

## Reviews of Books

**RUSSIA FROM THE VARANGIANS TO THE BOLSHEVIKS.** By Raymond Beazley, Nevill Forbes and G. A. Birkett. With an Introduction by Ernest Barker. Pp. xxiv, 601. Cr. 8vo. Oxford: at the Clarendon Press. 1918. 8s. 6d. net.

THE four authors of this book have done their difficult work well. It is a long period from 852 to 1917 to pass in review and show, as they have done, the latent causes which have led to the sudden collapse of what was in all appearance a giant and a united empire. Yet the causes were not really far to seek. Russia, through the suppression of all popular government to suit a Byzantine system of kingship made more autocratic through its borrowings from the Khans during the Tartar conquest, was a colossus with one head and many bureaucratic hands but no real popular support. From the time of Peter the Great it became, owing to the impetuous will of that Tzar, a Western power with a great army, and until 1917 this army supported the *Chinovniks*, who in turn (for their own advancement and through no spirit of real patriotism) supported the sovereignty of the different Tzars without much sense of personal loyalty. Indeed when one considers the heterogeneous races of Russia and the heritage of the long period of serfdom, the idealistic nature of some of the Románovs, the retrograde character of other emperors and empresses, and the passivity of the Orthodox Church, 'We are beginning to realize,' as the Introduction shows, 'that the dissolution of the great State . . . is less astonishing than its long continuance in the past.' That it lasted so long is no doubt due to the continual repression of all popular thought through the jealous fears of the bureaucracy, but with this came the jealousy of all progress. This was not so easily seen in peace time, but every war tried the system, and during the great war of 1914 to 1917—'a war which dwarfs all previous wars to child's play'—the Russian State, though it endured the strain for a time, 'cracked and collapsed.'

The early history is well given here. The 'Time of the Troubles,' a period having some analogy to the present Anarchy, is also instructively dealt with. So is the tortuous policy of the partitions of Poland, which like serfage also left a long legacy of evil to Russia. The modern political movements (the 'Developments' so called) are instructive as leading up to the Revolution of 1905, and the summary of events since must be read and studied. The whole book is a real addition to political history.

A. FRANCIS STEUART.

THE CONTROVERSY OVER NEUTRAL RIGHTS BETWEEN THE UNITED STATES AND FRANCE, 1797-1800. A Collection of American State Papers and Judicial Decisions. Edited by James Scott Brown, Director. Pp. viii, 510. Royal 8vo. 15s. net.

THE DECLARATION OF INDEPENDENCE, THE ARTICLES OF CONFEDERATION, THE CONSTITUTION OF THE UNITED STATES. Edited, with an Introductory Note, by James Scott Brown, Director. Pp. xxiv, 94. Royal 8vo. New York and Oxford University Press. 1917. 4s. 6d. net.

THE public are indebted for these volumes to the generosity of Mr. Carnegie. They contain certain important American State papers, legal opinions, and decisions of American courts regarding the origin, nature, extent, and legal effect of the hostilities between the United States and France at the close of the eighteenth century.

In the infancy of the national life of America, she entered into a convention with her former ally, France, then just starting the Revolution. The convention dealt, amongst other matters, with the regulation of maritime affairs in time of war. Almost immediately after this convention had been agreed to, the French Revolution reached its climax, and two republics were called upon to deal with each other. Had France remained at peace with other nations, no trouble might have arisen; but her war with England, and the effort made by this country to starve her into subjection, raised the usual questions involved in prize taking, and the rights of neutral vessels. France made the same charge against America which Germany has recently revived, namely, that she acted to the advantage of England. Matters went so far that the American Attorney-General gave it as his opinion that a state of maritime war existed between France and the United States, authorised by both nations. Yet war was never actually declared, and in 1800 an agreement was arrived at. The bulk of the volume consists of legal decisions upon maritime points. One peculiarity is that a number of these were not given until nearly ninety years after the claims which originated the actions had arisen. This was in consequence of the passing of an act of Congress dealing with French spoliation claims, and which did not become law until 1885. It would be interesting to know whether France has ever given effect to the claims made good in the American courts.

The documents contained in what may be considered a supplementary volume, are of special interest at the present time when the question of the league of nations is under discussion. The editor, Mr. James Brown Scott, supplies a valuable introduction. W. G. SCOTT-MONCRIEFF.

ANNUAL REPORT OF THE AMERICAN HISTORICAL ASSOCIATION FOR THE YEAR 1914. In two volumes. Vol. I. Pp. 504. 8vo. Washington, 1916. Vol. II. General Index, 1884-1914. Pp. 793. Washington, 1918.

ANNUAL REPORT OF THE AMERICAN HISTORICAL ASSOCIATION FOR THE YEAR 1915. Pp. 375. Washington, 1917.

UNUSUALLY rich in fresh openings, the Report for 1914 (cf. Report for 1913 reviewed *S.H.R.* xiii. 287) will command notice for some striking

pronouncements. Professor James H. Breasted sets forward a bold claim for the influence of east-Mediterranean civilization upon that of Europe. Specific among these debts of Europe are the clerestory, an Egyptian device; the Roman triumphal arch from a type developed on the Tigris; the church spire inherited from the Babylonian temple; the art of writing; and last but not least, the more or less theocratic concept of the State symbolized by an eagle in standards, seals, etc. The claims of long descent here indicated are sometimes subtle, but invariably they demand discussion.

Professor N. D. Gray advances the less concrete proposition that the political ideal of the Emperor Hadrian was to conserve the Romanizing institutions and exclude barbarian, especially oriental customs and beliefs. The Professor's summary of tendencies touches the North English Wall and its problems of construction, and he quotes an English opinion 'that recent discoveries of pottery under the stone wall seem to confirm the older theory that this wall is Hadrianic.'

Professor Lybyer challenges the views (1) that the old trade routes between Asia and Europe were blocked by the Turkish conquests, and (2) that this conducing to voyages west and south led to the rounding of the Cape and the discovery of America. He shows that the Levant was not closed as alleged, and that the proposition fails.

Professor E. H. M'Neal examines the poems of Chrestien de Troyes for evidence of the relations between the feudal nobility and the Church, but finds very little. More modern matter dealt with includes two Napoleon papers, one a sort of bibliographical survey of Napoleonic literature, the other a generally adverse estimate of Napoleon's generalship. Important discussions by archivists are continued.

Volume II., the General Index, covering thirty years of these Reports, shows the surprising catholicity and wealth of the historical materials they register. The headings 'Scotland,' 'Scotch,' 'Scots,' however, scarcely reflect the importance of our national connections with America.

In the Report for 1915 the discussions, not less interesting than those of the year before, include Professor W. S. Ferguson's examination of causes of the Peloponnesian War. Contending against the prime or exclusive force of economic incentives, he says: 'The modern issues—balance of power, freeing small States, the maintenance of liberal institutions, the freedom of the seas, the rights of neutrals, the expediency and iniquity of dreadfulness, financial strength versus military efficiency, sea power versus land power, the strategy of exhaustion—would have been appreciated by Thucydides and his contemporaries without a word of explanation: for all of them were raised in their age also.' His conclusion is that wars have no dominant but 'many different' causes, in which 'brain-storm' gives the final impetus.

Professor J. W. Thompson describes the circumstances and the mode of East German colonisation in the Middle Ages, an eastward expansion from the eighth to the eleventh century, paralleled in America by the advance of white settlers through the Red Indian territories.

Difficulties of defining Nationalism are illustrated in two papers by

Professors Krehbiel and Laprade, all evidence showing the complex roots. Various reports on departmental archives strike a British observer specially by the prominence and variety of the functions discharged by the State in the transatlantic communities.

These annuals of history afford the highest proofs possible of the energy and success of American Research. In some future volume we should like to see specimen facsimiles of American records, illustrative of European styles of writing modified by American practice which has developed a fairly distinctive individuality of what may be called the American hand.

GEO. NEILSON.

FRANCE MEDIEVAL AND MODERN, A HISTORY. By Arthur Hassall, M.A.  
Pp. viii, 319. 8vo. Oxford: Clarendon Press. 1918. 5s. net.

To write the history of France, from Roman Gaul to the present year, in 293 pages means a miracle of compression, which in most hands would be well-nigh unreadable. Mr. Hassall's book will tempt the reader to continue his studies in French history; it is a pity therefore that he has no bibliography to advise him as to the best books written on the subject in French as well as in English. There are useful genealogical tables, and seven maps which are rather unpleasantly confusing. In the first map Firmo should read Fermo, and in the last Albi should be placed on the river Tarn.

L. STAMPA.

SIDELIGHTS ON RUSSIA. By Hugh Brennan. Pp. 112. Crown 8vo.  
London: David Nutt. 1918. 2s. 6d. net.

THESE pages continue the History of Russia to the present time. The book is so well written that it is a pleasure to read, and the problems it deals with are carefully considered and so placed before us that we ponder over them unconsciously as we read. Mr. Brennan commences with his impressions of the Revolution, and one of these is that among all the members of the British colony the idea was that it was caused by 'the deliberate policy of the late Government,' and by no sudden outburst of popular fury. He narrates the impassivity of the Czar and his subservience to the Dark Forces. The Cossacks sided with the people, the Czar abdicated, and the Revolution was complete on March 2, 1917, with wonderfully little popular disturbance. Then came the decadence. At once a pro-German element arose, and working secretly in favour of the Central Powers and openly in favour of Bolshevism, it soon 'reduced the Russian army to a looting rabble and the Russian fleet to a gang of murderers.' Perhaps it included some real idealists also, but their honesty was swamped by the activity of their colleagues in the path against the Allies.

The character of Kerensky is considered, and his failure gently treated as that of a too eloquent visionary divorced from the realities of a difficult time. It is pointed out that a free democratic Russia, once a strong and neutral government is settled, will be of far more value to the British, even commercially, than the old Russia of the Czardom, for then Autocracy and

Bureaucracy fettered commerce and education at the same time and was always hostile to the development of the wonderful resources of the country. We are told of the gradual curtailment of the power of the people by the autocrat and the constant repressive measures taken by the Government to terrorise them. This, the reviewer thinks, cannot be too strongly insisted on in examining the present troubles in Russia, as the Russian has for long been accustomed to political murders and massacres, and he is used to suffer much from both Czars and Bolsheviks before he revolts against either. The differences of the nationalities in the Russian Empire, once held together by stern repression but now free to develop in their own way, must also be considered as a great factor for unrest when the artificial band which united them is suddenly relaxed or removed.

A. FRANCIS STEUART.

SIR WALTER SCOTT AS A JUDGE: HIS DECISIONS IN THE SHERIFF COURT OF SELKIRK. By John Chisholm, K.C., Sheriff of Roxburgh, Berwick, and Selkirk. Pp. viii, 221, with 2 Plates. Royal 8vo. Edinburgh: W. Green & Son. 1918. 7s. 6d. net.

MR. JOHN CHISHOLM, K.C., the present holder of Sir Walter Scott's sheriffdom, has given us an instructive and welcome little volume, which rescues from the oblivion of the archives of the Selkirk Sheriff Court all the known cases which Sir Walter decided during his period of office. They number 114, and as he held office for 33 years he cannot be said to have been overworked, judged by this documentary record.

These decided cases are not remarkable for their variety or difficulty—the kind of case which a modern, busy sheriff-substitute would dispose of pretty quickly. But these were the days of replies, duplies, lengthy procedure and delays, which the Small Debt and other Acts have long since knocked on the head. Sir Walter's judgments, most of them written in his own clear hand, almost without a clerical correction, are succinct, lucid, brief, and always to the point, even when he fines a slack agent half a guinea for putting in a vague and irrelevant defence, or Betty Stevenson, domestic servant, who sought damages for an alleged assault upon her, twenty shillings 'to go to the rebuilding of the new prison,' which retreat no doubt the learned sheriff thought was the proper place for so importunate and untruthful a pursuer. But Betty would have none of this, and appealed to the Circuit Court, where Lord Meadowbank promptly—and properly—recalled the sheriff's interlocutor, remitted the fine, and gave the injured Betty £2 as *solatium* for her wounded feelings, with expenses of process.

Sir Walter in one case expresses some pungent views as to Sheriff Court wrangles, equally applicable now as then, thus: 'There is something sickening in seeing poor devils drawn into great expenses about trifles by interested attorneys. . . . Very few cases come before the Sheriff Court of Selkirkshire that ought to come anywhere. Wretched wranglings about a few pounds, begun in spleen, and carried on from obstinacy, and at length, from fear of the conclusion to the banquet of ill-humour, "D—n—n

of expenses,"<sup>1</sup> I try to check it as well as I can, "but so 'twill be when I am gone." It is.

Another interesting case is that in which his friend, James Hogg, the Ettrick Shepherd, is sued for an account for sheep and the cost of grazing, which Sir Walter had to decide against him. The pursuer's written criticism of the 'Mountain Bard's' defences is a gem of sarcastic pleading. 'Indeed, there is neither Rhyme nor Reason in the whole defences, and one or both might have been expected'—a sly dig at Hogg's poetic eminence. Of the debt the defender says 'he remembers nothing, and yet this is the man who writes his own life, and seems to remember everything.' Hogg had just published the third edition of the 'Mountain Bard,' in which he had included a Memoir written by himself.

Mr. Chisholm's preface is admirable, and one wishes there was more of it. It gives an account of the relative positions of sheriff and sheriff-substitute—very different from what it is now. The substitute gave decree only in undefended cases; in others he took the preliminaries and the proof, and forwarded them to the sheriff for final decision. There was thus no appeal from the substitute's decision to the sheriff. Both, as it were, were rolled into one; but a disappointed litigant was permitted to badger the sheriff to recall or alter his delivered judgments by not more than two reclaiming petitions. The records show that only once Sir Walter was induced to change his mind.

Mr. Chisholm's notes throughout are elucidating, some of them facts one had almost forgotten; for instance, that Lord Gillies in *Thom v. Black*, 5th Dec. 1828, 7 Shaw, 158, quotes Monkbarne's disquisition in the *Antiquary* on the subject of imprisonment for debt, as a correct exposition of the law of Scotland—rather a trying ordeal for Sir Walter, who, as Clerk of Court, probably sat at the table below when the judgment was delivered. The report in *Shaw* gives a long extract from Chap. XXXIX. in a footnote.

This book will commend itself not only to Scott enthusiasts but to the legal profession.

P. J. B.

The reputation of the *Proceedings of the Royal Irish Academy* suffers no diminution in the weighty papers contained in the latest issues (vols. xxxiv., section C, Nos. 7 and 8; xxxv., section C, No. 1). In No. 7 there is a learned discussion on the Domnach Airgid, or silver shrine, acquired by the Academy in 1847; the descriptive part is supplied by Mr. E. C. R. Armstrong, and the historical is told with critical skill by Professor Lawlor. The new evidence produced by Dr. Lawlor enables him to upset or modify previous conceptions of its origin and history. Photographic reproductions of the Domnach from all points of view give intense interest to the contribution. Mr. T. J. Westropp continues his archæological survey of Co. Limerick (No. 8), in which he examines local traditions and cults, as well as earthworks and such survivals in the south-eastern portion of the county. Mr. Westropp has succeeded in keeping a cool head while traversing some devious bye-ways of Irish legend.

<sup>1</sup> Burns' 'Address to the Unco Guid.'

The original charters of the Cistercian abbey of Duiske in Co. Kilkenny, belonging to the Marquis of Ormonde, and preserved at Kilkenny Castle, were transcribed by Lady Constance Butler, and are now printed for the first time, with explanatory notes by Dr. Bernard, Archbishop of Dublin (vol. xxxv, No. 1). The abbey was founded by the famous William Marshal, Earl of Pembroke, about 1204, and colonized from the abbey of Stanley in Wiltshire. The charters here printed are fairly well distributed over the medieval period, and are of considerable interest to students of Anglo-Irish history. Mr. Robert Cochrane adds an appendix on the conventual buildings at Duiske. The illustrations comprise a plate of seals, a ground-plan, and an old view of the abbey. This number is complete in itself, with a full index.

*History* for July, the attractive quarterly of the Historical Association, opens with Prof. Andrew C. M'Laughlin's definition of the standpoint and programme of the U.S.A. in entering the War. Mr. Geoffrey Callender describes Drake's expedition to Cadiz in 1587 in which the oared-galleys may be said to have fought their last fight, being outshot by the 'great ordnance' which was the latest note of the ships under Drake's command.

Mr. Hubert Hall discusses recent reports on public records, and incidentally hints that 'compared with the remarkable development of the State archives abroad our own methods and establishments may certainly appear somewhat rudimentary.' He speaks with something like envy of the superior scientific construction and fittings of foreign archives and the inventories, guides, and other aids with which not infrequently even local collections are furnished. Scottish and Irish records are not reported upon, and it would seem that there has been chronic Welsh complaint of 'contemptuous treatment' of Welsh records. The question why more use is not made of contemporary official registers is answered by the odd critical judgment 'that no criterion of historical truth has been recognised by politicians,' their attention not having been directed to the matter by clamant public dissatisfaction.

Professor Pollard gives a historical revision of the doctrine 'No Taxation without Representation,' concluding that the real American objection was to the absolute Sovereignty of Parliament.

In the issue for October Professor F. M. Powicke, reviewing the studies of Jacques Flach on *Les Origines de l'ancienne France*, traces the passage of feudalism from the personal to the territorial, and regards the claim of homage as a regional tradition merging itself in a national unity. 'France,' he concludes, 'became a single feudal State when she became a nation.' Dr. H. M. Beatty gives a life-like account of the historian and biographer Pasquale Villari. Miss E. E. Power offers a revised estimate of the effects of the Black Death on English rural organisation, pointing out that the recent studies of Dr. T. W. Page, Mr. H. L. Gray and Miss A. E. Levett have culminated in the disproof of the cataclysms alleged by economic theorists, and tend to establish that the Death, which was 'something of a myth' as an economic factor, had only indirect political and social consequences.

In *The Modern Language Review* for July the short-lived dubiety as to Dryden's authorship of *Mac Flecknoe* is to all appearance ended by Mr. G. Thorn-Drury's vindication.

In *Notes and Queries for Somerset and Dorset* (September) perhaps the most interesting of many odd extracts, biographical notes, epitaphs, depositions, etc., is the register of the admission of a Trinitarian friar by the 'minister' of Thelesford in 1494.

In the *Juridical Review* for September Mr. W. Roughead completes 'A Note on Robert Fergusson' which, well fortified with quotations, is a hearty and informing critique of Fergusson considered as the poet of Edinburgh. The slender link of legal connexion with which the paper began disappears in the broader interest of a poet's life and work treated with a sympathy and enthusiasm which few readers will resist.

*The Freiburg Review*, vol. i. No. 1, appeared in August, a very bright magazine from the prisoners' camp. Under the title 'The building we live in,' Lieutenant W. M. Andrew contributes a well-informed account of Freiburg University, founded in 1457, although the existing structure dates only from 1576. The armistice will doubtless affect the continuance of this interesting periodical.

*The Maryland Historical Magazine* (March, June and September, 1917), kept late in reaching us by the War, continues that entertaining serial the 'Carroll Papers.' Young Charles and his father, corresponding from opposite shores of the Atlantic, discuss in an amusingly matter-of-fact and business-like fashion a proposal in 1763-1764 by the former to pay his addresses to an English girl, a Miss Baker. There were difficulties, and the solemn young prig wrote to his father, 'I can not sacrifice the future aggrandisement of our family to a woman.' So in the end Charles after his return to Maryland in 1765 married a Miss Darnall, with whom his father thought he would be 'Extreamly Happy.' A serious quarrel, in which the son and the father were alike grossly insulted, failed to result in the bloodshed such an affair might have induced, and the indignant but prudent son wished to have recourse to legal proceedings. 'I think,' he says, 'the scurrilous rascal should be exposed to public shame by a suit at law.' It certainly was a thorough-going effort in libel for Lloyd Dulany to write to Charles thus—'As for that monster of Vice and profligacy your father I will still Echo the universal Voice of his Country, that he is the deep stain of the times.'

A most interesting exchange of opinion is exhibited in letters in 1768 between Carroll senior and Wm. Graves of the Inner Temple, in which with vehemence on both sides the great Stamp question and other colonial grievances are discussed. Carroll writes as 'an old man warmed by a love of Liberty and of His Country,' and faces the situation without reserve. 'I must say something,' he observes, 'of Poor America or rather of Poor England, for I am persuaded if she pursues the Steps she Has taken she will Have Abundant Cause to Rue Her folly.'



In 1770 Graves returns a temperate and reasoned answer, which will deserve consideration as a good statement of British standpoints as against the more impassioned exposition of colonial wrongs. Such letters are the marrow of the controversy, and are prime historical material.

In another contribution on 'Men of Maryland specially honoured,' there is printed a resolution by the General Assembly of that State in 1832 on their being 'apprized of the death of the venerated Charles Carroll,' in which they extol him for his resolute patriotism and as a model of public spirit. The contrast with Dulany's 'monster of Vice and profligacy' is a curious illustration of the extremes of political estimate.

A short, well-informed paper by Mr. L. C. Wroth quotes and expounds the tenure of the province of Maryland, by Henry Harford, as a holding 'of our Castle of Windsor,' ... 'Yielding therefore unto Us our heirs and successors Two Indian Arrows of those parts to be delivered at the said Castle of Windsor every year on Tuesday in Easter week'—besides a more considerable 'fifth part of all Gold and Silver Ore.' Numerous receipts for the arrows from 1633, just after the charter became operative, down to 1765 prove that the archaic tenurial impost upon Maryland as an appurtenant of Windsor was regularly and literally rendered at Windsor Castle.

*The Caledonian* (New York, September 1918) has, with miscellaneous literary setting of its usual popular kind, portraits of Marshal Foch, Admiral Sims, the last of the Czars, Mr. Lloyd George, General Smuts, and President Wilson. A daring contributor writes a metrical postscript to Kipling's poem *If*, and applies it to the President!

*University of Illinois Studies in the Social Sciences* (vol. vii, June 1918) include a study, in over a hundred closely-printed pages, of the *Legislative Regulation of Railway Finance in England*, by Ching Chun Wang, director of the Kin-Han Railway in China, and an honorary fellow in Economics of Illinois University.

The latest *Bulletin* of Queen's University, Kingston, Canada, is Mr. O. D. Skelton's *Canadian Federal Finance, II*. Its conclusion is that for a country of great resources unravaged by war Canadian burdens will be 'bearable, particularly in comparison with the load that Europe will carry.'

## Communications

COURTS OF 'GUERRA.' There is a statute of James III. (*A.P.* ii. 112: an. 1475) referring to abuse of the law by sheriffs, stewards, bailies, and other officers in holding courts of 'guerra,' to the 'grete hereschip and skathe' of the lieges and of the King in his Justice Ayres, 'quhilkis ar spylt be the said guerra courtis.' Skene (*De verb. signif.*) was puzzled to account for these courts. In the original record the word is 'querra,' not 'guerra'—a fact which escaped both Thomas Thomson's transcriber and that editor himself. It is interesting to note that the traditional reading 'guerra' is apparently supported by the first occurrence of the word in the Act; but on closer inspection what looks like a 'g' is really 'q,' disguised by a flourish belonging to the word immediately underneath. The 'q' is unmistakable in the two succeeding instances. It is true that Sir Philip Hamilton Grierson has found 'guerra' in the *Acta Dominorum Concilii* at a later period. There are earlier enactments, however, which suggest that 'querra' is the correct form.

In a General Council at Stirling in 1397 (*A.P.* i. 570) 'grete and horrible destruccionis, heryschippis, brynyngis and slachteris' were discussed. Each sheriff was to proclaim 'that na man rydand or gangande in the contre lede na personis with hym bot thaim that he wil mak ful payment for.' The sheriff should then 'tak diligent enquerrez' regarding any who may have injured the lieges in this fashion; and after 'enquerre' he should arrest offenders, taking security for their appearance at the next Justice Ayre. If a man could 'nocht fynde sic borows,' the sheriff should immediately 'gif knaulage of assise' and condemn him, when guilty, to death. Again, in 1398-9 (*ibid.* 573-4) the Act was amplified, and injured parties were allowed to take the initiative by lodging complaints, 'the quhilkis complayntes sal hafe the samyn force and effect as to ger the personis be arrestit as the enquerre comprisit in the said statut of Stryvelyn.' Thus there were two modes of procedure, 'be enquerre or complaynt,' as is indeed more expressly indicated by a subsequent clause—'gif ony trespassouris be fundyn be enquerre or gifyn up be complaynt.'

We are certainly justified in correcting Thomson's text, and the general index, which proceeds upon the misreading. The Acts of Robert III. contribute to explain what puzzled Skene, and obviously suggest the true etymology of 'querra.' It is not surprising that the word should occasionally and at a later period be confounded with 'guerra.'

The Act of 1475 did not extinguish these courts. In the period of confusion after Flodden, when it was no doubt difficult to hold Justice

Ayres, power was to be given to sheriffs, stewards, constables and bailies to deal with 'recent slauchteris, reiffis, stouthis and heirschipis committit sene the feild.' If there was 'notour inimite or feid' between the officer and persons in his jurisdiction, there might be resort to the Justice-General; and it was thought necessary to quote the Act of 1475 'that na courtis of guerra be haldin within the realme' (*A.D.C.* xxvi. 89). Sir Philip Hamilton Grierson has provided interesting illustration of the matter (*Trans. Dumf. and Gall. Nat. Hist. and Ant. Soc.*, 1916-8, 208), from which it appears likely that an objection to the 'court of querra' was the *initiative* of the officer, who might seek to gratify his private enmities. The particular case explained by Sir Philip, belonging to 1516 and following closely upon the Act of Council just quoted, incidentally supports the etymology suggested by the enactments under Robert III. The record has 'query' (*A.D.C.* xxvii. 190) and 'quary' (*ibid.* xxix. 12). The word, in fact, is equivalent to 'inquisitio' (cf. *A.P.* i. 571a) and looks like the 'enquerre' of 1397 cut down.

R. K. HANNAY.

THE ORKNEY EARLDOM (*S.H.R.* xvi. 21). Mr. Clouston's elaboration of Vigfusson's suggestion that the gœðingar of Orkney corresponded with the *lendirmenn* of Norway—the fact that one gœðingr was in occupation of an earl's bordland, that other gœðingar were located in districts in which there were earldom estates, and the suggestion that the term gœðingr is derived from gœði, emoluments, applied to the earldom revenues, such as were held by Sveinn Ásleifarson in Caithness—is an exact repetition of the results of my original research as contained in *Orkney and Shetland Folk*, p. 16, which was afterwards printed in *Old-Lore Miscellany*, vii. p. 132 (1914). An advance copy of *Orkney and Shetland Folk* was sent to Mr. Clouston when he was writing his Introduction to *Records of the Earldom of Orkney*, in which he also made use of my research—my line of argument, proofs and original derivation—without any acknowledgment or indication that he was giving an opinion other than his own.

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As it would be an impertinence to question this gentleman's estimate of his own work, and as a discussion as to priority of research is never a very dignified form of debate, it is perhaps better to leave those who have studied the papers and Introduction referred to (and also, I may add, certain earlier papers in the *Old Lore* series) to judge of my indebtedness to Mr. Alfred W. Johnston.

J. STORER CLOUSTON.

EARLY SCOTTISH BURGH LIBRARY. An interesting record of a seventeenth century public library has recently come to light in Dundee, in the form of a manuscript catalogue compiled in 1724, giving the titles, places of origin, and dates of 1750 volumes then in 'the Library of the Burgh.' The earliest volume in the catalogue is the *Liber*

*Chronicorum ab Initio Mundi*, printed at Augsburg in 1467; and the latest is Dr. Humphrey Prideaux's *Connection of the Old and New Testament*, published at London in 1718. Many of these books are first editions or special editions not in the British Museum catalogue, nor are they mentioned in Watt's *Bibliotheca Britannica* nor other bibliographical works.

This library, probably originated by the monks in the Franciscan Monastery at Dundee, was lodged in the vestry of St. Mary's Church, and after the Reformation it was under the charge of the Protestant ministers. The Church of St. Mary, founded by David, Earl of Huntingdon, in 1178, was under the control of the Abbey of Lindores; but having fallen into disrepair after various invasions, the Abbot consented in 1442 to hand over the Kirk fabric and its contents to the Town Council of Dundee, and thus the books became the property of the burgesses. There are several references in the Town Council Minutes of early times to the library, and to the preparation of a catalogue of the books; but no such document could be found after a diligent search in the Dundee Charter Room. In January, 1841, a disastrous fire destroyed the greater portion of the structure, in which four separate congregations worshipped, and the vestry containing the library was totally destroyed, with the exception of six volumes, which are now in the Free Library at the Albert Institute, Dundee.

About nine years ago the Chief Librarian, Dr. A. H. Millar, received a letter from Mr. D. Murphy, schoolmaster, Oakbank, South Australia, stating that he had seen a manuscript *Catalogue of Books in the Dundee Library, 1724*, which had been formerly in the possession of the deceased James Thompson, a native of Dundee, and was then in the hands of a poor labourer, who would sell it for a moderate sum. The money was sent, and two years afterwards, 1910, the book reached Dundee, having been overlooked by Mr. Murphy until he was removing to a new situation at Magill, South Australia. Probably it had been picked up on the street by Thompson at the time of the fire, and taken by him to Australia. It is now in the Dundee Library.

The catalogue is a volume of 44 folio pages, bound in vellum, beautifully written, probably by the Rev. Samuel Johnson, minister of St. Mary's at the date, with the aid of his son, who was Lecturer on Hebrew at St. Andrews University. The list includes books in Latin, Greek, Hebrew, French, German, Italian, and Spanish, as well as English works on theology, history, the classics, medicine, and miscellaneous subjects. As a contribution to the literary history of Dundee, the Town Council might with much advantage have this catalogue published with annotations.

**THE DOUGLAS FAMILY AND THE LANDS OF LEVINGSTOUN, WEST LOTHIAN.** In the reign of Alexander II., circa 1216-1224, the feu of the lands of Levingstoun was granted by Malcolm, Earl of Fife, to Archibald, son of William of Douglas (*Registrum Honoris de Morton*, I. xxxiii, xxxiv). Is there any further mention of these lands

in connection with the Douglas family to be found anywhere? The *Registrum Honoris de Morton* contains no other reference to them.

**KILMARON FAMILY OF FIFE.** Is anything known regarding the origin and subsequent history of this Fifeshire family, which flourished in the thirteenth century under the Celtic Earls of Fife? One of its members, William of Kilmaron, held the feu of Levingstoun, *circa* 1200, and is mentioned as Douglas's predecessor in these lands in the above Morton charter.

E. B. LIVINGSTON.

St. Raphael, Westgate-on-Sea.

# Establishment of the Army 3 ways at london

## 20 januar [16]67<sup>1</sup>

The following paper is copied from the original in the Charter Chest of the Marquess of Tweeddale at Yester. Its presence there is accounted for by the fact that the first Marquess was virtual head of the administration at this period. See *S.H.R.* xii. 145.

### C. CLELAND HARVEY.

	The present Establishment					
	Per diem			Per mensem		
Lieutenant Generall	03	00	00	84	00	00
Major Generall	02	00	00	56	00	00
Staff officers off 00 Regiment of horse						
Major Gen <sup>ll</sup> drummond Collonell	00	16	00	22	00	00
Regiment Chirurgion & 2 mattes	00	07	00	09	16	00
Provest Marshall & two servants	00	07	00	09	16	00
Officers & troupers of Seven Companies off horse						
7 Captaines each at 1l. 4s.	08	08	00	235	04	00
7 Lieutenants each at 12s.	04	04	00	117	12	00
7 Cornets att xjs.	03	17	00	107	17	00
7 quarter masters att 7s.	02	09	00	068	12	00
21 Corporals 3 to each troupe at 5s.	05	05	00	147	00	00
7 Clerkes att 4s. per diem	01	08	00	039	04	00
14 Trumpets 2 to a troupe att 4s.	02	16	00	078	08	00
7 fferriers with ther servants 5s. p. diem	01	15	00	049	00	00
600 troupers att 3s. p. diem	90	00	00	2520	00	00
Staffe officers off two Regiments off ffoot						
Two Collonells att 12s. per diem	01	04	00	033	12	00
2 Lievtenant Collonells att 7s. p. diem	00	14	00	019	12	00
2 Majors att 5s. per diem	00	10	00	014	00	00
2 Chirurgions & matte each att 7s.	00	14	00	019	12	00
2 Provest marshalls each att 5s.	00	10	00	014	00	00
2 Quarter masters att		—			—	
26 Captaines att 8s. per diem	10	08	00	291	04	00
26 Lievtenants att 4s. per diem	05	04	00	145	12	00
26 Enseignes att 3s.	03	18	00	109	04	00
52 sergeants att 1s. 6d.	03	18	00	109	04	00
78 Corporalls att 1s. per diem	03	18	00	109	04	00
52 Drummers att 1s. per diem	02	12	00	072	16	00
26 Clerkes att 2s. per diem	02	12	00	072	16	00
2470 men att 6d. per diem	61	15	00	1729	00	00

<sup>1</sup>This is the last of the 'Communications' and transcripts left with the Editor by the late Lieut. Charles Cleland Harvey. (See *S.H.R.* xiii. 417.)

	Per diem	Per mensem	By Act 12 Sess. 3 of 2 parl. of K. Ch. 2	
			Per mensem	
Lievtenant Generall	001 16 00	050 08 00		
Major Generall	001 04 00	033 12 00		
Major Gen <sup>l</sup> Drum- mond Coll	000 12 00	16 16 00		
Regiment chirurgeon and two mates	00 04 00	05 12 00		
Provest marshall & 2 mattes	00 04 00	05 12 00		
7 Captaines each at 16s.	05 12 00	156 16 00	7 Ca. each 20 lib. p. m.	70 lib.
7 Lievtenants each at 8s.	02 16 00	078 08 00	7 L. each 3 li. 10s.	24 lib. 10s.
7 Cornets each at 7s.	02 09 00	068 12 00	7 Co. each 3 l. 3s. 4d.	22 3 4
Quart masters not necessar	—	—		
14 Corporalls 2 to a troupe att 4s. per diem	02 16 00	078 08 00	14 Corp. at 2 lib. 5 sh.	31 10 0
9 att 2 to ye guards & one to ye others at 3s.	01 07 00	037 16 00	Tr. 9 at 2-1-8	18 15 0
450 Troupers 300 at 1s. 8d. p. diem & 150 at 2s.	40 00 00	1120 00 00	300 Troop. at 30s. 150 Troop at 40s.	450 0 0 300 0 0
2 Collonells at 8s. p. diem	00 16 00	022 08 00	2 Col. p. mens. 16-13-4	33 6 8
2 Lievtenant Col- lonells at 5s.	00 10 00	014 00 00	2 L. Col. at 10 li.	20 0 0
2 Majors at 3s. 4d.	00 06 00	009 06 00	2 Mar. at 8-6-8	16 13 4
Chirurgion not necessar.				
2 Marshalls each 2s. 6d	00 05 00	000 07 00	2 Mars. at 2-10-0	5 0 0
26 Capt: at 6s per diem	07 16 00	218 08 00	26 Cap. at 5-10-0	143 0 0
26 Lievt: at 3s. 6d.	04 11 00	127 08 00	26 L. at 3-6-8	91 13 4
26 enseignes at 2s. 6d.	03 05 00	091 01 04	26 Ens. at 2-10-0	65 0 0
52 sergeants at 1s. 4d.	03 09 04	097 01 04	52 ser. at 1-5-0	65 0 0
78 Corporalls att 1s. p. diem	03 18 00	109 04 00	78 Corp. at 1-0-0	78 0 0
52 Drummers at 1s. pr. day	02 12 00	072 16 00	52 Drum. at 1-0-0	52 0 0
Clerkes not necessary	—	—		
2070: men at 6d. pr. diem	51 15 00	1449 00 00	2070 sold at 15s. 0.	1552 10 0