

Legal bibliophilia in the Dear Green Place: Dr David Murray and his lost legal archive 1842-1928

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This paper is intended as a basic introduction to Dr. David Murray, Glasgow lawyer, historian and bibliographer, and to his collection of Session Papers now at the Signet Library in Edinburgh. Murray's was a long career - his name shows in the Scottish Law List for almost 70 consecutive years, and he died relatively suddenly whilst still wholly engaged in his last substantial works of history. His life was just one part of a remarkable and far-reaching family story, involving the birth of modern Glasgow, the fight for women's equality, education and voting rights, and the battle to end slavery in America. Murray would become professionally involved in the opening rounds of a political debate still urgent and fresh in our own day - the idea of a land valuation tax. After his death, it was argued that his intervention in the debate over the 1912 Declaration of London had prevented defeat in World War One. His donations of collections especially to the University of Glasgow and to the Signet Library in Edinburgh, and his battles to save private collections for the nation and protect those already in institutional hands, were the outward manifestations of a powerful social conscience and a commitment to the future of his own local community and to his country.

BACKGROUND AND FAMILY

David Murray was born in 1842¹. His father - also named David Murray - was also a lawyer, although the Oxford Dictionary of National Biography is incorrect in claiming him a Writer to the Signet. David Murray senior enjoyed a fine reputation as a businessman and as a conveyancer. In private life he served as a political agent for Lord John Russell's liberals². Beginning as a Managing Clerk with Mitchell, Graham and Mitchell in Miller Street, David Murray senior then formed a legal partnership, Murray and Galloway. He then partnered with George Smith in Murray and Smith. But tragedy struck, and in 1848 David Murray senior fell victim to typhus, allegedly contracted at the toll house on the Kelvin Bridge in Great Western Road. His son would remember him as a keen fisherman with a strong interest in the farming his wife's family carried on in Ayrshire³.

After his father's early and tragic death, the Murray family returned to his mother's family farm near Turnberry. David Murray began the education he would never really end at the village school in Kirkoswald, where he discovered a love of learning, joining a group of boys who would linger on after official school hours had ended. In later life, he would recall sitting on the window ledges of the school in Kirkoswald to catch the last of the light on his Latin textbook⁴. Murray the book collector and bibliographer would attend his first book auction during this period. After a brief sojourn at the grammar school in Ayr, he spent the

¹ Moss, Michael. "Murray, David." *Oxford Dictionary of National Biography*. Oxford: Oxford University Press, 2004.

² Macleod, Donald. *Historic families, notable people, and memorabilia, of the Lennox*. Dumbarton: A. Lawrence, 1891. p. 93

³ Murray, David. *Recollections of Kirkoswald*. Unpublished MS. Glasgow: Maclay, Murray and Spens, 13th December 1916.

⁴ Murray, Sylvia. *David Murray: a bibliographical memoir*. Dumbarton: Bennet and Thomson, 1933. p. 44

rest of his schooldays at Merchiston Castle School in Edinburgh, where an excellent and broad syllabus was accompanied by hikes, football, cricket and riding. Murray was an active youth and participated with relish⁵.

Merchiston wanted Murray to remain at the school to prepare for an exhibition to Balliol College Oxford, but he felt instead the draw of beginning his career in what he considered a traditional Scottish fashion, beginning courses at the University of Glasgow whilst also starting work in a legal office⁶. By the late 1850s his uncle and his late father's partner, George Smith, was already a prominent member of the Faculty of Procurators, and it is possible that he had kept his eye on the fatherless child during his school years. David Murray went into apprenticeship at his firm in 1857.

Murray's relationship with the University of Glasgow commenced when he was 15 years old, but it would be lifelong and profound: late in life, he would be described as "the Nestor of the Council, the controller of finance, the historiographer of their chronicles, the benefactor of their Library, and the guardian of their inherited tradition and principles⁷." His doctorate was an honorary one, granted him by the University in 1886.

It is not clear when or how he met Frances Stoddard, with whom he would enjoy a long and rewarding marriage. Correspondence between the pair is recorded from 1867 at the latest⁸. Frances was the Scottish-born daughter of an American family who had sought their fortune in Scotland during the 1840s. They were strong supporters of the battle against slavery, and Frances' father wrote pamphlets, gave speeches and organised lectures in support of the cause⁹. William Lloyd Garrison, editor of the *Liberator* and prominent abolitionist and suffragist, was a family friend who visited the Stoddards in Port Glasgow whilst on tour in Scotland¹⁰. Frances was independent and scholarly, but like Murray a lover of the outdoors who enjoyed riding and skating and who kept her own boat on the Clyde. Prior to meeting Murray, she had been determined to support herself financially through her life, and this may account for the lengthy nature of their courtship¹¹.

Back in Glasgow, Murray's partner George Smith ascended to the highest office open to him at the Faculty of Procurators, serving as Clerk until his death in 1871. The death of George Smith had the effect of an accelerant on the life of David Murray: during the year, he would dissolve his erstwhile firm and take up with younger partners to form Maclay, Murray and Spens, which quickly became one of Scotland's principal commercial law firms (speculation that it was the first specialist commercial law firm in Scotland is modern: the claim was not made before the beginning of the present century). 1871 would also be the year that he came to an understanding with Frances Stoddard: in June of 1872 they would marry, and, foregoing an immediate honeymoon, moved into the house Frances had found and chosen for its proximity both to Glasgow and to the sea - Moore Park in Cardross¹².

⁵ Murray, David. *Merchiston Castle School 1855-1858*. Glasgow: James Maclehose & Sons, 1915 p. 14

⁶ *Ibid* p.70

⁷ "The late Mr. David Murray, L.L.D., writer, Glasgow". *Scots Law Times* 1928 p.158.

⁸ Murray, Eunice. *Frances Murray: a memoir*. Glasgow: Maclehose, Jackson & Co., 1920 p.84

⁹ *Ibid* p.55

¹⁰ *Ibid* p.60

¹¹ *Ibid* p.89

¹² *Ibid* p.132

After twenty years of renting the house, the Murrays purchased Moore Park in the early 1890s, and would live there for the rest of their lives. But there would be no falling back into a conventional Victorian middle class marriage for Frances. She would never wear a wedding ring¹³, reasoning that if society did not oblige her husband to do so, nor needed she. On arrival in Cardross, she immediately began to organise and present lectures in the village. British abolitionist women had been giving lectures since the 1820s, but this was still considered an unusual and radical act. It was one in which she had her husband's enthusiastic support and participation. Five years later, both would become profoundly involved in the creation of the Glasgow Association for the Higher Education of Women¹⁴, where their close mutual friend Janet Galloway was secretary¹⁵. Two of their daughters, Dorothy and Sylvia, would take university degrees, and their third, Eunice, became a prominent suffragist during the movement's glorious but bitter years before the 1914-18 war. David Murray would be a lifelong supporter of the women's movement, but it is unclear how much of his attitude and beliefs he owed to his wife. His liberal presbyterian politics would show through in his life as a collector and bibliographer, as will be seen.

DAVID MURRAY: LAWYER

David Murray's legal career was a fiercely successful one. He counted as clients some of the greatest firms in Scottish history, most notably the engineers William Arroll and Co, who built both the Tay and Forth Bridges and the giant cranes at the naval dockyard at Rosyth. Murray was also William Arroll's personal solicitor and handled his private legal affairs. Murray was also the solicitor for the Glasgow and South Western Railway, whose great court battle with the engineers Boyd and Forrest last 14 years and went three times to the House of Lords¹⁶. He was the solicitor for Lewis Potter, the chair of the City of Glasgow Bank which collapsed to catastrophic effect in 1878. After his client was imprisoned for his part in the disaster, Murray spent long hours over many years unravelling the Bank's complex operations, reconstructing substantial commercial operations as far distant as Australia and saving countless livelihoods in the process. Murray's legal writing and publishing was perhaps less successful. But it was nevertheless reformist and forward-looking, calling, for instance, for the dramatic simplification of Scotland's often arcane conveyancing procedures¹⁷ and discussing radical reform of her ancient tax structure¹⁸. It was also influential: his commentary on Lloyd George's Land Valuation Tax was praised in parliament. Murray's legal writing today still impresses with its taut, clear prose unencumbered by unnecessary legalese and its clarity of argument.

Murray would crown one of Glasgow's great legal careers by serving as Dean of the Faculty of Procurators between 1895 and 1898: it is Murray who stands to the fore of the body of the Procurators in the Barclay Brothers' great 1898 photograph of the Faculty in their superb Victorian library. The headquarters of the Faculty of Procurators in Glasgow is one of the greatest achievements of legal architecture - surely the equal of Playfair's Advocates Library in Edinburgh or the pair of halls designed for the Writers to the Signet by William Stark. Two years after the Barclay photograph, 169 West George Street - the home of Maclay,

¹³ Ibid p.143

¹⁴ Ibid. p.147

¹⁵ See David Murray's account of the early years of Queen Margaret's College in his *Miss Janet Ann Galloway and higher education of women in Glasgow*. Glasgow: James Maclehose and Son, 1914

¹⁶ "The late Mr. David Murray, L.L.D., writer, Glasgow". *Scots Law Times* 1928 p.158.

¹⁷ Murray, David. *Conveyancing reform and the Land Registers Bill*. Glasgow: William Hodge & Co., 1893

¹⁸ E.g. Murray, David. *The land and the Finance Bill*. Glasgow: James Maclehose & Sons., 1909

Murray and Spens for 30 years - was demolished, and rose again in the form of James Campbell's magnificent purpose-built, fireproof, steel-framed palace, with the figure of blind justice over the door and equipped with modern strongrooms and safes¹⁹.

Outwith the law, David Murray's was an intensely busy and committed life, centred upon his city. He served as president of the Glasgow Archaeological Society from 1895 to 1898; he was Rhind Lecturer in Archaeology in 1908. For the three years after 1900 he was vice-president of the Society of Antiquaries of Scotland, and from 1904 until 1907 acted as president of the Royal Philosophical Society of Glasgow²⁰. He was twice president of the Glasgow Bibliographical Society, serving in that role for a total of 7 years. He was a director both of the Merchants' House of Glasgow and of the Glasgow Chamber of Commerce, involving himself in their charitable work at a profound level.

DAVID MURRAY: BOOK COLLECTOR AND BIBLIOGRAPHER

It was an intense career in a city passing through the most intense period in its extraordinary history, and yet throughout Murray was also building a great individual book collection at home in Cardross. He had been a collector since childhood - at school, he had become a familiar face amongst Edinburgh's sellers of antiques and curios, and he was one of a group of schoolfriends who collected and exchanged stamps²¹. But book collecting and bibliography soon took over. His interest in the science of collecting, and the nature and use of collections, appears to be as old as his determination to build a collection of his own. The nature of his own collecting appears to have been informed not just by his own individual interests, but also by a larger idea of an ultimate and communal purpose to collecting, an aspiration to drive collecting that was founded in the future and the growth and well being of both local areas and the nation as a whole.

Murray knew at least one other major figure in the Scottish bibliographical world as a very young man, making the acquaintance of David Laing as early as 1864²². Laing's correspondence with Thomas Carlyle would evolve into the ur-documents of the Scottish National Portrait Gallery²³, and Laing's contribution of paintings and prints in anticipation of the gallery's foundation would be crucial to its success. When Laing died in 1878, the gift of his paintings, drawings and prints would be paralleled by his donation of his vast collection of manuscripts to the University of Edinburgh²⁴. But his remarkable library, which contained examples of practically every important example of Scottish printing and within itself comprised a history of Scottish religion, politics, art and literature in its primary form, was sent down to London for auction. Murray believed that Laing's collecting was informed by Laing's twice failing to become the Advocates' Librarian, which was then in effect the national librarian of Scotland, and was aimed at creating a private version of the national collection of printing, binding and literature which the actual Advocates' Librarians had failed to gather for the country. The news of the sale both bewildered him and fired him into action. He sought 100 donors to share the cost of acquiring Laing's library for the nation, and approached Laing's trustees to obtain a potential sale price. When it transpired that sale by

¹⁹ McKean, Charles. *Central Glasgow: An Illustrated Guide*. Rutland Press, 1993

²⁰ "The late Mr. David Murray, L.L.D., writer, Glasgow". *Scots Law Times* 1928 p.158.

²¹ Murray, David. *Merchiston Castle School 1855-1858*. Glasgow: James Maclehose & Sons, 1915 p.52

²² Murray, David. "David Laing, antiquary and bibliographer" *Scottish History Review* vol. XI p.346

²³ Smailes, Helen. *A portrait gallery for Scotland*. Trustees for the National Gallery of Scotland, 1985 p.15

²⁴ Anderson, John. *Calendar of the Laing charters, A.D. 854-1837, belonging to the University of Edinburgh*. Edinburgh: James Thin, 1899.

auction, outside Scotland, was Laing's specific instruction and could not be prevented, the shock was exceeded only by Murray's sense of loss²⁵. Nothing of this kind was going to happen to Murray's own collection.

Through his lifelong relationship with the University of Glasgow, Murray had other instances of the same kind to draw upon. The great eighteenth century doctor and anatomist, William Hunter (whom Murray proudly described as a "Lanarkshire man") was one of the greatest collectors of his day. He had purchased many items at the sale of the fabulous collection of Sir Richard Meade²⁶. However, the dispersal of Meade's collection Hunter saw as a catastrophe, and Hunter's own will saw not only the bequeathing of his collections to the University of Glasgow in perpetuity, but the gift of a sum intended to support the maintenance and expansion of those collections to come. To some extent, this latter part had been misspent, leaving the collection isolated inside William Stark's beautiful purpose-built Hunterian Museum for many years without the means to open it up to scholars and students.

When in 1892 the University announced its intention to sell William Hunter's unique collection of coins and medals to raise funds for the university, Murray swung into action once more, writing a letter to the *Glasgow Herald*²⁷ and lobbying every imaginable person of influence and decision-making capacity within the university and its stakeholders, and before long the idea was withdrawn: in 1905, his "Suggestions in Reference to the Hunterian Books and Manuscripts²⁸" were largely adopted and the collection was not only saved but its care and administration transformed. The enormous success of the Hunterian Gallery's 2018 William Hunter exhibition has much to thank Dr David Murray for²⁹.

Only five years before the dispersal of David Laing's Library, the Glasgow broker William Euing donated his priceless collection to the University. Murray's own memoir of Laing³⁰ listed a host of Edinburgh collections sadly lost to Scotland via the auctioneer - John Lee's, Whitefoord Mackenzie's, John Gibson Craig's and more. The salvation of Sir Walter Scott's Library at Abbotsford was an exception to prove the rule: collectors were not just collecting on their own behalf. In collecting, the national history, the national good and the national future were very much at stake. Murray's donation of the largest part of his library to the University of Glasgow shortly before his death is to be understood in this context.

Murray's support and passion extended also to municipal and national collections. When Glasgow's Sheriff Court records were threatened with removal from the city to a centralised archive at Edinburgh's Register House, he fought to keep them, writing that "The Local Records are of interest today because they disclose what was doing day by day in the city in the times to which they relate, the persons who figured in its life, and with whom those of to-day are connected by the spirit-tie which unites the present with the past, and enables us

²⁵ Murray, David. "David Laing, antiquary and bibliographer" *Scottish History Review* vol. XI p.346

²⁶ See Hanson, Craig Ashley. "A motto for a museum: William Hunter's inheritance from Richard Mead" in Campbell and Flis, *William Hunter and the anatomy of the modern museum*. New Haven and London: Yale University Press, 2018.

²⁷ The letter appeared in the *Glasgow Herald* on 22nd December 1892. It was reprinted in pamphlet form: see Murray, David. *The spoliation of the Hunterian Museum: a letter*. Glasgow: James Maclehose and Sons, 1892.

²⁸ Murray, David. *Suggestions in reference to the Hunterian books and manuscripts. A memorandum for the University Court*. Glasgow: James Maclehose & Sons, 1905

²⁹ Also see Murray's account of the 1892 Hunterian Museum affair and its historical context in his *Memories of the Old College of Glasgow*. Glasgow: Jackson, Wylie and Co., 1927 pp.352-358

³⁰ Murray, David. "David Laing, antiquary and bibliographer" *Scottish History Review* vol. XI p.346

to participate in the life and achievements of former generations, which creates patriotism and pride in one's city and its history. Local Records are full of life in the place of their origin; they would become dead if transferred elsewhere"³¹. This is Murray staking out the past as futurology: the living past as a vital component in any kind of desirable future for the city that he loved.

It would be a feature of Murray's collecting life that in marking out the catalogues of auctioneers and booksellers he would look not just for books to augment his own library but would hold the needs of other collections in mind³². His 1894 *Plea for Stirling's Library*³³ called upon Glaswegians, local and national government and collectors more generally to donate material to Stirling's Library in Irvine Street, Glasgow's first real public library and one of the pioneers of its kind throughout the UK. The Stirling Library would be in receipt of Murray largess. So too would his own legal library, that of the Faculty of Procurators, with gifts including a long run of the Athenaeum and a run of the Yearbook of International Law³⁴: Murray also took a great interest in the running of the Library and correspondence survives at the Library to illustrate this. Records survive of Murray's donations to the Signet Library³⁵. The last of the Signet's great scholar-librarians, John Philip Edmond, was a friend of Murray's, and it is clear from their letters that Murray remembered Edmond's desire for a run of the Transactions of the Glasgow Archaeological Society for some months before he was able to fulfil it.

The University of Glasgow would be the principle focus of this kind of activity. In 1912, Murray recalled his donation of Cicero's *Academicae Quaestiones* (Paris 1544), with the autograph and notes of George Buchanan and the autograph 'D. Lyndesius'. "This I purchased", said Murray, "and have now presented to the University of Glasgow that it may again join the stately row of books which also bear Buchanan's autograph, and once formed part of his library, and were presented by him to the University in 1578"³⁶.

The most unusual of Murray's interventions for smaller libraries is undoubtedly that that led to the creation of Dumbarton Library's Watchmeal Collection. The collection is named for an ancient tax called the Watchmeal of Kilpatrick, whose antiquity is attested for by its purpose - to protect its community against wolves. The archaeologist and antiquarian in Murray was intrigued, and he purchased a portion of the ancient tax himself. Late in life, he gifted this portion of the tax to Dumbarton Library along with a set of his writings on local history, and these form a collection which remains at the Library to this day³⁷.

Throughout his career of collecting, gifts and donations, two threads can be perceived. Institutions in of themselves do not guarantee the safety of collections: individual energy, involvement and intervention is crucial. Nevertheless, the best collecting is an energy that gathers books and manuscripts into appropriate relationships, that provide a coherence to a community's past and a nation's history to the good of both. Institutional collections are the

³¹ Murray, David. *Scottish local records and the report of the departmental committee of 1925 on Sheriff Court Records*. Glasgow: Jackson, Wylie & Co., 1927 p.30

³² Murray, Sylvia. *David Murray: a bibliographical memoir*. Dumbarton: Bennet and Thomson, 1933 p.23

³³ Murray, David. *A plea for Stirling's Library*. Glasgow: Aird and Coghill, 1894 p.11

³⁴ Library of the Royal Faculty of Procurators, letter from David Murray dated 10th February 1919 and *Library Committee Minutes* 27th January 1927.

³⁵ Signet Library *Librarian's Letters* 1905 no. 686 dated 25th April 1905 and 1912 no. 481 dated 27th June 1912.

³⁶ Murray, David. "David Laing, antiquary and bibliographer" *Scottish History Review* vol. XI p.365

³⁷ Mitchell, John. "The Watchmeal of Kilpatrick: a wolf's tale with a difference." *Scottish Local History* no. 80 February 2011.

best means of keeping these coherences intact for future generations. A collector collects for his community and for his nation, and he has a duty towards the collections already in the possession of that community and that nation.

Despite his great age, Murray's death in 1928 was relatively sudden and unexpected. His great donation the year before was long in the planning. It may be considered to represent that part of his library that had been collected along the intentional, outward-looking lines that his history of donation and collection interventions hinted at. But it would be wrong to assert that his collecting was entirely dominated by such considerations: he would also have described his collection as a working collection³⁸, there to assist his historical research and writing.

Although he would publish his lectures and other pamphlets for the whole period of his career, Murray's most substantial historical works were an achievement of later life, with the earliest of them not appearing until 1910 and the final two volumes unfinished at his death. There are nevertheless traces in them of the demanding professional career he would continue to lead until his death. They lack the intensity and focus of his legal works. Rather than presenting a coherent interpretation or analysis, they often give the impression that Murray intends them to represent his entire knowledge and research on a subject, without the shaping selection that is the hallmark of true history.

In addition to his many published lectures and pamphlets, his major historical works, listed in chronological order, are:

Museums, their history and their use : with a bibliography and list of museums in the United Kingdom (Glasgow : J. MacLehose and Sons, 1904)

Legal practice in Ayr and the west of Scotland in the fifteenth and sixteenth centuries : a study in economic history (Glasgow : James MacLehose and Sons, 1910)

Lawyers' merriments (Glasgow : James MacLehose and Sons, 1912)

Robert & Andrew Foulis and the Glasgow press with some account of the Glasgow Academy of Fine Arts. (Glasgow, 1913)

Early burgh organization in Scotland : as illustrated in the history of Glasgow and of some neighbouring burghs (Glasgow : Maclehorse, Jackson & Co., 1924-1932)

Memories of the old college of Glasgow : some chapters in the history of the university (Glasgow : Jackson, Wylie, 1927)

Chapters in the history of bookkeeping, accountancy and commercial arithmetic (Glasgow, Jackson, Wylie & Co., 1930)

Although the full Murray collection now at the University of Glasgow still invites a full study, the breakdown of its contents (Appendix 1) published by Sylvia Murray in 1933 amply demonstrates the underpinning of Murray's historical writing by his books³⁹.

³⁸ Murray, Sylvia. *David Murray: a bibliographical memoir*. Dumbarton: Bennet and Thomson, 1933 p.10

³⁹ Ibid p.10

In 1885, Thomas Mason conducted a survey of the major public and private libraries in Glasgow, visiting collections of all kinds and analysing their contents in some detail⁴⁰. Murray's collection goes unmentioned. Cardross, where Murray's library was housed, may have been too far from the city to be considered, or, else Murray's collection did not truly burgeon until later in the century. Mason posited an idea of what the ideal Scottish book collection should contain - a kind of scaffolding to assist his examination of the collections he inspected, which were of many different sizes. It is interesting to compare Mason's list with Sylvia Murray's (Appendix 1).

Few of the collections visited by Mason were quite as focussed around the needs of research as Murray's, and it is interesting to reflect on the differences a working collection has in its classification from one of a purely antiquarian nature. But nevertheless Mason foreshadowed in the 1880s some of the concepts Murray would make concrete in the following decade. Mason, allowed himself to hope that owners of collections would prefer to secure for them what he called "permanent and honoured resting places" in Glasgow's public libraries⁴¹, and declared that "every true lover of his country must rejoice to see the records of his native land put beyond danger of wilful destruction⁴²" and claimed that the best Scottish collections resided in Glasgow and not in Edinburgh.

MURRAY'S SESSION PAPERS

A- THE NATURE OF SESSION PAPERS

There is one element in Sylvia Murray's list - if not from her overall account of her father's books - that is conspicuous by its absence: Court of Session Papers. David Murray owned a highly important collection of Court of Session Papers, and the largest part of these is now in the ownership of the Signet Library in Edinburgh. This part comprises the lost legal archive mentioned in the title of this paper.

As they are understood by legal scholars, Court of Session Papers, henceforth Session Papers, comprise written pleadings composed between c.1710 and 1850, mostly (if not exclusively) by Advocates, for cases before the judges of the Inner House of the Court of Session in Edinburgh⁴³. The Inner House dealt with the most important cases, a panel of judges considering the arguments and then voting a decision. Because the decision in each case was decided by a vote, there was no clear set of reasons behind each decision that could be recorded. The legal arguments put in front of the judges by the Advocates in the Session Papers are therefore vital to understanding what may have driven a decision as they form practically the only evidence of the issues as considered by the judges.

Session Papers consisted of statements of the claims or defences in a case, accompanied by supporting facts. Alongside the statements and facts would be arguments about the facts, and about the law pertaining to them, using citations of precedent and legal authorities. Session Papers came in many forms - petitions, answers, memorials, informations and more,

⁴⁰ Mason, Thomas. *Public and private libraries of Glasgow*. Glasgow: Thomas Morison, 1885

⁴¹ *Ibid* p.31

⁴² *Ibid* p.21

⁴³ Stewart, Angus. "The Session Papers in the Advocates Library." *Stair Society Miscellany IV* p.199

and could be accompanied by maps - often of great craft and beauty - transcribed letters, drawings, plans, charts and witness statements⁴⁴.

This section of the paper focuses on Session Papers as a focus for collecting, centring on Murray's own collection. There are three crucial initial points to make. First, they are amongst the most eloquent representatives of the extraordinary institutional memory of Scots law, a memory which extends over millennia in time and extends geographically across Europe, Turkey, the Levant and North Africa. Secondly, every Session Paper was the creation of an extraordinary and concentrated writing and publishing process, every part of which took place in a remarkably small geographical area despite their impact being felt nationally and abroad. Thirdly, few literary forms - and Session Papers did indeed constitute a known literary form⁴⁵ - experience such substantial changes in their use, purpose and meaning over time. In material history terms, they are astonishing shape shifters.

Session Papers can be described as a manifestation of the national memory of Scotland. At the start of the eighteenth century, Scotland was a small, almost entirely rural nation perched on the northern edge of Europe, almost bankrupt and subject to the twin humiliations of the failure of the Darien Project and the subsequent Union with England. But under the terms of the Union, it kept its own church and legal system, and that legal system was based, not on English common law and equity, but on European Civil and Roman Law. The authorities open to citation by a Session Paper might be a recent case decided by the court - or it might be a passage from a text by a Dutch legal scholar of the seventeenth century, or from one of the great Roman jurists of two thousand years prior. Scotland was a small agricultural nation with its life taking place largely outside its towns, but its mind and memory expressed through its law encompassed centuries of pan-European thought and culture, and felt itself to be part of a greater whole that took its foundations from the Constantinople of the Emperor Justinian⁴⁶.

With more than two millennia of thought behind it, nevertheless each individual Session Paper was produced in an brief period of intense energy. An advocate would compose the initial paper against the deadline of his case coming to court, and then, leaving his house - which was most likely still at this stage to be a flat in a tenement block in Edinburgh's Old Town - he would resort to a specialist printer known to its own workers as a Session House. "For nearly six months in the year, it is well known that the compositors employed in session-houses, are subject to irregular hours, and very extraordinary exertions, from the nature of that work: they are often for weeks together so emerged in business, as to render it impossible for them to procure, at an average, above four or six hours rest night or day, from their necessary avocations; liable to be raised all hours of the night, or, upon the other hand, after waiting on a whole day, work may come in the evening, which keeps them at labour perhaps the whole night, or at least, to a very early hour in the morning⁴⁷." The printing of

⁴⁴ Mill, Alexander. *The Signet Library Index to Session Papers. Volume 4: maps, plans and diagrams*. Signet Library MS, Edinburgh, 1919.

⁴⁵ The printers of Edinburgh distinguished between "Session Houses" who printed Session Papers, and the printing of books and newspapers – see *George and ors v Master Printers of Edinburgh* [1804] Signet Library SP 225:19

⁴⁶ For an extended example of the range of writers and works that might be brought to bear in written Session Paper pleadings, see Baston, Karen Grudzien *The library of Charles Areskine (1680-1763): Scottish lawyers and book collecting, 1700-1760*. Phd, University of Edinburgh 2011 pp. 117-118 and Baston, Karen "A family of readers in eighteenth century Scotland: the Aerskines of Alva and their books" in Boran, Elizabethanne (ed). *Book Collecting in Ireland and Britain 1650-1850* p. 195

⁴⁷ *George and ors v Master Printers of Edinburgh* [1804] Signet Library SP 225:19. *Memorial*, p.11

Session Papers often kept the heavy manual presses at work all night. The map shows the likely addresses of working advocates in mid-century in green, the location of the printing presses in red, and in blue, the Session Papers next destination - the boxes of the judges. The judges, as William Forbes reported in 1705, would be the next to lose sleep:

“That they may have time to consider weighty cases maturely, they get them reduc’d into writ by the lawyers [advocates] ; and every Lord hath a box standing upon a table in the waiting room of the inner house from two til four in the afternoon, wherein all who have papers to offer may put them by a slit in the cover. This, tho’ a mighty advantage to the lieges, is of late, since informations and bills were allowed to be printed, become an incredible fatigue to the Lords: who, after toiling all day in hearing causes, are obliged to shut themselves up to peruse and consider a multiplicity of papers at night; and thereby often to want the necessary relaxation due to nature, which visibly shortens their days⁴⁸”.

The case would then be heard in the Inner House. Forbes again:

“The Place where our Session is held, thence called the Session House, and commonly the Parliament House, because the Parliament of Scotland did sit there, is a noble fabrick, consisting of an Inner and Outer House. The Inner House is a large square room to which the Lords enter through a waiting Room on the north side, where they put on their robes... The Lords sit in the inner-house in a body, at a semi-circular bench, in the fashion of an amphitheatre...⁴⁹”

The entire intense early life of a Session Paper - from its composition in manuscript by an advocate, through its nocturnal printing to its being read late at night by the judges, to the trial, took place often over a single 48 hour period, and within a territory that a contemporary could walk from end to end in ten minutes⁵⁰.

The Session Papers as first received into the judges’ boxes would most likely be identified by a modern bibliographer as ephemera, and as a pamphlet - a work of anything from four to (less often) a hundred pages, created for a single time-bound purpose, coverless or in paper covers and simply bound - most often possessed of no more than a stab binding. Many Session Papers do indeed survive in this form, especially outwith the large Edinburgh institutional collections at the Advocates and Signet Libraries. However, the paper and printing is usually of a high standard - set alongside chapbooks or broadsides, Session Papers are luxury products of sober design. The decorative printing blocks which adorn the first decade or so of printed Session Papers after the Union fall out of use, and the choice of paper size gradually settles around a standard quarto, with variations thereafter being largely artifacts of subsequent rebinding. If Session Papers are ephemera, they are ephemera of an unusually professional and well-constructed form.

⁴⁸ Forbes, William. *Journal of the Session. Containing the decisions of the Lords of Council..from February 1705, till November 1713*. Preface, p.X

⁴⁹ Ibid Preface p.ii

⁵⁰ Before the building of the Edinburgh New Town, the homes of Advocates, the site of Session Paper printing houses and the boxes of Lords of Council were almost all situated in closes situated on the Lawnmarket and High Street. This situation pertained until quite late in the eighteenth century despite commencement of the building of the New Town – see e.g. *Williamson’s Directory for the City of Edinburgh.. from the 25th May 1773..* Edinburgh: 1773

They are also ephemera that enjoy amongst its authors some of the greatest thinkers and writers of the Scottish Enlightenment. The legal profession's role as a birthplace of Enlightenment thought and activity is beginning now to be properly recognised, although much work remains before this is properly fleshed out. The writers of surviving Session Papers include Henry Home, who as Lord Kames would first describe the now-familiar four-stage account of human civilisation beginning with hunter-gatherers and ending with modern commercial society. Hugh Milne's brilliant editorship of James Boswell's Session Papers is still a work in progress⁵¹. Sir Walter Scott wrote Session Papers early in his career as an Advocate. Other names to be found at the end of Session Papers include Francis Jeffrey, Henry Cockburn and Henry Brougham, and the Papers offer the chance to witness some of the finest minds in Scotland's history in direct involvement with the conflicts and arguments of the society which gave them birth. Looking beyond such Enlightenment writers, the authors of the Session Papers include figures of great significance in the wider history of the nation, including Lord Covington, whose dramatic intervention in the Jacobite trials at Carlisle after the '45 saved many lives, members of the Hope and Dundas dynasties of lawyer-politicians⁵², and judges like Lord Kennet⁵³, who played roles in the ending of slavery and the evolution of modern ideas of copyright. Every issue of life shows up in the Session Papers at some stage, every major figure in Georgian Scotland, every city and settlement. All human life is here.

Session Papers survive principally because a series of lawyers, overwhelmingly Advocates, collected and kept them after the case that they concerned was complete. Practically every instance of such collections exhibits as bound volumes containing anything between twenty and fifty individual Session Papers. In the vast majority of the court cases dealt with by Session Papers, it is not known what would comprise a complete set of the printed papers for the case, and it is often found that different papers for a particular case are to be found in different case collections⁵⁴. The organisation of bound volumes of cases differs within collections and from collector to collector: some volumes collect similar types of cases, especially "political" cases involving the link between land ownership and voting, and teinds. Others follow a rough chronological order, and some group Session Papers together with printed legislation or with pamphlets of different kinds. Although most collectors who are known to have bound their collections appear to have referred to them as "Session Papers" and entitle their volumes accordingly, other variants exist - "Law Papers", "Pamphlets" etc.

The purposes for which individual collectors engaged in the retention of Session Papers are concealed by the failure of any individual collector to record what they were doing, how, and why. It is generally thought that the collecting drive was professional in nature. Because no record existed of the thought processes by which judges in the Inner House reached their verdicts, possession of the Session Papers gave access at least to the facts, arguments and authorities which had been under consideration⁵⁵. It is also apparent that Advocates and

⁵¹ Milne, Hugh. *The legal papers of James Boswell*. Vols I & II, Edinburgh: The Stair Society 2013 & 2016

⁵² The Hope Collection of Session Papers at the Advocates Library consists of 400 volumes spanning the years 1765 to 1853. A manuscript index at the Signet Library claims 412. The Dundas Session Papers are accounted for by the Arniston Collection, named for Arniston House, the Dundas seat just outside Edinburgh. 239 volumes span the years 1708 to 1797.

⁵³ The Session Papers of Lord Kennet, 1770-1785, were part of David Murray's collection of Session Papers donated to the Signet Library in 1930 and constitute volumes M2 to M13.

⁵⁴ For an analysis of replication of Session Papers across different collections, see Stewart, Angus. "The Session Papers in the Advocates Library." *Stair Society Miscellany IV* p.218.

⁵⁵ Stewart, Angus. "The Session Papers in the Advocates Library." *Stair Society Miscellany IV* p.206

Judges kept their own Session Papers from cases in which they had been involved, sometimes alongside the Session Papers of other lawyers in the case.

The two largest modern institutional collections are those held in Edinburgh by the Advocates Library and the Signet Library. Both collections are comprised first of collections of collections - sets of Session Papers gathered by individuals and then presented to, bequeathed to or purchased by the institutions at a later moment. Both institutions also engaged in collecting of their own at different intensities and at different times as the eighteenth century wore on. After the introduction of the Session Cases law reports in 1821, both institutions built near-complete collections of Session Papers concerning and organised around the cases featured in the Reports, whilst continuing to acquire older papers by gift or by auction.

It was the fate of some Session Papers therefore to progress from their intense birth and first point of use and to move into a different kind of existence as part of larger collections used as a store of legal reference and knowledge, in the ownership firstly of individual collecting lawyers and later of collecting legal libraries and institutions. Both collectors and institutions sought on different occasions to create organisational apparatus to facilitate this use of Session Papers. Some collectors indexed individual volumes or sets of volumes. There are two eighteenth century manuscript index volumes to Session Papers in the Signet Library dealing with different collections acquired by the Library⁵⁶, in addition to which there are two printed classified indexes to 1790s Session Papers created by Robert Bell WS⁵⁸ in relation to his efforts to improve the reporting of Court decisions. Some Signet Library Session Papers, once individual collections but later acquired by the Library, display efforts on the part of the Writers to the Signet to cross-reference cases in their collection both with each other and with existing published collections of Court decisions such as those of Falconer or Elchies⁵⁹.

The successive Session Court reforms of 1808 and 1850 brought to an end the tradition of written pleadings as it had been known. This did not end the reference use of collections of Session Papers, and indeed there are lawyers working today who are conscious of the existence within Session Papers of lines of argument and bodies of evidence that retain relevance and purpose in the modern world. Nevertheless, the arrival of modern, widely available law reports capable of accurate citation, and the efforts of the likes of William Morison⁶⁰ and others to compile pre-reform court decisions in workable reference dictionaries and indexes effectively ended the role of Session Papers as the chief repository of court memory and precedent.

⁵⁶ *Index to Session Papers* Signet Library MS n.d. This index is a single folio manuscript volume, describing a series of volumes of Session Papers by pursuer. It works in alphabetical sequence by name of pursuer, in volume order (so under "A", cases with pursuers whose surname begins with that letter are listed from volume 1, then volumes 2, 3 in turn etc. Folio volumes are listed first, followed by Quarto volumes.

⁵⁷ *Scotch Appeals Index*. Signet Library MS, 1793. This volume refers to 37 volumes of Scotch Appeals to the House of Lords, indexed by pursuer, thence by volume no. and page number.

⁵⁸ These relate to Signet Library Session Papers vols. 604 et supra and are bound in with the Session Papers. Additional copies are bound with the Signet Library *Signet Papers*.

⁵⁹ E.g. Signet Library Session Papers vol. 7 spanning the years 1745-1752

⁶⁰ Morison, William. *The decisions of the Court of session, from its first institution to the present time, digested under proper heads, in the form of a dictionary* Edinburgh: Bell & Bradfute, 1801-1807

However, it is apparent that after 1850 Session Papers from the pre-reform Court were finding a new purpose as a repository of historical evidence, and they begin to appear in the footnotes of works of history just as they begin to fade from those of works of law. Speaking of the Court of Session Records at Register House, David Murray said "I found them to be full of interest and to give information upon a great variety of local matters. They relate to Scotland as a whole, so that the information they contain is not limited to one county, to one class, or to one industry. The information, too, is brought together in periods. All sorts of people come upon the scene, men prominent in their day, others before unheard of; place-names long forgotten are revived, local events are recorded from year to year. We learn of sea adventures and trading by land, of prices and values of articles of all kinds. Anyone interested in the history of a particular place, of an industry, of social conditions and the like will find much to help him during any period he may select..⁶¹"

It is this potential as historical evidence that lies behind the immense effort underway to digitize and place online the surviving collections of Session Papers in their entirety. The meaning of Session Papers has changed again, as has their purpose within society. Digitization will mark another such change⁶².

Over the three centuries since printed pleadings first began to appear, the Session Papers have meant different things to different people. Today they can be found in their original stab-bound form, or bound in paper covers, or bound in hard covers as individual documents, or bound as collections of Session Papers. Successive rebindings mean that practically every common form of bookbinding and book dressing can be found among the Session Papers, and they offer scholars of the material history of the book a superb case study in the shift of purpose and physical form under the pressures of professional and societal change.

B - THE SIGNET LIBRARY AND ITS SESSION PAPERS

Writing after David Murray's death, his daughter Sylvia commented that "Of Court of Session Cases he had made a collection, arranging them under the different counties with which the cases were concerned. These he considered of the greatest value as repositories of information throwing light on curious points of law and custom as well as on the social life of other days.⁶³" This collection was included in the 1927 gift to the University of Glasgow, where it remains today. But it constitutes only a small part of David Murray's overall collection of Session Papers. A far larger set, consisting of 225 volumes, was presented by Sylvia Murray and her sisters to the Signet Library in 1930. It is amongst the most unusual and interesting of all substantial surviving collections, but before describing it is necessary to describe the context the collection would find itself in at the Signet Library.

The Signet Library is the Library of the Society of Writers to the Signet in Edinburgh, Scotland's largest and oldest body of solicitors. The Society takes its origins from a brotherhood of legal clerks working for the king's secretary in medieval Scotland, and it was

⁶¹ Murray, David. *Scottish local records and the Report of the Departmental Committee of 1925 on Sheriff Court Records*. Glasgow: Jackson, Wylie & Co., 1927 p.31

⁶² The Session Papers Digitization Project, a collaborative project between the University of Edinburgh, the National Library of Scotland, the National Records of Scotland, the Advocates Library and the Signet Library seeks [2018] to digitize and place freely online the entire national inheritance of Court of Session Papers 1710-1850. Examples from a pilot project are available to view on the University of Edinburgh online image archive.

⁶³ Murray, Sylvia. *David Murray: a bibliographical memoir*. Dumbarton: Bennet and Thomson, 1933 p.12

incorporated into the College of Justice by James V in 1532⁶⁴. Although the Signet Library is the greatest intellectual achievement of the Society in its long history, it is only one part of a far wider societal life within Scottish and wider society.

As with all institutions, the health and prosperity of both the Society of Writers and the Signet Library depend upon the energy and commitment of the individuals of which they are comprised or administered. The collecting energy of an individual such as David Murray or William Hunter has its equivalent in the energy of individuals within institutions that holds bequeathed or gathered collections together and connected to the life of society. The history of the Signet Library⁶⁵ is one of a series of bursts of creative collecting and collating energy, interspersed with stasis and, at times, contraction as the relationship of the Society with its collections waxed and waned.

Although the first known donation of a book to the Society took place in 1697, the birth of the Library is generally agreed to have taken place during 1722, when the decision was taken to acquire and build a collection of legal books and printed parliamentary legislation. A series of substantial purchases took place in 1722 and 1723, which still represented the bulk of the collection when a handlist of the Library was drawn up over 50 years later. In 1778, the arrival of John Davidson, the son of a bookseller, as Deputy Keeper of the Signet triggered a further large wave of acquisition, this time including books on all subjects with the evident intention of turning the Signet Library into a major collection covering the breadth of human knowledge. Although the first full printed catalogue was issued in 1792, the Library found itself in a neglected state ten years later, and even after the building of William Stark's magnificent Regency Signet Library during the latter part of the Napoleonic Wars⁶⁶, there would be difficulties. A banking crash in 1834 brought acquisition to a halt, and in the 1850s the entire future of the collection was briefly in doubt.

The Signet Library's acquisition of Session Papers appears to have followed these rhythms of energy and relapse. The regular acquisition of Session Papers on the Library's part appears to have commenced in 1796, by which time at least one major acquired collection and a collection of papers relating to Scotch Appeals to the House of Lords were already in situ. A manuscript index of Session Papers exists which refers to Session Papers still locatable in the collections today; internal evidence suggests that it was compiled in the late 1770s. A 1793 index lists Scotch Appeals to the House of Lords. Session Papers are mentioned, in simple single-line entries, in the Signet Library catalogues of 1805 and 1820-1833. Collections continued to be acquired after 1796, the most notable of which being the purchase of Lord Eldin's Session Papers in 1833. In 1856, William Ivory's catalogue of the Signet Library's legal collections provided the first census of the collection to go into any kind of detail⁶⁷. It lists six acquired collections, including the 180 volumes of Lord Eldin's. Eldin is the only named collector. In 1864, the Library Curators called for the indexing of these older collections, claiming erroneously that the Advocates Library collections had indexes and were far more useful as a result (they did not). In 1907, indexing of the older

⁶⁴ The classic reference is *The History of the Society of Writers to HM Signet* Edinburgh: Constable, 1890.

⁶⁵ A professional but straitlaced account is Ballantyne, George Hodge *The Signet Library and its Librarians 1722-1972* Glasgow: The Scottish Library Association, 1979. Ballantyne was writing before the onset of the second phase of major library sales in 1978-79.

⁶⁶ For the building of the current Signet Library, see Brown, Iain Gordon, *Building for books: the architectural evolution of the Advocates Library 1689-1925* Aberdeen: Aberdeen University Press, 1989.

⁶⁷ Ivory, William. *Catalogue of the law books in the library of the Society of Writers to Her Majesty's Signet in Scotland*. Edinburgh: 1856

collections by Assistant Librarian Alexander Mill got underway and would be completed by 1919. This index remains in use to this day. Collection of Scotch Appeals ceased during the Second World War, and the habitual collecting of Session Papers stuttered at the end of the 1960s, to end altogether by the late 1990s.

The collection is currently undergoing the first complete survey since its indexing, with the intention of uncovering information about provenance and use. Unfortunately, the bulk of the set was rebound after 1969, losing a great deal of information in the form of binding, annotated endpapers etc. The rebounding treated the Signet Library Session Papers collection as a set of texts of solely legal import and ignored every other issue. To compound this problem, there is internal evidence of the rebinding and reordering of acquired collections which makes their reconstruction in the present day highly problematic. It is not clear when this reordering and rebinding might have taken place, save that it was either before or during the Mill indexing or both. Ivory's 1856 Jurisprudence Catalogue lists the collection essentially as follows:

A [Old Series 1713-1767]

24 folio, 18 quarto

42 in total

B 1764-1798

38 quarto

C 1797-1820

198 quarto

D 1731-1789

24 quarto

E 1717-1762 (marked as 1st and 2nd collection)

48 folio

F 1786-1820 (The Session Papers of Lord Eldin "not in a regular series")

180 quarto

G 1766-1814 (different collections e.g. elections, teinds, misc)

75 volumes

This is a list of 563 volumes (the pre-1821 collection now amounts to c. 730 volumes). Collection C represents the beginning of concerted institutional collecting at the Signet Library and an existing collection acquired through purchase. Mill's index covers about 100 further volumes.

Within these series, there is at least some evidence to the identity of individual collectors. Collections A and E both show signs in whole or part of having been at some point in the possession of the Advocate Alexander Lockhart, later Lord Covington. Other volumes in the set bear the ink stamp of "John Hope Advocate" (1794-1858). A large proportion of Hope's Session Papers were deposited after his death with the Advocates Library, and it may be that the Signet Library portion represent volumes allowed to go to auction with Nisbet in

February 1859. A small number of volumes once belonged to Writer to the Signet and bibliophile John Whitefoord Mackenzie (and other Session Papers belonging to Mackenzie, albeit not a significant number, also reside at the Signet Library in the books of the crime writer William Roughead WS who bequeathed his collection in 1952). The most significant collector in the Signet Library's collection - aside from David Murray himself - is John Clerk, Lord Eldin, whose Session Papers were acquired by David Laing at the sale of 1833 which is best remembered for the fatal floor collapse that interrupted the bidding. Laing sold the Papers to the Signet Library subsequently.

Alexander Mill spent ten years indexing this collection. It was an arduous task, and he used humour to carry him through. His notebooks from the project are thronged with cartoons - a smoking dog, a version of the Dancing Men from Sherlock Holmes, boxers, and, one day in 1913, a horse and jockey captioned "Derby!" Clearly news of Emily Davison's tragic injuries had not yet reached Edinburgh.

He finished his work in 1919. Just over ten years later came the donation of a further 225 volumes from the estate of Dr. David Murray - an increase on the existing indexed collection of a third. His response is not recorded. Recently, a small bundle of index cards came to light, representing the attempted indexing of the first three volumes in the Murray bequest. But that was all, and when Signet Librarian John Minto was forced into retirement following an accident in Glasgow, the 80 year old Alexander Mill decided that he did not have the desire to work under another man, and stepped down.

C - DAVID MURRAY'S SESSION PAPERS AT THE SIGNET LIBRARY

The donation itself was administered by Murray's law firm, McClay Murray and Spens, of whom the surviving Spens was a Writer to the Signet. The surviving correspondence indicates that Murray's daughters approached the firm to seek their help in disposing of the volumes, which were then offered to the Signet Library on the proviso that any the Library did not want would be found a suitable home. After a period of storage in offices at 93 Hope Street, the volumes were loaded into wicker baskets and carted to what was most likely to have been Queen Street Station for transmission to Edinburgh. An initial survey of the papers was undertaken at Hope Street (Appendix 3).

The Murray donation was made to a Signet Library and WS Society still coming to terms with the losses and corrosive aftermath of the 1914-1918 War. The lawyers who had lost their lives at Gallipoli and in France had not been replaced, income from apprenticeships was in sharp decline and the average age of both WS Society officers and staff was rising. The John Minto who arrived at the Signet Library in 1906 would have swept up the Murray donation into his wider cataloguing efforts. The John Minto of 1930 renumbered the volumes (the marvellous art deco stencil set used for the job is still at the Signet Library today) and placed them into store in a basement cellar. His successor, Dr. Charles Malcolm of the Society of Solicitors to the Supreme Court, was already in his sixties on arrival in 1935, and there is no sign that he was ever aware of their existence.

They were rediscovered in the early 1970s by the then-new librarian George Ballantyne, who was engaged in a project to create a handlist of the Session Papers written by James

Boswell⁶⁸. At the end of the 1960s, he had instigated the rebinding of the Signet Library's Session Papers - that rebinding that would destroy so much evidence of their history and provenance, and threaten to reduce them to bare, context-stripped legal documentation. Murray's Session Papers were, for the most part, in original condition, retaining much evidence lost by other parts of the collection - their original bindings and endpapers present, pencil notes and annotations undisturbed. It is unfortunate that Ballantyne elected to rebind the oldest and most important part of the set.

These were the Session Papers once owned by Robert Bruce, Lord Kennet (1718-1785). It is a rare and precious set of papers, unusual in being a collection gathered by a Senator of the Court of Session (it was more often that an Advocate would cease collecting Session Papers when he was elevated to the bench). The papers cover some of the most crucial legal cases of late eighteenth century Scotland - here, for instance, are Kennet's handwritten notes on the case of Knight against Wedderburn, which ended slavery in Scotland. They are carefully chosen - many of them bear the legend "keep" in Bruce's handwriting, and each volume is neatly and accurately indexed.

The Kennet Papers on their own render the Murray Session Papers at the Signet Library an unusual and important survival. They are not the only major grouping within Murray's collection. A numbered and indexed set, originally of 32 volumes but now with one volume absent, represents the collecting of George Dundas, Lord Manor (1802 - 1869), with hints within them of other, earlier owners. Many volumes bear signs of the ownership of George Cranstoun, Lord Corehouse (1771-1850) - interesting given the presence of the Corehouse Collection of legal books at the Faculty of Advocates. Other names occurring in the collection include William Couper, John Orr, David Boyle, William Miller, Writer to the Signet John Cook (whose presence in the collection is hard to untangle but may amount to many volumes) and Andrew MacGeorge 1774-1857 of the Faculty of Procurators, father to Andrew MacGeorge, historian and lawyer of Glasgow (1810-1891). There is evidence here to be drawn out of Session Paper collecting in Glasgow.

Perhaps the most unexpected set amongst the David Murray Session Papers is a sequence collected and bound together by the Advocate William Boswell (1779-1841). He was a relative of, and son-in-law to, the biographer James Boswell, for whose Session Papers this set is a goldmine. Much of this part of the collection consists of cases that William Boswell had been involved with, but the first few volumes of the set display something highly unusual - conscious collecting of Session Papers by James Boswell, Robert Boswell and others, driven not by the desire to control a supply of legal precedent, but by family pride. It is the only set of this kind yet discovered.

Not all of the Session Papers listed as present at 93 Hope Street in 1930 can be accounted for in the Signet Library today, and the unbound "proceedings in processes" cannot be traced as yet at all. These may have been bound into the main Signet Library collection and so many still be recovered.

The David Murray Session Papers are remarkable for reasons that extend far beyond the famous names that lie behind them. The collection of 225 volumes represents the second largest known collection ever constructed by an individual, and by far the largest ever in

⁶⁸ Ballantyne, George Hodge. *The Session Papers of James Boswell. A catalogue of those papers contained in the Signet Library and the Advocates Library, Edinburgh. Compiled by G.H. Ballantyne 1969-1980* Signet Library typed MS

the hands of anyone not a member of the Faculty of Advocates⁶⁹. It is also by far the largest collection assembled by any individual or institution outside Edinburgh. It is the only collection to exhibit evidence of extensive Session Paper collecting by a Writer to the Signet (WS firms - law firms in which a majority of the partners were Writers to the Signet - were known to collect Session Papers, although these collections are dwarfed by Murray's).

It is unclear when and how Murray built his Session Papers collection. All of his papers predate his going into partnership with George Smith, although some date from the period of his apprenticeship. It is open to possibility that a proportion of the later papers were left him for his use by George Smith, or perhaps even by his father, but no internal evidence for this survives. Most of the volumes in the collection bear annotations by Murray on the endpapers, but his distinctive bookplate, based on the Murray of Atholl clan crest, is only occasionally present. What few dates of acquisition have been noted here come from the 1860s, during his partnership with George Smith and before his marriage. It is unlikely, but impossible to rule out, that the Session Papers were acquired in a single large transaction.

There is no specific evidence to suggest that his interest in collecting Session Papers was professional or legal in nature. None of his professional legal books or pamphlets reference Session Papers - his own or those in other collections. If he found anything of bibliographical interest about Session Papers, he left it unremarked. In this, he was typical of the nineteenth century. Outwith the collections of decisions published by the Faculty of Advocates, which were intended primarily for use in the vicinity of the Advocates Library where the papers referenced were held, only Ross's *Leading Cases* of 1829 makes any extensive use of Session Paper references.

Instead, all evidence points to his acquiring Session Papers for what they might provide him in the way of historical local information about the areas of western Scotland that he loved. The bulk of the volumes carry the same kind of pencilled annotation in Murray's hand - a short list of locations, chiefly Dumbarton and Glasgow, followed by any references he was able to locate about these places within the volume. It is quite possible that these pencil annotations mark a single one-time operation. If so, it may have been a disappointing one - there are rarely more than a couple of references marked for each volume, and Dumbarton's entry usually remains blank.

Although Sylvia Murray's remarks, noted above, relate David Murray's collating of Session Papers connected to a single place or geographical area, there is no sign that any papers have been removed from any of these volumes, and so it is likely that his geographical Session Paper collection, now at the University of Glasgow, was sourced elsewhere, perhaps as single uncollected Papers.

Nevertheless, if Murray's Session Papers were indeed acquired for their historical interest, it is an interest that rarely surfaces in his historical writings. Only in one comparatively early Murray paper - *York Buildings: A Chapter in Scotch History of 1883* - do Session Papers figure significantly. These were Session Papers from the Arniston and Campbell Collections in the Advocates Library rather than his own. Murray was generally careful only to cite authorities that others could reasonably access, and this may have brought about a reluctance on his part to resort to Session Papers in footnotes.

⁶⁹ For a full modern list of the major Advocates Library collections of Session Papers, see Stewart, Angus "The Session Papers in the Advocates Library" *Stair Society Miscellany IV* Edinburgh: The Stair Society, 2002 pp. 222-223.

Murray's collection of Session Papers was the largest compiled by an individual solicitor and was brought together for the same reasons as the rest of his book collection - to feed interests of a historical, biographical and geographical nature. The collection is utterly outstanding even when set against other major collections of books assembled by lawyers or collectors close to the law. A survey of Murray's collecting peers bears this out.

D - OTHER LAWYER-COLLECTORS AND SESSION PAPERS

William Roughead WS (1870-1952) bequeathed his library to the Signet Library in 1952. The collection of c.700 publications of all kinds from scrapbooks, chapbooks, pamphlets, accounts of trials, and books about crime, contains only a handful of Session Papers, and only one bound volume of them (which is unusual within the collection in not having provided Roughead with primary material for any of his books or papers).

Writer to the Signet John Whitefoord Mackenzie's vast library, most of which he had beautifully rebound, also contained only a handful of Session Papers. The most important of these was the set of Papers for the case Pirie and Woods against Cumming, in which the mistresses of a school sued for damages after allegations of their sexual behaviour led to the emptying of their classrooms. The Papers were ordered to be destroyed after the case. Whitefoord Mackenzie's copy had belonged to Lord Eldin (who had clearly not only refrained from destroying it but also separated it out from the bulk of his Session Papers); William Roughead acquired the copy at Whitefoord Mackenzie's auction. David Murray's collection of Session Papers at the Signet Library contains George Cranstoun's copy of the same papers.

The auction catalogue for the library of Writer to the Signet John Gibson Craig is a famously magnificent and luxurious production, intended itself to be the subject of connoisseurship, but this again contains only a handful of Session Papers.

These are all Edinburgh collections. A Glasgow collection, that of George Gray, Clerk of the Peace for Lanarkshire at Glasgow, Town Clerk of the Burgh of Rutherglen, held few Session Papers but they were important ones. They concerned the case Fleming v Corporation of Glasgow of 1764, and contain the first proper plan of the centre of Glasgow. This plan was included by Murray in reproduction in his 1924 first volume of *Early burgh organization in Scotland*⁷⁰.

David Murray's collection of Session Papers was not only one of the greatest ever brought together by a single individual - it was also one of the last, and one of the last also to enter a major institutional collection. It is one the Signet Library is proud to have in its care, as a memorial to a great legal bibliophile whose care and concern for and generosity towards Scotland's libraries and collections was one of a kind.

⁷⁰ Murray, David. *Early burgh organisation as illustrated in the history of Glasgow and of some neighbouring burghs*. Glasgow, Maclehose & Jackson, 1924-1932

APPENDICES

Appendix 1

The Library of David Murray

Analytical headings compiled by Sylvia Murray

Taken from *David Murray. A Bibliographical Memoir* (Dumbarton, 1933)

The collection's main headers are listed as follows:

1. Standard reference works
2. Publications of learned societies e.g. Bannatyne, Maitland
3. Catalogues of the principal public libraries
4. Catalogues of private book collections and book auctions
5. Early Scottish periodicals - Caledonian Mercury, Glasgow Journal, Scots Magazine
6. Set of the early Glasgow directory
7. Political pamphlets, broadsides, sermons, chapbooks
8. Early school books
9. Early works on bookkeeping and accounting [sought by Univ of California]
10. Early 18th century lecture note collections in manuscript
11. Graduation theses from Aberdeen [bought at David Laing auction and donated to UoA in his lifetime], St. Andrews, Edinburgh, and a few UoG
12. Early legal writings
13. Museum catalogues incl. Early lists of curiosities and early writing on collections [sought by Wellcome Museum after his death]
14. History of Scotland incl. Jacobite pamphlets, Darien literature, Covenanters political sermons
15. Works relating to Glasgow - especially Foulis and early Scottish printing

Thomas Mason's analytical headers for collections of Scottish books

Taken from: *Public and Private Libraries of Glasgow* (Glasgow: 1885) p.17.

Mason's list is nationalistically very self-aware, distinguishing between English and Scottish works, and repeats headers once for each country.

1. Theology Philosophy and Ecclesiastical History
2. Poetry and the Drama (General)
3. Poetry and the Drama (Scottish)
4. Theology etc. (Scottish)
5. Biography (Scottish)
6. History (Scottish)
7. Travel (Scottish)
8. Topography (Scottish)
9. Edinburgh
10. Glasgow
11. Law and Trials (Scottish)
12. Miscellaneous (Scottish)
13. Travel

14. History
15. Biography
16. Art and Antiquities
17. Sports and Pastimes
18. Science (including Natural Philosophy, Chemistry, Medicine, Zoology, Botany and everything generally designated by the term)
19. Law and trials
20. Philology
21. Fiction
22. Classics
23. Miscellaneous

Appendix 2

Text of analysis of David Murray's Session Papers, made at Hope Street in Glasgow in 1930 prior to transport to the Signet Library in Edinburgh. (From *Librarian's Letters*, Signet Library, volume for 1930, "Maclay Murray and Spens").

Dr David Murray's Trust

List of Session Papers etc at 93 Hope Street

SESSION PAPERS OF LORD KENNET.

April 25th 1770 - February 18th 1772
February 1st 1772 - January 2nd 1773
January 2nd 1773 - March 8th 1774
January 11th 1774 - October 25th 1775
November 21st 1775 - February 19th 1777
February 8th 1777 - January 22nd 1778
January 1st 1779 - October 7th 1780
- 1782 - - 1783
- 1783 - - 1784
(in pencil, added ?at Signet, 1778-1781)

+++++

Complete volume no. I to X
In pencil: 3 wanting
In pencil: Oct 10 1778 - 1813
In pencil: Nov 23 1786 - ?1785

+++++

Jardine v Royal Bank AC HL
Purdon v Rowatt 1854-56
Vols defences 1823-42; 1834-46; 1843-50
Breadalbane Succession
House of Lords 1852
6 volumes reclaiming notes (in pencil: 7)
Vol. Political cases
Vol. Bankruptcy
2 vols Petitions (in pencil: 4 or 5 overlaid)
1 vol Minutes
1 vol. Forms
1 vol. Succession
Woods v Pirrie
Vol. Burgh election cases
Vol. Proceedings in processes 1750-1751 (unbound)
Vol. Law Papers
Vol Session Cases 1820 (in pencil, 3 vols)
Vol Indictments

+++++

Session Papers

Jany 2nd - June 8th 1812
March 15th 1811 - Sept. 10th 1812
May 29th 1810 - Jany 2nd 1812
Nov 26th 1812 - Jany 7th 1813
Sept 9th 1813 - Dec 6th 1813
Apl 22nd 1815 - Feb 24th 1816
July 7th 1803 - Jany 3rd 1808
Nov 18th 1813 - Jan 23rd 1816
Feb 17th 1807 - Feb 2nd 1811
May 24th 1791 - Aug 12th 1790
Nov 26th 1806 - Jany 16th 1821
Dec 17th 1821 - May 1st 1830
Nov 3rd 1803 - June 1805
Dec 9th 1812
Dec 18th 1816
Oct 9th 1794 - Dec 13th 1810
Feb 4th 1833 - Dec 2nd 1833

+++++

Complete set of 17 volumes 1818 to 1833 (in pencil: 18 volumes, corrected to 19)

+++++

Set of 37 volumes from Dec 31st 1801 to 1826. Nos. 8 and 12 missing.

+++++

Set of 11 volumes from 1790 to 1816

+++++

Set of 16 volumes from 1833 to 1862

+++++

Set of 17 volumes from circ. 1838 to 1856 (in pencil: 16)

+++++

40 miscellaneous volumes (in pencil: of Session Papers)

+++++

1 volume on entails

Appendix 3

Provisional Provenance, Ownership and Descriptive List of David Murray's Session Papers at the Signet Library

Please note that this list is *highly provisional and incomplete*. "DM" refers to David Murray. Most volumes carry DM annotations on the front flyleaf as described in this paper.

Volumes marked "Absent" were those being digitized at the time of writing, with the exception of nos. M216-M222 whose whereabouts is unknown.

M1 1730-1762 Alex Lockhart (Lord Covington). [Misplaced/ misbound by Signet Library, or a loose Lockhart volume that came into Murray's possession]

M2 to M13 Lord Kennet

M14 Andrew MacGeorge 1774-1857 (Faculty of Procurators), father to Andrew MacGeorge, historian and lawyer of Glasgow 1810-1891. "Law Papers" on spine. Contains academic/student disputes, Joseph Knight slavery case, legislation.

M15 Politics of Renfrewshire 1786-1787 (disputes concerning status as freeholders)

M16 1777-1781. One paper "boxed" for Mr Erskine. "Strathaven" added in pencil (possibly by DM). Cross-referenced to Morison's Dictionary in places - by DM or by Signet Library.

M17 Alex Currie (in pencil) 1778-1813. Maps and pagination. Annotations by DM.

M18 to M43 George Dundas Session Papers

M44 absent

M45-46 John Orr

M47 David Boyle 1796-1802

M48 "Vol 3" alone; marriage cases from 1762?-1803 incl. Douglas Cause

M49 Absent

M50 John Orr

M51-M88 William Boswell (family collecting). Later ownership of George Cranstoun (Lord Corehouse)

M89-M90 William Couper 1795-1822

M91-M94 George Cranstoun (Lord Corehouse) 1803-1812

M95 bookplate with name scratched out. Also appears M51

M96-98 John Bowie WS (vols 1-4, vol 3 absent). Indexed, possibly by DM

M99 Session Papers Vol. 1 1802-1810

M100 Robert Semple, then A.Maitland Cliftonhall 1808. Indexed by subject.

M101 James Miller Advocate 1807-1808

M102 1806-1822

M103 George Cranstoun (Lord Corehouse). Spine title: volume 1. No more present.

M104 Woods & Pirie case - George Cranstoun's copy (Lord Corehouse)

M105 may relate to set vols M91 to M94 1812-1813 George Cranstoun (Lord Corehouse)

M106 George Joseph Bell. DM index. Excellent examples of Session Paper mapping.

M107 Session Papers Vol. 2 Queensberry Cases

M108 Cases in the Court of Session 1820-1832

M109 Session Papers 1818-1820 Glasgow Manufacturers

M110-M111 Burgh Election Cases 1817

M112 [Stab binding] Queensberry Leases 1817

M113 1821-1831 David Scales, Writer, 24 Broughton Street

M114 (Absent)
M115 Bargery and Dougalston Cause 1822
M116 (Absent)
M117 Session Papers - "Forms" 1824
M118 (Absent)
M119-M135 1825-1833 Vols 2-18 George Cranstoun Lord Corehouse
M136 Session Papers Volume 1 1817-1820
M137 (Absent)
M138 (Absent)
M139 Spine title: "Purdon and Rowats"
M143-M151 Possibly indexed and bound by DM No other provenance
M152 Gardyne v Royal Bank [Lords Appeal] William Miller
M153 Excerpts from the Minutes of the Western Bank of Scotland 1832
M154 1828-1833
M155 Spine title: "Session Papers Winter Session 1833-34 Ends M87"
M156 Court of Session Papers
M157 Session Papers 1835-1850 John Cook WS?
M158 Session Papers 1833-1867 John Cook WS?
M159 Absent
M160 Absent
M161 Session Papers 1843-1847 John Cook WS?
M163-M182 (?) Alexander Cook, Advocate
M187 Session Papers Bankruptcy bound Jul 1848
M188 Petitions 1838-1851
M189 Petitions 1847-1857 John Cook WS
M190 Petitions etc. 1825-1834
M191 Petitions 1824-1832
M192-203 1836-1856 Vols 3-18
M204 Absent
M205 Breadalbane Succession 1863
M206-M212 Reclaiming Notes
M213 W.B. Graham's Case (Western Bank of Scotland) 1861
M214 Wilson's Case (Western Bank of Scotland) 1861
M215 Inglis v Douglas [Defenders Precognitions] March 1861 (Western Bank of Scotland)
M216-222 Absent
M223 Indictments 1813-1817

Appendix 4

Abbreviated Summary of the Signet Library Session Papers

As per the David Murray Session Papers, this is highly provisional and incomplete.

Volume number range with known or likely provenance

1-28 Alexander Lockhart (Lord Covington) ("Old Series" 1713-1767) (some volumes pertain to those included in the c.1778 Session Papers MS index)

29-72 Alexander Lockhart (Lord Covington) ("1st and 2nd Collection")

73-375 John Clerk, Lord Eldin; John Hope, Advocate. (some volumes pertain to those included in the c.1778 Session Papers MS index)

375-577 1797-1820 Institutional collecting by the Signet Library.

578-601 1731-1789 (Listed as collection "D" by Ivory in his 1856 Jurisprudence Catalogue of the Signet Library)

603 (The "1788" volume featuring the Indictment of Deacon Brodie)

604-610 Robert Bell WS, cross-referenced with his *Cases decided in the Court of Session, : from November 1790 to July 1792* (Edinburgh: 1794)

610-698 May include Ivory's collection "G" of 1766-1814 containing election cases, teinds and misc, plus collections acquired or donated after 1856.

Approximately 40 folio volumes numbered in a Roman numeral sequence, some volumes of which pertain to the 1793 Scotch Appeals manuscript index

Session Cases bound in order according to cases reported in *Session Cases* 1821-1978 (complete up to 1968, bound sporadically thereafter)

The Steuart Bequest of Session Papers (spanning 1820 to 1874)

The Smith and Mason Set of Session Papers (spanning 1874 to 1894)

Petitions 1874-1946

Appeal Cases (Papers) Old Series 1714-1855

Appeal Cases (Papers) New Series 1850-1944