

# **Stair Society**

## **Guidelines for Authors/Editors/Contributors**

### **INTRODUCTION**

The Stair Society publishes editions of and commentaries upon source material related to the history of law in Scotland, as well as monographs, collections of essays, and aids to research in that field. Proposals for publications by the Society may be made on a proposal form also available on this website or upon request to the Society's Literary Director. While the publication style for editions of texts and other sources is for agreement between the editor(s) and the Literary Director, authors of monographs, essays and introductions to editions must submit these materials in conformity with the house style of the Society as set out in the present guidelines. The Literary Director has the right to make amendments considered necessary to achieve this format, and may also make changes with a view to eliminating errors of typing, grammar, syntax, punctuation, spelling, and idiom; eliminating ambiguity, illogicality, tautology, circumlocution and redundancy; producing accuracy and coherence; and improving the mode of expression and style of writing.

### **GENERAL GUIDANCE**

#### **Title**

Monographs, editions and research aids should have an opening page displaying a full title for the volume, and the name(s) and designation(s) and current position(s) of employment of the editor(s)/author(s). Any such volume may also include a preface containing the author's acknowledgements. The main title of an article in an essay collection should appear centred at the head of the first page, in capitals. The author's name should appear below the title, also centred, in capitals and lower case italics. There should be an asterisk after the author's name, referring to the first of the footnotes (also asterisked). This footnote should include any acknowledgements which the author wishes to make. Brief biographical details of the author will be given in a separate page of the collection's eventual publication. An abstract of no more than 250 words should also be provided, to be printed in italic before the article text begins in its published version.

#### **Text**

Headings within the text are encouraged, to make the structure of the argument clear. It is recommended that no more than three degrees of heading be used, as follows:

#### **PRINCIPAL HEADING**

#### **Second grade heading**

*Third grade heading*

New paragraphs should be indented except in the case of the opening paragraph and any paragraph following a heading. Capitalisation should in general be used sparingly, e.g. for proper

names of persons, places, institutions and intellectual movements (King James, Viscount Stair, Aberdeen, Court of Session, Scottish Enlightenment). Common Law should be capitalised when used in the sense of referring to the Anglo-American legal tradition, but lower case in the sense of rules of law not derived from statute. Similarly, Civil Law or Civilian should be capitalised when used in the sense of the Romanistic-European legal tradition, but lower case in the sense of private law.

Single spaces should be used after full stops and other punctuation marks. Colons and semi-colons, which should be used sparingly, are placed with no space after the last word (or quotation mark) of the immediately preceding text. In lists, please place a comma before the final 'and' or 'or'. No stops are used with abbreviations other than e.g. and i.e. (e.g. NLS, NRS, RPS).

Quotations longer than three lines of text should be presented as independent, fully-indented paragraphs without quotation marks; quotations within such quotations should be presented within double quotation marks. Other quotations should be presented within double quotation marks, with single quotation marks for quotations within quotations. Quotations from foreign language texts should normally appear in English translation, but the original text may also be reproduced if it is necessary that the text be examined closely.

If foreign words have been taken into normal English usage then they should lose their accents: e.g. 'role' in preference to 'rôle'; 'naive' in preference to 'naïve'. Note that there are exceptions to this general rule because of pronunciation: e.g. 'cliché', 'café'. If a foreign word has not been taken into English usage, then it should be in italics. (Note that quotations in foreign languages should not be italicised.) Wherever possible the plurals for foreign words in normal English usage should be in English form, except where English usage dictates otherwise: thus prefer 'syllabuses', 'gymnasiums', 'octopuses', 'indexes', 'encomiums', but also 'genera', 'hypotheses', 'crises', 'phenomena'.

Give numbers under 100 in words (except in percentages - and then use %). Give dates in the form 25 December 1650. In references to decades use the formula 1560s, not 1560's. In expressing periods of time or a succession of numbers use the fewest figures necessary to convey the meaning without obscurity. For example, in the case of page numbers: 21-9; 32-56; 241-6, 247-82; 1016-47; but 11-19, 413-16. In the case of years (e.g. reigns): 1124-53, 900-3, 834-9, but 811-19. 'BCE' and 'CE' are preferred to 'BC' and 'AD'; dates prior to 1000 to have CE (in small caps) after the number, but dates after 1000 do not have the CE appendage. Do not use 'Between ... and ...' unless you really mean that; use instead 'from ... to ...' or 'date-date' if the whole period is intended; if reference is intended to an uncertain point or period within those limits, use 'date x date'. Date-ranges are also ellided e.g. 1124x53, i.e. a date falling not earlier or later than 1124 and 1153. Time periods to follow the most widely established usage: early historic, early/late/post-medieval, Middle Ages, early modern. Unless at the start of a sentence medieval always starts with a lower case "m".

Archaic letter forms:

In quotations from documentary sources, archaic letter forms should be represented by the phonetic or orthographic modern equivalent.

Punctuation outside quotation-marks, except where a complete sentence beginning with a capital letter is contained within them, when the full point should fall within the quotation marks. Superscript numbers for footnotes should follow adjacent punctuation. Ellipses are indicated by a series of three points only (including at the end of a sentence).

'-ise' is preferred to '-ize'. All nouns ending in -s should have their possessives in -s's.

Hyphens are used in compound adjectives and adverbs (eighteenth-century law, well-established procedure; note also the mid-thirteenth century; a mid-fifteenth-century manuscript). But no hyphen is used for compounds ending in -ly (e.g. clearly explained account), or when the compound follows the noun to which it refers (e.g. the procedure is well established). Hyphens should be avoided in cases such as 'ill advised', 'well known', 'much abused'.

## Source referencing: first occurrence

This section sets out the rules for the first time that a particular source is cited. The next section deals with subsequent occurrences.

### In general

For authors/editors, give names as in the source being cited. Book titles are italicised and followed by any relevant series information (e.g. learned society by which published, volume number in Arabic numerals) and the year of publication in round brackets. If a book is multi-volume, indicate number of volumes before year(s) of publication, and follow year of publication with volume number in Roman numerals followed by a comma. In general, however, there is no comma before page numbers, paragraph numbers or, in the case of statutes, section numbers. Commas are used to separate the author from the title of the book or article (e.g. A M Godfrey, *Civil Justice in Renaissance Scotland*).

Page numbers are given without a preliminary 'p' but paragraphs need 'para' and folios 'fo' (with 'recto' or 'verso' if necessary). If a number of pages are being referred to, the terminus can be indicated (e.g. 418-461) [N.B. Give the end page in full, so not '418-61'], or 'ff' can be used (e.g. 418 ff).

Chapter is given as 'ch', part as 'part', and volume as 'vol'.

Multiple citations should be ordered chronologically, not alphabetically; but may be in reverse order (i.e. most recent first) where appropriate.

### Books

Karen Baston, *Charles Arskine's Library: Lawyers and Their Books at the Dawn of the Scottish Enlightenment* (2016) 174.

K G C Reid and R Zimmermann (eds), *A History of Private Law in Scotland* 2 vols (2000) i, .

J D Ford, *Law and Opinion in Scotland during the Seventeenth Century* (2007) ch 4.

New edition by different author:

W M Gloag and R C Henderson, *The Law of Scotland*, 11th edn, by L Dunlop et al (2001) para 45.07

Article in an edited book:

J Blackie, 'T B Smith as a legal historian', in E Reid and D L Carey Miller (eds), *A Mixed Legal System in Transition: T B Smith and the Progress of Scots Law* (2005) 73-99 at 79.

Lord Hope of Craighead, “The strange habits of the English”, in Hector L MacQueen (ed), *Miscellany Six*, Stair Society vol 54 (2009) 309-20.

## Articles

A comprehensive electronic database of preferred abbreviations for law journals can be found at <http://www.legalabbrevs.cardiff.ac.uk>, while abbreviations for leading Scottish historical journals are given in the *List of Abbreviated Titles of the Printed Sources of Scottish History to 1560* published as a supplement to the Scottish Historical Review in October 1963. The abbreviation should be given in italics but without stops. If a journal cited only by abbreviation is likely to unfamiliar to readers, the full name should be given (again in italics), although elements such as Journal (J) and Law Review (LR) may still be abbreviated.

Single quotation marks should be given around the title of the article, which apart from the opening word should also be given without initial capitals unless unavoidable.

A journal source should be referred to in this order: year in round brackets (unless no volume number, in which case square brackets), volume number, journal name (in abbreviated form as appropriate – see above), page range of article, pinpoint reference.

Some examples:

Chloë Kennedy, ‘Criminal law and religion in post-Reformation Scotland’ (2012) 16 *EdinLR* 178-97.

M C Meston, ‘The civilists of Aberdeen: 1495-1995’ [1995] *JR* 153-65 at 155.

## Stair Memorial Encyclopaedia

Article in the original, 25-volume Encyclopaedia:

J W Cairns, ‘Legal Profession’, in *The Laws of Scotland: Stair Memorial Encyclopaedia* vol 11 (1990) para 733.

Article in the Reissue:

N R Whitty, ‘Nuisance’, in *The Laws of Scotland: Stair Memorial Encyclopaedia*, Reissue (2001) para 57.

## Theses

Alan R Borthwick, ‘The King, Council and Councillors in Scotland, c 1430-1460’, unpublished Ph.D. thesis (University of Edinburgh, 1989), i, 26-8.

## Manuscripts

Manuscripts are cited by location and shelfmark therein. A standard abbreviation for a library or archive should be used after its first appearance, and, if referred to more than once, should be given in square brackets on its first appearance. For example:

Edinburgh, National Records of Scotland [NRS]

Edinburgh, National Library of Scotland [NLS]

London, British Library [BL]

London, The National Archive [TNA]

## Medieval

The abbreviation 'MS' (plural 'MSS') should be used only with shelfmarks; otherwise 'manuscript(s)' should be written.

When folio-numbers are quoted, 'fo' or 'fos' should be used; for columns, use 'col', 'cols'. References to recto and verso should be as follows: 46v, 72r, 102r-v, 247v-321r; further reference to column and/or line(s) should imitate 46v1-6; 46ra4; 101rb6-121va27; 32ral-vb4.

## Manuscripts with names

Names should be given after the shelfmark and in brackets and between single quotes.

Please note the following:

Dublin, Trinity College MS 1928 (previously H.2.7)

Edinburgh, National Archives of Scotland, Dalhousie Muniments, GD 45/13/216.

Edinburgh, National Library of Scotland MS Acc. 4233 ('The Asloan MS')

Edinburgh, National Library of Scotland MS Acc. 10301/6 (previously Edinburgh, Scottish Catholic Archives MS MM2/1)

Edinburgh, National Library of Scotland MS Adv. 35.1.7 ('The Book of Coupar Angus')

Glasgow, Glasgow University MS Gen. 333

London, British Library Additional Charter 76747

London, British Library Cotton Charters XVIII, nos. 1-18

London, British Library MS Add 37223

London, British Library MS Arundel 202

London, British Library MS Cotton Claudius D vii

London, British Library MS Harley 4764

London, British Library MS Royal 17 D xx

London, The National Archives, E 39/100 no170

Oxford, Bodleian Library MS Latin Misc. C. 75 (previously Phillips 3119).

Paris, Bibliothèque nationale ms latin 4126

## Modern

National Archives of Scotland, Mackintosh Muniments, GD176/2435/28, D P Macdonald to the Mackintosh, 9 Jun 1886

National Library of Scotland, Elibank MSS, MS 8801, fo. 171: A Murray to Lord Rosebery, 16 Jun 1908

British Library, W E Gladstone MSS, Add. MS 44547, fos 13-14: W E Gladstone to W H Gladstone, 14 Sep 1884

## Newspapers

Scotsman, 14 April 1934, 6. Please aim always to give a page-number.

## Parliamentary Papers

Parliamentary Papers [PP] 1922, IX, Report of the Committee on National Expenditure, 44 Parliamentary Debates [Parl Debs], 3rd ser., vol 298, cols 844-62, 18 May 1885

## Legislation

Title Conditions (Scotland) Act 2003 s 4(2).

Housing (Scotland) Act 2006 s 93(1), (3).

Finance Act 2005 s 83(1), Sch 8 para 3.

Contaminated Land (Scotland) Regulations 2005, SSI 2005/658.

Stamp Duty Land Tax Avoidance Schemes Regulations 2005, SI 2005/1868.

## Cases

The most authoritative report should be used: in particular Session Cases should be used in preference to Scots Law Times. The neutral citation should also be given, where one is available. Westlaw is a convenient way of checking the correct citation. Cases in *Morison's Dictionary* are cited thus:

## Institutional writers/Roman authorities

Mackenzie, *Institutions*; Mackenzie, *Matters Criminal*; Stair, *Institutions* 2.3.5; Forbes, *Institutes*; Bankton, *Institute*; Erskine, *Institute*; Hume *Commentaries*; Hume, *Lectures* ii; Bell, *Commentaries* I, 325; Bell, *Principles* § 605.

J Inst 2.3.5.

Gai Inst 2.97

D 50.16.23

C 2.1

For canon law sources please refer to James A Brundage, *Medieval Canon Law* (1995) Appendix I.

## Official publications

Official Report of the Scottish Parliament:

Scottish Parliament, Official Report cols 1955–1957 (24 Sept 2003).

If the report is in respect of a committee, name the committee:

Scottish Parliament, Official Report, Communities Committee, col 1704 (2 Feb 2005).

Hansard: HC/HL Deb 23 Apr 1996, cols 198-203.

Command Papers: Land Tenure in Scotland: a Plan for Reform (Cmnd 4099: 1969) para 25.

Scottish Law Commission materials:

Report on Incapable Adults (Scot Law Com No 151, 1995) para 3.2.

Discussion Paper on Variation and Termination of Trusts (Scot Law Com DP No 129, 2005) para 6.4.

## Websites

URLs should be italicised and should be re-checked at proof stage:

H L MacQueen, "Scots law and the road to the new *ius commune*" (2000) 4 *Electronic Journal of Comparative Law*, available at <http://www.ejcl.org/44/art44-1.html>

## Source referred to: subsequent occurrences

Where an article, book, case or statute has already been cited, subsequent citations should be abbreviated, as follows:

### Books and articles

A shortened form of the name should be used:

for books, give both the author's surname and a short version of the title: e.g. Ford, *Law and Opinion*

for articles (including chapters in edited books), give author's surname and abbreviated form of title: e.g. Meston, 'Civilists of Aberdeen'.

If there are two authors, they can be separated by "&". If there are more than two authors, give the first only followed by "et al".

In addition, a reference should normally be made to the footnote in which the book or article is fully described. But this need not be done if that footnote is close enough (or the book/article sufficiently well known) for the reader to be able to identify it without further guidance.

In the case of articles (including chapters in edited books), the page number should be preceded by 'at' (as it would be in the original citation of the article: see above).