great reputation which Mr. Round has deservedly acquired, I should scarcely have cared to reply; for whatever proposition I prove or disprove, I may be told was not the proposition asserted or denied by my critic.

The question being considered by the Select Committee, in reference to which Mr. Burnett and I are alleged by Mr. Round to have been inaccurate, was whether Isabella, Countess of Mar, was or was not Countess by inheritance, and the fact that 791 folio pages of evidence other than the Minutes quoted by Mr. Round, were before the Committee, in respect of this and other points of the case is studiously ignored.

True, Countess Isabella was not so described by name in the Rolls before her second marriage, for the simple reason that before the occasion referred to she was not the person who gave the Custumars a receipt. But she was conclusively proved by other evidence to have been Countess of Mar not later than 1397, her second marriage occurring in 1404. The facts have been so often discussed in the pages of the *Genealogist*, and the argument is so well known to all who take an interest in the Mar claims, that I feel some apology to be due from me if I say more. In respect of the critical point in the history, that which relates to the Douglas tenure of the Earldom of Mar, I can discover no inaccuracy in the evidence, while every reference given by Mr. Round agrees exactly with the Erskine claim. The Rolls, which he quotes, and in respect of which he finds that Mr. Burnett thought differently at one time to that which he thought when better informed, are all consistent. Sir Malcolm Drummond receives a pension to which he was entitled in right of his wife as the heir of her brother; and gives a receipt. This goes on for several years, and then, he being dead, his widow in respect of another pension (which belonged to him in his own right), gives her receipt for terce, and, having then to be described by her proper name, is described as Isabella, Countess of Mar. This is not the first evidence of being Countess, nor would it be satisfactory evidence of anything but reputation. If Isabella became Countess of Mar by inheritance, she became so soon after 1391, if, as seems probable, her mother then died. The documents applicable to these years are few, but they are consistent. She was spoken of by the Sovereign and by subjects as Countess for years before her second marriage, and she granted her marriage charters, to Sir Alex Stuart, as Countess. Mr. Round's reference to my argument upon Sir Malcolm of Drummond does not seem to me fair (p. 68). I never asserted that Sir Malcolm was not Earl of Mar, and therefore, &c. On the contrary, I hinted that he might have been Earl, and I was certainly of opinion and am so still, that the use of the word *Dominus* by the grantor of a territorial charter does not disprove his being an Earl. But I argued if I am wrong, and if the documents do negative the proposition that Drummond was Earl, then it cannot be said that Isabella was

Countess as his wife. She was Countess before her second marriage. Therefore she was Countess by inheritance. As it is clear, I may add, that Isabella de Douglas married Malcolm de Drummond before Countess Margaret's death, the succession to the dignity could only have occurred after the first of the entries in the Rolls, the purport of which was so "loosely" stated to the Committee.

Mr. Round's comparison (p. 66) between my statement that the Earl of Douglas was called of Mar, and Mr. Burnett's statement that the Earls of Douglas were never called of Mar is preposterous. I was arguing on the charter evidence already before the Committee—Mr. Burnett was giving new evidence from the Rolls only.

The above remarks suffice to indicate that any suggestion to the effect that the Committee of 1885 were misled by any misconduct or inaccuracy on the part of either myself or Mr. Burnett, is quite unjustifiable.

If Mr. Round desires to attack the Earldom of Mar on its merits I shall be happy to meet him, but I respectfully decline to contend any more against occasional attacks on the accuracy of any expression used by me or Mr. Burnett. The Act for the Restoration of the Earldom of Mar was passed on proof of the Preamble, not on the authority of Messrs. Burnett and Lindsay, but on a report from the Lord Chancellor (Halsbury), the Earl of Selborne, Lords Blackburn, Watson, and Fitzgerald. (Lords Coleridge and Bramwell being also members of the Committee, but absent.) As the principal point proved before the Committee was the existence of an ancient Earldom descendible to females, of which the Earl of Mar is heir. Mr. Round will find it hard to convince the readers of the *Genealogist* that these distinguished Judges were wrong,[1] but unless he is prepared so to contend the discussion is not worth continuing.

W. A. LINDSAY.

THE EARLDOMS OF DOUGLAS AND MAR.

Mr. Lindsay's article on this subject (*ante* pp. 129-131), calls for a brief reply. My own article, to which he refers, closed with these words :—

> "Let it not be said that I 'do not disprove' the Mar descent. I have not claimed to do so. What I have done is to expose laxity and confusion. Therefore, if my remarks are replied to, let me beg my readers—speaking from experience—to refer to what I have *actually written* before forming their conclusion" (ix, 137).

As I anticipated, warned by experience, Mr. Lindsay urges that I have not disproved the descent of the Earldom of Mar. He does not, and cannot, deny the "laxity and confusion" in the evidence tendered before the Committee and exposed in detail by me (ix, 132-137; x, 65-70).

It is *not* the case that "Mr. Burnett was speaking of the entries of names and not of references" and "was giving evidence as to the use of a style or designation" (*ante* p. 129) as alleged by Mr. Lindsay. He stated in evidence that "the only mention in the Rolls of Margaret" was where she is styled "comitissa de Douglas *et Mar*," whereas I proved that she is elsewhere entered as "comitissa de Douglas" only.[2] So too with Isabella, I proved (*ante* p. 67) that Mr. Burnett's evidence as to "mention of her in the Exchequer Rolls" was directly contrary to fact. I am obliged to add that, in both cases, this false evidence was favourable to the cause Mr. Lindsay and he were supporting. I do *not* say that it turned the scale; but I do say (and I have proved it) that the evidence was contrary to fact. If, as Mr. Lindsay contends, the critical point "was conclusively proved by other evidence," why were the Exchequer Rolls put in evidence at all? If, on the other hand, their evidence was needed, that evidence breaks down in the light of my disclosures.

J. H. ROUND.

[1] Vol. viii, p. 93.
[2] *Ante*, pp. 65-67.