

# A Journey from Legal to National Library of Scotland Through the Prism of its Librarians

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## *Introduction*

National libraries generally arise from legislative fiat. Their creation is either driven from a need to encapsulate and protect a burgeoning nationalism and culture or to reflect the power and might of an already established state, people, or monarchy. Monarchies, aristocrats, or wealthy individuals usually provide the initial physical core. State governmental bodies usually take over the administrative and budgetary responsibility over time as collections grow too large, the general influence of monarchies and aristocrats diminish, or wealthy benefactors die. The National Library of Scotland, however, arrived at its final incarnation through a unique origin – the Advocates Library. The Advocates Library was a law library founded, funded, and operated by a discrete body within the larger Scottish legal community. Within this discrete body was an even more discrete management at the tiller – the Keepers of the Library. A body of men ranging in skills, origins, conflicts, celebrity, policies, and gravitas – and all had some effect on the evolution of the Advocates Library. The library and its librarians played an important and unique part in the national Scottish culture, politics, society, and history, and especially in maintaining and disseminating Scottish law within a larger Anglo dominated political entity. The expansion of Scottish law and courts, legal publications, national politics and the importance and role of the Advocates Library and its librarians are all intertwined. What follows is the tale of the Advocates Library through the prism of its Keepers (aka Librarians) up to the point of the creation of the National Library.

## *Preliminary Background*

First, some background narrative on the library's location physically and geopolitically. The Advocates Library is located in Edinburgh, the regional capital of Scotland, a constituent division of the United Kingdom of Great Britain and Northern Ireland. The United Kingdom is a political union made up of England, Wales, Scotland, Northern Ireland and various Crown Dependencies and Territories. Scotland was the last substantial admission to this union and was an independent nation until its dynastic union with England in 1603.<sup>2</sup> This was further cemented with political union in 1707, thereby creating the United Kingdom(s).<sup>3</sup>

The political union, however, permitted and continued certain independent functions within Scotland, such as education, law<sup>4</sup> and other aspects. Compare this with other political unions (forced

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<sup>2</sup> Which included Wales and Ireland within the title of King of England (as versus Scotland, which is a separate title).

<sup>3</sup> An Act for a Union of the Two Kingdoms of England and Scotland, 1707, 6 Anne c. 11, <https://www.legislation.gov.uk/aep/Ann/6/11/contents>. The Scottish Parliament was thereby dissolved, and Scotland henceforth sent Members of Parliament to Parliament in London – in essence, a United Kingdom parliament. This arrangement was somewhat altered with Scottish and Welsh devolution in 1997.

<sup>4</sup> “That the Laws concerning regulation of Trade Customs and such Excises to which Scotland is by virtue of this Treaty to be liable be the same in Scotland from and after the Union as in England and that all other Laws in use within the Kingdom of Scotland do after the Union and notwithstanding thereof remain in the same force as before....” An Act for a Union of the Two Kingdoms of England and Scotland, 1707, 6 Anne c. 11. Article XVIII. The economic union gave Scots Advocates the chance to go practice in the much more lucrative English/Welsh legal markets. John Finlay, *Scots Lawyers, England, and the Union of 1707*, in *Miscellany VII STAIR SOC'Y* 243 (2015).

or voluntary) within Western European countries such as France and Spain around the same time. France and Spain's increasingly absolutist monarchies of that period sought to enhance and maintain their power by unifying the law of the provinces with a national law (under the absolutist monarchy's aegis), in part carried out through institutional legal writings. Examples include Brittany in France or Catalonia in Spain.<sup>5</sup> The Crown in England made no such move with Scotland – probably driven by the fact that the Union was mostly consensual and negotiated (with the historical precedent of around a hundred years of prior *dynastic* union behind it). The Scots wanted the economic benefits of access to England and its colonial markets and England wanted a semi-politically independent body brought to heel. In comparison, the smaller and less powerful Wales never kept any semi-independent legal system and has been fully incorporated into the English legal system since 1536.<sup>6</sup>

This semi-independent nature of Scotland contributed, in turn, to the national aspect of the Advocates library and its eventual part-transformation into being labelled as *national*.<sup>7</sup> The library was, and always had been, a private library for the burgeoning Scottish legal community.<sup>8</sup> Indeed, it was, it could be argued, the first real library within Scotland. By the nature of the field, law libraries were often the earliest to come into being as stationary, institutional non-aristocratic libraries, mainly because common law systems<sup>9</sup> are heavily based on precedent from written cases and commentators. Over time, the law library that was the Advocates Library took on the role of the national library because Scots Law and its sources (the books, acts and cases) represented a quintessential essence of Scotland and being Scottish (just as education does in many ways too).<sup>10</sup> Scotland comprised people subject to Scottish law.<sup>11</sup> How did the library begin and start its progress under its librarians to reach this point?

Initially the Advocates Library was created by the Faculty of Advocates (itself established by the Scottish Crown). The Advocates Library became *de facto* the national library, but worn down by a lack of money, official governmental support, and an ever-increasing collection, eventually converted into the government funded and run Scottish national library in 1925. That the libraries of Wales, Ireland (before Partition) and Scotland skewed their content toward their culture, literature, laws, etc. is not unexpected.<sup>12</sup>

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<sup>5</sup> John W. Cairns, *Institutional Writings in Scotland Reconsidered*, 4 J. LEGAL HIST. 76, 88 (1983).

<sup>6</sup> Hector L. MacQueen, Regiam Majestatem, *Scots Law, and National Identity*, 74 SCOT. HIST. REV. 1, 2 (1995).

<sup>7</sup> “[T]he definition of ‘national’ is complex. The UK has three national libraries[] and within this complexity, NLS [National Library of Scotland] seeks to operate for the benefit of the people of Scotland....” David Hunter & Karen Brown, *THRIVING OR SURVIVING? NATIONAL LIBRARY OF SCOTLAND IN 2030*, at 2 (2010), <http://www.nls.uk/media/808985/future-national-libraries.pdf>.

<sup>8</sup> A theme for early law libraries is the close connection with the local/regional/national Bars. What came first – the physical collection of law books and then an expansion of the law and lawyers, or the other way around?

<sup>9</sup> Even though Scotland would be classically termed a hybrid legal system – a mixture of Common and Civil Code – the importance of prior case law in this type of system is arguably still as important as that of a pure common law legal system. Comparable hybrid legal systems include Louisiana and Quebec.

<sup>10</sup> MacQueen, Regiam Majestatem, *supra* note 6, at 2 (“For in a very literal, even physical, sense law and jurisdiction do indeed define what is Scotland. Scotland is that area of territory which is subject to Scots law and to the jurisdiction of the Scottish courts.”). No other library in Scotland could compete in terms of nature and content for Scots law.

<sup>11</sup> Wales is subject to “English” law.

<sup>12</sup> Though these libraries do possess collections of international significance, which undoubtedly reflects the paramountcy of the United Kingdom through the Nineteenth and early Twentieth Centuries.

## The Initial Creation of the Advocates Library

A library is not created in a vacuum. What were the factors leading to the creation of the Advocates Library? It is not unsurprising that the first, main impetus came from the monarchy. In 1532, King James V of Scotland established Scotland's first permanent (as versus itinerant or temporary) civil court system with the creation of the institution of the College of Justice.<sup>13</sup> This new system replaced a previously ad hoc court system. Created simultaneously was the Faculty of Advocates.<sup>14</sup> The Faculty represented, regulated, and comprised all advocates in Scotland. Advocates solely practiced law (litigated) in the country's courts.<sup>15</sup> The equivalent organization for solicitors was the Writers to the Signet, founded in 1594 (solicitors are transactional lawyers).<sup>16</sup> Concurrent with the creation of the Courts, in 1617, a few years later, the Register of Sasines was created - the system for registering land.<sup>17</sup>

These new institutions reflected an upsurge of Scotland's legal systems and community. The Scots (read here mainly aristocrats and burgesses) had begun to move away from extra-judicial settlement of disputes (political and family influence, feuds, force, etc.) toward formalized and plentiful litigation in the now centralized court system. The subsequent increase in number of advocates were mostly staffed by middle-level aristocrats availing themselves of a new source of income. The Crown played an initial central role in this, partially in reaction to the unchecked rampant lawlessness, murder, and intimidation by Scots lords in the 1500s and early 1600s.<sup>18</sup>

In reaction to these new institutions, and the correlating burgeoning legal community and interest, the College and other Advocates saw the need for a legal library to allow the Courts and Advocates to function. This was especially important as Scottish law was a hybrid system with the associated reliance on written laws and past decisions. In 1680 the Faculty of Advocates finally decided to create a library. Two years later in 1682 Sir George Mackenzie of Rosehaugh, the then new Dean of Faculty of Advocates, finally established the library for "as a Thing useful and expedient for the College of Justice, and profitable for the whole Nation."<sup>19</sup> The library quickly became the nucleus in which the legal community of Scotland came to center and sustain itself.

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<sup>13</sup> 1532/6, THE RECORDS OF THE PARLIAMENTS OF SCOTLAND TO 1707 (K.M. Brown et al eds. 2007-2017) (providing a translation from Scots). The 1532 Act was later ratified by James V. The new Court of Justice was initially funded by the Church through a Papal Bull. 1540/12/64 THE RECORDS OF THE PARLIAMENTS OF SCOTLAND TO 1707 (K.M. Brown et al eds. 2007-2017), [http://www.rps.ac.uk/search.php?action=print&id=7351&filename=jamesv\\_trans&type=trans](http://www.rps.ac.uk/search.php?action=print&id=7351&filename=jamesv_trans&type=trans) (last viewed Feb. 22, 2017). *See generally*, ANDREW MARK GODFREY, CIVIL JUSTICE IN RENAISSANCE SCOTLAND: THE ORIGINS OF A CENTRAL COURT (2009).

<sup>14</sup> Thomas I. Rae, *The Origins of the Advocates' Library*, in FOR THE ENCOURAGEMENT OF LEARNING, SCOTLAND'S NATIONAL LIBRARY 1689-1989, at 2-3 (eds. Patrick Cadell & Ann Matheson, 1989).

<sup>15</sup> *National Library of Scotland*, in INTERNATIONAL DICTIONARY OF LIBRARY HISTORIES, VOLUME 1, at 566 (ed. David H. Stam, 2001).

<sup>16</sup> *The Signet Library in the 21st Century*, 9 LEGAL INFO. MGMT. 41, 41 (2009).

<sup>17</sup> Registration Act 1617, c. 16 (Scotland), <http://www.legislation.gov.uk/aosp/1617/16>. Before the industrial revolution and economic unions with England, wealth in Scotland was based on land ownership, hence the creation of the Registry.

<sup>18</sup> Replete examples can be found in ROBERT PITCAIRN, ANCIENT CRIMINAL TRIALS IN SCOTLAND, Vols 1-3 (1833).

<sup>19</sup> MINUTE BOOK OF THE FACULTY OF ADVOCATES VOLUME 1, 1661-1712, at 66-7 (John Macpherson Pinkerton ed., 1976) [hereinafter MINUTES VOL. 1]; *National Library of Scotland*, in INTERNATIONAL DICTIONARY OF LIBRARY HISTORIES, VOLUME 1, at 565 (ed. David H. Stam, 2001); Act Ratifying the Act of the Faculty of Advocats, anent the Payment of Dues by inrant Advocats, Jan. 18, 1684 in THE ACTS OF SEDERUNT OF THE LORDS OF COUNCIL AND SESSION, FROM THE 1628 TO 1740, COPIED FROM THE BOOKS OF SEDERUNT 135 (1740).

Mackenzie boasted that “[t]he Faculty may justly claim that the existence of its Library has played a major part in serving the survival of Scots Law as a separate legal system.”<sup>20</sup>

The eagle-eyed will notice the gap of almost a century between the founding of the Faculty of Advocates the creation of their library in the 1680s. Why this delay? One main reason was due to the lack of Scottish-centric printed materials or manuscripts for such a library. Before these were written, and indeed encouraged by the formation of the Council of Justice, the main printed legal texts in Scotland for lawyers to argue with were the Acts of Parliament (Scotland’s), Canon Law and some Roman law texts. The last two represent exterior, non-Scottish sources that native lawyers used to supplement native, non-written law.<sup>21</sup> Legal texts that were Scottish specific were only slowly written and printed in the Sixteenth and Seventeenth centuries.<sup>22</sup> The first major printed Scottish tome arrived in the fifteenth century in the form of the *Regiam Majestatem*.<sup>23</sup> This was followed in the 1500s-1600s by the arrival of printed court decisions, called *practicks*, i.e., practices of the courts. Known *practicks*<sup>24</sup> published around this time include Sinclair’s (collected 1540-49),<sup>25</sup> Hope Major’s (date),<sup>26</sup> Lethington’s (c. 1550-77),<sup>27</sup> Balfour’s (c. 1579), Colville’s (1573-92)<sup>28</sup> and Spottiswood’s (1620s).<sup>29</sup>

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<sup>20</sup> SIR GEORGE MACKENZIE, ORATIO INAUGURALIS IN APERIENDA JURISCONSULTORUM BIBLIOTHECA 8 (1989) (including an English translation by J.H. Loudon in 1946) (speech of Mackenzie on inauguration of the library).

<sup>21</sup> W. Gordon, *Roman Law in Scotland*, in R. EVANS-JONES, THE CIVIL LAW TRADITION IN SCOTLAND 13, 22-3 (1995).

<sup>22</sup> Thomas I. Rae, *The Origins of the Advocates’ Library*, in FOR THE ENCOURAGEMENT OF LEARNING, SCOTLAND’S NATIONAL LIBRARY 1689-1989, at 3-4 (eds. Patrick Cadell & Ann Matheson, 1989 Edinburgh).

<sup>23</sup> This text is an amalgamation of various sources - Roman, Scottish Acts of Parliament, Canon, Celtic and non-Celtic, etc. - and is attributed to the fourteenth century The *Regiam Majestatem* reprinted much of Ranulph de Glanvill’s *Tracturour*. Hector L. MacQueen, *Regiam Majestatem, Scots Law, and National Identity*, 74 SCOT. HIST. REV. 1, 3 (1995). The text initially disappeared but reappeared again in the fifteenth century in 1469, 1475 (“punished according to the form of the old law contained in the book of *Regiam Majestatem*”) and 1487 (“be punished according to the form of the king’s laws and of *Regiam Majestatem*”) and 1607 (Parliament ordered an official copy to be printed). THE RECORDS OF THE PARLIAMENTS OF SCOTLAND TO 1707 (K.M. Brown et al eds. 2007-2017), <http://www.rps.ac.uk/trans/1469/34>; <http://www.rps.ac.uk/trans/1475/34>; <http://www.rps.ac.uk/trans/1487/10/7>; Act in Favour of the Clerk Register Regarding the Printing of the Book Called *Regiam Majestatem*, 1607/3/27, <http://www.rps.ac.uk/trans/1607/3/27>.

<sup>24</sup> Not unsurprisingly, a lot of these printed early cases revolve around land, churchmen resolving tiends (tithes), pupils (minors) seeking restitution from alienated property, and such like. Tutors (legal guardians) were in charge of pupils (minors). The type of texts we see cited in the *practicks* is not unsurprising, mostly roman and civil law and their medieval commentaries. For example, Sinclair’s *Practicks*, cites myriad medieval canonists, many which commentate upon papal decretals but there are other subjects, such as Burgundian customs. DOLEZALEK provisional edition of Dr. Athol Murray’s Sinclairs Practicks, <https://home.uni-leipzig.de/juracom/scotland/dat/sinclair.html>. Many of Sinclair’s cited titles, though not all, are replete in the 1692 Library Catalogue. For example: Barthélemy de Chasseneuz (1480–1541), *Commentaria in consuetudines ducatus Burgundiae* (1599 version, 1692 Catalogue, at 7); Giasone Dal Maino (1435-1519), *Consilia* (1544 version, 1692 Catalogue, at 14); Ulrich Zasius (1461-1535/1536), *Enarratio in titulum Institutionum de actionibus* (1571 version, 1692 Catalogue at 80); Nicolò de’ Tudeschi (1386-1445), *In Clementinas* (1577 version, 1692 Catalogue, at 21).

<sup>25</sup> DOLEZALEK, *supra* note 24.

<sup>26</sup> SIR THOMAS HOPE OF CRAIGHALL, PRACTICAL OBSERVATIONS UPON DIVERS TITLES OF THE LAW OF SCOTLAND, COMMONLY CALLED HOPE’S MINOR PRACTICKS (1734) (by the late John Spottiswood of that Ilk, Advocate) or SIR THOMAS HOPE, MINOR PRACTICKS OR, A TREATISE OF THE SCOTTISH LAW (ed. Alexander Bayne 1726) (published by Thomas Ruddiman).

<sup>27</sup> *The Practiques of Sir Richard Maitland of Lethington*, 30 SCOT. REC. SOC’Y. (Robert Sutherland ed., 2007).

<sup>28</sup> SIR JAME BALFOUR (OF PITTENDRIECH), PRACTICKS; OR A SYSTEM OF THE MORE ANCIENT LAW OF SCOTLAND (1754). Printed by Thomas and Walter Ruddiman.

<sup>29</sup> Full book titles are always interesting to highlight as they read more like elevator pitches - but can be informative. For example: PRACTICKS OF THE LAWS OF SCOTLAND OBSERVED AND COLLECTED BY SIR ROBERT SPOTTISWOOD OF

Concurrent with these primary sources, starting in the Sixteenth Century and into the Seventeenth Century, emerged written and often printed secondary Scots law treatises. These treatises started to diminish the reliance on older canonical and non-Scottish Roman law. At first treatises were often only in manuscript form and were passed around advocates, for example, Stair's *Institutions* was written circa 1660 but was unpublished until 1681.<sup>30</sup> The first printed, vernacular treatise (i.e., non-primary) on Scots Law was William Welwood's *The Sea-Law of Scotland* in 1590.<sup>31</sup> The next treatise to emerge was when Sir John Skene wrote and printed a Scottish legal encyclopedia in 1597/8 – the *De Verborum Significatione*.<sup>32</sup> After Skene and Welwood came Thomas Craig's *Jus Feudale*. Craig started writing around 1600 after forty-odd years of working as an Advocate in the Scottish Courts.<sup>33</sup> These years in practice informed his writing of *jus feudale* and informed his decision that Scottish legal practice needed it.<sup>34</sup> Despite some debate about what is in the *jus feudale*

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PENTLAND, PRESIDENT OF THE COLLEGE OF JUSTICE AND SECRETARY OF STATE TO K. CHARLES THE I. AS ALSO, ABSTRACTS TAKEN OUT OF THE ANCIENT RECORDS OF THIS KINGDOM, WHEREBY IS DECLARED THE MANNER OF ADMINISTRATING JUSTICE IN CIVIL CAUSES, BEFORE THE COLLEGE OF JUSTICE WAS ERECTED AND PROPOSITIONS & QUESTIONS OF LAW (1706). Note how Spottiswood highlights his lofty position, President and Secretary to the king, where he sourced his content from, ancient records, and what he intends to show, civil justice, and when, before or around the erection of the College. After this official title and content, Spottiswood goes on to add his memoirs about how he was charged, allegedly, with treason by the State.

<sup>30</sup> Adelyn L.M. Wilson, *The Sources and Method of the Institutions of the Law of Scotland by Sir James Dalrymple, 1st Viscount Stair* 16 (U. Edinburgh thesis 2011). Another example was with other admiralty texts written (in Latin) that did not seem to reach the printed stage, e.g., Alexander King's *Maritime Law*. “David Kintor and Alexander King – are known to have written treatises about maritime law in the latter half of the sixteenth century.” J.D. Ford, *A Guide to the Procedure of the Admiralty Court*, 18 SCOT. ARCHIVES 95, 95 (2013); J.D. Ford, *Alexander King's Treatise on Maritime Law*, 65 STAIR SOC'Y (2018).

<sup>31</sup> WILLIAM WELWOOD, *THE SEA-LAW OF SCOTLAND* (1590), <http://quod.lib.umich.edu/e/eebo/A14934.0001.001?rgn=main;view=fulltext>; J.D. Ford, *William Welwood's Treatises on Maritime Law*, 34 J. LEGAL HIST. 172, 172 (2013). He wrote in the preface to the SEA-LAW that he hoped the treatise would “[p]lease...your M.[ajesty] in this common expectation and great hoip of all the peiple for a reformation of the Iustice within this land....” Welwood subsequently published updated versions in 1613 and 1616. WILLIAM WELWOOD, *AN ABRIDGEMENT OF ALL SEA-LAWES* (1613) and WILLIAM WELWOOD, *DE DOMINO MARIS* (1616); Ford, *supra* note 31, at 172-3. Welwood had been Professor of Mathematics at St. Andrews, in 1575, transferring to Law in 1587. The political and familial machinations and conflict of the time, especially around St. Andrews, led to constant attempts to remove him, one that succeeded for three years. At one-point, Welwood was stabbed by a rival family. Alex D. D. Craik, *An Early Scottish Pamphlet On Hydraulics Andpneumatics: William Welwood's De Aqua In Altumper Fistulas Plumbeas Facile Exprimenda Apologiademonstrativa* (1582), 32 BSHM BULLETIN 113, 114 (2017).

<sup>32</sup> Though the title refers to defining difficult words *first* in the *Regiam Majestatem*, it goes on to refer to similarly difficult words in “uthers, in the Acts of Parliament, Infefments, and used in practicque of this Realme, and with divers Rules, and common places, or principals of the laws [all sic].” SIR JOHN SKENE, *DE VERBORUM SIGNIFICATIONE: THE EXPOSITION OF THE TERMES AND DIFFICILL VVORDES, CONTEINED IN THE FOVRE BVIKES OF REGIAM MAJESTATEM, AND VTHERS, IN THE ACTES OF PARLIAMENT, INFEFTMENTS, AND VSED IN PRACTICQUE OF THIS REALME, WITH DIUERSE RULES, AND COMMOUN PLACES, OR PRINCIPALLES OF THE LAWES* (1597). The 1681 reprinted version by Sir Thomas Murray of Glendook is available on Google Books. The *De Verborum Significatione* was used and reprinted in numerous later editions, and often appended to later Scots Law dictionaries. SUSAN RENNIE, *JAMIESON'S DICTIONARY OF SCOTS: THE STORY OF THE FIRST HISTORICAL DICTIONARY OF THE SCOTS LANGUAGE* 23-4 (2012).

<sup>33</sup> John Finlay, *The Early Career of Thomas Craig, Advocate*, 8 EDINBURGH L. REV. 298, 302 (2004). SIR THOMAS CRAIG OF RICcarton, *THE JUS FEUDALE* (trans. James Avon Clyde 1934 in two volumes); Stair Society, Volume 64 (trans. & ed. Leslie Dodd, 2017). And in line with the need for native law in print, and following on from the formation of the College of Justice, the *Jus Feudale* cites “nearly ninety cases...and a great many more in general terms.” John W. Cairns, *The Breve Testatum and Craig's Jus Feudale*, 56 TIJDSCHRIFT VOOR RECHTSGESCHIEDENIS 311, 311 n.2 (1988).

<sup>34</sup> “For the last forty years I have been immersed in the work of our Scottish court and my practice there has taught me much.” SIR THOMAS CRAIG OF RICcarton, *THE JUS FEUDALE* ix (trans. James Avon Clyde 1934 in two volumes) (quoting the Epistle Dedicatory by Craig but not in the original).

and its accuracy, contemporaries certainly thought his text had worth.<sup>35</sup> There were multiple attempts to get Craig's manuscript printed.<sup>36</sup> The work is concerned with Anglo-French-Scots feudal law (customs and rights) but also with "general Scots law,"<sup>37</sup> and should be seen as one of the early native Scots laws treatises.<sup>38</sup>

The last two important early and influential Scots laws books that reflect a burgeoning publication of law treatises in this period are Stair's *Institutions* and MacKenzie's *Institutions*. Viscount Stair's *Institutions* was first published in 1681<sup>39</sup> - though Stair wrote the manuscript between 1659 and 1661.<sup>40</sup> Scottish lawyers have always held Stair's *Institutions* in high esteem.<sup>41</sup> In many ways the Stair's *Institutions* (as the title suggests) was the first and best attempt to unify Scot's law into a written, institutional whole that smoothed out and constituted into one source the Roman, Canonical, feudal, customary and statutory elements in Scots law.<sup>42</sup> Around the same time, Sir George Mackenzie of Rosehaugh published many legal treatises. The most well-known is *The Institutions of the Law of Scotland* (1684).<sup>43</sup> This name may seem familiar – it was this Mackenzie who when Dean of the Faculty of Advocates founded the Advocates Library. Despite the institutional title, the *Institutions* were short and elementary because the book was intended more for legal education.<sup>44</sup> His other main legal treatise was *The Laws and Customes of Scotland in Matters Criminal* (1678).<sup>45</sup> Ironically, Mackenzie and Stair were oft political enemies within Scotland. Lord Advocate Mackenzie

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<sup>35</sup> John W. Cairns, *The Breve Testatum and Craig's Jus Feudale*, 56 TIJDSCHRIFT VOOR RECHTSGESCHIEDENIS 311-13 (1988).

<sup>36</sup> Cairns, *Jus Feudale*, *supra* note 35, at 311-13. The first published print version of the *Jus Feudal* was in 1655 (Edinburgh), the second in 1716 (Leipzig) and the basis for the current translation in 1732 (Edinburgh). SIR THOMAS CRAIG OF RICcartON, *THE JUS FEUDALE* xvi-xviii (trans. James Avon Clyde 1934 in two volumes). The 1732 version was published by the Ruddiman brothers, Thomas Ruddiman being Advocates Librarian (see later).

<sup>37</sup> The translated title (Craig wrote in Latin unlike Welwood and other later writers who wrote in Scots or English) is "The Feudal Law, set out in Three Books: in which are contained not only the Feudal customs and rights over land which obtain in Scotland, England, and most localities in France; but the general Scots law, and nearly all subjects of law are clearly and distinctly set out, and separately traced back to the founts of the Feudal and Civil Law." Cairns, *Jus Feudale*, *supra* note 35, at 316 (1988).

<sup>38</sup> As Craig says himself – "I have attempted no more than a scientific formulation of our Scots Law...by putting the custom of Scotland alongside written Feudal Law." SIR THOMAS CRAIG OF RICcartON, *THE JUS FEUDALE* xii (trans. James Avon Clyde 1934 in two volumes) (quoting the Epistle Dedicatory by Craig not in the original).

<sup>39</sup> J.D. FORD, *LAW AND OPINION IN SCOTLAND DURING THE SEVENTEENTH CENTURY* 60, 373-407 (2007).

<sup>40</sup> See generally *The Writing of Stair's Institutions* in FORD, *LAW AND OPINION*, *supra* note 39, at 59; Adelyn L.M. Wilson, *The Sources and Method of the Institutions of the Law of Scotland by Sir James Dalrymple, 1st Viscount Stair* 16 (U. Edinburgh thesis 2011).

<sup>41</sup> Cairns, *Institutional Writings*, *supra* note 5, at 76 ("Scots lawyers accord to Stair's work much more importance than, for example, English lawyers do to Blackstone's *Commentaries on the Laws of England*").

<sup>42</sup> Cairns, *Institutional Writings*, *supra* note 5, at 89-90. It is interesting to see Stair often cited Sir Robert Spottiswood's *Practicks of the Laws of Scotland* but this title was not published until 1706 by his grandson – the Advocates Librarian at the time. FORD, *LAW AND OPINION*, *supra* note 39, at 185-8; Sir Robert Spottiswoode of Pentland, *The Practicks of the Laws of Scotland* (1706). So, Stair would have had access to manuscripts of unpublished titles, possibly in the Advocates Library.

<sup>43</sup> Others include: *PLEADINGS IN SOME REMARKABLE CASES BEFORE THE SUPREME COURTS OF SCOTLAND SINCE THE YEAR 1661* (1673), *THE LAWS AND CUSTOMES OF SCOTLAND IN MATTERS CRIMINAL* (1678), *OBSERVATIONS UPON THE LAWS AND CUSTOMES OF NATIONS* (1680) and *OBSERVATIONS ON THE ACTS OF PARLIAMENT* (1686).

<sup>44</sup> Cairns, *Institutional Writings*, *supra* note 5, at 91.

<sup>45</sup> SIR GEORGE MACKENZIE, *THE LAWS AND CUSTOMES OF SCOTLAND IN MATTERS CRIMINAL. WHEREIN IS TO BE SEEN HOW THE CIVIL LAW, AND THE LAWS AND CUSTOMS OF OTHER NATIONS DO AGREE WITH AND SUPPLY OURS* (1678) ("having writ this Book to inform my Country-men, and to illuminat our Law [sic]"). It seems that a Second Edition was donated in 1699 by one Andrew Simpson. Minutes, Vol. 1, at 201.

prosecuted Stair for treason (along with many others) while Stair was in self-imposed exile in the Netherlands in the mid-1680s.<sup>46</sup> Stair's *Institutions* were published in Scotland while he was in exile.<sup>47</sup>

Another sign of an increase in printed Scottish legal titles (and the ability to form a library from them) is reflected in the increasing number of individual Scottish lawyers collecting legal titles. Some private collections were substantial – John Lauder of Fountainhall collected of around a thousand by 1679.<sup>48</sup> However, these collections were subject to the whims of death, inheritors, and creditors. For example, Sir Alexander Seton of Pitmedden's, Senator of the College of Justice, vast law library was sold at auction on his death in 1720. The Advocate's library was one of the major buyers of part of the collection.<sup>49</sup>

The combination of the increase in Scots specific legal treatises, the upsurge in litigation and attendant numbers of advocates, and the formation of a central court all contributed to the foundation of the Advocates Library. The Scottish legal system (and in part Scottish nationalism and culture) would have not survived the might of the English legal system over time without this library during the critical Seventeenth Century. There was no other alternative library. The next law library was founded in 1722 by the Society of Writers to the Signet (also in Edinburgh).<sup>50</sup> The initial Signet library was small, and they debated in 1778 whether to just pay to allow its members to use the Advocates. Instead, they resolved to enlarge their own library going forward.<sup>51</sup> In 1787 the Society of Advocates in Aberdeen founded their library.<sup>52</sup> The next pure legal collection to arrive in Scotland was in 1817 under the umbrella of another legal organization, the Royal Faculty of Procurators in Glasgow (organization founded around 1668).<sup>53</sup> The later (as compared to England) founding date of the Advocates Library, then the long time before the next in Scotland with the Signet and

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<sup>46</sup> JOHN MURRAY GRAHAM, *ANNALS AND CORRESPONDENCE OF THE VISCOUNT AND THE FIRST AND SECOND EARLS OF STAIR* VOLUME 1, at 72.

<sup>47</sup> GRAHAM, *supra* note 46, at 66-7.

<sup>48</sup> KAREN BASTON, *CHARLES ARESKINE'S LIBRARY* 25 (2016).

<sup>49</sup> BASTON, *supra* note 48, at 25; Minutes, Vol. 2, at 30. John Spottiswoode of that Ilk's legal collection was auctioned off at his death in 1728. *Id.* at 26. He had also been Keeper of the Advocates Library from 1702-1728. *Id.* It is interesting to note that he did not donate his books to the Advocates Library at death, though this may have been a reflection of the executors, heirs or creditors wishes than his own wishes.

<sup>50</sup> SOCIETY OF WRITERS TO H.M. SIGNET, *A HISTORY OF THE SOCIETY OF WRITERS TO HER MAJESTY'S SIGNET: WITH A LIST OF THE MEMBERS OF THE SOCIETY FROM 1594 TO 1890 AND AN ABSTRACT OF THE MINUTES* lxvi, 397 (1890). To contrast, England and Wales barristers (litigators) must be a member of one of the four Inns of Court to practice - Lincoln's Inn, Inner and Middle Temples and Gray's Inn. Each has an associated law library. Lincoln's Inn Library is first mentioned in 1497. WILLIAM HOLDEN SPILSBURY, *LINCOLN'S INN. ITS ANCIENT AND MODERN BUILDINGS WITH AN ACCOUNT OF THE LIBRARY* (1873). The Inner Temple Library was first mentioned in 1506. Wallace Breem, *A Sketch of the Inner Temple Library*, <http://www.innertemplelibrary.org.uk/library-history/library-history.htm> (last visited 7/9/15). Gray's Inn Library was at least extant early to mid-1500s. WILLIAM RALPH DOUTHWAITE, *GRAY'S INN. ITS HISTORY & ASSOCIATIONS* 175-6 (1886). Middle Temple's Library was extant in 1540 and re-founded in 1641. *History of the Library*, <http://www.middletemple.org.uk/library-and-archive/library/history-of-the-library/> The older, well-heeled English legal system (courts to barristers to libraries to legal associations) could have easily subsumed the Scottish.

<sup>51</sup> SOCIETY OF WRITERS TO H.M. SIGNET, *A HISTORY OF THE SOCIETY OF WRITERS TO HER MAJESTY'S SIGNET: WITH A LIST OF THE MEMBERS OF THE SOCIETY FROM 1594 TO 1890 AND AN ABSTRACT OF THE MINUTES* lxxiii (1890).

<sup>52</sup> Dorothea Bruce, *The Society of Advocates in Aberdeen*, *ABERDEEN U. REV.* LVI, no. 195 (1996).

<sup>53</sup> John Mackenzie, *The Library of the Royal Faculty of Procurators in Glasgow*, 9 *LEGAL INFO. MGMT.* 38, 38 (2009).

Aberdeen Law Library, reflects the lateness and smaller size of the Scottish legal system and community.<sup>54</sup>

Overall, the burgeoning legal profession and centralized courts and the increase in print titles specific to Scottish law both created the need of some form of a Law Library. The Faculty of Advocates was the only real body capable of such an institution. As mentioned before, the preservation of “Scottish” law in turn helped preserve Scottish identity in all its shapes and forms. Now that we have reached the point of the library’s creation and why, what next? Even though there are always outside (wealthy donors, governments, celebrities) and internal influences (trustees and the Faculty), the core (for good or bad) is and always has been the librarians. They have shaped the Library’s status, collections, physicality, fame and interaction with the city. Their influences have waxed and waned but have always been central. Through the prism of a chronological history of the librarians, we will explore the Advocates Library up until its final life-saving metamorphosis into the National Library of Scotland.

### The Early Years and the Early Librarians

When Sir George Mackenzie in 1682, the Dean of the Faculty of Advocates, established the Advocates Library there had already been an unofficial collection of sorts in place before this date. For example, prior in 1680, the Faculty of Advocates had sought to use recovered fees from Advocates to aid in the funding of a library in 1680 – “a Fonde for any Bibliothecq, whereto many lawers and others may leave ther books [sic].”<sup>55</sup> A physical space for the library was sought and explored in 1680,<sup>56</sup> 1681<sup>57</sup> and 1682 (in parliament hall).<sup>58</sup> Finally, they were forced to rent a space for twenty pounds sterling after an earlier attempt to find free lodgings failed.<sup>59</sup> Eventually, the library was inaugurated on 15 March 1689, at which Mackenzie gave a speech.<sup>60</sup> Mackenzie declared that so far “no library of this kind so far exists”<sup>61</sup> and that “[o]ur library will be, too, a modern Lyceum...”<sup>62</sup> Leading up to the official inauguration, we find in the records a request for a “catalogues of the books, one according to the names, and ane other according to the severall subject,”<sup>63</sup> which was recorded again in 1685, and finally in 1687 David Forbes, one of the early curators, put together a catalogue of some sorts.<sup>64</sup> James Naismith, the first real librarian we find in

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<sup>54</sup> Similarly, in Ireland (an equally small legal system and community), the King’s Inn (founded 1541 in Dublin) only established a law library in 1792. JAMES H. MURPHY, *THE OXFORD HISTORY OF THE IRISH BOOK, VOLUME IV: THE IRISH BOOK IN ENGLISH, 1800-1891*, at 287 (2011).

<sup>55</sup> MINUTES, VOL. 1, 47.

<sup>56</sup> MAUREEN TOWNLEY, *THE BEST AND FYNEST LAWERS AND OTHER RAIRE BOOKES. A FACSIMILE OF THE EARLIEST LIST OF BOOKS IN THE ADVOCATES LIBRARY 11* (1990); MINUTES, VOL. 1, at 47.

<sup>57</sup> MINUTES, VOL. 1, at 57.

<sup>58</sup> MINUTES, VOL. 1, at 59-60.

<sup>59</sup> MINUTES, VOL. 1, at 59, 60.

<sup>60</sup> SIR GEORGE MACKENZIE, *ORATIO INAUGURALIS IN APERIENDA JURISCONSULTORUM BIBLIOTHECA* (1989) (including an English translation by J.H. Loudon from 1946). The library’s books were to be “divided into five divisions representing schools... Roman law... Greek jurisprudence ... Feudalists ... Canon Law ... writers of Practicks.” *Id.* at 65. This list reflects the buildup and groundwork for Scottish law already discussed. Indeed, the first catalogue of printed titles (1683) in the Advocates Library “broadly reflect[ss] these categories.” *Id.* at 13.

<sup>61</sup> We must assume that he is merely talking about Scotland, for the Temples in England had their own libraries attached, and created, long before the Advocates Library. SIR GEORGE MACKENZIE, *ORATIO INAUGURALIS IN APERIENDA JURISCONSULTORUM BIBLIOTHECA* 62 (1989) (including an English translation by J.H. Loudon in 1946).

<sup>62</sup> MACKENZIE, *ORATIO INAUGURALIS*, *supra* note 61, at 64.

<sup>63</sup> MINUTES, VOL. 1, at 65.

<sup>64</sup> MINUTES, VOL. 1, at 80.



the records, sought remittance for the “pains in writeing severall Catalogues....”<sup>65</sup> The first extant catalogue was that of 1693. All this points to a substantive collection already extant within the Faculty before MacKenzie formalized a library. It is doubtful that in one year enough titles were collected to require a catalogue. The early library acquired titles by advertisement,<sup>66</sup> donation (see throughout), purchase, etc. but with no clear development policy. Maybe the library did not yet have the contacts and connections to obtain titles otherwise through publishers or other vendors. This contrasts with the close and blurred lines between librarians, writers, printers, and publishers we see later.

These early Advocate Library catalogues reflect a dearth of Scottish specific titles - despite there being an upsurge in legal Scottish specific publications as noted above. The 1683 catalogue only possessed the *Regiam Majestatem* and non-legal Scottish works by Buchanan and Boece (historical).<sup>67</sup> Why is this? Why no Welwood, Craig or Stair – all published before the 1683 catalogue date? Why none of the *Practicks*, even though the Dean and Faculty had ordered the treasurer to buy some?<sup>68</sup> This could reflect that native Scots law in its printed form had not yet been published in wide enough format to make its way to the Advocates Library (either by purchase or donation to the library) or it could reflect the nature and wishes of Mackenzie or the Faculty – with possibly an emphasis on Classical and Canonical law.

However, by the 1692 catalogue we see a huge difference.<sup>69</sup> What changed between these dates? A better organization and funding for the Library? More published titles? - holdings were lodged in at around 3,140 volumes.<sup>70</sup> By 1692 there were enough titles to have sections devoted to law, history, theology, and miscellany – thereby giving a snapshot of what they were collecting. Law in the seventeenth century was very much dependent, more than today, on historical and theological works. In 1700 the Advocates Library put out, in essence a flyer, to be

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<sup>65</sup> MINUTES, VOL. 1, at 109.

<sup>66</sup> TOWNLEY, THE BEST AND FYNEST LAWERS, *supra* note 56, at 11; MINUTES, VOL. 1, at 59.

<sup>67</sup> TOWNLEY, THE BEST AND FYNEST LAWERS, *supra* note 56, at 14. Similarly, Glasgow University’s Library (older than the Advocates Library) had in its possession a copy of the *Regiam Majestatem* at least by 1619, but like the rest of the 1683 Advocates Library catalogue, there were no other legal titles of Scottish note. WILLIAM K. DICKSON, THE GLASGOW UNIVERSITY LIBRARY 7 (1888); MUNIMENTA ALME UNIVERSITATIS GLASGUENSIS, RECORDS OF THE UNIVERSITY OF GLASGOW FROM ITS FOUNDATION TILL 1727, VOLUME 3, at 414 (1854). By 1691, the legal content of Glasgow University Library was still rather lacking in legal titles – “Legal holdings (Juridici) run to only sixty-six titles, most of which relate to Roman or canon law....” Dot Reid, *Thomas Aquinas and Viscount Stair: the Influence of Scholastic Moral Theology on Stair’s Account of Restitution and Recompense*, 29 J. LEGAL HIST. 189, 204 (2008).

<sup>68</sup> MINUTES, VOL. 1, at 68. “The Dean and Facultie ordains the theasurer to buy and cause copie all the Scotts practiques as alsoe all the Scotts Histories for the Bibliothecq and this to be his warrand.” *Id.*

<sup>69</sup> UNA CUM PRAEFATIONE DOCTISSIMA D. GEORGII MACKENZIE, CATALOGUS LIBRORUM BIBLIOTHECAE JURIS UTRIUSQUE, TAM CIVILIS QUAM CANONICI, PUBLICI QUAM PRIVATI, FEUDALIS QUAM MUNICIPALIS VARIORUM REGNORUM, CUM HISTORICIS GRAECIS & LATINIS, LITERATIS & PHILOSOPHIS PLERISQUE CELEBRIORIBUS (Printer George Mosman 1692) [hereinafter 1692 CATALOGUE]. See for example we find Welwood’s *An Abridgement of the Sea Laws* (1613), *id.* at 59, Craig’s *Jus Fendale* (1655), *id.* at 8, Sinclair’s *Practiques*, *id.* at 25, Balfour’s *Practicks*, *id.* at 3 the Latin (1609) and English (1600) versions of the *Regiam Majestatem*, *id.*, at 23, Stair’s *Institutions of the Laws of Scotland* (1681), *id.* at 8, and Mackenzie’s *Pleadings in some Remarkable Cases before the Supreme Courts of Scotland since the year 1661* (1673),<sup>69</sup> *The Laws and Customes of Scotland in Matters Criminal* (1678), *Observations upon the Laws and Customes of Nations* (1680), *The Institutions of the Laws of Scotland* (1684) and *Observations on the Acts of Parliament* (1686).<sup>69</sup> Mackenzie also published non-legal specific titles found in the 1692 catalogue. It is not surprising that the official founder of the Advocates Library and head of the faculty, and author of the 1692 catalogue, had all his titles in the library. 1692 CATALOGUE, 16, 45, 71, 85 & 139.

<sup>70</sup> TRANSACTIONS AND PROCEEDINGS OF THE LIBRARY ASSOCIATION OF THE UNITED KINGDOM 144 (1879-90).

[d]ispers'd thorow the KINGDOM...[in which]...it is earnestly desired, That the Havers of...Histories, Chartularies of Monasteries, Old Charters, or other Manuscripts whatsoever, would be pleas'd to send them in to the Advocates Library<sup>71</sup>

This emphasis befits a kingdom still driven by the feudal system and the accompanying legality around terms of holding, transferring, or inheriting land. While records of the major land grants and re-grants were in the Register of the Great Seal and other places, there were myriad other land tenure documents out there held in private aristocratic or ecclesiastical hands. The Library took an active role in collecting these.

However, the Advocate's Library (and its librarians) were not the only game in town in terms of libraries. At the same time, we started to see the Scottish professional medical world in Edinburgh and Glasgow coalesce into member organizations, often with attached professionally run libraries. The Royal College of Surgeons of Edinburgh was founded in 1505,<sup>72</sup> before the College of Justice and Faculty of Advocates. There is evidence of a nascent library by 1696, then a formally announced a library by 1699.<sup>73</sup> The Royal College of Physicians and Surgeons of Glasgow was founded in 1599 and the Faculty Library in 1698.<sup>74</sup> The Royal College of Physicians of Edinburgh (RCPE) was chartered in 1681.<sup>75</sup> A library was concurrently founded – with Sir Robert Sibbald's 1682 donation providing the corpus for the new library.<sup>76</sup> The Advocates Library would later purchase Sibbald's map collection after his death. The RCPE's library became one of the largest in the United Kingdom and may have at some point challenged the Advocates and University of Edinburgh's in importance – but their collection focus remained too narrow. The law is a lot more wide-ranging and nebulous topically than physician medicine.

The other main sector were the Scottish universities. Scotland was unique regarding universities, having St Andrews (1413), Glasgow (1451), King's College, later Aberdeen (1495) and Edinburgh (1582), as compared to the two, Oxford (11th Century) and Cambridge (13th Century), in England. As you would expect, these universities' make-up reflected their times. For example, Glasgow had four faculties with Medicine, Law, Divinity and Arts. However, Law in essence disappeared until Glasgow reestablished its law school in 1713. Edinburgh started law in 1707 and Aberdeen in varying degrees since its foundation. As for their libraries, they were certainly before the Advocates library, but limited in number and audience. Glasgow's was small until a revival around 1577.<sup>77</sup> These university libraries never reached the scope of the size and numbers of the Advocates Library.

So, as we have seen, in the early years, the Advocates Library started its collection, and the collection reflected the needs of the legal community at the time – canonical and Roman law, some primary

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<sup>71</sup> MEMORIAL TO BE DISPERS'D THOROW THE KINGDOM, FOR COLLECTING OF MANUSCRIPTS IN TO THE ADVOCATES LIBRARY, ADVOCATES LIBRARY (1700), <http://quod.lib.umich.edu/cgi/t/text/text-idx?c=eebo;idno=B01486.0001.001>.

<sup>72</sup> Iain MacLaren, *A Brief History of the Royal College of Surgeons of Edinburgh*, 268 RES MEDICA 55 (2005).

<sup>73</sup> History of the Surgeons' Library, [https://library.rcsed.ac.uk/media/1006/library\\_history-1.pdf](https://library.rcsed.ac.uk/media/1006/library_history-1.pdf). Like the Advocates Library, by 1723 were formally required intrants to the College had to pay part of the admission fees to the Library, thereby indicating the same problem of funding. *Id.*

<sup>74</sup> ALEXANDER DUNCAN, MEMORIALS OF THE FACULTY OF PHYSICIANS AND SURGEONS OF GLASGOW, 1599-1850; WITH A SKETCH OF THE RISE AND PROGRESS OF THE GLASGOW MEDICAL SCHOOL AND OF THE MEDICAL PROFESSION IN THE WEST OF SCOTLAND 211 (1896). This library's nucleus was provided by donations, mostly of non-medical content that was over time weeded out for medical texts. *Id.* A catalogue is first mentioned in 1741. *Id.* at 212.

<sup>75</sup> W.S. CRAIG, HISTORY OF THE ROYAL COLLEGE OF PHYSICIANS OF EDINBURGH 57 (1976).

<sup>76</sup> CRAIG, HISTORY, *supra* note 75, at 119.

<sup>77</sup> *Glasgow University Library Timeline*, <https://www.gla.ac.uk/myglasgow/library/files/special/exhibns/timeline/index.html> (2007).

Scots law, and an ever-increasing number of Scots specific secondary titles. Primary evidence of land tenure and transfer is also apparent. The Library fitted within the increase in professional organizations in Scotland, and the United Kingdom as a whole, and their associate libraries. However, its size and content made it unique. The 1692 Catalogue represents the nascent Advocates Library at this time – the library that existed when our first known librarians stepped in and took forward.

## **The Middle Years Through the Eyes of the Librarians**

### *The Lesser-Well Known Frontrunners*

The Advocate's Library librarians have had a strong, long influence on the library and its collection. These librarians were men of their time – holistic,<sup>78</sup> often self-educated, middle-class (i.e., not high aristocrats but high enough to be educated), thinkers, writers, publishers, printers, and lecturers. The early to middle librarians were deemed on par with other *illuminati* of the time. The Advocates Librarians influenced the development and progress of the Scottish legal, political, and intellectual community as much as any other group within the *illuminati*. This changed as time went on as fields became more isolated and niche, and librarians were no different. What did these librarians do?

First, some notes about terminology and roles. Throughout the library's history there is clearly a set of curators sitting above the Librarian and Library staff. These curators were appointed by the Faculty of Advocates (from within the advocates), with their appointments are replete through the Minutes of the Faculty of Advocates. Curators are a particular Scottish term and position. In other words, there was a Board of Trustees. Underneath, we have the Librarian, sometimes called Keeper, or *Bibliothecarius*. Below them we see varying titles and roles, like Assistant, Sub and Servant.

The first two library curators, David Forbes and John Mckenzie, were appointed in 1683, along with the first mention of an unnamed “[b]ibliothecarius”.<sup>79</sup> A “Mr. James Lesly and James Stivenson” were subsequently appointed curators in January 1685.<sup>80</sup> Curators were annually appointed thereafter. In November 1684, James Nesimth (usually today rendered as Naismith and admitted to the Bar March 1684)<sup>81</sup> was nominated and appointed “Bibliothecarius.”<sup>82</sup> We assume that the earlier unnamed bibliothecarius was Naismith. Interestingly, it was David Forbes, the curator, who seems to have composed an “index of the bibliothecqu [sic] catalogue...,” later called just a catalogue. Naismith the *bibliothecarius* was ordained to give them out.<sup>83</sup> The role and influence of these Curators in the day-to-day library operations deteriorated thereafter.

During this early period under Naismith, we find that the Library and the Courts paused between November 1688 and November 1689 due to the Glorious Revolution. Justice, the courts, and the library, were just as pray to the machinations of politics during this time as any other aspect of Scottish life. We find the library doorkeeper, one John Ballantyne, seeking a salary for acting as

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<sup>78</sup> As compared to the very narrow niche fields found today within academia, within academic libraries, within Law Academia, and within Law Librarianship.

<sup>79</sup> MINUTES, VOL. 1, at 61. The curators were David Forbes and John Mckenzie. *Id.*

<sup>80</sup> MINUTES, VOL. 1, at 72.

<sup>81</sup> MINUTES, VOL. 1, at 68.

<sup>82</sup> MINUTES, VOL. 1, at 69.

<sup>83</sup> MINUTES, VOL. 1, at 80. Was this David Forbes later the eminent Advocate Sir David Forbes of Newhall?

temporary *Bibliothecarius* during this time.<sup>84</sup> Another theme we see early on is rampant familial nepotism. For example, we find James Naismith's son – another James – petitioning in 1691 for an allowance because he had “for severall years...been imployed to transcribe catalogues of books and other things in relatione to the library.”<sup>85</sup> Another theme we do see is the close connection between the Faculty and the city of Edinburgh – Naismith was appointed to a committee on “clanging of the streets” issue.<sup>86</sup> By 1693, we find the elder Naismith pleading that he had become “aged and infirm in my body.”<sup>87</sup> The Curators had to visit him on his deathbed to inquire upon the state of the library and to retrieve any books in his possession.<sup>88</sup> Beyond his role in the library, we do not know much about the career of the first recorded Librarian.

Whatever role Naismith played a part as Librarian, the Faculty deemed it appropriate to ask a committee to investigate and report about adjusting the duties of the *bibliothecarius*.<sup>89</sup> Here we glimpse the librarian's role, at this time, with the report recommending: attendance times for the librarian in the library; that each librarian has to recompile (aka update) the catalogue according to myriad rules and about how to receive books and other costs.<sup>90</sup>

After Naismith's death, James Stevenson (advocate, admitted 1683)<sup>91</sup> was appointed in 1693. Stevenson had been a curator in 1685 prior to his appointment,<sup>92</sup> though this link does not seem to repeat later between curators and librarians. Stevenson quickly showed his mettle and close connection to the library. In 1700, a fire broke out around Parliament Close. Part of the library was damaged.<sup>93</sup> Stevenson rescued many of the Library's books. He was awarded costs and money for the loss of his own books in his chamber (one assumes his office) and as a general reward. Others who helped are mentioned but Stevenson is the main rescuer.<sup>94</sup> Stevenson had to plead later that the titles lost in the fire should no longer be his responsibility, i.e., liable for their replacement.<sup>95</sup> Librarians were personally on the line for the Library's books, and we often see Librarians posting bonds of caution in the Minutes. As a result of the fire, in 1702 the library was moved from the faculty of advocates to the Parliament Building and the Laigh (lower) Hall.<sup>96</sup>

The move must have taken a toll, as in the same year, like his predecessor Naismith, Stevenson plead that he was “laboring under a languishing sickness and thereby rendered unfitt to attend his charge in the Library...wes very earnest to have the charge...taken off his hand....”<sup>97</sup> A “supervisor” –

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<sup>84</sup> MINUTES, VOL. 1, at 87.

<sup>85</sup> MINUTES, VOL. 1, at 103.

<sup>86</sup> MINUTES, VOL. 1, at 76. The issue being on whether the Faculty had to submit itself to the monetary impositions of the Towne of Edinburgh that everyone else had to do. Clanging was cleaning – i.e., the cleaning of the streets of Edinburgh. An important service in pre-industrial revolution cities.

<sup>87</sup> MINUTES, VOL. 1, at 124.

<sup>88</sup> MINUTES, VOL. 1, at 125.

<sup>89</sup> MINUTES, VOL. 1, at 127, 130-2.

<sup>90</sup> MINUTES, VOL. 1, at 131-2.

<sup>91</sup> MINUTES, VOL. 1, at 61.

<sup>92</sup> MINUTES, VOL. 1, at 126.

<sup>93</sup> ALEXANDER REID, "AYE READY!" THE HISTORY OF EDINBURGH FIRE BRIGADE, THE OLDEST MUNICIPAL BRIGADE IN BRITAIN 5 (1974).

<sup>94</sup> MINUTES, VOL. 1, at 208-09.

<sup>95</sup> MINUTES, VOL. 1, at 222. The minutes has a list of the lost titles.

<sup>96</sup> The appellate courts of Scotland were historically located in Edinburgh, hence the location of the Faculty of Advocates and associated Advocates Library. Andrea Longson, *The Advocates Library*, 9 LEG. INFO. MGMT. 35 (2009).

<sup>97</sup> MINUTES, VOL. 1, at 237.

John Spottiswood – was temporarily appointed to oversee and help Stevenson to prevent the closing of the Library should Stevenson “deceass.”<sup>98</sup> As with Naismith, the Curators were worried about (as was Stevenson we assume) the safety of the library and passing over an accounting of keys and the library’s contents – because “the trust of the Library is very considerable.”<sup>99</sup> Spottiswood had to give a bond of caution even just for the supervisor role.<sup>100</sup> Stevenson died twenty-two days after Spottiswoods appointment. Later Spottiswood sought and obtained election to the Librarian position.<sup>101</sup> Questions about accounting for Stevenson’s tenure rumbled on until 1707.<sup>102</sup> We do not know much more about his career and life.

During this early period of the library we find a major source of books were from donations.<sup>103</sup> The first major donation was in 1695 when Lord George Douglas’ private collection of up to eight hundred items was donated by his father.<sup>104</sup> Lord Douglas had studied law and took an extensive Grand Tour.<sup>105</sup> The Faculty were “being senseable of the honour that his Grace hade put upone them in the ofer of such ane extraordinary complelemtn they nominate the Dean of Faculty...to waite upone his Grace and give him the humble thanks of the Faculty...”<sup>106</sup> The Faculty were not about to refuse and upset such an important Scottish aristocrat as William Douglas, 1st Duke of Queensberry.<sup>107</sup>

### *The Early Giants*

After Stevenson, we find a series of librarians with much more of a presence, gravitas, and activity within and outside of the Library – and these lines often blurred. John Spottiswood of that ilk, Librarian 1703–1728, was the first of these. He, like Naismith and Stevenson, was an advocate first (admitted 1696).<sup>108</sup> As we saw, he stepped in to help Stevenson in his later years. However, two others, along with Spottiswood, were appointed Co-Keepers of the Library and concurrently co-Clerks to the Faculty.<sup>109</sup> One, Adam Coult was appointed co-Librarian in 1703 (admitted to the bar 1700), then co-clerk in 1706.<sup>110</sup> The other, William Forbes, was appointed joint Keeper/Librarian

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<sup>98</sup> MINUTES, VOL. 1, at 238.

<sup>99</sup> MINUTES, VOL. 1, at 238.

<sup>100</sup> MINUTES, VOL. 1, at 238.

<sup>101</sup> MINUTES, VOL. 1, at 239-40.

<sup>102</sup> MINUTES, VOL. 1, at 266-267.

<sup>103</sup> See generally TOWNLEY, THE BEST AND FYNEST LAWERS, *supra* note 56, at 15-17.

<sup>104</sup> *Special and Named Printed Collections in the National Library of Scotland*, <http://www.nls.uk/catalogues/online/snpc/index.cfm> (search for Lord George Douglas Collection) (last visited 7/14/2015); W.A. KELLY, THE LIBRARY OF LORD GEORGE DOUGLAS (CA. 1667/8?-1693?): AN EARLY DONATION TO THE ADVOCATES LIBRARY (1997); *National Library of Scotland*, in INTERNATIONAL DICTIONARY OF LIBRARY HISTORIES, VOLUME 1, at 566 (ed. David H. Stam, 2001); Minutes, Vol. 1, at 153.

<sup>105</sup> *Special and Named Printed Collections in the National Library of Scotland*, <http://www.nls.uk/catalogues/online/snpc/index.cfm> (search for Lord George Douglas Collection) (last visited 7/14/2015).

<sup>106</sup> MINUTES, VOL. 1, at 153.

<sup>107</sup> A painting of the Duke was in the library, and a frame and glass cover was ordered to be bought in 1696. MINUTES, VOL. 1, at 172.

<sup>108</sup> Francis J. Grant, *The Faculty of Advocates in Scotland with Genealogical Notes, 1532-1943*, in 76 SCOT. REC. SOC’Y 197 (2014).

<sup>109</sup> MINUTES VOL. 1, at 248.

<sup>110</sup> THE FORM OF PROCESS lxxviii (1711) (short title); GEORGE CHALMERS, THE LIFE OF THOMAS RUDDIMAN, A. M. THE KEEPER, FOR ALMOST FIFTY YEARS, OF THE LIBRARY BELONGING TO THE FACULTY OF ADVOCATES AT

1705-1714.<sup>111</sup> At the same time, later full Librarian Thomas Ruddiman, was appointed assistant librarian in 1702 – thereby making three clear assistants for Spottiswood.

There was a Faculty debate over these concurrent appointments. This suggests a nepotistic compromise between differing parties about who was to fulfill which role, and for which competing political group within the Faculty. The answer appears to give Coult, Forbes and Spottiswood the positions and money, but with Ruddiman largely being the work horse.

First, what about Spottiswood? Spottiswood was the first in a line of librarians who were holistic, men-of-their-time. Men verbose in Latin, Greek, philosophy, mathematics, etc.<sup>112</sup> He was closely connected to the law and publishing arenas, from printing to writing. Throughout his tenure Spottiswood wrote and published countless legal tracts on Scottish law. He printed his grandfather's *Practicks*,<sup>113</sup> and wrote many legal volumes himself.<sup>114</sup> Spottiswood's *Hope's Minor Practicks* were published posthumously in 1734<sup>115</sup> but not before Alexander Bayne – a Library Curator<sup>116</sup> and also a teacher of Scots Law in Edinburgh – published a lesser version first in 1726.<sup>117</sup> Both obviously had access to the Library, and as one commentator states, “it is not hard to think that the younger man [Alexander] must have known that he was stealing a march on his senior.”<sup>118</sup> A familiar fear in academia at any time. Even more galling for Spottiswood was the fact that Bayne published his earlier *Practicks* with Thomas Ruddiman – then in 1726, sub-librarian of the Library, later in 1730, the Keeper of the Library. Bayne left the curatorship in 1726 – one cannot help but imagine a connection between these individuals and events.

Spottiswood also had a side business teaching Roman and Scottish laws in his own house as “Spottiswood's College of Law.” His long-winded title (as they were wont in those days) for his *The Form of Process* and *Stile of Writs* books ends with “written for the use of students in Spottiswood's

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EDINBURGH: TO WHICH ARE SUBJOINED NEW ANECDOTES OF BUCHANAN 35 (1794). Coult's father was also an Advocate. MINUTES VOL. 1, at 209-10; Grant, *The Faculty of Advocates*, *supra* note 108, at 39.

<sup>111</sup> MINUTES VOL. 1, at 242 & 257; John W. Cairns, *The Origins of the Glasgow Law School: The Professors of Civil Law, 1714-61 in THE LIFE OF THE LAW: PROCEEDINGS OF THE TENTH BRITISH LEGAL HISTORY CONFERENCE* 164 (ed. Peter Birks 1993).

<sup>112</sup> John W. Cairns, *John Spottiswood, Professor of Law: A Preliminary Sketch*, Misc. III STAIR SOC'Y 131, 135 (1992).

<sup>113</sup> SIR ROBERT SPOTTISWOODE OF PENTLAND, *THE PRACTICKS OF THE LAWS OF SCOTLAND* (1706). John Spottiswood became via marriage stepfather to a famous Scottish Antiquarian, Walter MacFarlane, who was a heavy user of the Advocates Library. Cairns, *John Spottiswood*, *supra* note 112, at 134.

<sup>114</sup> For example, JOHN SPOTTISWOOD OF THAT ILK, *THE FORM OF PROCESS, BEFORE THE LORDS OF COUNCIL AND SESSION, OBSERVED IN ADVOCATIONS, ORDINARY ACTIONS, SUSPENSIONS, ETC.* (1711); *AN INTRODUCTION TO THE KNOWLEDGE OF THE STILE OF WRITS* (1707); *THE LAW CONCERNING ELECTION OF MEMBERS FOR SCOTLAND* (1722).

<sup>115</sup> SIR THOMAS HOPE OF CRAIGHALL, *PRACTICAL OBSERVATIONS UPON DIVERS TITLES OF THE LAW OF SCOTLAND, COMMONLY CALLED HOPE'S MINOR PRACTICKS* (1734) (by the late John Spottiswood of that Ilk, Advocate).

<sup>116</sup> Appointed 1722. MINUTE BOOK OF THE FACULTY OF ADVOCATES VOLUME 2, 1713-1750, at 44 (John Macpherson Pinkerton ed., 1980) [hereinafter MINUTES VOL. 2]; Walter Menzies, *Alexander Bayne of Rires, Advocate*, 36 JURIDICAL REV. 62 (1924).

<sup>117</sup> SIR THOMAS HOPE, *MINOR PRACTICKS OR, A TREATISE OF THE SCOTTISH LAW* (ed. Alexander Bayne 1726). Bayne later published other works geared toward the teaching of Scottish Law – specifically, and self-serving, to Alexander Bayne teaching law. ALEXANDER BAYNE, *INSTITUTIONS OF THE CRIMINAL LAW OF SCOTLAND. FOR THE USE OF THE STUDENTS WHO ATTEND THE LECTURES OF ALEXANDER BAYNE* (1730); *NOTES, FOR THE USE OF THE STUDENTS OF THE MUNICIPAL LAW IN THE UNIVERSITY OF EDINBURGH: BEING A SUPPLEMENT TO SIR GEORGE MACKENZIE'S INSTITUTIONS. BY ALEXANDER BAYNE, PROFESSOR OF THE MUNICIPAL LAW* (1731). The latter being printed by Ruddiman again. *Id.*

<sup>118</sup> Walter Menzies, *Alexander Bayne of Rires, Advocate*, 36 JURIDICAL REV. 60, 61 (1924).

College of Law.”<sup>119</sup> The establishment of this school probably corresponds closely to his appointment to the Keepership, circa 1702.<sup>120</sup> You wonder how many books he used for his classes were directly from the Library, or indeed carried out in the library.<sup>121</sup> Here we see the librarian as advocate, teacher, writer and printer.

As Librarian, he was also not against a bit of hyperbole regarding the library itself (and hence hyperbole about his position as librarian to *that library*):

[F]or the library, which is already the best in North-Britain...may come to be the best in the isle, both by reason of the number & goodness of the books, for the Advocates bestow yearly very liberally...and their stock is very considerable, and is daily inceasing.<sup>122</sup>

However, despite the library’s post-fire 1702 physical move, problems continued under Spottiswood’s watch. In 1719, the stone floor had to be raised and wooden floor installed as the library was so cramped and damp that the library contents were “in danger of being corrupted and destroyed by the damp aire and moisture which ariseth from the stone floor...brings mouldnes...and enjenders vermine....”<sup>123</sup>

One of Spottiswood’s co-Keeper/Clerks was William Forbes. Forbes was connected to the prior Librarian, James Stevenson as he oversaw Stevenson’s “sundry papers” that the Faculty needed to discharge the late Stevenson from his charge.<sup>124</sup> Forbes came into the keeper/librarian role via a proposal to the Faculty to collect and publish the Lords of Council decisions. The Faculty gave him the joint role (and salary) in 1705 for the “encouragement of the said undertaking. And acknowledgement of the said Mr. Forbes his good office to the societie....”<sup>125</sup> In 1708 Forbes proposed to the Faculty of Advocates “writ[ing] a complete body of the law Scotland” following on from his (modest) attempt to “clear up the dark and untraced subjects of Scots law by three distinct books (his) already published.”<sup>126</sup> Again in 1712 Forbes asked the Curators to pay for and add certain titles to enable him to complete his “first volume of his body of the law of Great Britain”.<sup>127</sup> All these publications<sup>128</sup> speak to this being his main source of income because of a lack of work as an advocate or a patron (often connected).<sup>129</sup> Forbes tellingly signed himself as “William Forbes Advocat” on books written and published while he was he co-Librarian. He does not sign it Librarian or joint-keeper. Like Hume and Ferguson later on, Forbes left for a Professorship in 1714 when the University of Glasgow created a Chair of Civil Law and offered it to him – the Keepership

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<sup>119</sup> THE FORM OF PROCESS; see also Cairns, *John Spottiswood*, *supra* note 112.

<sup>120</sup> STILE OF WRITS published in 1707 refers to his college. See Cairns, *John Spottiswood*, *supra* note 112, at 142.

<sup>121</sup> Cairns, *John Spottiswood*, *supra* note 112. (positing on which law titles Spottiswood used in his teaching).

<sup>122</sup> JOHN SPOTTISWOOD OF THAT ILK, THE FORM OF PROCESS, BEFORE THE LORDS OF COUNCIL AND SESSION, OBSERVED IN ADVOCATIONS, ORDINARY ACTIONS, SUSPENSIONS, ETC. xliv (1711) (in the introduction).

<sup>123</sup> MINUTES VOL. 2, at 28.

<sup>124</sup> MINUTES VOL. 1, at 247.

<sup>125</sup> MINUTES VOL. 1, at 257, 261.

<sup>126</sup> MINUTES VOL. 1, at 277.

<sup>127</sup> MINUTES VOL. 1, at 298-99. Later published as the *The Institutes of the Law of Scotland* (1722), which is interesting considering the minutes said “laws of Great Britain” and the requested books were not about Scottish Law. When this title was published, Forbes was then Professor of Law at the University of Glasgow.

<sup>128</sup> A METHODICAL TREATISE, CONCERNING BILLS OF EXCHANGE (1703); A TREATISE OF CHURCH-LANDS AND TITHES (1705); THE DUTY AND POWERS OF JUSTICES OF PEACE (1707-1708); A JOURNAL OF THE SESSION (1714).

<sup>129</sup> John W. Cairns, *The Origins of the Glasgow Law School: The Professors of Civil Law, 1714-61* in *THE LIFE OF THE LAW: PROCEEDINGS OF THE TENTH BRITISH LEGAL HISTORY CONFERENCE* (ed. Peter Birks 1993).

a mere stepping-stone.<sup>130</sup> After leaving the Keepership, Forbes was quick to add the title of Professor to books penned by him.<sup>131</sup> A look at the 1742-1807 Catalogue of the Advocates Library lists thirteen of Forbes' titles – probably no coincidence.<sup>132</sup> After Forbes left the library, we find the Faculty ordering the Clerk to retrieve from him cases decisions from Fountainhall's collection in the library that he did not return.<sup>133</sup>

The last co-keeper with Spottiswood and Forbes was Adam Coult. He died in 1718. His fingerprints are not on the Library. However, in a sign of the social group and times he was in – in his Inventory at death there is over a couple of pages noting the value and terms of auction post-death of myriad of his books.<sup>134</sup> This emphasis bespeaks to the relative value, both materially and intellectually, in the period for Advocates (as he was).

If Spottiswood and Forbes started the multi-layered Librarian, Ruddiman was the epitome figure in this line. Thomas Ruddiman became Assistant Keeper in 1702,<sup>135</sup> and then full Keeper of the Library around 1730 until he retired in 1752. His reputation was writ large. Alexander Brown, Keeper later, commented that Ruddiman was known for “his zeal for the prosperity of the institution, and to his unwearied care and attention, during fifty years...in service” and that the faculty owed the library's flourishing state and great collection to Ruddiman.<sup>136</sup> Others called him the library's “second founder” (the first being MacKenzie).<sup>137</sup> Ruddiman's role in the library was not, and cannot be, delineated from his other roles and interests – writing, editing, publishing, teaching, collecting, politician, Edinburgh grandee, etc. How did these all intertwine?

Ruddiman was born in 1674 in the north of Scotland. He was, like many in this period, learned the classics and attended college (King's College Aberdeen) at a young age (also not uncommon) - that of sixteen. He soon found himself as a copyist at the Advocates library after an initial stint as a local schoolmaster. Ruddiman was then appointed assistant keeper (or under keeper) in 1702.<sup>138</sup>

With Ruddiman, we can see the paucity of the job. Ruddiman sought payment for his services in 1703 and again in 1706 from the faculty.<sup>139</sup> This suggests once again that Spottiswood, Coult and Forbes were more figureheads than actual day-to-day librarians - a sinecure of sorts. This is backed up, in a way, in the Minutes when they discuss Coult's replacement after his death in 1718. The Faculty decided that “both the office and salary [sic] of one of the principal keepers of the Librery should be sunk.” They went on to extol the virtues of the other still alive principal keeper, John

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<sup>130</sup> Cairns, *The Origins*, *supra* note 129.

<sup>131</sup> A JOURNAL OF THE SESSION (1714) (“William Forbes Advocate, Professor of Law in the University of Glasgow.”).

<sup>132</sup> CATALOGUE OF THE LIBRARY OF THE FACULTY ADVOCATES PART I, at 215 (1742-1807).

<sup>133</sup> MINUTES VOL. 2, at 32. For some reason called Tom later in the Minutes.

<sup>134</sup> Coult, Adam (Wills and Testaments Reference CC8/8/87, Edinburgh Commissary Court), at 402-03.

<sup>135</sup> MINUTES VOL. 1, at 241; GEORGE HARVEY JOHNSTON, THE RUDDIMANS IN SCOTLAND, THEIR HISTORY AND WORKS 6 (1901).

<sup>136</sup> CATALOGUE OF THE LIBRARY OF THE FACULTY ADVOCATES, PART 1, INTRODUCTION (1742-1807).

<sup>137</sup> SOCIETY OF WRITERS TO H.M. SIGNET, A HISTORY OF THE SOCIETY OF WRITERS TO HER MAJESTY'S SIGNET: WITH A LIST OF THE MEMBERS OF THE SOCIETY FROM 1594 TO 1890 AND AN ABSTRACT OF THE MINUTES lxxviii (1890); CHALMERS, THE LIFE, *supra* note 110, at 36. The first founder was MacKenzie.

<sup>138</sup> CHALMERS, THE LIFE, *supra* note 110; DOUGLAS DUNCAN, THOMAS RUDDIMAN: A STUDY IN SCOTTISH SCHOLARSHIP OF THE EARLY EIGHTEENTH CENTURY (1965).

<sup>139</sup> MINUTES VOL. 1, at 245, 262.



Spottiswood, for the last sixteen years giving up half his salary to help the faculty pay for purchasing a collection<sup>140</sup> – the implication being that Coult nor Forbes did not give up any salary.<sup>141</sup>

Not unsurprisingly, in 1710 Ruddiman's head was turned by an offer to be Rector at the renowned Grammar School of Dundee. The Faculty, in recognition of his worth and "extraordinary care of the library," despite just being the "underkeeper" – offered an improved salary in which Ruddiman accepted.<sup>142</sup> Though Rector might have been a good position, Ruddiman probably thought that his position in the Library provided better opportunities for his side writing and publisher projects as versus being in relatively provincial (pre-industrial) Dundee.

Throughout his Keepership Ruddiman, like Forbes, wrote, edited, and published myriad volumes.<sup>143</sup> To give a flavor of his literary and publishing output, next is a short summary of his work which occurred throughout his Library tenures (sub and full keeper). In 1710 Ruddiman created glossary for a publication of Bishop Gavin Douglas' translation of Virgil, in which as under-keeper he is thanked.<sup>144</sup> The publisher was his oft printing/publishing partner Robert Freebairn. He edited versions (1711-1715) of George Buchanan's works – a Sixteenth Century proponent resistance to royal usurpation and a limited monarchy. This publication resulted in a scholarly club being created just to refute Ruddiman's interpretations.<sup>145</sup> He also wrote *In obitum Archibaldi Pitcaranii Scoti* (1713), published the *Poems* of Allan Ramsay (1721 & 1724), William Turner's *Grammatical Exercises* (1722), *Hope's Minor Practicks* (1726), printed Alexander Monro's, *The Anatomy of the Humane Bones* (1726). When James Baillie published a new edition of Craig's *Jus Feudal* in 1732, customers were to redeem their pre-ordering with Ruddiman at the Advocates Library.<sup>146</sup> Thomas and Walter Ruddiman's were Craig's publishers<sup>147</sup> – once again the crossing of boundaries. Thomas and Walter had begun their printer enterprise in 1715.<sup>148</sup> Ruddiman was also probably instrumental in the Library purchasing James Anderson's *Selectus*, which was edited and published by the said Ruddimans.<sup>149</sup> Another in 1728 was William Gordon's history of the Gordons.<sup>150</sup> The Minutes record how the volume was presented gratis to the Library in "Gratitude for the Assistance he received from the Library...in composing...said Book."<sup>151</sup> What it does not record is that Ruddiman was also the publisher of the volume.<sup>152</sup> Ruddiman was also a famous Latinist – publishing in 1714 *The rudiments of the Latin tongue, or a plain and easy introduction to Latin grammar*,<sup>153</sup> which became long used in Scottish schools. His fame at Latin was such a level that by 1720, mere five years after the publication of his *Rudiments*, he

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<sup>140</sup> In particular, Spottiswood's surrendered half went to one James Sutherland, a Curator of the Library. Sutherland, says the Minutes, was "ane onerous creditor upon the faculty..." MINUTES VOL. 2, at 16.

<sup>141</sup> MINUTES VOL. 2, at 23. The collection was that bought in 1704. MINUTES, VOL. 1, at 248.

<sup>142</sup> CHALMERS, THE LIFE, *supra* note 110, at 51-52 (1794); MINUTES, VOL. 1, at 286-287; JOHNSTON, THE RUDDIMANS, *supra* note 135, at 6.

<sup>143</sup> CHALMERS, THE LIFE, *supra* note 110, at 279-282 (listing 82 titles).

<sup>144</sup> VIRGIL'S ÆNEIS, TRANSLATED INTO SCOTTISH VERSE, BY THE FAMOUS GAWIN DOUGLAS BISHOP OF DUNKELD. A NEW EDITION (1710).

<sup>145</sup> Roger L. Emerson, *The Philosophical Society of Edinburgh, 1737-1747*, at 12 BRITISH J. HIST. SCI. 154, 156 (1979); CHALMERS, THE LIFE, *supra* note 110.

<sup>146</sup> CALDEONIAN MERCURY, July 12, 1734, at 3.

<sup>147</sup> THOMAS CRAIG, *JUS FEUDALE* (James Bailie ed., 1732).

<sup>148</sup> JOHNSTON, THE RUDDIMANS, *supra* note 135, at 8.

<sup>149</sup> JAMES ANDERSON, *SELECTUS DIPLOMATUM ET NUMISMATUM SCOTIAE THESAURUS* (1739).

<sup>150</sup> WILLIAM GORDON, *THE HISTORY OF THE ANCIENT, NOBLE, AND ILLUSTRIOUS FAMILY OF GORDON, FROM THEIR FIRST ARRIVAL IN SCOTLAND, IN MALCOLM III.'S TIME, TO THE YEAR 1690 IN TWO VOLUMES* (1726-7).

<sup>151</sup> MINUTES, VOL. 1, at 111.

<sup>152</sup> GORDON, *THE HISTORY*, *supra* note 150.

<sup>153</sup> Did Ruddiman pick the *rudiments* word because of the closeness to his name?

was offered to St. Andrew as an option for a proposed Chair of Rhetoric, as he would be “an ornament to any University in Europe.”<sup>154</sup> Later in his life, Ruddiman bemoaned the demise of Latin in schools and universities, claiming its neglect would lead to “ignorance and barbariy.”<sup>155</sup>

Ruddiman was not only vested in one-off monographs. In 1724 he took over ownership and publication of the Edinburgh based *Caledonian Mercury* newspaper/periodical.<sup>156</sup> The *Mercury* was deemed a mouthpiece of the booksellers, specifically Ruddiman, and a venue for Scottish political exposition. Ruddiman was very politically active – he was a Jacobite.<sup>157</sup> His *Caledonian Mercury* printed Jacobite materials. Remember that Ruddiman was also Advocates Librarian from 1730–1752, so he went into the Librarian job with his bookseller, printer, author, printer and political newspaper owner hat, and the Advocates Library hired him knowing this. Edinburgh was a small city. The mercury (as written by Ruddiman himself or another) clearly when reporting on Ruddiman uses the Keeper title.<sup>158</sup> Edinburgh was a small city. Edinburgh supported the Jacobites in 1745, in part, in reaction to the political union of 1707, and the deemed lack of benefit to the city from said union.<sup>159</sup> There is a gap in the Faculty Minutes between July 1745 and January 1746. Edinburgh was occupied (or liberated depending on which side you were on) by the Jacobites in September 1745, and they left in November the same year. The entry in January 1746 in the minutes show the decision to send a committee to await upon the Government general, the Duke of Cumberland – the victor.<sup>160</sup> What happened during this time to the Library? Was it closed? Did Jacobite Advocates stay, and the rest flee? What was Ruddiman up to?

Remember that Ruddiman was the owner of the *Caledonian Mercury* during this period and throughout the Jacobite rebellion. As a pro-Jacobite paper, the paper talked with respect about the oncoming Highlander Jacobite army as it made its way to Edinburgh (as compared to the pro-government *Courant* that was scathing in its descriptions).<sup>161</sup> Ruddiman stopped assigning his name to pieces in the *Caledonian Mercury* during the occupation (though everyone knew he owned it).<sup>162</sup>

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<sup>154</sup> J. Maitland Anderson, *Article III: The 'Princely Chandos' and the University of St. Andrews*, 25 SCOT. REV. 41, 47, 55 (1895-1901).

<sup>155</sup> THOMAS RUDDIMAN, *AUDI ALTERAM PARTEM* 55-6 (1756). One modern commentator has complained that Ruddiman was merely a one-stop shop of Latin grammar and nothing else. “It was only through his knowledge of the Latin tongue that Ruddiman was qualified to make any original contribution to the study of literature. In the wider sphere of literary appreciation he showed not the least sign of an independent critical sense.” DOUGLAS DUNCAN, *THOMAS RUDDIMAN, A STUDY IN SCOTTISH SCHOLARSHIP OF THE EARLY EIGHTEENTH CENTURY* 109 (1965).

<sup>156</sup> CHALMERS, *THE LIFE*, *supra* note 110, at 122-25. Ruddiman’s grandchildren sold it in 1772. *Id.* at 124.

<sup>157</sup> Jacobites were a mixed group. Often Catholic, often anti-Union, rural, often Highland centric but not always, and generally centered on returning the deposed Stuart line.

<sup>158</sup> See e.g., *CALEDONIAN MERCURY*, Thur. Sept. 23, 1742 (examining an Edinburgh school Ruddiman uses Keeper).

<sup>159</sup> LAUCHLIN ALEXANDER CRUIKSHANKS, *THE ACT OF UNION: DEATH OR REPRIEVE FOR THE HIGHLANDS?* (2008)

<sup>160</sup> MINUTES, VOL. 2, at 202-03. Cumberland quickly left Edinburgh, heading north to finally defeat the Jacobites at Culloden in the Highlands on April 16<sup>th</sup>, 1746.

<sup>161</sup> ROBERT CHALMERS, *HISTORY OF THE REBELLION OF 1745-6*, at 97 n.2 (1869).

<sup>162</sup> GEORGE HARVEY JOHNSTON, *THE RUDDIMANS IN SCOTLAND* 14 (1901); CHALMERS, *THE LIFE*, *supra* note 110; W.J. COUPER, *SCOTTISH REBEL PRINTERS* 32 (1912). In the *Caledonian Mercury*, the first sightings of the Jacobite army we see words like “young chevearlier” – which surely has positive image connotations but juxtaposed with “the Enemy.” *CALEDONIAN MERCURY*, Mon. Setp. 16, 1745. The nomenclature moves from “Chevealir of St George,” to “prince,” and finally to printing now “King Charles” proclamations. *CALEDONIAN MERCURY*, Mon. 25 Sep., 1745 (now under occupation).

Chalmers in his life of Ruddiman takes pains to excuse and prove innocent any whiff of collaboration by Ruddiman with the pretender. However, Ruddiman's frequent collaborator in purchasing books for the library and early publishing partner was Robert Freebairn – and Freebairn was a frequent publisher for the Jacobites. Freebairn actively engaged in the earlier 1715 Jacobite rebellion and the 1745 one. His oft enemy at the time, George Logan,<sup>163</sup> accuses Ruddiman of attending the levees of the Jacobites and taking their money – but Ruddiman retorts that “But I here I declare, that I never [s]aw that young Gentleman [Prince Charles] but once, and that above two Minutes.”<sup>164</sup> Chalmers says he went “to the sequestered quite of the country” during the events of 1745.<sup>165</sup> He did publish two titles in 1745 – which you could assign to his country retreat. But one would and could call him a quiet *rebel printer*, but *rebel printer* one nonetheless. Despite his known Jacobite tendencies, he escaped any censure and carried on after the Jacobite rebellion collapsed.<sup>166</sup>

Ruddiman was also present during one of the other most tumultuous events in Edinburgh's history – the 1736 Porteous Riots. Captain Porteous was a particularly oppressive Captain of the City Guard. There was a riot in the city in response to an attempt to execute two smugglers, one who escaped. The rioters were wildly shot upon by Porteous and six died. When justice was not necessarily forthcoming the people of Edinburgh took it upon themselves to serve justice themselves with a particularly gruesome extra-judicial execution of Porteous. Ruddiman, “Keeper of the Advocates Library,” was called to Parliament in London in 1737 to “give Evidence in the Affair,” along with his brother, printer Walter.<sup>167</sup> This was the only time Ruddiman left Scotland – Edinburgh must have seemed small in comparison.<sup>168</sup> Why were they called upon? Did they witness to the events – maybe even from the library itself?<sup>169</sup> The library was at the heart of the city. Ruddiman was also seen as an upstanding citizen of the city.

Ruddiman was also involved in other areas outside the library, especially within Edinburgh. Ruddiman found the Society for Classical Studies in 1718.<sup>170</sup> Edinburgh made him a burgess of the

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<sup>163</sup> Ruddiman and Logan went back forth with printed vitriol, over works by Ruddiman, like his works on Buchanan (divine right) and Balliol (succession). This is also about Jacobitism, and part, through the prism of the nature of monarchy, and importantly, who should be king. The gist of the argument was that Jacobites should have been kings by divine direct lineal rights as versus a Scottish monarchy that was not strictly lineal and curtailed by parliament. (read here the Hanoverians).

<sup>164</sup> THOMAS RUDDIMAN, A DISSERTATION CONCERNING THE COMPETITION FOR THE CROWN xv (1748).

<sup>165</sup> CHALMERS, THE LIFE, *supra* note 110, at 187 (Chalmers glosses over Ruddiman's undoubted involvement somewhere somehow with the Jacobite rebellion in 1745).

<sup>166</sup> “Despite the Jacobitism of its librarian and his connections to Freebairn, the Faculty itself was not under the influence of active Jacobites and was unwilling or unable to collect contemporary pro-Jacobite material.” Robert L. Betteridge, *Collecting, And Not Collecting: Jacobite Material at the Advocates Library and National Library of Scotland*, 47 IRSS 23, 34 (2022).

<sup>167</sup> DAILY GAZETTEER (LONDON EDITION), Tues., May 3, 1737.

<sup>168</sup> DOUGHLAS DUNCAN, THOMAS RUDDIMAN 4 (1965).

<sup>169</sup> The Porteous Affair featured heavily in Sir Walter Scott's Heart of Midlothian. One of Scott's characters – as an aside – is particularly scathing of Advocates:

Sae I wad hae ye ken that I haud a' your gleg-tongued advocate, that sell their knowledge for pieces of silver...[with judges]...legalists and formalists, countenancing, by sentences, and quirks, and cunning terms of law...

SIR WALTER SCOTT, THE HEART OF MIDLOTHIAN 156 (1918).

<sup>170</sup> D.D. McElroy, *Literary Clubs and Societies of Eighteenth-Century Scotland* 66 (University of Edinburgh thesis, 1952).

city in 1732.<sup>171</sup> In 1748 he visited Edinburgh High School with other city dignitaries.<sup>172</sup> He was also named first in the formation of a society that provided, in essence, life insurance to Edinburgh teachers' widows and children.<sup>173</sup>

Leading up to Ruddiman's appointment as full Keeper in 1730, there was two-year delay and debate about what to do with the Keepership after Spottiswood had died in 1728. One of the Curators proposed - under the cloak of requiring a principal Keeper to receive Copyright Act books - that one of the Faculty should get the title to receive the books and get the Keeper salary with it. Ruddiman would not get extra monies. No doubt under such a proposal, the hard graft would still be done by the Librarian. The idea was quashed, and though not explicit in the Minutes, Ruddiman emerged as Principal Keeper. At the same time there was a proposal to fund a new, "exact" catalogue. A motion was passed to fund this enterprise. You cannot but think that the idea came from Ruddiman.<sup>174</sup> When Ruddiman became full Keeper, at the same time Walter Goodall was made sub-keeper.<sup>175</sup> This replicates the earlier arrangement when Ruddiman was sub-keeper under Spottiswood and co. So, what did Ruddiman do within the library?

As noted, he certainly pushed titles for purchase or gifting, often his own publications or printings. We also saw that he played a large part in the creation of the first all comprehensive catalogue (1742-1839), which comprise three volumes with a later update. Ruddiman, along with his sub-keeper, later keeper, Walter Goodall, compiled the First Volume (1742).<sup>176</sup> During this period under Ruddiman, the Library rebound/bound many of their materials, and sought to create new procedures to get overly late books returned, some in which the borrowers were deceased.<sup>177</sup> Ruddiman was also highly influential in continuing to obtain the titles due to the library under the 1710 Copyright Act. Ruddiman also used his influence within the Faculty of Advocates for others. In 1729, while sub-keeper, he petitioned on behalf of deceased advocate for the faculty to defray the costs of his burial as he died destitute with a family.<sup>178</sup>

In 1722, Ruddiman was seconded to temporary clerk depute,<sup>179</sup> and in 1732, temporary Treasurer<sup>180</sup> – showing a connection between Library, Librarian, and the running of the Faculty. Ruddiman was compensated more for the temporary Clerk work than being Librarian.<sup>181</sup> As sub, and then later full Keeper, his salary increased from an initial £100 (Scots), eventually increasing to £30 6s 8d

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<sup>171</sup> JOHNSTON, THE RUDDIMANS, *supra* note 135, at 11.

<sup>172</sup> WHITEHALL EVENING POST OR LONDON INTELLIGENCER (LONDON, ENGLAND), Sept. 27, Issue 411, 1748.

<sup>173</sup> *Articles Of Agreement Betwixt The Professors And Teachers, Or Who Have Been Such, Of The Liberal Arts And Sciences, And Branches And Parts Thereof, Within The City Of Edinburgh, Liberties, Suburbs, And Dependencies Thereof; 2d February, 1737.* This was printed – of course – by the Ruddiman brothers.

<sup>174</sup> MINUTES, VOL. 2, at 121-22.

<sup>175</sup> In 1725 a Robert Maule is recorded as an "assistant to Ruddiman." He is not mentioned again. MINUTES, VOL. 2, at 95.

<sup>176</sup> The printers, T & W Ruddiman, were still seeking payment for printing in 1751. MINUTE BOOK OF THE FACULTY OF ADVOCATES VOLUME 3, 1751-1783, at 3 (Angus Stewart ed., 1976) [hereinafter MINUTES VOL. 3].

<sup>177</sup> MINUTES, VOL. 1, at 290, 292 (tasking Ruddiman to estimate value of any returned item for legal pursuit for replevin or triple fine).

<sup>178</sup> MINUTES, VOL. 2, at 118-9.

<sup>179</sup> MINUTES, VOL. 2, at 44.

<sup>180</sup> MINUTES, VOL. 2, at 136.

<sup>181</sup> MINUTES, VOL. 2, at 44.

(English)<sup>182</sup> eight years later – however – this amount was still small (but on par with other librarians) and Ruddiman sought income elsewhere.<sup>183</sup>

This salary issue (and its small size) points toward why the librarians constantly sought income elsewhere. The first known Librarian, James Naismith, had to “crave” that the Faculty give him the same salary as he had the year before (in 1687) as he was still doing the same amount of work – thereby suggesting that the Faculty were going to do otherwise.<sup>184</sup> His salary amounted to one hundred and thirty marks Scots.<sup>185</sup> Naismith also complained about the cost it was taking to write a catalogue, and the faculty agreed to pay him one hundred Scots pounds.<sup>186</sup> There is certainly a trend to either under-payment or grasping for money.

Ruddiman resigned from the Keepership in 1752. Just prior in 1751, along with his brother Walter, Ruddiman sought final payment for the printing of the multi-volume catalogue. The contract was first entered into in 1733. Demanding full payment in 1751 might reflect a need to get remittance before Ruddiman left the keepership and the influence he had therein. Or that the Faculty was tardy in its payments. It is also interesting to note that Ruddiman did resign, and not die in office, which we saw happened twice before and had led to extraordinary actions to retrieve library materials. His Letter of Resignation was replete with platitudes toward the Faculty (as he should, considering the advantages he gained by his Keepership) and blamed his failing sight and human frailty for his decision.<sup>187</sup>

When Ruddiman died in 1757, his personal book collection comprised 2,810 items.<sup>188</sup> It was a collection so large that they were sold at auction over a long period of time. What is unknown is if the Advocates Library bought any. There is certainly no indication of the Library buying the collection *en masse*. Ruddiman did not donate his collection but sold it. Indeed, it may have been his largest asset after any real property. Ruddiman was so well thought of that a tablet was later installed in Edinburgh’s New Grey Friars church, with his tenure of the Library prominent is first in the list of his achievements.<sup>189</sup> No less a famous individual than Boswell thought about writing a biography of Ruddiman – “I told Dr. Johnson that I had some intention to write the life of the learned and worthy Thomas Ruddiman.”<sup>190</sup>

As mentioned before, during Ruddiman’s Keepership Walter Goodall was appointed concurrent under-keeper in 1735<sup>191</sup> – possibly like Ruddiman previously an appointed heir-apparent. Goodall was just as prodigious in his scholarly output while working for the Library. With Ruddiman,

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<sup>182</sup> Political (and economic) union was in 1707, hence the change in monetary unit.

<sup>183</sup> PALL MALL GAZETTE (LONDON, ENGLAND), Thurs., Sept. 30, 1880.

<sup>184</sup> MINUTES, VOL. 1, at 78.

<sup>185</sup> MINUTES, VOL. 1, at 79.

<sup>186</sup> MINUTES, VOL. 1, at 122.

<sup>187</sup> CHALMERS, THE LIFE, *supra* note 110, at 244-5.

<sup>188</sup> *A Catalogue Of A Rare And Valuable Collection Of Books: Being The Whole Library Of The Late Mr. Thomas Ruddiman ... To Be Sold By Auction ... On Wednesday 1st February 1758*, <https://brbl-dl.library.yale.edu/pdfgen/exportPDF.php?bibid=10268436&solrid=3591600>.

<sup>189</sup> THE ABERDEEN JOURNAL, Wed., Nov. 4, 1801.

<sup>190</sup> JAMES BOSWELL, LIFE OF JOHNSON, Volume 1, at 394 (1791) (noting Johnson said Ruddiman’s resignation letter from the library should have been in Latin); BOSWELL FOR THE DEFENCE, 1769-1774, at 174 (William K. Wimsatt, Jr. & Frederick A. Pottle eds. 1959); JOHNSON, BOSWELL, AND THEIR CIRCLE: ESSAYS PRESENTED TO LAWRENCE FITZROY POWELL, IN HONOUR OF HIS EIGHTY-FOURTH BIRTHDAY 265 (Mary M. Lascelles et al., eds. 1965). Though, it seems that anyone and everyone got a biography in those days.

<sup>191</sup> CHALMERS, THE LIFE, *supra* note 110, at 127.

Goodall helped compile the first volume of the first comprehensive catalogue, one of the main roles of the Librarian and their staff. In 1745, the Faculty allowance for helping with the catalogue was discontinued pending review.<sup>192</sup> The pause probably reflects the chaos of the Jacobite rebellion in 1745.

Though his work on the Catalogue was his most important input to the library, Goodall is better known for his controversial work on Queen Mary Stuart of Scotland. Goodall was one of the first apologists for her actions. In 1754, T. & W. Ruddiman (yes, that Ruddiman again) printed Goodall's two volume set *An Examination of the Letters said to have been written by Mary Queen of Scots to James, Earl of Bothwell, etc.* The topic of Queen Mary is huge, and his time was limited, Goodall says as much: "[m]y necessary avocations, and other reasons, have not hitherto left me leisure to prosecute all these things in a proper manner..."<sup>193</sup>

Goodall also edited and published, for the first time, *Balfour's Practicks* (written c. 1579) in 1754.<sup>194</sup> An important legal work, but as noted before, legal un-printed manuscripts such as these were probably already circulating among Advocates and others. Another edited work was *Fordun's Schottichronicon* (1759), a highly important early historical Scottish work.<sup>195</sup> Like Ruddiman, he was named a "Tory and Jacobite"<sup>196</sup> – reflecting again the politics and political labels.

Goodall in his Will took care to label himself and profession as "keeper of the Advocates library in Edinburgh,"<sup>197</sup> and not as under keeper or advocate. A small hopeful lie on his part? For as Assistant Keeper, Goodall probably expected to obtain the Keepership like Ruddiman had previously. However, he failed and continued merely as assistant under multiple librarians thereafter. One commentator noted that Goodall was "seldom sober."<sup>198</sup> Another factor was possibly his political leanings. Another is that the Faculty of Advocates were entering a phase in their history whereby they sought higher profile librarians. Perhaps the best anecdote explaining Woodall is from this event:

While Watty [working on his Queen Mary book] [was] sitting in the library became drowsy, and laying down his head upon his manuscripts, in that posture fell asleep. Mr. Hume entering the library, and finding Watty in that condition, stepped up with a gentle pace, and laying his mouth to Watty's ear, roared out...that "Queen Mary was a whore, and murdered her husband." Watty...suddenly started up, and before he was awake, or his eyes well opened...sprung upon Mr. Hume, and seiz[ed] him by the throat...<sup>199</sup>

Leading up to and throughout Ruddiman's tenure the library was donated myriad collections – donations that reflect the burgeoning gravitas of the library, and no doubt, in part due to the connections and skills of librarians like Ruddiman. Without these donations (and throughout the

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<sup>192</sup> MINUTES, VOL. 1, at 201.

<sup>193</sup> AN EXAMINATION OF THE LETTERS SAID TO HAVE BEEN WRITTEN BY MARY QUEEN OF SCOTS TO JAMES, EARL OF BOTHWELL, ETC., VOLUME 1, at iii (1754).

<sup>194</sup> SIR JAMES BALFOUR (OF PITTENDRIECH), PRACTICKS; OR A SYSTEM OF THE MORE ANCIENT LAW OF SCOTLAND (ed. Walter Goodall, 1754).

<sup>195</sup> Though Goodall, in essence, misapplied the authorship to Fordun instead of Bower.

<sup>196</sup> ROBERT KEITH, THE HISTORY OF THE AFFAIRS OF CHURCH AND STATE IN SCOTLAND xlix (1735) (noting the publisher of this title were the Ruddiman's).

<sup>197</sup> Goodale, Walter (Wills and testaments Reference CC8/8/120, Edinburgh Commissary Court), at 810 (1767).

<sup>198</sup> William K. Dickson, *David Hume and the Advocates Library*, 44 JURID. REV. 1, 9 (1932).

<sup>199</sup> *Biographical Anecdotes of the Life of David Hume, Esq.*, 1776, THE WESTMINSTER MAGAZINE, Vol. IV, at 483.

library's existence), the library was stuck with limited funds and possibility of expansion. The importance of the donations, and the donators, was recognized and acknowledged in 1717 when the Committee on Treasury accounts required any donated book have the donator labelled in any catalogue going forward.<sup>200</sup>

Important donations during this period include: the 1712 Earl of Balcarres donation of a large collection of original letters and documents on Scottish history;<sup>201</sup> the Viscount of Oxfuird donation of a manuscript from Robert I's time<sup>202</sup> and in 1708, Dr. Archibald Pictcairn (of medicine) donation of Lhuyd's *Archaeologia Britannica* (1707), Noodt's *Observationum* (1706) and a manuscript on the union (of 1707 between Scotland and England). A few months later, he donated Mercuialis' *Gymastica* (1672).<sup>203</sup> Books were not the only donations: James Sutherland's collection of medals in 1704, and later in 1707, his large collection of botany and natural history tomes.<sup>204</sup>

When donations were not possible, the Faculty had moved every sinew to obtain the money to purchase important collections – this was the case 1722 when the library obtained Sir Robert Sibbald's vast geographical collection, including many important Scottish maps by T. Pont.<sup>205</sup> The Faculty stating "that so valuable a Collection should not be carried off by Strangers...(read here English).<sup>206</sup> The librarian at the time, Spottiswood, gave up some of his salary to help with this purchase.<sup>207</sup> Other examples include a rare *Practick* in 1698<sup>208</sup> and the manuscript collection of Sir James Balfour, former King at Arms and Lord Lyon to the tune of 1,800 pounds.<sup>209</sup> Some accretions appeared donation like but in reality were quid pro quos. For example, Alexander Nisbet, offered up a rare genealogy manuscript<sup>210</sup> as a bribe to gain access to the Library to help write his own

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<sup>200</sup> MINUTES, VOL. 1, at 15-16.

<sup>201</sup> MINUTES, VOL. 1, at 303-4. Ruddiman, the library-keepers servant, was tasked to go retrieve them and bring them back to the library.

<sup>202</sup> Not Oxford England. The Viscount Oxfuird was a Scottish lord and a frequent donor. MINUTES, VOL. 1, at 216.

<sup>203</sup> MINUTES, VOL. 1, at 275.

<sup>204</sup> MINUTES, VOL. 1, at 248.

<sup>205</sup> *Pont Maps of Scotland, ca. 1583-1614 - History*, <http://maps.nls.uk/pont/history/overview.html>; MINUTES, VOL. 2, at 63.

<sup>206</sup> MINUTES, VOL. 2, at 63.

<sup>207</sup> MINUTES, VOL. 2, at 63.

<sup>208</sup> MINUTES, VOL. 1, at 186. The *Practick* was compiled by Lord Craigmillar and "furnished" by a Mr. Robert Monteath (Monteith). Spelling in those days was industrial at best.

<sup>209</sup> MINUTES, VOL. 1, at 190, 192-94. The addition of the collection was "very proper to inrich their Library." MINUTES, VOL. 1, at 192.

<sup>210</sup> MINUTES, VOL. 1, at 197. The entry in the Minutes say that the manuscript was "ane historicall and genealogicall account of the Kings of Scotland of the families of Steuarts and of other families being a manuscript in folio written in English by Jacob Van Bassen a Dane...." Nisbet calls him "Vanbassan" and later "Frederick Vanbassan." He alternates between Danish and Norwegian – though considering Norway and Denmark were united during this period it is not unexpected. The National Library of Scotland has some letters of a Johann Friedrich von Bassen "genealogist," <http://manuscripts.nls.uk/repositories/2/resources/15643>. However, I cannot find any Van Bassen manuscripts or titles anywhere else, particularly in any of the Advocates Library Catalogues. Another later genealogical writers refer to Van Bassen as an eminent genealogist, though with other differing spellings and forenames. Others writers mention his work. *The Theatre of Europe*. Notes & Queries, 8th Ser., Vol. 2, at 340 (1892) ("rare genealogical work"); GEORGE STEINMAN, ADDENDA TO ALTHORP MEMOIRS n1., 80 (1880); BURKE'S GENEALOGICAL AND HERALDIC HISTORY OF PEERAGE, BARONETAGE AND KNIGHTAGE, Vol. 40, at 309 (1878) (under Cunningham) (mentioning a *History of the Kings of Scotland*). Another has a Van Bassen (though spelt Van Bossen) title called "The Royall Cedar." *Miscellanea Genealogica et Heraldica*, 2nd Ser., Vol. IV, at 264 (1892).

genealogical texts.<sup>211</sup> Or paying for individuals travel costs to come to the Library to give manuscripts.<sup>212</sup> In 1820, the library took advantage of the chaos of post-Napoleonic wars to purchase the George Septimus Dieterichs collection at a low cost.<sup>213</sup> In 1826 the library purchased a vast collection of pre-1800 Spanish books from the *Marqueses de Astorga*.<sup>214</sup> Certainly, this was unusual move for a Scottish library but does show the ambition and intellectual curiosity of the institution.<sup>215</sup> Other purchases show similar traits.

With all these donations and purchases up to, during and after Ruddiman, there is no escaping the influence of book sellers and publishers, and their close connections with the librarians. Ruddiman is the prime example.

### *The Celebrities*

The next class of librarians were the celebrities. The first celebrity librarian was Ruddiman's successor - philosopher, economist, and historian David Hume, who was appointed keeper/librarian in 1752. He resigned in 1757.<sup>216</sup> He was initially paid £40 (English) annually.<sup>217</sup> Hume is the only Keeper that garners recognition worldwide, in his day and today. The first thing to note was that Hume was not an advocate like all the prior Keepers. And his appointment was not without controversy.<sup>218</sup> Hume saw his role as librarian as a chance to obtain direct access and control of the best collection of titles in Scotland, not necessarily to further the Library itself. This enabled him to write his famous (in his day) and profitable *History of England* (1754-61). Hume himself said "the Faculty of Advocates chose me their Librarian, an office from which I received little or no emolument, but which gave me the command of a large library."<sup>219</sup> Hume's *History of England* "cited

<sup>211</sup> The 1742 Advocates Library Catalogue lists three titles by Alexander Nisbet - *An Essay on Additional Figures and Marks of Cadency* (1702); *An Essay on the Ancient and Modern Use of Armories* (1718) and *A System of Heraldry, Speculative and Practical* (1722). Nisbet mentions items in the Advocates Library that he consulted for *Armories* three times at 10, 19 & 60. In the *System*, the Library is mentioned around fifteen times, at vi, 8, 46, 60, 70, 86, 110, 132, 170, 232, 247, 284, 313 & 417. Examples include Balfour's Register of Arms, Earl of Haddington's papers, Lindsay of Pitscotie's MS, a Kelso Cartulary, a Vanbassan MS "work" and Monpenny's *Manuscript Histoire*. Interestingly Nisbet use the phrase "the Lawyers library" – a term covering both barristers and solicitors. We can be certain that Nisbet had access and used the Advocates Library for writing all his titles. He does mention the University of Edinburgh Library in the earlier *Amories* twice, but not in the later *System* – suggesting two things: that the University library was an alternative source, but however, the Advocates was a far superior choice. *Armories*, at 8 & 14. His 1702 title made a compliment to the Faculty – and again Nisbet was offered unfettered access. MINUTES, VOL. 1, at 238.

<sup>212</sup> MINUTES, VOL. 1, at 218.

<sup>213</sup> Michael Nix, *An Uncommonly Heavy Collection*, 5 FOLIO 2 (2002); Christopher Meixner & Graham Hogg (2006), *The Dieterichs Collection in the National Library of Scotland and the Advocates Library*, 1 J. OF THE EDINBURGH BIBLIOGRAPHICAL SOC'Y (2006).

<sup>214</sup> *Fine Early Spanish Books in the Astorga Collection*, <http://www.nls.uk/collections/rare-books/collections/astorga>.

<sup>215</sup> Though note Bibliographer Dibdin noted "in the present condition of the library and state of the funds...might not have been disposed of to infinitely greater advantage [elsewhere]." THOMAS FROGNALL DIBDIN, BIBLIOGRAPHICAL, ANTIQUARIAN AND PICTURESQUE TOUR IN THE NORTHERN COUNTIES OF ENGLAND AND SCOTLAND, VOLUME 2, at 595 (1838).

<sup>216</sup> Chapter XIX, *The Libraries of the Faculty of Advocates*, in EDWARD EDWARDS, MEMORIES OF LIBRARIES INCLUDING A HANDBOOK OF LIBRARY ECONOMY, VOLUME 2 (1859); *National Library of Scotland*, in INTERNATIONAL DICTIONARY OF LIBRARY HISTORIES, VOLUME 1 (ed. David H. Stam, 2001); DAVID HUME, THE HISTORY OF ENGLAND (1754-61); David Hillyard, *The Keepership of David Hume*, in FOR THE ENCOURAGEMENT OF LEARNING, SCOTLAND'S NATIONAL LIBRARY 1689-1989, at 103-109 (eds. Patrick Cadell & Ann Matheson, 1989).

<sup>217</sup> William K. Dickson, *David Hume and the Advocates Library*, 44 JURID. REV. 1, 3 (1932).

<sup>218</sup> Michael H. Harris, *David Hume: Scholar as Librarian*, 36 LIB. Q. 88 (1966).

<sup>219</sup> David Hume, *The Life of David Hume, Written by Himself*, in DAVID HUME, THE HISTORY OF ENGLAND, VOLUME 1, [http://oll.libertyfund.org/index.php?option=com\\_staticxt&staticfile=show.php%3Ftitle=1868&Itemid=28](http://oll.libertyfund.org/index.php?option=com_staticxt&staticfile=show.php%3Ftitle=1868&Itemid=28) (last visited



at least 515 authors who collectively wrote a minimum of 590 works.”<sup>220</sup> It is not hard to imagine that a vast majority (even if he read them before his librarianship position) were in the Advocates Library. Though the library was not comprehensive still for Hume, as he had to send a “short catalogue” to a friend to procure to help him write his *History* because they were not in the Advocates Library.<sup>221</sup> Ironically, the Advocates library did not possess many of Hume’s own works published before his appointment.<sup>222</sup>

Yet, despite this side-business, Hume did play some part in the development of the library. There was a “curious difficulty occurred respecting the admissions of certain improper books.”<sup>223</sup> This “difficulty” was connected to Hume’s accretion of contemporary French literature to the collection. The curators of the library (Hume’s superiors) “removed [them] from the shelves...as indecent books, unworthy of a place in a learned Library.”<sup>224</sup> This controversy was much discussed in public, though it did not lead to Hume’s immediate removal by the library – as Hume was an *illuminati*, and nor did he resign – probably because the size and breadth of the Advocates Library was not available to Hume elsewhere in Scotland. In part to save face Hume donated his salary – not much<sup>225</sup> – to the blind poet William Blacklock.<sup>226</sup> As Hume puts it “being equally unwilling to lose the use of the books, and to bear an indignity, I retain the office...but have given...[to]...our blind poet.”<sup>227</sup> Hume’s position on foreign materials is not isolated, for in 1742 (considering titles before the Copyright Act of 1710) seventy percent of titles in the collection were foreign.<sup>228</sup> Maybe the problem was the content of the literature and not the fact they were French *per se*. This was not Hume’s first fracas regarding the Keepership – for his appointment in the first place was contested. Hume’s friends had proposed him but the hierarchy within the College of Advocates disliked this (according to Hume) and put up their own contender<sup>229</sup> – Kenneth Mackenzie a law professor. The wrangling is written by Hume with relish and takes the time to state that “the ladies [were] violently my partisans.”<sup>230</sup>

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7/9/2015). He also called the librarianship a “petty office of forty or fifty guineas a -year.” BURTON, LIFE, VOLUME 1, *supra* note 214, at 370, <https://www.gutenberg.org/files/42843/42843-h/42843-h.htm>.

<sup>220</sup> ROGER L. EMERSON, ESSAYS ON DAVID HUME, MEDICAL MEN AND THE SCOTTISH ENLIGHTENMENT: 'INDUSTRY, KNOWLEDGE AND HUMANITY' (SCIENCE, TECHNOLOGY, AND CULTURE, 1700-1945, at 122-3 (2016).

<sup>221</sup> JOHN HILL BURTON, LIFE AND CORRESPONDENCE OF DAVID HUME, VOLUME 2, at 82 (1846) (letter to Andrew Millar in 1760 – his book seller). Hume goes on to say “[s]end me also the prices; for I shall be able to engage the curators of the library to take from me such as they want at the price.” *Id.*

<sup>222</sup> JOHN HILL BURTON, LIFE AND CORRESPONDENCE OF DAVID HUME, VOLUME 1, at 373, n.1 (1846).

<sup>223</sup> Chapter XIX, *The Libraries of the Faculty of Advocates*, in EDWARD EDWARDS, MEMORIES OF LIBRARIES INCLUDING A HANDBOOK OF LIBRARY ECONOMY, VOLUME 2, at 6 (1859); JAMES A. HARRIS, HUME: AN INTELLECTUAL BIOGRAPHY 353 (2015).

<sup>224</sup> Chapter XIX, *The Libraries of the Faculty of Advocates*, in EDWARD EDWARDS, MEMORIES OF LIBRARIES INCLUDING A HANDBOOK OF LIBRARY ECONOMY, VOLUME 2, at 7 (1859).

<sup>225</sup> “[A] genteel office, though of small revenue....” William K. Dickson, *David Hume and the Advocates Library*, 44 JURID. REV. 1, 4 (1932) (quoting a letter by Hume to Dr. John Clephane), available here too: <https://www.gutenberg.org/files/42843/42843-h/42843-h.htm>.

<sup>226</sup> JAMES A. HARRIS, HUME: AN INTELLECTUAL BIOGRAPHY 353 (2015).

<sup>227</sup> JOHN HILL BURTON, LIFE AND CORRESPONDENCE OF DAVID HUME, VOLUME 1, at 393 (1846).

<sup>228</sup> Alex M. Cain, *Foreign Books in the 18th-Century Advocates' Library*, in FOR THE ENCOURAGEMENT OF LEARNING, SCOTLAND’S NATIONAL LIBRARY 1689-1989, at 112-3 (eds. Patrick Cadell & Ann Matheson, 1989).

<sup>229</sup> This contest should be set in the scene of Jacobitism and anti-Jacobitism. While Hume may not have necessarily saw himself as either, his *History of England* was used by Jacobites to bolster their arguments. See in general Max Skjönsberg, *David Hume and the Jacobites*, 100 SCOT. HIST. REV. 25 (2021).

<sup>230</sup> THE LETTERS OF DAVID HUME, VOLUME 1, at 166 (J.Y.T. Greig ed., 1932).

The state of the library buildings came up again during Hume's tenure. In 1752, Lord Minto said that "[t]he Advocates library is too great an ornament to our country, not to merit a place in [a] new building."<sup>231</sup> The later 1753 Parliamentary Act reflected the same sentiment vis-à-vis the Advocates library by recognizing the need for a "convenient Room for the Library belonging to the Faculty of Advocates."<sup>232</sup> Nothing came from these proposals.

When Hume did leave the Keepership,<sup>233</sup> his resignation letter was terse and to the point: "I am very desirous to deliver over the charge of the library as soon as possible."<sup>234</sup> A cynic could say that when he no longer needed the large collection for his *History* book, he was quick to devolve himself of the Keepership. His tenure was short.

Hume's successor as librarian was Adam Ferguson (1757), a philosopher and historian of equal fame in his day, though less today.<sup>235</sup> Ferguson left in 1758/9 to become a professor at the University of Edinburgh. It is clear (like Hume) that Ferguson's short tenure as Keeper was merely a stepping stone – with one commentator stating that "the only action...that distinguished [Ferguson] in his connexion with the library was his sudden disappearance within a year of his appointment."<sup>236</sup> To the annoyance of the Faculty, somehow, Ferguson's leaving was not formally presented and left the library with no Librarian for an unknown period of time.<sup>237</sup> One wonders what happened during that period, and why no one complained more? Did under-keepers take up the slack?

### *The Maintainers*

The next slew of librarians was less renowned but equally as important. The first, and probably least important, was William Wallace junior.<sup>238</sup> Wallace became an Advocate in 1752 and then was elected Keeper in January 1758.<sup>239</sup> Once again Walter Goodall missed out getting the Keepership, but Wallace insisted on Goodall's continuation as under-keeper. Wallace also had a concurrent unsalaried appointment as Professor of Universal History at the University of Edinburgh. The Faculty was, once again, providing another sinecure position for someone in the academic world.

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<sup>231</sup> LORD GILBERT ELLIOT MINTO, PROPOSALS FOR CARRYING ON CERTAIN PUBLIC WORKS IN THE CITY OF EDINBURGH 27 (1752). Repeated later "[t]he lawyers library, which does so much honour to this country, and is increasing daily, has not a suitable apartment." *Id.* at 38. One assumes that the "country" so mentioned is Scotland and not the greater United Kingdom?

<sup>232</sup> XXVI. Geo. II. c. 36. An Act for erecting several publick buildings in the City of Edinburgh; and to empower the Trustees therein to be mentioned to purchase lands for that purpose.

<sup>233</sup> MINUTES, VOL. 3, at 69.

<sup>234</sup> JOHN HILL BURTON, LIFE AND CORRESPONDENCE OF DAVID HUME VOL. 2, at 18-19 (1846); MINUTES, VOL. 3, at 71.

<sup>235</sup> *Adam Ferguson*, in ENCYCLOPEDIA BRITANNICA ONLINE ACADEMIC EDITION (Encyclopædia Britannica Inc., 2013), <http://www.britannica.com/EBchecked/topic/204623/Adam-Ferguson> (last visited 7/26/13); *National Library of Scotland*, in INTERNATIONAL DICTIONARY OF LIBRARY HISTORIES, VOLUME 1, at 566 (David H. Stam ed., 2001); Andrea Longson, *The Advocates Library*, 9 LEG. INFO. MGMT. 35, 35 (2009).

<sup>236</sup> William Black, *Biographical Notices of Some Eminent Edinburgh Librarians*, in ERNEST C. THOMAS & CHARLES WELCH, TRANSACTIONS AND PROCEEDINGS OF THE THIRD ANNUAL MEETING OF THE LIBRARY ASSOCIATION OF THE UNITED KINGDOM 30, 37-38 (1881).

<sup>237</sup> MINUTES, VOL. 3, at 79.

<sup>238</sup> Names in these days were often repetitive between generations, both first and surname, hence you will often see the senior and junior appellation.

<sup>239</sup> MINUTES VOL. 3, at 80. The minutes also note at this time that the Librarian/Keeper could no longer in the future send a depute to faculty meetings, there by indicating, the theme of absentee landlord of the past two Keepers, Hume & Ferguson. *Id.*

When Wallace finally obtained a paid professorial position in 1765,<sup>240</sup> he promptly left the Keepership. Wallace was very much akin and heir to Hume and Ferguson.<sup>241</sup> During Wallace's tenure, Goodall's age caught up with him and in 1762 he was provided with an assistant to help with his own assistant duties - Alexander Brown, who became Keeper himself later.<sup>242</sup> Obviously, Wallace as Keeper was not able or wanted to fill in the slack.

Heir in waiting Alexander Brown was appointed Keeper in January 1766.<sup>243</sup> There is mention of Brown being paid for "his extraordinary trouble in the Library" for the last year, i.e., 1765.<sup>244</sup> This probably reflects Wallace's abrupt departure and Goodall's inability to perform his role. In 1770, it was recognized by the Faculty that Brown's pay was not commensurate to his duties, considering "the...well know[n]...great Trouble & Fatigue which the Duties of Mr Brown's Office..."<sup>245</sup> Brown also had an assistant, William Gibb, who was known as a bookseller before and was employed at the same time as Brown.<sup>246</sup>

Goodall died in the July 1766, a few months after Brown's appointed - no doubt disappointed at his inability to be appointed formal Keeper. He must have left the Library before he died, as his Will mentions Alexander Brown as Keeper of the Advocates Library (dated 1767).<sup>247</sup> Goodall's daughter petitioned for, and was granted, money to help pay off her father's debts.<sup>248</sup> At the same time, the Faculty sought a method to reobtain items leant out by Goodall to those with no right and with no receipt. One wonders if there were some financial backhanders involved there. Around this time, were "above 30,000 volumes" in the library.<sup>249</sup>

Like prior librarians, Brown was concurrently made clerk of the faculty<sup>250</sup> - a role which seems to take up a lot of his time, as evinced in the minutes.<sup>251</sup> However, there is evidence elsewhere that he also spent a lot of time on library matters. For example, in 1787 we find Brown as a subscriber to Robert Burns' *Poems Chiefly in Scottish Dialect*.<sup>252</sup> In those days forthcoming books were often paid for in advance with subscriptions and many Advocates and Advocate librarians were subscribers. He was one of the founding members of the Society of Antiquarians of Scotland in 1780.<sup>253</sup> This society

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<sup>240</sup> Grant, *The Faculty of Advocates*, *supra* note 108, at 214.

<sup>241</sup> MINUTES, VOL. 3, at 80 and n.122.

<sup>242</sup> MINUTES, VOL. 3, at 113, 171.

<sup>243</sup> MINUTES, VOL. 3, at 159.

<sup>244</sup> MINUTES, VOL. 3, at 171.

<sup>245</sup> MINUTES, VOL. 3, at 213-14. Brown's salary was twenty pounds in 1766, increasing to forty pounds 1767-1770 per annum. *Id.* Thereafter it was one hundred pounds. MINUTES VOL. 3, at 293.

<sup>246</sup> ROBERT CHAMBERS, *MINOR ANTIQUITIES OF EDINBURGH* 189 (1833).

<sup>247</sup> Goodale, Walter (Wills and testaments Reference CC8/8/120, Edinburgh Commissary Court), at 810 (1767).

<sup>248</sup> MINUTES, VOL. 3, at 168, 172.

<sup>249</sup> *Chapter XIX, The Libraries of the Faculty of Advocates*, in EDWARD EDWARDS, *MEMORIES OF LIBRARIES INCLUDING A HANDBOOK OF LIBRARY ECONOMY*, VOLUME 2, at 8 (1859). Compare the Signet Library which had 3,000 volumes in 1792. *The Signet Library in the 21st Century*, 9 LEGAL INFO. MGMT. 42 (2009).

<sup>250</sup> MINUTE BOOK OF THE FACULTY OF ADVOCATES VOLUME 4, 1783-1798, at 8, n.6 (Angus Stewart & David Parrat eds., 2007) [hereinafter MINUTES VOL. 4].

<sup>251</sup> See *en passim*.

<sup>252</sup> Robert Betteridge, *Robert Burns in Print at the National Library of Scotland*, 43 *STUD. IN SCOT. LITERATURE* 328, 330 (2017). However, the Advocates Library in the larger scheme of things was not a great collector of Robert Burns' works. *Id.* at 329. Brown's successor Alexander Manners may have subscribed too - there was a Manners listed in the *Poems*. ROBERT BURNS, *POEMS CHIEFLY IN SCOTTISH DIALECT*, Vol. 2, at xxxiv (J. Wilson 1786).

<sup>253</sup> WILLIAM SMELLIE, *ACCOUNT OF THE INSTITUTION AND PROGRESS OF THE SOCIETY OF THE ANTIQUARIES OF SCOTLAND. PART 3, 1784 - 1830* (Appendix), at 1 (1831).

was not uncontroversial. Upon its creation, the Society sought a Royal Charter and to start collecting their own manuscripts and books. The Curators of the Library at the time complained somewhat bitterly in the *Caledonian Mercury*:

For a century past, the Advocates Library has been the general repository of the ancient manuscripts and monuments illustrating the history and antiquities of Scotland...To form a separate and rival repository, which is intended by the present Antiquarian Society, is not only unnecessary but inexpedient, as one effect of it must be to divide, and put under different management, valuable manuscripts which ought to be together, and in one and the same collection.<sup>254</sup>

Note that the initial lead in is not about the *legal* collection and its worth, but that of Scottish history, records, and antiquities. Even by 1780, some hundred years after its initial founding, the Advocates Library was clearly national, nationalistic, and aware of its role and worth. The critique by the Curators (joined by the University of Edinburgh and Philosophical Society) was to no avail, and the King granted the Charter, becoming patron.<sup>255</sup>

Brown was also known to James Boswell - who called him "Good Mr. Brown, Keeper of the Advocates" in 1785.<sup>256</sup> Johnson on his tour took a "cursory" view of the library in 1773 and presumably Brown was the tour guide. Prior librarian Adam Ferguson, by then Professor at the University of Edinburgh, gave Johnson a tour of the said university's library.<sup>257</sup> Boswell himself was an advocate and heavy user of the library - "[m]uch of [his] literary writing was done in the Advocates' Library."<sup>258</sup> He was appointed a Curator in 1784.<sup>259</sup> Brown also had a passion for archery - he was a member of the Royal Company of Archers, and a consummate archer.<sup>260</sup> Before his death, he started a history of the Company, but his MSS that was left was unfinished because the work morphed into a history of archery everywhere.<sup>261</sup> Brown must have made great use of his access to the Library. With Walter Goodall (assistant Keeper 1735-1766), Brown worked when sub-keeper and keeper on the 1724-1808 catalog that updated Ruddiman's. However, John Pinkerton, Scottish Antiquarian, once complained that Brown hinted that there was a fee for copying old poetry, an "imposition payable to a greedy librarian, who looks upon literature as a matter of low and paltry gain." Though, one wonders if Brown simply did not agree with Pinkerton's decidedly anti-Celtic racial bias.<sup>262</sup> Brown must have experienced the 1786 Edinburgh fire which by accounts "greatly

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<sup>254</sup> THE CALEDONIAN MERCURY, May 19, 1783, at 2. Allegedly, the argument over this led through the hack newspapers of the day, to a "violent personal confrontation." IAIN SIMPSON ROSS, LIFE OF ADAM SMITH 396 (2010).

<sup>255</sup> THE EDINBURGH ADVERTISER, May 27, 1783, at 4.

<sup>256</sup> JAMES BOSWELL, THE JOURNAL OF A TOUR TO THE HEBRIDES, WITH SAMUEL JOHNSON, LL.D. -34 (1785).

<sup>257</sup> BOSWELL, JOURNAL, *supra* note 244, at 33-34.

<sup>258</sup> ESSAYS PRESENTED TO LAWRENCE, *supra* note 180, at 262.

<sup>259</sup> ESSAYS PRESENTED TO LAWRENCE, *supra* note 180, at 265. However, he only ever attended two Curator meetings and resigned in 1789. *Id.*

<sup>260</sup> "Mr Alex Brown won eight successive ends, and nine successive shots in these eight ends, against the whole other of these shooters...." JAMES BALFOUR PAUL, THE HISTORY OF THE ROYAL COMPANY OF ARCHERS, THE QUEEN'S BODY-GUARD FOR SCOTLAND 97-98 (1875). "This day, the Silver Arrow...gained by Mr Alexander Brown, Keeper of the Advocates Library." CALEDONIAN MERCURY, Mon. July 14, 1783.

<sup>261</sup> The working title on the MS was "The English Bowman." PAUL, THE HISTORY, *supra* note 248, at 106-7.

<sup>262</sup> "Pinkerton believed that the Teutons had a long pedigree in Scottish culture - indeed that the Scots dialect was a version of the language spoken in ancient times by the Picts, whom Pinkerton quite erroneously identified as a Gothic rather than a Celtic people. Pinkerton's mistaken ethnological theories proved influential in certain quarters and were

endangered” the Library.<sup>263</sup> Interestingly, the librarians themselves talked about and knew of each other – Brown “talked much of [Ruddiman]” according to Boswell.<sup>264</sup> Brown became assistant in 17XX, after Ruddiman had left the Keepership, but must have known him to discuss him.

By January 1794 Brown’s health had deteriorated sufficiently enough for a discussion about whether to supply an assistant. A report was commissioned.<sup>265</sup> At the time one “Mr. Gibb” was suggested as a suitable assistant,<sup>266</sup> however we know that Gibb was already involved earlier as an assistant (unless another family member with the same name).<sup>267</sup> When Manners, Brown’s successor, was appointed, a Gibb received a salary increase as recompense.<sup>268</sup> “All lawyers, whose youth he [Gibb] assisted in their studies by his knowledge of that noble collection, are bound to name [him] with gratitude.”<sup>269</sup> In his Will, Gibb called himself “substitute librarian to the faculty of advocates.”<sup>270</sup> We also find a Robert Douglas assisting 1786-1824 but with no official title of Librarian, sub-librarian, assistant librarian, or keeper, etc. At his death, Douglas was labelled merely as “late of the Advocates Library.”<sup>271</sup> This suggests a staff of fluctuating numbers below the Librarian and any official Assistant Librarian.

The report was finally presented March 1794. The Report, despite earlier being commissioned to discuss an assistant, now talks about who to appoint as Brown’s successor.<sup>272</sup> The Report indicated that Alexander Manners lobbied hard for the role, submitting a letter to the Committee writing the report. Manners states “I beg leave to take this Method [letter] of renewing my application...,” thereby indicating even before this committee Manners had sought appointment as assistant.<sup>273</sup> Another candidate was a John Wright.<sup>274</sup> John Wright’s prior admission to faculty in 1783 was controversial because, as Boswell put it (who attended the faculty admission meeting) “being of low origin, and gaining his livelihood as a teacher of law and Mathematics.”<sup>275</sup> Private teaching of the sciences was deemed the lowest of the low for a man of letters.<sup>276</sup> I wonder in light of this, was the Keepership above this level? Were the many side projects of the Keepers, like publishing, printing, teaching, also deemed low?

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repeated, minus the extreme racist venom of the original....” Colin Kidd, *Race, Empire, and the Limits of Nineteenth-Century Scottish Nationhood*, 46 HISTORICAL J. 881 (2003).

<sup>263</sup> ROBERT CHAMBERS, NOTICES OF THE MOST REMARKABLE FIRES IN EDINBURGH, FROM 1385 TO 1824. INCLUDING AN ACCOUNT OF THE GREAT FIRE OF NOVEMBER, 1824, at 38 (1824); CALEDONIAN MERCURY, Thur. 14 Dec., 1786.

<sup>264</sup> JAMES BOSWELL, BOSWELL’S EDINBURGH JOURNALS 1767-1786, at Feb. 1, 1779 (Hugh M. Milne ed., 2013).

<sup>265</sup> MINUTES, VOL. 4, at 167.

<sup>266</sup> MINUTES, VOL. 4, at 167.

<sup>267</sup> *IX Legal Obituary*, 1 LAW CHRONICLE xc (1829). But other sources say 1816. CALEDONIAN MERCURY, Oct. 26, 1816, at 3; MINUTES VOL. 3, at 258; CHAMBERS, MINOR ANTIQUITIES, *supra* note 234, at 189.

<sup>268</sup> MINUTES, VOL. 4, at 172.

<sup>269</sup> *Letter IV*, 11 HARPER’S FAMILY LIBRARY 108, 108 (1831).

<sup>270</sup> Gibb, William (Wills and testaments Reference SC70/1/42, Edinburgh Sheriff Court Inventories), at 240 (March 31, 1830).

<sup>271</sup> MINUTES, VOL. 4, at 49, 54, 58, 179 & 249; CALEDONIAN MERCURY, Sep. 6<sup>th</sup>, 1824, at 3.

<sup>272</sup> MINUTES, VOL. 4, at 170.

<sup>273</sup> MINUTES, VOL. 4, at 171, n.290.

<sup>274</sup> MINUTES, VOL. 4, at 171.

<sup>275</sup> BOSWELL, LAIRD OF AUCHINLECK 1778-1782, at 413-14 (Joseph W. Reed & Frederick A. Pottle eds., 1977). Boswell thought this repugnant, stating that “our Society has no *dignity*, and must receive every man of good character and knowledge.” *Id.* at 414.

<sup>276</sup> ADAM SMITH, WEALTH OF NATIONS, Vol. II, at 364 (1776).

Another suggested name for Keeper was Pinkerton – who we met earlier – but he demurred because he thought he it “regard[ed] as a high honor...[and would] not have thought of aspiring to the office...an office respectable in itself, rendered yet more so by the names Ruddiman and Hume....”<sup>277</sup> Pinkerton states that he lived too remotely and would have been unknown to Edinburgh’s respectable society – but if he could have an under-keeper to be there all the time then he would consider it! He may have known his political-historical theories were disapproved in some circles.

Eventually in June of 1794 Manners was hired as Librarian. However, this must have been a co-librarianship of sorts, as there seems to have been a private agreement between Brown and Manners for the division and eventual succession of the salary and position between the two until Brown retired in 1818.<sup>278</sup> It is unclear when Brown died.

Manners was a bookseller and publisher like many of his predecessors, being partner in Manners & Miller.<sup>279</sup> Booksellers & publishers were not necessarily liked by Edinburgh’s intelligentsia. In 1802, Dr. John Leyden published a letter detailing his travails through the myriad Edinburgh booksellers – mentioning Manners & Miller as one of them. For Leyden, the Edinburgh booksellers needed to “redress of an impropriety.” In other words, the dichotomy between literature publication as a means to pursue money as versus as literature as a food of the mind. “[B]eware of finding, among them, a rival to the fame of Edmund Curl” Leyden goes on to say.<sup>280</sup> Edmund Curl was a renowned hack publisher, huckster, publisher without consent and known for having no scruples.<sup>281</sup>

The famous Scottish geologist Roderick Murchison once boarded with Manners in his youth – though he does not come out well calling him the: “bland and courteous Manners.”<sup>282</sup> However, we do find Manners in 1793, along with two other members of the Speculative Society (one being Sir Walter Scott), in essence forging documentation to allow someone to escape revolutionary France.<sup>283</sup> Manners was heavily involved with the Speculative Society (a university debating group), being President 1784-88, 1789-90 & 1796-97.<sup>284</sup> He must have been present when in 1796 a fire almost engulfed the library from nearby buildings.<sup>285</sup> One author said of the fire “it agonizes an antiquarian’s heart, to think of the dangers with which the Advocates’ Library surrounded.”<sup>286</sup> Manners, like Brown & Ruddiman prior, was involved in carrying on producing the large three

<sup>277</sup> DAWSON TURNER & JOHN PINKERTON, THE LITERARY CORRESPONDENCE OF JOHN PINKERTON, ESQ. 348 (1830).

<sup>278</sup> MINUTES, VOL. 4, at 174.

<sup>279</sup> SPECULATIVE SOCIETY OF EDINBURGH, THE HISTORY OF THE SPECULATIVE SOCIETY 1764-1904, at 75 (1905); RICHARD B. SHER, THE ENLIGHTENMENT AND THE BOOK SCOTTISH AUTHORS AND THEIR PUBLISHERS IN EIGHTEENTH-CENTURY BRITAIN, IRELAND, AND AMERICA 604 (2008).

<sup>280</sup> THOMAS PERCY, ET AL, LETTERS FROM THOMAS PERCY, D.D., AFTERWARDS BISHOP OF DROMORE, JOHN CALLANDER OF CRAIGFORTH, ESQ., DAVID HERD, AND OTHERS, TO GEORGE PATON 199 (1830). The power of booksellers in the 19th Century is exemplified by London booksellers taking advantage of the new Law Library for the Supreme Court of Victoria, in essence forcing titles on the library that were not required. Sue Reynolds, *Strictly Legal: How a Nineteenth Century Bookseller Influenced the Collection of a Supreme Court Library in Surprising Ways*, 10 INT. J. BOOK 65 (2013).

<sup>281</sup> PAUL BAINES & PAT ROGERS, EDMUND CURL, BOOKSELLER (2007).

<sup>282</sup> ARCHIBALD GEIKIE, LIFE OF SIR RODERICK I. MURCHISON, BASED ON HIS JOURNALS AND LETTERS WITH NOTICES OF HIS SCIENTIFIC CONTEMPORARIES AND A SKETCH OF THE RISE AND GROWTH OF PALAEOZOIC GEOLOGY IN BRITAIN, VOLUME I, at 19 (1875). Murchison boarded with at least six other yours at Manners’ house. *Id.*

<sup>283</sup> ARTHUR MELVILLE CLARK, SIR WALTER SCOTT: THE FORMATIVE YEARS 208 (1969).

<sup>284</sup> THE HISTORY OF THE SPECULATIVE SOCIETY, *supra* note 267, at 75.

<sup>285</sup> PUBLIC LEDGER (London, England), Jan. 26, 1796, at 894. The Goldsmith’s Hall was lost. *Id.*

<sup>286</sup> CHAMBERS, MOST REMARKABLE FIRES, *supra* note 251, at 43.

volume catalogue of the Advocates Library, publishing the third volume in 1807.<sup>287</sup> Famous Advocate Thomas Thomson also writes about how he got “Manners to go through Worral’s Catalogue” to help the Curators complete their collection of “English law.”<sup>288</sup> This tells us a few things: sometimes the Curators played a part in collection development and had a plan, and second, that Faculty members played a strong role.

Manners was a member of the Speculative Society of Edinburgh.<sup>289</sup> and involved with the Society for the Suppression of Beggars in Edinburgh.<sup>290</sup> Manners tendered his resignation 1818 “induced...from the state of his health”<sup>291</sup> and died in 1825.<sup>292</sup> Manners must have been ill for a longer time as we find Sir Walter Scott in November of 1815 noting to a correspondent that “[t]here is likely one day soon to be an opening for a librarian....” During Manners tenure we find around 1801 the collection was holding “upwards of 40,000” items.<sup>293</sup>

### *The Interregnum*

From 1818 to 1820 there was no official librarian. During this interregnum we can see a civil war of sorts about who should succeed Manners, and what the role of Librarian should encompass. We can get an initial glimpse of this debate with William Hamilton.

Sir William Hamilton was a heavy user of the Advocates Library – a moneyed aristocrat and also a scholar who published widely from the sources in the Library. He was also an advocate – though in many ways a failed one. He was a man of aristocratic standing and had a strong interest in the doings of the library – the collection, the library’s organization and the role and duties of the Keeper. Hamilton expertise was in German literature. He secured for the Library the Dieterich collection, which “comprises a wide range of subjects, and includes many works of Luther, Melanchthon, and other leaders of the Reformation, most of them being the original editions.”<sup>294</sup>

Hamilton saw it as his right and privilege to protect the Advocates Library – a library in 1820 he “considered as the great national library of Scotland.”<sup>295</sup> Hamilton was also forthright about the

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<sup>287</sup> A CATALOGUE OF LIBRARY BELONGING TO THE FACULTY OF ADVOCATES, PART THE THIRD (published by Smellie) (additions since 1776 – presumably incorporating the 1787 appendix).

<sup>288</sup> COSMO INNES, MEMOIR OF THOMAS THOMSON, ADVOCATE 49 (1854).

<sup>289</sup> THE HISTORY OF THE SPECULATIVE SOCIETY, *supra* note 267, at 125.

<sup>290</sup> SOCIETY FOR THE SUPPRESSION OF BEGGARS, ETC., THE FIRST REPORT OF THE SOCIETY, INSTITUTED IN EDINBURGH ON 25TH JANUARY 1813, FOR THE SUPPRESSION OF BEGGARS, FOR THE RELIEF OF OCCASIONAL DISTRESS, AND FOR THE ENCOURAGEMENT OF INDUSTRY AMONG THE POOR. WITH AN ACCOUNT OF RECEIPTS AND DISBURSEMENTS FROM 27TH FEBRUARY TO 1ST NOVEMBER 1813, at 8. Smellie, whom we have seen, was the publisher.

<sup>291</sup> MINUTES, VOL. 4, at 174. Manners received a gift of a piece of plate from the Faculty of Advocates as a retirement present. MINUTES, VOL. 4, at 8, n.5; BLACKWOOD’S EDINBURGH MAGAZINE, volume 3, at 107 (1818).

<sup>292</sup> THE HISTORY OF THE SPECULATIVE SOCIETY, *supra* note 267, at 75. For his testamentary documents, SC70/1/33; SC70/1/58; CC8/8/150. Manners was labelled “bookseller in Edinburgh” in his testamentary documents. *Id.*

<sup>293</sup> *Glasgow Herald* (Glasgow, Scotland), Monday, March 26, 1849; Issue 4816. *British Library Newspapers, Part I: 1800-1900. Some Account of the Life of Sir George Mackenzie of Rosehaugh*, THE SCOTS MAG. 77 (Feb. 1801).

<sup>294</sup> JOHN VEITCH, MEMOIR OF SIR WILLIAM HAMILTON, BART. 92 (1869); Michael Nix, *An Uncommonly Heavy Collection*, 5 FOLIO 2 (2002).

<sup>295</sup> BRIEFE AUS DER FRÜHZEIT DER DEUTSCHEN PHILOLOGIE AN GEORG FRIEDRICH BENECKE. MIT ANMERKUNGEN BEGLEITET UND HRSG. VON RUDOLF BAIER 28 (1901).

qualities the Librarian should have (though interestingly not enough for Hamilton himself to seek the Keepership):

[A] general and accurate knowledge of most languages, ancient and modern...he must be already familiar with the organization and detail of a great and well regulated library; and have an exalted idea of the perfection necessary to such an institution. Withal, he ought to be complaisant in his behaviour, and as willing as capable to afford information to those consulting him on literary subjects. To all this, he should add experience in the economical expenditure of a library; have his literary spies in all parts of Europe; and be in general correspondence with booksellers and auctioneers.<sup>296</sup>

For Hamilton, the biggest and most important tool a Librarian, and Library should have, is a complete, efficient, and accurate catalogue. There should not be numerous editions and supplements. Hamilton lambasted the catalogues up to this point (1820) as only possessing an alphabetical organization and there was “[a]n intolerable inconvenience...from the multiplicity of its volumes.”<sup>297</sup>

In contrast, the Library’s Curators (Trustees) opinion of what the Librarian should be read as follows:

With respect to the qualifications of the person to be placed at the head of this establishment, the Curators, in common, they believe, with the other Members of the Faculty, are of opinion, that in addition to the advantages of a liberal education, and gentleman-like habits and manners, he ought to be possessed of great ardour in the pursuit of those studies which are subservient to bibliography—of habits of indefatigable industry—and of practical knowledge and experience in the arrangement and management of great libraries.<sup>298</sup>

The Curators requirements appear of a lesser detail and demand than Hamilton’s. The endgame for Hamilton was that in 1820 he pushed a German, Dr. Benecke, as librarian. As we will see later with Rask and Repp, the faculty, particular Hamilton, saw German libraries as a model, especially the Göttingen library.<sup>299</sup> To attract Benecke they raised the proposed salary 100%<sup>300</sup> but he allegedly declined due to old age.<sup>301</sup> Hamilton was accused – in essence – of bias in his choice and of being “interested himself exceedingly” in this pursuit.<sup>302</sup> However, before Hamilton’s nomination, there were other candidates put forward by others or by themselves.

In 1818, prolific writer, historian and poet Robert Southey was offered the job, at £400 per annum - but Southey had “no hesitation in refusing it...[as]...uninteresting employment.”<sup>303</sup> He further said, “let Edinburgh keep its good things for hungrier men.”<sup>304</sup> His refusal could reflect many things – the

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<sup>296</sup> A MEMBER OF THE FACULTY, STRICTURES ON THE MANAGEMENT OF THE ADVOCATES LIBRARY 3-4 (1834). See also Hamilton’s description in 1820 to Benecke about what the librarian is to do. BRIEFE AUS DER FRÜHZEIT, *supra* note 283, at 29-30.

<sup>297</sup> A MEMBER, STRICTURES, *supra* note 283, at 4-6.

<sup>298</sup> A MEMBER, STRICTURES, *supra* note 283, at 6.

<sup>299</sup> HANS AARSLEFF, THE STUDY OF LANGUAGE IN ENGLAND, 1780-1860, at 178-80 (1967).

<sup>300</sup> AARSLEFF, *supra* note 287, at 178-80.

<sup>301</sup> A MEMBER, STRICTURES, *supra* note 283, at 3.

<sup>302</sup> A MEMBER, STRICTURES, *supra* note 283, at 3.

<sup>303</sup> Robert Southey to Grosvenor Charles Bedford, June 1, 1818, in THE COLLECTED LETTERS OF ROBERT SOUTHEY (Tim Fulford, Ian Packer & Lynda Pratt eds., 2016).

<sup>304</sup> Robert Southey to Grosvenor Charles Bedford, *supra* note 291. Southey goes on to say in another letter: “[t]he offer respecting the Adv. Library did not require much consideration coupled as it was with the condition of making a catalogue, – an immense labour for such a library, if it were performed as it ought to be.” *Id.*



unappealing nature of such a job in of itself also reflects the London-centric times. Though Southey was also quick to brag to his friends about the job offer.<sup>305</sup> Southey also persuaded Walter Scott to send some titles to him in England – even though the library did not allow their books “out of Scotland.” Scott was worried that he may get censured or even worse, lose access if he was caught.

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Whereas Southey rejected an offer, others ardently sought the Keepership. For example, David Laing, supported by his friend Sir Walter Scott, applied for, and sought, the Keepership in 1818.<sup>307</sup> Scott had also said he would have supported James Bailey of Trinity Cambridge had he sought the position (in 1815).<sup>308</sup> Scott did not seem to support Southey or was not as to by Southey. Another candidate against Laing – Robert Jamieson – was also lauded by Scott as ideal for the Keepership.<sup>309</sup> Scott seems to have known and endorsed to varying degrees, a lot of potential Keepers.

Laing and his father were booksellers by profession, once again showing the close connection. It was no coincidence in his role as a bookseller that the Advocates Library purchased 1,500 items from the collection of one Thorkelin of Copenhagen from Laing.<sup>310</sup> Laing claimed in his application letter that he would “entirely relinquish my present profession of Bookseller.”<sup>311</sup> Though, in essence, Laing posits this not because of a conflict of interest in the modern sense, but only because it would be too much work to have both roles.

Laing was a candidate (while Signets librarian) again in 1848 after Irving’s retirement, but withdrew, once again echoing the earlier theme, over the possible workload of the position.<sup>312</sup> Laing is purported to have said “I did regret my want of success, feeling at the time, and ever since, that I could have done much for the Library which it required and still requires.”<sup>313</sup> A commentator on Laing bemoans the Advocates Library’s loss of this man and ultimately Laing’s collection of Scottish materials, which were sold at auction in London. Laing would not have allowed some of the possible acquirable collections to slip through the Advocates Library hands – a “national establishment.”<sup>314</sup>

Another candidate was John Cochrane, a Scottish born bookseller based in London. He was closely connected to Robert Cadell – a frequent publisher of Scottish titles found in the library. After his publishing career, Cochrane later became instrumental in the founding, and running, of the London

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<sup>305</sup> Writing to Grosvenor Charles Bedford, John Rickman, and Charles Watkin Wynn (7 June 1818). *Id.*

<sup>306</sup> “I propose passing a week or ten days at Edinburgh in the spring with Walter Scott, for the express purpose of profiting by the Advocates Library.” Robert Southey to John Rickman, 18 February 1809. “Walter Scott has very kindly broken the laws of the Advocates Library at his peril, & sent Dobrizhoffer over the border....” Robert Southey to Herbert Hill, 7 February 1809. Walter Scott in parallel notes “I do this at my own risk....” <http://www.walterscott.lib.ed.ac.uk/etexts/etexts/letters2.PDF>.

<sup>307</sup> GILBERT GOUDIE, DAVID LAING, LL.D. A MEMOIR OF HIS LIFE AND LITERARY WORK 50-51 (1913). His father, William Laing, was also an eminent Edinburgh bookseller. Laing was only twenty-five when he applied for the Keepership. *Id.*

<sup>308</sup> To Mr. James Bailey, Nov. 30, 1815, <http://www.walterscott.lib.ed.ac.uk/etexts/etexts/letters4.PDF>. Scott later backtracks in 1817 his support for Bailey at present there is not any opening in the Advocates Library and I fear in the first that may occur my assistance will be expected by an old friend....” The old friend is Laing. *Id.*

<sup>309</sup> To Robert Jamieson, May 22, 1820, <http://www.walterscott.lib.ed.ac.uk/etexts/etexts/letters6.PDF>.

<sup>310</sup> Michael Nix, *An Uncommonly Heavy Collection*, 5 FOLIO 2, 5 (2002).

<sup>311</sup> GOUDIE, *supra* note 295, at 51.

<sup>312</sup> GOUDIE, *supra* note 295, at 79; THOMAS GEORGE STEVENSON, NOTICES OF DAVID LAING, LL.D. 25-27 (1878).

<sup>313</sup> David Murray, *David Laing, Antiquary and Bibliographer*, 11 SCOT. HIST. REV. 345 361 (1914); GOUDIE, *supra* note 295, at xxxiii-xxxiv.

<sup>314</sup> Murray, *David Laing*, *supra* note 301, at 362.

Library.<sup>315</sup> It is unclear if Cochrane was approached, or he sought the keepership – probably the latter since Carlyle, a friend, talks about how Cochrane once gave him “considerable Pamphlet of Testimonials” for the Librarianship.<sup>316</sup> However, he probably did not endear himself when he published in 1813 a work complaining about the financial hardships of publishers in fulfilling their Copyright Act obligations. The Advocates library was a statutory recipient of all copyrighted publications.<sup>317</sup>

Another recommended candidate was Phillip Bliss, a Fellow at St John’s College at Oxford.<sup>318</sup> Bliss was made in 1808 an assistant at the Bodleian Library, where he worked on various catalogues.<sup>319</sup> He was an antiquarian, publisher, editor and engaged in work for booksellers. The salary for the position of Advocates Keeper – a position that he was led to believe was his for the taking – would have been four-hundred pounds per annum. Bliss – in a self-deprecating way – said he made “no pretensions to superior scholarship or profound learning...the advocates must expect nothing more than the usual services of a librarian....”<sup>320</sup> One of Bliss’ biographers commented that Bliss did not get the position by the “fact...that the proposed appointment of an Englishman to be their librarian did not find favour with some of the Edinburgh Advocates.”<sup>321</sup> The Advocates Library was – in 1820 – not just a pseudo-professional academic library, but a “Scottish” library with nascent nationalistic tones. Why else reject such a qualified candidate? And was it the English thing? The library was willing and sought out other non-Scottish candidates, both Danish and German at various points. Bliss was later Bodleian sub-librarian between 1822 until 1828. His library was large at the sale of his estate.<sup>322</sup>

Another Scottish antiquarian, writer, author, and ballad collector Robert Jamieson, as noted earlier, sought the librarianship in 1820 around the same time as Dr. Benecke, Jamieson stated that “he could not offer himself as a *rival* of Dr. Benecke, though he would gladly accept a smaller salary as his *colleague*.”<sup>323</sup> Jamieson was renowned for his distaste of Pinkerton – that “hound.”<sup>324</sup> In contrast, we find Irving liberally quoting Pinkerton in his first Civil Law treatise.<sup>325</sup>

<sup>315</sup> THE GENTLEMAN'S MAGAZINE. v. 191 (Jan. - June 1852), at 628.

<sup>316</sup> FREDERIC HARRISON & MARY CHRISTIE, CARLYLE AND THE LONDON LIBRARY. ACCOUNT OF ITS FOUNDATION: TOGETHER WITH UNPUBLISHED LETTERS OF THOMAS CARLYLE TO W. D. CHRISTIE, C. B.: ARRANGED BY MARY CHRISTIE 76 (1907).

<sup>317</sup> JOHN GEORGE COCHRANE, THE CASE STATED BETWEEN THE PUBLIC LIBRARIES AND THE BOOKSELLERS (1813). Cochrane was called before a parliamentary committee on this subject in 1812-1813 & 1818. Parliamentary Papers Volumes 4 & 9 (HMSO).

<sup>318</sup> A MEMBER, STRICTURES, *supra* note 283, at 6.

<sup>319</sup> Strickland Gibson & C. J. Hindle, *Philip Bliss (1787—1857)*, 3(2) OXFORD BIBLIOGRAPHICAL SOC. 179 (1932) (citations omitted).

<sup>320</sup> Gibson & Hindle, *supra* note 307, at 184.

<sup>321</sup> Gibson & Hindle, *supra* note 307, at 183.

<sup>322</sup> ODNB, Bliss, Philip (1787-1857) (2004). Phillip later became Bodleian’s sub-librarian, then even later Keeper of Archives for University of Oxford. *Id.*; Gibson & Hindle, *supra* note 307, at 256-60.

<sup>323</sup> THOMAS CONSTABLE, ARCHIBALD CONSTABLE AND HIS LITERARY CORRESPONDENTS A MEMORIAL BY HIS SON THOMAS CONSTABLE: VOL. 1, at 516-7 (1873). Sir Walter Scott described Jamieson as “a gentlemen of literary and poetical accomplishments.” *Id.* at 505. And “perfectly qualified...for the charge of such a Library....” To Robert Jamieson, May 22, 1820, <http://www.walterscott.lib.ed.ac.uk/etexts/etexts/letters6.PDF>.

<sup>324</sup> THOMAS CONSTABLE, ARCHIBALD CONSTABLE AND HIS LITERARY CORRESPONDENTS A MEMORIAL BY HIS SON THOMAS CONSTABLE: VOL. 1, at 359 (1873).

<sup>325</sup> DAVID IRVING, OBSERVATIONS ON THE STUDY OF THE CIVIL LAW 41, 42 (1823).

This two-year discourse probably reflects the disparate wants and desires of the Faculty. Benecke represented on one side by Hamilton's German bent and desires. Cochrane was a practical candidate – heavily tied to the booksellers and publishers that provided the library's contents. Southey was more writer and thinker, but not from the top drawer like Hume & Ferguson prior. Laing came from a bookseller background, but also an antiquarian. The ultimate winner was David Irving. The alleged final vote was Irving 78, Bliss 38, Cochrane 30 and Laing 15.<sup>326</sup> Benecke, Jamieson and Southey never formally applied. Interest in the outcome was certainly high – Alexander Boswell asked Advocate Thomas Thomason in 1819, "Have you chosen a Librarian for the Advocates Library? I...hope to see it in much better train."<sup>327</sup> The portends were not good when George Chalmers in 1822 said "I wish they had chosen a more skilful librarian."<sup>328</sup>

James Haig had been appointed Assistant Librarian in 1818,<sup>329</sup> so we can presume that Haig ran the library during the interregnum. Haig's 1833 report to the Curators frequently mentions his brother helping in the Library, though his official position is unclear.<sup>330</sup>

### The Dissatisfied & the Dissatisfiers

Irving was a writer and biographer. Before his appointment he published myriad titles including biographies of Scottish writers, poets, elements of composition and in the legal field. His main legal texts were *Observations on the Study of the Civil Law* (1815, 1820) and *An Introduction to the Study of Civil Law* (1837). Prior to this he published *The Lives of the Scottish Poets Volumes 1 & 2* (1810),<sup>331</sup> in which he took time to criticize Walter Goodall, a former assistant Keeper and writer.<sup>332</sup> During his tenure, Irving remained prolific publishing on similar topics, publishing over nineteen titles between 1799 and 1868.<sup>333</sup> Like prior librarian-writers who held the same post, the ready access to the source materials must have been a boon – he constantly referred to items found in the Advocates Library in his *Scottish Poets* treatises. And like other prior Keepers, Irving reportedly applied for the Humanity Chair Professorship at the University of Glasgow in 1831.<sup>334</sup> He was also an important figure in the influence of the German Historical School in Scotland.<sup>335</sup> Once again showing the wide-ranging interests of the Keepers of the Library – indeed, one could say the being the Keeper was a secondary

<sup>326</sup> NOTICES OF DAVID LAING, LL.D. 8 (drawn up by Thomas George Stevenson, 1878).

<sup>327</sup> COSMO INNES, MEMOIRS OF THOMAS THOMSON, ADVOCATE 165 (1854).

<sup>328</sup> THOMAS CONSTABLE, ARCHIBALD CONSTABLE AND HIS LITERARY CORRESPONDENTS A MEMORIAL BY HIS SON THOMAS CONSTABLE: VOL. 1, at 460 (1873)

<sup>329</sup> MR. HAIG'S REPORT TO THE CURATORS 17 (1833). This James Haig is probably the father of the late same named James Haig who also became an Assistant.

<sup>330</sup> MR. HAIG'S REPORT, *supra* note 317. Though William Chambers does mention "Messrs' James and David Haig" as assistants in his THE BOOK OF SCOTLAND 489 (1830).

<sup>331</sup> DAVID IRVING, THE LIVES OF SCOTTISH POETS: WITH PRELIMINARY DISSERTATIONS ON THE LITERARY HISTORY OF SCOTLAND, AND THE EARLY SCOTTISH DRAMA, VOLUMES 1 & 2 (both 1810)

<sup>332</sup> IRVING, THE LIVES OF SCOTTISH POETS, VOLUME 2, *supra* note 319, at 121 ("the testimony of Walter Goodall...is of little importance....").

<sup>333</sup> IRVING, THE LIVES OF SCOTTISH POETS, VOLUME 2, *supra* note 319, at xxix-xxx. Irving published a biography of the poet Robert Ferguson in 1799 – Walter Ruddiman published Ferguson's poetry in the 1700s.

<sup>334</sup> THE OBSERVER (London), Sep. 19, 1831, at 2.

<sup>335</sup> John W. Cairns, *The Influence of the German Historical School in Early Nineteenth Century Edinburgh*, 20 SYRACUSE J. OF INT'L LAW AND COMMERCE 194 (1994).

interest. His personal interests undoubtedly would have affected his secondary role as Keeper and the purchases for the Advocates Library.<sup>336</sup>

However, Irving's appointment and stewardship was not without condemnation. A detractor complained that the "[f]aculty in an evil hour were induced to appoint Dr. Irving to preside over the management of the library..." and that "[p]erhaps no individual ever was appointed to the situation of Keeper with *fewer* qualifications for that office than Dr. Irving."<sup>337</sup> These quotes come from a diatribe called *Strictures* (a loaded phrase) *on the Management of the Advocates Library* by a "member of faculty," clearly an opponent of those who supported and appointed Irving over the other non-successful candidates. The main complaints (apart from that their candidates were not chosen) was over the state of the catalogues, receiving and processing of books, and the paucity of Dr. Irving's three "reports" on the state of the library to the Faculty.<sup>338</sup> The *Strictures* were published 1834, a full fourteen years after his appointment.<sup>339</sup> Things were seething. These back-and-forth printings in pamphlet style were not uncommon in the period. In today's parlance this is akin to someone blogging their grievances.

Irving was sent to Gottingen for four to five months to "enjoy the advantage of your instructions in the conduct of a great library"<sup>340</sup> and for the "purpose of inspecting your library, and of making himself acquainted with the principle and details of its management."<sup>341</sup> Hamilton had his hand in this deployment. Though lauded as an "accurate scholar,"<sup>342</sup> clearly Hamilton and company did not rank his ability to be Librarian. Then why hire him?

Irving was clear as to the help the assistant keepers gave to the library (and to Irving implicitly) in his three reports to the Faculty. Irving claimed that the library at this time "is supposed to contain about 130,000 volumes...."<sup>343</sup> Irving complained about the loss of Becker and Ramsay<sup>344</sup> as assistants, and that six years ago (c. 1827), he had the assistance of around twelve others.<sup>345</sup>

Haig continued as an Assistant Librarian under Irving. Haig had kudos enough to give his own report 1833 – which no doubt fueled the dissatisfaction with Irving and his alleged poor running of the library. The curators responded – in essence saying that someone needs to be hired just to create

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<sup>336</sup> Cairns, *Influence*, *supra* note 323, at 196.

<sup>337</sup> A MEMBER, *STRICTURES*, *supra* note 283, at 3, 11 (italics in original).

<sup>338</sup> A MEMBER, *STRICTURES*, *supra* note 283. The author claims Irving in the three reports were disrespectful to the faculty, that the Faculty had "no pretensions to literature." A MEMBER, *STRICTURES*, *supra* note 283, at 10.

<sup>339</sup> Printed by Andrew Shortrede, who had connections with Walter Scott. Scott was a friend of Southey's. 205 GENTLEMAN'S MAGAZINE 422 (1858).

<sup>340</sup> BRIEFE AUS DER FRÜHZEIT, *supra* note 283, at 38 (Hamilton's quote).

<sup>341</sup> BRIEFE AUS DER FRÜHZEIT, *supra* note 283, at 38 (Colquhoun's quote).

<sup>342</sup> BRIEFE AUS DER FRÜHZEIT, *supra* note 283, at 38 (Colquhoun's quote).

<sup>343</sup> *Dr. Irving's Report to the Curators*, in FACULTY OF ADVOCATES, A REPORT BY THE CURATORS OF THE LIBRARY 7 (1833).

<sup>344</sup> Ramsay had been dismissed in June 1832. *Statement by the Curators of The Library Regarding the Case of Mr. Repp*, in MISC. REPORTS, STATEMENTS ETC. 12 (1830).

<sup>345</sup> *Id.* at 14. There are two Haigs – one David Haig and another just Mr. Haig. *Id.* This cannot be the James Haig who became later Assistant Librarian and went on to become librarian at King's Inn in Dublin, as in James Haig's application for the Dublin job he explicitly states that entered the library at age fifteen in 1834. TESTIMONIALS IN FAVOUR OF MR JAMES D. HAIG (1856). The young entry age and multiple Haigs around 1833 suggests a familial connection. The "Mr Haig" from Irving's report is also named James Haig – he was appointed in 1818.

a catalogue and noting the shortage of staff in the library.<sup>346</sup> Or put another way, Irving did not want to do it (the Curators called him the “upper librarian”).<sup>347</sup>

Irving possessed another assistant - Ferdinand Becker (a German) - who was appointed temporary assistant in 1821, resigning in 1825.<sup>348</sup> Becker appears to have kept this explicitly stated “temporary” position while attending medical school at the University of Edinburgh.<sup>349</sup> He was paid 100 pounds per annum.<sup>350</sup> Becker was sixteen when appointed and apparently met a “Scottish scholar” on the ship to Scotland who later got them assistant job.<sup>351</sup> Young Becker met and fell in love with a Scottish girl, Susan, often meeting in the library to read Goethe together. The relationship ended when Becker left Scotland but not before the potential father-in-law complained about his lack of substantial income - “this cursed money,” as Becker called it.<sup>352</sup> Becker during his time struck up a strong life-long relationship with Thomas Carlyle.<sup>353</sup> Irving’s (and Hamilton’s too) choice here once again reflects their pro-German outlook.

To replace Becker, Irving sought another German: “The place of assistant Keeper ...1825...[was]...offered [to the]...late Professor [Rasmus] Rask of Copenhagen...[the offer] was declined.”<sup>354</sup> Rask’s rejection did not sway the Faculty from further pursuing a Scandinavian and/or German candidate. This pursuit should be seen in the context of recent accretions to the collection and Scottish antiquarians increasing interest in Viking texts.<sup>355</sup> As noted, the collection of Grímur Thorkelín in 1812 (with prior Keeper candidate Laing acting as bookseller for that transaction), Finnur Magnússon (and the German Dieterich collection obtained by Hamilton. Hamilton when trying to persuade Benecke to become librarian in 1820 stated “[i]n our library there is by far the

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<sup>346</sup> *A Report by the Curators, in* FACULTY OF ADVOCATES, A REPORT BY THE CURATORS OF THE LIBRARY 4 (1833). The curators noting that the Advocates Library had the same number of staff as the Signet’s library – even though the Signet library was much smaller in number of volumes and duties. *Id.*

<sup>347</sup> *Id.*

<sup>348</sup> Statement, MISC., *supra* note 332, at 4, 6; ANDREW WAWN, *THE ANGLO MAN: ÞORLEIFUR REPP, PHILOLOGY AND NINETEENTH-CENTURY BRITAIN* (1991). Repp later tried to get the same position for his friend Frederrich Rosen. Heinz Knab, *The Short Life of Ferdinand Becker*, <https://carl-heinrich-becker.de/category/verwandte-und-vorfahren/ferdinand-becker/heinz-knab-das-kurze-leben-des-ferdinand-becker>.

<sup>349</sup> Knab, *The Short Life*, *supra* note 336.

<sup>350</sup> *Id.*

<sup>351</sup> *Id.* It is unclear who this was.

<sup>352</sup> *Id.*

<sup>353</sup> Carlyle and Becker traded books and authors, including Goethe, and when Becker was erroneously proclaimed dead Carlyle subsequently wrote “The good Becker is not dead!” TC To John A. Carlyle; 16 February 1832, <https://carlyleletters.dukeupress.edu/volume/6/lt-18320216-TC-JAC-01>. Carlyle obtained unfettered access to the library despite not being an advocate in 1820. TC To Margaret A. Carlyle, 6 December 1820, <https://carlyleletters.dukeupress.edu/volume/1/lt-18201206-TC-MAC-01>. To quote Carlyle when reminiscing about the library later in life,

I had free admittance at all times afterwards, and the best accomodation for silent study, and such helps, bibliographical and other as I have never met with elsewhere, and found the Library by very far the best I had ever been in, and indeed, putting all qualities together, one of the best I have ever since become acquainted with. It is incomparably the best of all the Libraries we have in Scotland, and in fact the only Library worth calling such, to which literary aspirants and known literary people, except connected with Colleges, have any practical admittance; an Institution which may to Scotland in that respect be called invaluable.

TC To Robert Horn, 3 April 1874, <https://carlyleletters.dukeupress.edu/volume/49/lt-18740403-TC-RHO-01>.

<sup>354</sup> *Case of Mr. Repp*, MISC., *supra* note 332, at 4.

<sup>355</sup> WAWN, *THE ANGLO MAN*, *supra* note 335, at 58.

best and most numerous collection of German books that exists in Britain.”<sup>356</sup> Hamilton no doubt was using some hyperbole, but nonetheless shows an intent.

Rask’s rejection led to the start of the “Mr. Repp” fracas that seemed to consume an inordinate amount of time with the Faculty, Library, and Irving’s reputation. As with anything during this time, the appointment and running of the Advocates Library was rife with political bents and familial nepotism. Mr. Thorleifus Gudmundsson Repp’s case was no different. He was hired in 1825.<sup>357</sup> Repp was initially hired in part to catalogue the Library’s burgeoning Icelandic and larger Scandinavian collection.<sup>358</sup> Some of the kerfuffle was around whether Repp’s appointment was temporary (like Becker’s) or was there an implied covenant of full-term employment. This was circa 1830 – and with this determination, there was talk of this being the tool to remove Repp for his “dissatisfactory” service, but nothing came of it. Repp took over some of Haig’s duties in the “upper library” when Haig was sick but spent most of his time cataloguing.<sup>359</sup> Somehow, there was disagreement between the Curators and Repp whether Repp was required to attend to the “law-room” – i.e., checking in and out materials, and other duties. His tardiness in attendance there was one of the dissatisfactions with Repp.<sup>360</sup> Lots of ink was written and spilled over this between the Curators and Repp. “Mr. Repp has repeatedly objected to the performance of duties...” decried the Curators in 1834, just before his dismissal.<sup>361</sup> Repp had his own long-winded printed retort, but to no avail.<sup>362</sup> Repp’s last line – probably somewhat ironically – was that “he leaves his case with perfect confidence in the hands of THE FACULTY.”<sup>363</sup>

The year before in 1833, Repp wrote the Penny Cyclopaedia entry on the Advocates Library.<sup>364</sup> This entry should be read considering Repp’s dismissal a year later. Repp’s calls the Astorga collection, which the library paid substantial sum, as a “not remarkable...collection of MSS.”<sup>365</sup> He highlights the Library’s Germanic & Scandinavian collections, calling out and Hamilton’s role in obtaining some of them.<sup>366</sup> This name dropping is carried on later – and a large segment is devoted to current affairs of the library – i.e., during Repp’s time. There is “little [money] left for the purchase of books.”<sup>367</sup> The building is “very confined...dark and inconvenient” and even a new building is going up “there appears no prospect at present of it being finished.”<sup>368</sup> After lauding Hume and Ruddiman for their literary achievements – note, not their library achievements – Repp goes on to note that both Benecke and Rask were offered and turn down offered roles. Repp does laud the liberality of the Library’s access policies – i.e. anyone. The trust is probably somewhere between the two parties

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<sup>356</sup> AARSLEFF, *supra* note 287, at 179.

<sup>357</sup> *Case of Mr. Repp*, MISC., *supra* note 332, at 4.

<sup>358</sup> Andrew Wawn, *The Silk-Clad Varangian*, 23 SAGA-BOOK 46, 47 (1990-1993).

<sup>359</sup> *Case of Mr. Repp*, MISC., *supra* note 332, at 11-12, in MISC. It appears that “Mr. Haig” assistant died in 1848. ABERDEEN J., Wednesday, Sept. 6, 1848.

<sup>360</sup> *Case of Mr. Repp*, MISC., *supra* note 332, at 13.

<sup>361</sup> *Id.*

<sup>362</sup> STATEMENT TO THE FACULTY OF ADVOCATES BY THORL. GUDM. REPP ON THE SUBJECT OF THE STATEMENT BY THE CURATORS OF THE LIBRARY (June 24, 1834).

<sup>363</sup> STATEMENT REPP, *supra* note 350, at 22.

<sup>364</sup> PENNY CYCLOPAEDIA OF THE SOCIETY FOR THE DIFFUSION OF USEFUL KNOWLEDGE, VOLUME 1 A - ANDERS (1833).

<sup>365</sup> PENNY CYCLOPAEDIA, *supra* note 352, at 136.

<sup>366</sup> PENNY CYCLOPAEDIA, *supra* note 352, at 136.

<sup>367</sup> PENNY CYCLOPAEDIA, *supra* note 352, at 136.

<sup>368</sup> PENNY CYCLOPAEDIA, *supra* note 352, at 136.



opinions. During his time, Repp was an “unquenchable Britophilia” and renowned European philologist.<sup>369</sup>

During all these fluctuating assistants, Irving was librarian. Indeed, he was librarian during arguably two of the most important moments in the library’s history – the 1824 fire and the library’s move to a new building in 1830. The Great Fire of 1824 occurred over a five-day period and the eruption at Parliament Square (where the library was located) was the third independent occurrence of the fire.<sup>370</sup> The conflagration took out most of the Square and environs – the library was lucky to escape.<sup>371</sup> One commentator noted that the greatest fear was for the Advocates Library and its books. The commentator’s husband “remained out the whole of the night assisting in removing the books from the Library.”<sup>372</sup> Walter Scott witnessed the “horrible calamity” and feared for the library.<sup>373</sup> “We...thank God in quiet” Scott says.<sup>374</sup> One Colonel Cockburn supplied wet blankets to the Advocates Library’s roof, thereby saving it from destruction.<sup>375</sup> One wonders where Irving was in all this – as he is not directly mentioned by sources as being present or directing any efforts. It also shows pride and ownership of the library outside the advocates by others in Edinburgh.

The fire accentuated another problem – the physical condition of the library, in and outside. Irving’s reports of 1827 to the Curators are replete with the need for new facilities.<sup>376</sup> “The necessity of a new Library had long been felt...inadequacy...hold[ing] 17,000 volumes...increasing magnitude of library....”<sup>377</sup> Another report states “that any structure [should adapt] to the progressive wants of the Library...the books of the Library are *incessantly accumulating*.”<sup>378</sup> The Faculty and the City of Edinburgh had discussed the possibility, design, and scope of the new building in the years leading up to the final construction of the new library in 1830.<sup>379</sup> The library had under statutory authority been buying up plots around Parliament House in the prior thirty-five years in anticipation of this new building – a long-term foresightedness.<sup>380</sup> In 1824 the Faculty of Advocates appointed a committee to plan for a new library.<sup>381</sup> A report was issued in March 1830. Architect William Henry Playfair laid before the committee “...plans which he had made out for the New Library. It may be generally described as a square building...for a cost of L.7079, 10s 4d.”<sup>382</sup> Playfair had been partly

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<sup>369</sup> “[T]en years’ residence in Edinburgh as librarian...had left Repp...with elements of a Scottish accent, thus rendering him of doubtful value as a teacher of English...[in Copenhagen]. *Silk-Clad*, *supra* note 346, at 47.

<sup>370</sup> CHAMBERS, MOST REMARKABLE FIRES, *supra* note 251, at 62-3.

<sup>371</sup> CHAMBERS, MOST REMARKABLE FIRES, *supra* note 251, at 54-74.

<sup>372</sup> JOHN W. BURGON, A MEMOIR OF PATRICK FRASER TYTLER 169 (1859).

<sup>373</sup> To Lord Montagu, May 16, 1823, <http://www.walterscott.lib.ed.ac.uk/etexts/etexts/letters8.PDF>.

<sup>374</sup> To Lord Montagu, May 16, 1823, <http://www.walterscott.lib.ed.ac.uk/etexts/etexts/letters8.PDF>.

<sup>375</sup> JOHN W. BURGON, A MEMOIR OF PATRICK FRASER TYTLER 170 (1859).

<sup>376</sup> *Dr. Irving’s Report to the Curators*, in FACULTY OF ADVOCATES, A REPORT BY THE CURATORS OF THE LIBRARY (1833).

<sup>377</sup> *Statement Connected with the Building of the New Library of the Faculty of Advocates 15th March 1830* reprinted in MISCELLANEOUS REPORTS, STATEMENTS, ETC. 4 (1830-1872).

<sup>378</sup> *New Library of the Faculty*, *supra* note 365, at 11.

<sup>379</sup> MISCELLANEOUS REPORTS, STATEMENTS, ETC. 1-3, at 3-4 (1830-1872); *See generally* Andrea Longson, *The Advocates Library*, 9 LEG. INFO. MGMT. 35 (2009); PARLIAMENT SQUARE, ADVOCATES’ LIBRARY, INCLUDING WALL AND RAILINGS (REF: 51179), HIST. SCOT., <http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2200:15:0:::BUILDING:51179>; *see also* GEORGE H. BALLANTYNE, THE SIGNET LIBRARY EDINBURGH AND ITS LIBRARIANS, 1722-1972, at 76-80 (1979).

<sup>380</sup> MISCELLANEOUS REPORTS, STATEMENTS, ETC. 1-3, at 3-4 (1830-1872)

<sup>381</sup> *Statement Connected with the Building of the New Library of the Faculty of Advocates 15th March 1830*, reprinted in MISCELLANEOUS REPORTS, STATEMENTS, ETC. 3 (1830-1872).

<sup>382</sup> F. Jeffrey, *Convener, Report of the Committee Appointed by the Faculty of Advocates to Superintend the Building of the New Library 5th March 1830*, reprinted in MISCELLANEOUS REPORTS, STATEMENTS, ETC. 1-3 (1830-1872).

chosen because he had “visited all the great libraries in England, with a view to the formation of the College Library [Edinburgh University Library], and succeeded in there forming a Library of the greatest interior beauty and of experienced practical utility.”<sup>383</sup> These plans were controversial – and entailed lots of printed objections. There was “a considerable misconception seems to prevail among...Faculty...relative to the proposed plans.”<sup>384</sup> Playfair’s commission was presented by the Committee as a *fait accompli* without a choice between myriad architects being given to the ordinary Faculty members.<sup>385</sup> Sir Walter Scott – a true bibliophile – also complained about the amount of money and time spent on the over-decoration and emphasis on the physicality of the current library, and the costs even for the plans for the new proposed physicality of the library. Scott said “all of my life we have mismanaged the large funds expended on the rooms of our library....”<sup>386</sup> For Scott, the *raison d’être* of the library is for shelving and study space. It is interesting to note that around the same time in Edinburgh both the Signet Library (1822)<sup>387</sup> and the Royal College of Surgeons (1832) built new libraries – the latter also by Playfair.<sup>388</sup> Both were equally showy.

The library under Irving in its new abode certainly had its admirers. In 1838 we find an eloquent and apt description of the Advocates Library from Thomas Frognall Dibdin – a prolific English bibliographer. Dibdin described the library as “one of the most quiet, composed, and book-looking rooms in Christendom”<sup>389</sup> when he toured. He went on to recount how members of the library showed and crowed about the library’s holdings – highlighting the *Auchenleck* manuscript. The manuscript collection was downstairs, and “[they] descended...but oh! through what a subterraneous world...[w]hat corridors-passages-rectangular wainscoting-all stuffed with tomes!”<sup>390</sup>

Carlyle says of Irving in 1843 he “found the same old stiff pedantic man only flabbier a little; and shall not need to call for again.” Another commentator said “his absorption in literary work was perhaps not altogether consistent with the efficient conduct of daily routine of Library administration.”<sup>391</sup> Irving still had his supporters – the 1841 edition of the *Encyclopedia Britannica* (published by his friend Black) saying “Dr Irving, who has already made many important additions to this collection...[h]is labours...have been beyond all praise.”<sup>392</sup> By the end of 1848 Irving was

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<sup>383</sup> *Statement Connected*, *supra* note 369, at 6. “William Playfair’s magnificent Upper Library Hall [Edinburgh University’s] was and still is [his] *piece de resistance*....” *Edinburgh University Library*, in *INTERNATIONAL DICTIONARY OF LIBRARY HISTORIES*, VOLUME 1, at 303 (David H. Stam ed., 2001).

<sup>384</sup> *Statement Connected*, *supra* note 369, at 3.

<sup>385</sup> NEW LIBRARY: RESOLUTION REFERRED TO IN THE DISSENT AND PROTEST 1-2 (March 17, 1830). “Because, with the highest respect for the professional talents of Mr. Playfair, we think, that, in a matter, which, both in an useful and ornamental point of view, is of the greatest importance to the Faculty and to this Metropolis, the Committee, to whom it was remitted “to procure plans and “estimates for the erection of a new Library,” “and to enter into the arrangements necessary for enabling the Faculty to carry the measure into effect,” should have procured plans from several Architects, leaving it to the Faculty to choose from among the whole, or should have communicated with the Faculty, before selecting a particular Architect to furnish plans, by which selection they limited themselves and have attempted to limit the Faculty, as to their choice of the general plan of a Library to be ultimately adopted.” *Id.*

<sup>386</sup> THE JOURNAL OF SIR WALTER SCOTT, VOLUME II, at 84-85 (ed. David Douglas, 1890).

<sup>387</sup> Described by King George IV as the “finest drawing room in Europe.” *The Signet Library in the 21st Century*, 9 *LEGAL INFO. MGMT.* 41, 42 (2009).

<sup>388</sup> Iain MacLaren, *A Brief History of the Royal College of Surgeons of Edinburgh*, 268(2) *RES MEDICA* 55 (2005). These new library buildings reflect the industrial and intellectual Scottish Enlightenment that started in the late Eighteenth Century. See e.g. BRUCE P. LENMAN, *ENLIGHTENMENT AND CHANGE: SCOTLAND 1746-1832* (2009).

<sup>389</sup> DIBDIN, *BIBLIOGRAPHICAL*, VOLUME 2, *supra* note 205, at 592.

<sup>390</sup> DIBDIN, *BIBLIOGRAPHICAL*, VOLUME 2, *supra* note 205, at 596.

<sup>391</sup> William K. Dickson, *The Advocates Library*, 14 *JURIDICAL REV.* 1 (1902).

<sup>392</sup> COLIN MACFARQUHAR ET AL., *ENCYCLOPAEDIA BRITANNICA, OR, A DICTIONARY OF ARTS, SCIENCES, AND MISCELLANEOUS LITERATURE* VOLUME 13, at 301 (1841).



effectively forced out.<sup>393</sup> He left a library with a new building containing around 148,000 volumes,<sup>394</sup> but as we have seen, his character, appointment, curator and advocate politics, city fires, all converged to create a somewhat turbulent librarianship. Irving died in the May of 1860.<sup>395</sup> Haig, assistant, died in 1848.<sup>396</sup>

Next in line was Samuel Halket. Halket was born 1814 in Edinburgh, son of a brewer of the same name.<sup>397</sup> Halket does not appear to have gone to university but instead worked in the woolen trade for ten years.<sup>398</sup> His forte was linguistics and was “an inborn passion.”<sup>399</sup> He was called the “Mezzofanti of Scotland.”<sup>400</sup>

Testimonials from Edinburgh worthies on his language skills and character appear to have gotten him the librarianship. His election was unanimous, with three noted contenders. One was David Laing, who had previously sought the Keepership and was then current librarian to the Signets library. Another was Joseph Robertson, historian and co-founder of the Spalding Club and newspaper editor<sup>401</sup> and finally Daniel Wilson,<sup>402</sup> who later became the first president of the University of Toronto and called Canada’s first anthropologist. Halket was appointed February 13, 1849, with Halket obtaining 119 votes, compared to Robertson 21 and Scott 4, as reported in the papers.<sup>403</sup> Wilson and Laing must have withdrawn. Who the “Scott” was is unclear.

Halket presented a report in 1851, three years after becoming Keeper on the state of the library. There is plenty of conversation was about the catalogue - an ever present bugaboo - and on how “the loss of time and confusion arising from a system so complicated and cumbrous, is sufficiently obvious...[and the current myriad catalogues cannot be]...reagarded as a Catalogue *raisonne*.”<sup>404</sup> Halket took up this task of compiling a better catalogue. Halket died before the catalogue was completed,

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<sup>393</sup> DAVID IRVING, *THE LIVES OF SCOTTISH POETS* (1810); David Laing, *Memoir of Dr. Irving*, in DAVID IRVING ET AL., *THE HISTORY OF SCOTTISH POETRY* xi, xxii (1861); SIR STEPHEN LESLIE, *DICTIONARY OF NATIONAL BIOGRAPHY* VOLUME 29, at 51, 52 (1885-1900); *Daily News*, Thurs. Dec. 7, 1848 (“[t]he librarianship of the Advocates Library is about to become vacant by the retirement of the present incumbent, Dr. Irving.”).

<sup>394</sup> *Chapter XIX, The Libraries of the Faculty of Advocates*, in EDWARD EDWARDS, *MEMORIES OF LIBRARIES INCLUDING A HANDBOOK OF LIBRARY ECONOMY*, VOLUME 2, at 10 (1859); *Report by the Committee Appointed, On 15th January 1868, To Inquire Into The Condition Of The Advocates’ Library February 25th 1868*, reprinted in *MISCELLANEOUS REPORTS, STATEMENTS, ETC.* 1 (1830-1872). This made the Advocates Library in 1868 the fourth largest library in the United Kingdom. “1 British Museum, London, 435,000 2 Bodleian, Oxford, 220,000 3 University, Cambridge, 166,724 Vols. 4 Advocates, Edinburgh, 148,000 5 Trinity College, Dublin, 104,239.” *Article IX*, 71 N. AM. REV. 148, 195 (1850); *REPORT FROM THE SELECT COMMITTEE ON PUBLIC LIBRARIES; TOGETHER WITH THE PROCEEDINGS OF THE COMMITTEE, MINUTES OF EVIDENCE AND APPENDIX* 10 (1849). Note that the University of Edinburgh library had 90,854 volumes in 1848. *Id.*

<sup>395</sup> SC70/4/70; SC70/1/104.

<sup>396</sup> ABERDEEN JOURNAL, Wed., Sept. 6, 1848.

<sup>397</sup> DEATH OF MR. HALKET, KEEPER OF THE ADVOCATES’ LIBRARY (1871).

<sup>398</sup> CALEDONIAN MERCURY, Mon., Dec. 25, 1848.

<sup>399</sup> DEATH OF MR. HALKET, *supra* note 396, at 2.

<sup>400</sup> THE BRITISH CONTROVERSIALIST AND LITERARY MAGAZINE 400 (1871). Mezzofanti was a renowned Italian hyperpolyglot.

<sup>401</sup> DEATH OF MR. HALKET, *supra* note 396; JOSEPH ROBERTSON, *SCOTTISH ABBEYS AND CATHEDRALS WITH BIOGRAPHICAL MEMOIR OF THE AUTHOR* (1891). The Advocates library subsequently bought some of Robertson’s books at his death, see e.g. <https://manuscripts.nls.uk/repositories/2/resources/16233?advanced=true>.

<sup>402</sup> DEATH OF MR. HALKET, *supra* note 396, at 4; Bruce G. Trigger, *Sir Daniel Wilson: Canada’s First Anthropologist*, 8 ANTHROPOLOGICA 3, 9 (1966).

<sup>403</sup> DAILY NEWS, Tues., Feb. 13, 1849 (London, England).

<sup>404</sup> Samuel Halket, *Report to the Curators of the Advocates’ Library by the Librarian* 7 (1851).

but his successor, Thomas Jamieson, along with John Laing, finished the treatise.<sup>405</sup> Halket was part of deputation to the then Prime Minister, Earl of Aberdeen, at Downing Street in the April of 1853.<sup>406</sup> In the same year – we find one Alexander Colville Williamson sentenced to four years penal servitude for stealing fifty volumes from the library.<sup>407</sup> Considering some of the valuable works in the library, a tempting and probably common problem. Halket, as librarian, would have liable for these losses.

However, Halket's work on the Catalogue led to another project – the start of the mega-treatise *A Dictionary of the Anonymous and Pseudo-Anonymous Literature of Great Britain*.<sup>408</sup> The Dictionary was first conceived in the 1850s. Unless “no one better qualified than myself” appears, Halket felt “strongly deposed” to carry out the project after three or four years engaged in the creation of the Catalogue.<sup>409</sup> Halket is more famous for this treatise than his Keepership of the Advocates Library, and probably is the most famous work by a Keeper after Hume's History of England. By 1861, Halket says he had looked at over eight thousand titles for the dictionary.<sup>410</sup> One presumes these titles were mostly from the Advocates Library. It is indicative of the size and scale of the Advocates Library that Halket saw and realized the potential to write this large-scale treatise based off – at least initially – from the collection and his catalogue work. Later in 1866 he sought help from other libraries as he had reached the end of his resources in Edinburgh.<sup>411</sup> Other law librarians supported Halket in obtaining these materials. James D. Haig, librarian at King's Inn Library in Dublin, provided another one hundred titles unknown to Halket.<sup>412</sup> Halket is also credited with reviving and refurbishing the Dieterich Collection obtained by Sir William Hamilton.<sup>413</sup> During Halket's tenure we see snippets of assistants with names such as a Mr. Green,<sup>414</sup> a Mr. Dickson<sup>415</sup> and a Mr. Macnee.<sup>416</sup>

What was the library like at this time? One snippet we have is from Dr John Hill Burton, an advocate, historian and economist and friend of both Halket and Jamieson. Burton complained about who was frequenting the library - namely “persons...of all grades and characters, and a large proportion of them belong to what may be called the odious classes.”<sup>417</sup> Burton also complained about the library losing space to the affairs of Parliament House.<sup>418</sup> Burton would know the library intimately, as his multi-volume histories of Scotland set the standard for years to come in the field of

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<sup>405</sup> Leah Orr, *The History, Uses, and Dangers of Halket and Laing*, 107(2) PAPERS OF THE BIBLIOGRAPHICAL SOC. OF AM. 193, 196 (2013). Jamieson allegedly did not do much work on the treatise as Laing. *Id.* at 197.

<sup>406</sup> DAILY NEWS, Thur. Apr. 14, 1853 (London, England).

<sup>407</sup> CALEDONIAN MERCURY, Thur. Nov. 9, 1854.

<sup>408</sup> SAMUEL HALKET A DICTIONARY OF THE ANONYMOUS AND PSEUDO-ANONYMOUS LITERATURE OF GREAT BRITAIN (later John Laing) (eight volumes); Orr, *supra* note 405, at 193.

<sup>409</sup> Orr, *supra* note 405, at 195. Samuel Halket, *Dictionary of Anonymous Writers*, NOTES & QUERIES 2D, ser. 1, 129, 129-30 (1856).

<sup>410</sup> Orr, *supra* note 405, at 195-96.

<sup>411</sup> Orr, *supra* note 405, at 196.

<sup>412</sup> NOTES & QUERIES 2d ser. 11, 480, 480 (1861). Since Haig had worked previously at the Advocates Library as an Assistant Librarian, this is not unsurprising. MINUTE OF THE CURATORS OF THE ADVOCATES LIBRARY, MARCH 2, 1827, at 5-6 (1827).

<sup>413</sup> Chapter XIX, *The Libraries of the Faculty of Advocates*, in EDWARD EDWARDS, MEMORIES OF LIBRARIES INCLUDING A HANDBOOK OF LIBRARY ECONOMY, VOLUME 2, at 9 (1859); Michael Nix, *An Uncommonly Heavy Collection*, 5 FOLIO at 5 (2002).

<sup>414</sup> Reported to have been in process of indexing Session Papers. *Report by the Committee Appointed, 1868* *supra* note 394, at 2.

<sup>415</sup> *Report by the Committee Appointed, 1868*, *supra* note 394, at 1.

<sup>416</sup> *Report by the Committee Appointed, 1868*, *supra* note 394, at 1.

<sup>417</sup> *The Advocates Library*, 14 JURIDICAL REV. 113, 124 (1902).

<sup>418</sup> *Library*, JURIDICAL, *supra* note 417, at 124.

Scottish historiography.<sup>419</sup> Halket died in 1871 from gastric fever, leaving a widow and four kids.<sup>420</sup> His newspaper obituaries exulted his language skills and his dictionary more than anything he did as librarian.<sup>421</sup>

In June of 1871, Thomas Hill Jamieson was appointed Keeper. He had started as assistant in 1867/8,<sup>422</sup> probably in reaction to Halket's growing years. Born in 1843, Jamieson was an Angus native schooled locally and in Edinburgh, then university at Heriot in Edinburgh.<sup>423</sup> Like almost all Keepers, Jamieson had a publishing footprint: he wrote a long *Preface* in a reprint of Archie Armstrong's *Banquet of Jest*s (1872) – which he must have written while still assistant. Quickly following we find him writing a long *Notes, Introduction and Life* in a reprint of Alexander's *The Shyp of Fooles* (1873), again probably started prior to his promotion. Another was his *Notice of the Life and Writings of Alexander Barclay* (1874). This last one was printed just before his death or near posthumously – and if it was not for Jamieson's untimely death at the age of thirty-three, he would have undoubtedly written and published myriad more tomes.

During his tenure we find in 1874 around 310,000 volumes in the library, making it the tenth largest in Europe.<sup>424</sup> The eulogy to Jamieson provides an interesting snapshot of the library – calling it more a “dungeon of learning” as compared to those “beautifully arranged, well-furnished and spacious libraries” at English universities or the new library at the “college of Glasgow.”<sup>425</sup> Though, the eulogist points out the library has “[b]ooks and manuscripts...which richer libraries envy...but crowded together and hidden in places.”<sup>426</sup> The “largest portion of the books [can] only be found by the bump of locality.”<sup>427</sup> A printed catalogue, they say, has been resisted for financial reasons. No blame is for this condition is to be laid at Jamieson (or Halket)'s feet – which considering this was a eulogy, is not surprising. However, these comments provide the problem and foreshadow the move to the national library – namely the persistent lack of funding, staffing and drive from the College of Advocates to advance the library to a higher level. Jamieson did attempt, allegedly, to repairs deficiencies in French and German books, though the eulogist grumbles about the cost of modern literature.<sup>428</sup>

Sadly, it appears that Jamieson's death at thirty-three was connected to a fire in the library building in 1875. The “flames were seen proceeding from the flue of the furnace used for heating...the fire soon communicated with the books...”<sup>429</sup> “[A]bout a thousand volumes were burnt or damaged by water...[but]...in a comparatively short time...[the fire was] extinguished...”<sup>430</sup> Rumor was that in

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<sup>419</sup> HISTORY OF SCOTLAND FROM THE REVOLUTION TO THE EXTINCTION OF THE LAST JACOBITE INSURRECTION (1853), to which he added HISTORY OF SCOTLAND FROM AGRICOLA'S INVASION TO THE REVOLUTION (1867-70), 7 volumes.

<sup>420</sup> SC70/1/153; DEATH OF MR. HALKET, KEEPER OF THE ADVOCATES' LIBRARY (1871); GLASGOW HERALD, Apr. 22, 1871.

<sup>421</sup> See e.g., GLASGOW HERALD, Apr. 22, 1871.

<sup>422</sup> *Report by the Keeper of the Advocates' Library to the Curators*, in A REPORT BY THE CURATORS OF THE LIBRARY 1868, at 2.

<sup>423</sup> *The Advocates' Library and its Late Keeper – Mr T. H. Jamieson*, 20 J. JURIS. 63, 64 (1876); FREDERIC BOASE, MODERN ENGLISH BIOGRAPHY, VOLUME II (1897), <https://www.gutenberg.org/files/71046/71046-h/71046-h.htm>.

<sup>424</sup> William W. Greenough, *Public Libraries*, N.Y. TIMES May 23, 1874.

<sup>425</sup> *Late Keeper*, *supra* note 423, at 64. The college refers to the University of Glasgow.

<sup>426</sup> *Late Keeper*, *supra* note 423, at 64.

<sup>427</sup> *Late Keeper*, *supra* note 423, at 64-5.

<sup>428</sup> *Late Keeper*, *supra* note 423, at 66.

<sup>429</sup> THE ANNUAL REGISTER 1875, at 14 (1876).

<sup>430</sup> *The Edinburgh Advocates' Library*, THE TIMES (London, England), Thurs., Mar 04, 1875, at pg. 10. There is also a list of major fires in all other large libraries in the same article – and it is both interesting and terrifying to see the sheer number

“the fire [of 1875] Mr. Jamieson undertook exertions beyond his strength. From these he never recovered.”<sup>431</sup> Perhaps from excessive smoke inhalation? He died on January 9, 1876.<sup>432</sup> His literary friend Ralph Thomas lamented that “[h]is loss has affected me more than I can express.”<sup>433</sup>

When Jamieson became Librarian, a new assistant was sought. George McWhea was an unsuccessful candidate for assistant librarian in 1871<sup>434</sup> and may have had some other kind of lesser role – as in 1865 we find “Mr. McWhea, formerly of the Advocates’ Library.”<sup>435</sup> We also find in the same year 1865 a William Green labeled as “law librarian” of the Advocates Library.<sup>436</sup> In the end, Jón A. Hjaltalín became assistant keeper in 1871.<sup>437</sup> He was famous for his translation of the *Orkenyinga Saga* (1873) and was one of three credited with an uptick in the interest in Old Norse in the United Kingdom.<sup>438</sup> Hjaltalín was heavily involved in the 1871 Catalogue, which had been started by Halket and then finished under Clark’s aegis, but Hjaltalín was deemed the person “more immediate in charge of it.”<sup>439</sup> The final volume was published in 1878 and was highly lauded, as the only “great library which has a complete catalogue of its printed works” (as versus a card catalogue style in the British Museum aka Library).<sup>440</sup> The Catalogue’s style of cataloguing was highly praised. Hjaltalín sought in 1878 to become Librarian for the Library of the Society of Writers to her Majesty’s Signet (aka Signet library). As with many prior librarians, there was a printed *Testimonials in Favour* of for his application. Though short, the Dean of the Faculty of Advocates, Curators of the Advocates library and then current Advocates librarian Clark all endorsed his application.<sup>441</sup> He did not get the position.<sup>442</sup>

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of losses over the years – more in the 1800s than any other time. Probably due to more libraries and more reporting. HENRY R. TEDDER & ERNEST C. THOMAS, TRANSACTIONS AND PROCEEDINGS OF THE SECOND ANNUAL MEETING OF THE LIBRARY ASSOCIATION OF THE UNITED KINGDOM 151 (1880). See the destruction of the Birmingham Free Library in 1879 (and the insurance given out over it). *Id.*

<sup>431</sup> *Library*, JURIDICAL *supra* note 417, at 119. See also DICTIONARY OF NATIONAL BIOGRAPHY VOL. XXIX, at 240 (Sidney Lee ed. 1892).

<sup>432</sup> SC70/1/176.

<sup>433</sup> 5 NOTES AND QUERIES 64 (1876). Thomas compiled a competitor treatise to Halket’s *Anonymous*, titled the HANDBOOK OF FICTITIOUS NAMES (1868). One wonders if his exaltation of Jamieson is to denigrate Halket, Jamieson’s predecessor?

<sup>434</sup> TESTIMONIALS IN FAVOUR OF MR. GEORGE MCWHEA (1871) (for the Situation of Assistant Librarian in the Advocates’ Library).

<sup>435</sup> BIRMINGHAM DAILY POST (Birmingham, England), Thurs., May 25, 1865.

<sup>436</sup> William Greene (Statutory registers Marriages 168/1 165) (1865); ABERDEEN JOURNAL (Aberdeen, Scotland), Wed., July 12, 1865.

<sup>437</sup> JÓN A. HJALTALÍN, TESTIMONIALS IN FAVOUR OF MR. JÓN A. HJALTALÍN, ASSISTANT LIBRARIAN IN THE ADVOCATE LIBRARY, EDINBURGH, AS A CANDIDATE FOR THE OFFICE OF PRINCIPAL LIBRARIAN TO THE SOCIETY OF WRITERS TO HER MAJESTY’S SIGNET 3 (1878).

<sup>438</sup> LITERARY WORLD, Sept. 25, 1880, at 322-3.

<sup>439</sup> THE ACADEMY, Aug. 16, 1879, at 123.

<sup>440</sup> NOTES & QUERIES, Mar. 20, 1880, at 248.

<sup>441</sup> He lost out to Thomas Graves. GEORGE H. BALLANTYNE, THE SIGNET LIBRARY EDINBURGH AND ITS LIBRARIANS, 1722-1972 (1979).

<sup>442</sup> BALLANTYNE, *supra* note 441, at 50.

In January of 1877 James T. Clark – who had been acting as “interim keeper” for the prior year – was appointed unanimously as Jamieon’s replacement.<sup>443</sup> As with most of the Keepers, Clark published. In 1900, Clark edited and published papers of Walter Macfarlane of that Ilk (c. 1750), a well-renowned and heavily used source for Scottish genealogy.<sup>444</sup> Clark was Associate Editor Library Journal. When the newly formed ALA sent delegates to library conference in London with an associated tour of British libraries, it was the “genial host” Clark who showed them around the Advocates Library.<sup>445</sup>

The third annual meeting of the British library association in 1880 was held at Edinburgh. The location shows the strength of libraries in Edinburgh and Scotland in general. Clark himself was replete throughout the meeting. He read a paper on early printed volumes in Scotland. He gave an account of the library to the library association – not overly long, and highlighted its initial beginning, and some notes on privileges, book numbers and lots on manuscripts.<sup>446</sup> Though he names Alexander Manners as William Manners, which is interestingly and clearly erroneous.<sup>447</sup> Also presented was Black’s Biographical Notices of Some Eminent Edinburgh Librarians, and Ruddiman was well covered.

Under Clark’s aegis the library’s holdings were in 1890 around 285,000 items, with manuscripts accounting for 2,000.<sup>448</sup> Not long afterwards in 1896 electricity was brought to the library for the first time “to flood the various apartments with brilliant light.”<sup>449</sup> Clark resigned in 1906, later dying in 1919.<sup>450</sup> Clark, in many ways, appears to be the first librarian who was at core a librarian – note his participation in the newly professional librarian field and their events. Dickson, his successor, carried on this theme. Instead of a holistic legal/historical *illuminati* with a side job as librarian, we find the keeper’s main *raison d’etre* is the library and librarian. In many libraries, the library itself was heading in that direction – *de jure* national library status is just around the corner.

During Clark’s tenure, we find (much like Goodall earlier) an assistant of equal productivity in terms of research and writing. In July 1880, one George Stronach was “appointed Principal Assistant in the Advocates Library.”<sup>451</sup> Stronach published poems and commentary in a variety of poetry journals.<sup>452</sup>

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<sup>443</sup> *Art and Literary Gossip*, MANCHESTER TIMES (Manchester, England), Sat., Feb. 3, 1877; ALA, LIBRARY JOURNAL 1877, at 238.

<sup>444</sup> *Library*, JURIDICAL, *supra* note 417, at 222; GENEALOGICAL COLLECTIONS CONCERNING FAMILIES IN SCOTLAND, MADE BY WALTER MACFARLANE, 1750-1751, VOLUMES 1 & 2 (John Toshach Clark ed., 1900).

<sup>445</sup> Budd Gambee, *The Great Junket: American Participation in the Conference of Librarians, London, 1877*, 2. J. LIBRARY HIST. 9, 18 (1966-1972), specifically Jan., 1967.

<sup>446</sup> TRANSACTIONS AND PROCEEDINGS OF THE LIBRARY ASSOCIATION OF THE UNITED KINGDOM VOLUME 3, at 143-46 (1881).

<sup>447</sup> TRANSACTIONS, *supra* note 446, at 146.

<sup>448</sup> *A Scottish National Library*, 15(1) THE LIBR. J. 17, 17 (1890). Compare this to a major Scottish academic library – that of the University of Glasgow. In 1870, it contained over 100,000 volumes. *The Old Library and Plans for the New*, UNIV. OF GLASGOW, <http://www.gla.ac.uk/services/library/displays/timeline/index.html>.

<sup>449</sup> ABERDEEN JOURNAL (Aberdeen, Scotland), Wed. July 22, 1896.

<sup>450</sup> 146 THE LAW TIMES Jan 11, 1919, at 177.

<sup>451</sup> *Two Poetic Advocates*, 31 JURIDICAL REV. 244, 244 (1919).

<sup>452</sup> *Two Poetic Advocate*, *supra* note 451, at 244 and *en passim*; MODERN SCOTTISH POETS 5th Series 391-2 (1883).

Stronach also dabbled in published political works for “London reviews and journals”<sup>453</sup> including items like *New Gleanings from Gladstone* in 1879 - the year before his appointment.<sup>454</sup> However his main passion was the debate and argument over whether Shakespeare was a front for Sir Francis Bacon – writing numerous pieces, op-eds, etc., on the subject.<sup>455</sup> Six years into his assistant role, Stronach published a short, piece on the library. Stronach died 1915 after suffering “for some years...from an incurable internal disease.”<sup>456</sup> His estate was due around seven pounds as Salary.<sup>457</sup>

It is fitting that the last Keeper of the Advocates was the first advocate to be appointed since Stevenson, the second known Keeper.<sup>458</sup> But as noted before with Clark his predecessor, Dickson was very much a librarian first. His passion can be seen in his myriad publications about the library itself – more so than any other librarian.<sup>459</sup> His other literary interest was writing a biography of his father-in-law, Sir Robert Murdoch Smith, a Major-General in the Royal Engineers, but who was also a world-renowned archaeologist and diplomat.<sup>460</sup> He co-authored *List of Fifteenth Century books in the Advocates Library*.<sup>461</sup> He also wrote about treason as it pertains to Scotland, heritable jurisdictions and Sir Walter Scott.<sup>462</sup> His writing skills were seen early on in his school magazine.<sup>463</sup> During his tenure, the library was heading to around 565,000 titles in 1912.<sup>464</sup> What influence Dickson had on the creation of the National Library is unclear, and considering the national and large scale financial and structural changes and drive required, unlikely to have amounted to much.

### Impact/Conclusion/The New Regime

Dickson was the last librarian of the Advocates library and the first of the new National Library. Thomas Carlyle said of the Advocate’s Library librarians (up to 1840 when he was writing) that the Library had “the advantage of a series of guiding minds, David Hume, etc., have been successive Librarians of it...Under the guidance of such men, it has *created* itself,-instead of merely agglomerating itself under no guidance but that of stupidity and chance.”<sup>465</sup> Which of course begs the questions or point, that a lot of the other main libraries expanded in such a happenstance

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<sup>453</sup> MODERN SCOTTISH, *supra* note 452, at 391.

<sup>454</sup> NEW GLEANINGS FROM GLADSTONE (1879). Gladstone, on and off Prime Minister, ran for mid-Lothian member of parliament, where Edinburgh is located. Another title was THE LIBERAL MIS-LEADERS (1880).

<sup>455</sup> J. Bacon Society No. 6, , at 253 (1888); E.g. Notes and Queries 1903-08-22: Vol 12 Iss 295, at 141; GEORGE STRONACH; MR. SIDNEY LEE AND THE BACONIANS: A CRITIC CRITICISED (1904).

<sup>456</sup> *Baconia*, Vol. xiii, third series, A Quarterly magazine, 195, at 243

<sup>457</sup> SC70/1/301. SC70/1/565; SC70/4/471. Stronach was due around seven pounds as Salary from the Advocates Library.

<sup>458</sup> BALLANTYNE, SIGNET, *supra* note 379, at 20.

<sup>459</sup> William K. Dickson, *The Advocates Library*, 4 JURID. REV. 1, 113, 214 (1902) (three separate articles in the same issue); William K. Dickson, *The National Library of Scotland*, 40 JURID. REV. 172, 174 (1928).

<sup>460</sup> WILLIAM KIRK DICKSON, LIFE OF MAJOR-GENERAL SIR ROBERT MURDOCH SMITH, K.E.M.G., ROYAL ENGINEERS (1901).

<sup>461</sup> LISTS OF FIFTEENTH CENTURY BOOKS IN EDINBURGH LIBRARIES, BY MEMBERS OF THE EDINBURGH BIBLIOGRAPHICAL SOCIETY 33 (1913).

<sup>462</sup> William K. Dickson, *The Scots Law of Treason*, 10 JURID. REV. 243 (1898); William K. Dickson, *Heritable Jurisdictions*, 9 JURID. REV. 428 (1897) (in essence a heritable life and death power over vassals and tenants); William K. Dickson, *Sir Walter Scott and the Parliament House*, 42 JURI. REV. 1 (1930).

<sup>463</sup> 9 THE MERCHISTONIAN 17, 34, 81, 142 (1881).

<sup>464</sup> *World's Largest Libraries*, WASH. POST, Nov. 17, 1912.

<sup>465</sup> FREDERIC HARRISON & MARY CHRISTIE, CARLYLE AND THE LONDON LIBRARY. ACCOUNT OF ITS FOUNDATION: TOGETHER WITH UNPUBLISHED LETTERS OF THOMAS CARLYLE TO W. D. CHRISTIE, C. B.: ARRANGED BY MARY CHRISTIE 33 (1907).

fashion -acquiring collections ad hoc, or just by merely being a national library (e.g. British) being a lodestone for everything with no clear plan – be it from trustees, benefactors or librarians. Carlyle’s point bespeaks to the importance of the librarians and the importance placed upon - nepotism and conflicts aside, or maybe because it, – the role of Librarian by the Faculty of Advocates.

Part of the Advocates Library’s plan seems to be a clear and up to date catalogue – we have seen how most Librarians, Keepers and/or Curators of the Library sought to, and published, some form of catalogue (see above and Appendix B below). The Catalogues were important for myriad reasons – to track the content of an ad hoc collection, to enable researchers to find materials, and importantly, to brag, in many ways, about the might and value of the collection. The 1879 Catalogue, when completed, stated that the Advocates Library “will...be the only great library in the world possessing a complete printed catalogue...[and also]...being the only approximately complete catalogue of all works published in the United Kingdom since the reign of Queen Anne....”<sup>466</sup> The Catalogues and Cataloguing took up an inordinate amount of time of the Faculty, patrons, benefactors, the Library committee and librarians.<sup>467</sup>

In terms of planning – or organizing – a coherent librarian system, the results were mixed despite their often-high impact. Initially, the Faculty turned to those already in the library with no doubt lesser skills and even less supervision – note the panic when the early librarians were on their deathbed with books in their possession. There were often disagreements about which librarians to hire and why – see the long interregnum. Some, like Hamilton, wanted a particular type of librarian and library (Germanic). Other appointments like Irving’s provoked controversy. As did Hume with some of his accession titles – though this may more to do with Hume and his circle than any *ultra vires* collecting of materials.

These librarians were also men of their time – men on par with the holistic advocates, publishers, businessmen, thinkers, writers, intellectuals, and all the librarian’s activities ran the whole gamut. Many were active members of societies. An earlier antiquarian society was connected to Sir George Mackenzie and later heavily promoted by Librarian Thomas Ruddiman. The group dissolved in the 1720s.<sup>468</sup> The Select Society, of whom Hume and Ferguson (both Librarians) were members, had their first meeting in 1754 at the Advocates Library, later moving due to the Society’s increased membership.<sup>469</sup> When the Society advertised prizes for scientific discoveries, among other things, submissions were to be delivered to Hume’s Assistant Library, Walter Goodall, at the Advocates Library.<sup>470</sup> Goodall was the Select Society’s Clerk.<sup>471</sup> Gibb was a member of the Caledonian Horticultural Society.<sup>472</sup> Manners the Royal Archers. The library also physically provided space for many the Scottish Enlightenment’s societies – the Philosophical Society, later known as the Royal Society of Edinburgh.<sup>473</sup> The Librarians – like many others of the same class in the day – were also

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<sup>466</sup> Notes, 20 NATURE 423, 424 (1879)

<sup>467</sup> Others connected to the Advocates Library worked on catalogues for others – for example Haig created a catalogue for the Edinburgh Subscription Library. JAMES DAVID HAIG, CATALOGUE OF THE EDINBURGH SUBSCRIPTION LIBRARY 1794-1846. WITH CHARTER OF ERECTION, LAWS OF THE SOCIETY, LIST OF MEMBERS, ETC. (1846).

<sup>468</sup> Roger L. Emerson, *The Philosophical Society of Edinburgh, 1737-1747*, in 12 BRITISH J. HIST. SCI. 154, 156 (1979).

<sup>469</sup> ROSS, LIFE, *supra* note 254, at 109. *An Account of the Edinburgh Select Society*, SCOTS MAGAZINE, Mar. 1755, at 126.

<sup>470</sup> *An Advertisement by the Edinburgh Select Society*, SCOTS MAGAZINE, March 1755, at 130; ROSS, LIFE, *supra* note 254, at 117.

<sup>471</sup> Colin Kidd, *Walter Goodall*, OXFORD DIC. NAT. BIO. (2004).

<sup>472</sup> CALEDONIAN MERCURY, Mar. 15, 1813, at 3.

<sup>473</sup> *National Library of Scotland*, in INTERNATIONAL DICTIONARY OF LIBRARY HISTORIES, VOLUME 1, at 567 (ed. David H. Stam, 2001); MINUTES VOL. II, at 237-8.

subscribers to publications, for example David Irving subscribed to three copies of *The Poems of Sir Robert Aytoun*.<sup>474</sup> Alexander Brown subscribed to the poems of Miss Carmichael in 1790.<sup>475</sup>

Many were involved in the somewhat conflict of interested publishing trade, like Manners and Ruddiman. Irving often visited Adam Black's shop and later published with him.<sup>476</sup> Both Irving and one of his assistants, Chalmers, wrote for Black's *Encyclopaedia Britannica*.<sup>477</sup> Others had other businesses, for example assistant Keeper William Gibb<sup>478</sup> was a partner in the wine importation business Forbes & Co.<sup>479</sup> As we have seen, many took advantage of their position in other ways – using the library and position to either provide ready materials for their own writing, e.g., Hume or Haig, or as steppingstones for other more remunerative and prestigious university positions, e.g., Ferguson and Wallace. All these extra-job activities were driven by the low salary of the librarian position.

The library (and the librarians running it) was also always short on money to purchase materials, to upkeep materials or to upkeep the building. These restrictions and limitations were a constant bane upon the library – especially with the requirement to house all publications printed under the Queen Anne Act. The kernel of this fiscal hole was the funding of the Faculty of Advocates itself – which in turn affected the faculty's library. Initially a system was devised in 1684 whereby part of the entry fee into the Faculty of Advocates was siphoned to the library monies.<sup>480</sup> By 1712 this fraction was two hundred merks,<sup>481</sup> increasing in 1784,<sup>482</sup> and in 1849 it was up to \$3,000 in total<sup>483</sup> but decreasing in 1868.<sup>484</sup> An 1853 parliamentary committee highlighted the library's plight – “[t]heir funds are clearly diminished; they are not more than one-third of what they

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<sup>474</sup> THE POEMS OF SIR ROBERT AYTOUN vii (ed. Charles Roger, 1844) (the book is dedicated to Irving).

<sup>475</sup> MISS CARMICHAEL, POEMS vii (1790).

<sup>476</sup> ALEXANDER NICOLSON, MEMOIRS OF ADAM BLACK 46, 283 (1885).

<sup>477</sup> THE ENCYCLOPÆDIA BRITANNICA, OR, DICTIONARY OF ARTS, SCIENCES, AND GENERAL LITERATURE, WITH EXTENSIVE IMPROVEMENTS AND ADDITIONS, AND NUMEROUS ENGRAVINGS INDEX (1860)

<sup>478</sup> Mentioned at MINUTES, VOL. 3, at 242, 258, 295, 318, 338.

<sup>479</sup> ROBERT SCOTT-MONCRIEFF & GEORGE BURNETT, THE SCOTTISH BAR FIFTY YEARS AGE: SKETCHES OF SCOTT AND HIS CONTEMPORARIES 34 (1871). Gibb's father was a “substitute librarian” at the library and William inherited the position from his father before becoming later Assistant Keeper. *IX Legal Obituary*, 1 LAW CHRONICLE xc (1829); SC70/1/42.

<sup>480</sup> Act Ratifying the Act of the Faculty of Advocats, anent the Payment of Dues by intrant Advocats, Jan. 18, 1684 in THE ACTS OF SEDERUNT OF THE LORDS OF COUNCIL AND SESSION, FROM THE 1628 TO 1740, COPIED FROM THE BOOKS OF SEDERUNT 135 (1740); *National Library of Scotland*, in INTERNATIONAL DICTIONARY OF LIBRARY HISTORIES, VOLUME 1, at 566 (ed. David H. Stam, 2001). The Signet Library was equally funded by a £10 tax upon entry to the Signet. SOCIETY OF WRITERS TO H.M. SIGNET, A HISTORY OF THE SOCIETY OF WRITERS TO HER MAJESTY'S SIGNET: WITH A LIST OF THE MEMBERS OF THE SOCIETY FROM 1594 TO 1890 AND AN ABSTRACT OF THE MINUTES LXVII (1890).

<sup>481</sup> MINUTES VOL. 1, at 296-7. A merk was a Scottish silver coin. Also, these portions of merks were to be collected in a box as each intrant paid, with the Curator and Library Keeper each have a key. *Id.*

<sup>482</sup> MINUTES VOL. 4, at 8.

<sup>483</sup> Chapter XIX, *The Libraries of the Faculty of Advocates*, in EDWARD EDWARDS, MEMORIES OF LIBRARIES INCLUDING A HANDBOOK OF LIBRARY ECONOMY, VOLUME 2, at 10 (1859).

<sup>484</sup> *Report by the Committee Appointed, On 15th January 1868*, *supra* note 382, at 1-2. This shortfall was maybe predictable considering as early as 1648 the Lords of Council and Sessions had to chastise non-paying “Advocats” for not paying their dues, and threatening Letters of Horning and Poinding upon deficient. Act anent Advocats and Expectants (1648) in THE ACTS OF SEDERUNT OF THE LORDS OF COUNCIL AND SESSION, FROM THE 1628 TO 1740, COPIED FROM THE BOOKS OF SEDERUNT 49 (1740). In essence, a Letter of Horning and Poinding was a letter of default from the Court which allowed the creditor to seize the debtor's movable assets.



were 30 years ago.”<sup>485</sup> Halket visited Parliament in support.<sup>486</sup> Major pleas for funding and/or nationalization in 1853-4, 1868, 1873<sup>487</sup> 1889<sup>488</sup> went unanswered.<sup>489</sup> Notable Scottish figures such as the famous publisher William Chambers and Thomas Carlyle<sup>490</sup> tried and failed to transform the library into a national, solvent one.

Hugh Macmillan, an advocate, and later Lord Advocate (Scotland’s chief legal officer) was instrumental in finally establishing the National Library of Scotland, and thereby, saving the Advocates’ Library from penury ruin.<sup>491</sup> Macmillan initially struggled to gain public and official support for the National Library. He published an appeal document called *A National Library for Scotland: Proposal to Establish a Scottish National Library on the basis of the Advocates’ Library* in 1922, which was endorsed by the Scottish universities and other famous individuals.<sup>492</sup> Anti-Scottish bias was no doubt part of the issue too. There was only one library in Scotland “possessing the material for laying the foundation of a National Library.”<sup>493</sup> Luckily, in 1923 a business grandee step forward when Alexander Grant (biscuit manufacturer) donated a magnificent £100,000 toward the creation of the National Library, with another £100,000 for a physical building.<sup>494</sup> Lord Rosebery (Prime Minister 1894-1895) donated £5,000 for the manuscript collection.<sup>495</sup> By the time of the handover from the Advocates Library to the new institution, there were around 750,000 physical items.<sup>496</sup>

The moment – and possibly the last moment – for the survival of the Advocates Library and the creation of a National Library had arrived and was taken. The Advocates survived shorn of its larger nationalist and copyright obligations. The National Library carried on as the national flag-bearer and custodian of national literary treasures. What was unique about this journey was that the origin was the Advocates Library (and its librarians) with its legal collection and continuance under

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<sup>485</sup> *Report from the Select Committee on Parliamentary Papers (July 7, 1853)* in 34 PARLIAMENTARY PAPERS, HOUSE OF COMMONS AND COMMAND 92 (1853). “With regard to the funds of the Advocates’ Library, have not the funds diminished of late years? Yes; the only revenue of the Faculty of Advocates is derived from the entrance-money of members of the bar; each member pays 200 guineas at entrance, and they had in one year 4,000[pounds]. From that source; now the funds have fallen off.” *Id.* The Library was forced in 1859 to reject a donation of “Specifications of Patents” from the Commissioner of Patents because the library could not afford the four-hundred-pound binding charge. *Report by Keeper of the Library*, reprinted in MISCELLANEOUS REPORTS, STATEMENTS, ETC. 13 (1830-1872).

<sup>486</sup> *Court Circular*, THE TIMES (London, England), Thurs., Apr 14, 1853, at 5.

<sup>487</sup> “The funds at our command are inadequate for the maintenance of the library on its present footing.” GLASGOW HERALD, Sat., Feb. 1, 1873.

<sup>488</sup> GLASGOW HERALD, Sat., Nov. 23, 1889.

<sup>489</sup> *A Scottish National Library*, THE GLASGOW HERALD, Oct. 29, 1910, at 13.

<sup>490</sup> WILLIAM CHAMBERS, THE BOOK OF SCOTLAND 486 (1830); Letter To Mr. Robert Horn, Dean of Faculty of Advocates, April 3, 1874, reprinted in William K. Dickson, *The Advocates Library*, 14 JUD. REV. 1, 10 (1902).

<sup>491</sup> See generally Ian F. Maciver, *The Making of a National Library*, in FOR THE ENCOURAGEMENT OF LEARNING, SCOTLAND’S NATIONAL LIBRARY 1689-1989, at 215-65 (eds. Patrick Cadell & Ann Matheson, 1989); Robert Stevens, *Macmillan, Hugh Pattison, Baron Macmillan (1873–1952)*, in OXFORD DICTIONARY OF NATIONAL BIOGRAPHY (2004), <http://www.oxforddnb.com/view/article/34800> (last viewed 7/9/2015).

<sup>492</sup> Ian F. Maciver, *The Making of a National Library*, in FOR THE ENCOURAGEMENT OF LEARNING, SCOTLAND’S NATIONAL LIBRARY 1689-1989, at 250-51 (Patrick Cadell & Ann Matheson eds., 1989).

<sup>493</sup> *A Scottish National Library*, 15(1) THE LIBR. J. 17, 17 (1890).

<sup>494</sup> Sir Alexander Grant. *The Times* (London, England), Saturday, May 22, 1937; pg. 7; Issue 47691. Ian F. Maciver, *The Making of a National Library*, in FOR THE ENCOURAGEMENT OF LEARNING, SCOTLAND’S NATIONAL LIBRARY 1689-1989, at 251 (eds. Patrick Cadell & Ann Matheson, 1989); *National Library of Scotland*, in INTERNATIONAL DICTIONARY OF LIBRARY HISTORIES, VOLUME 1, at 568 (ed. David H. Stam, 2001); *Brief History of The Library*, <http://www.nls.uk/about-us/what-we-are/nls-history>.

<sup>495</sup> William K. Dickson, *The National Library of Scotland*, 40 JURID. REV. 172, 179 (1928).

<sup>496</sup> *Law In Practice*, THE TIMES (London, England), Mon., Apr 17, 1922, at 17; Dennis Smith, *The National Library After 1925*, in FOR THE ENCOURAGEMENT OF LEARNING, SCOTLAND’S NATIONAL LIBRARY 1689-1989, at 266 (eds. Patrick Cadell & Ann Matheson, 1989).

the Faculty of Advocates.<sup>497</sup> Scottish Law was Scotland. Compare this to national libraries of other larger political bodies, which generally arose from nascent monarchical/aristocratic collections (e.g., British Library<sup>498</sup> and *Bibliothèque Nationale*)<sup>499</sup> or national/governmental fiat (e.g., Library of Congress,<sup>500</sup> Japanese<sup>501</sup> and German<sup>502</sup> national libraries). However, there was no monarchy or government present in Scotland to fill in this role. The Advocates and the librarians by default took it over but ran out of money, space, and time. The London government let the nationalization go ahead but funding was required from other Scottish grandees. The British government balked at in essence buying a private Scottish institution to foster Scottish nationalism and identity.

The Advocates librarian – Dickson – who had stayed on at the National Library – was a sign that the librarians had moved from advocate-law-keepers to national librarians. His message to the first patron was:

Dear Sir,

I have pleasure in sending you a Reader's Ticket. I apologise for a somewhat makeshift ticket, — our new stationery is not yet complete. You are our first Reader under the new regime.<sup>503</sup>

#### **Appendix 1: *The Keepers/Librarians (in bold) and other administrators of the Library up to Nationalization***<sup>504</sup>

<sup>497</sup> Law libraries were either shorn off as stepchildren from national libraries, for example the Law Library of Congress or originated purely as legal libraries attached to bars or geographical areas. Those attached to a specific bar or geographical area survived, so far, precisely because of their uniqueness. For example, the oldest law library in the U.S.A. is Social Law Library in Boston, MA - founded in 1803 (along with other specialist libraries like the Countway Medical Library in Boston in 1805).

<sup>498</sup> The British Library started in the British Museum and was only siphoned off into its own institution in 1973. The British Museum's creation was built around the collections of Sir Hans Sloane (via King George II), the Cottonian Library and the Royal Library. The British Museum was formally created by The British Museum Act 1753, 26 Geo. 2 c. 22 at the instigation of King George II.

<sup>499</sup> The French National library began as a royal/aristocratic collection and lived through many vicissitudes of royal control that that entailed. Paul M. Priebe, *From Bibliothèque du Roi to Bibliothèque Nationale: The Creation of a State Library, 1789-1793*, 17(4) J. LIB. HIST. 389, 389-90 (1982). It was not until the reign of Louis XIV was “the collection housed permanently in the rue Vivienne.” *Id.* at 390. The French Revolution saw it transform from the *Bibliothèque du Roi* to the *Bibliothèque Nationale*. Paul M. Priebe, *From Bibliothèque du Roi to Bibliothèque Nationale: The Creation of a State Library, 1789-1793*, 17(4) J. LIB. HIST. 389 (1982).

<sup>500</sup> The Library of Congress was created in 1800. An Act to Make Further Provision for the Removal and Accommodation of the Government of the United States, ch. 37, § 5, 2 Stat. 55, 56 (1800). For a library of such later renown, the statutory language that created the library was short and merely allowed for “the purchase of such books as may be necessary for the use of Congress at the said city of Washington.” *Id.* A few years later a rudimentary structure was created, including the appointment of an official librarian. An Act Concerning the Library for the use of both Houses of Congress, ch. 2, § 3, 2 Stat. 128, 129 (1802).

<sup>501</sup> National Diet Library, *Purpose of Establishment and History*, <http://www.ndl.go.jp/en/aboutus/outline/purpose.html>.

<sup>502</sup> Deutsche National Bibliothek, *History*, [http://www.dnb.de/EN/Wir/Geschichte/geschichte\\_node.html;jsessionid=E69812A6FB236410995FD1366A2F7A3F.prod-worker2](http://www.dnb.de/EN/Wir/Geschichte/geschichte_node.html;jsessionid=E69812A6FB236410995FD1366A2F7A3F.prod-worker2).

<sup>503</sup> *The First Reader's Ticket*, NAT'L LIBRARY OF SCOT., <https://www.nls.uk/about-us/what-we-are/history/first-ticket/>.

<sup>504</sup> See generally TRANSACTIONS AND PROCEEDINGS OF THE LIBRARY ASSOCIATION OF THE UNITED KINGDOM 146 (1879-90); Grant, *The Faculty of Advocates*, *supra* note 108, at

1684–1693	James <b>Nasmith</b> or Nasmyth or Nesmith (keeper) <sup>505</sup>
1693–1702	James <b>Stevenson</b> (keeper) <sup>506</sup>
1702–1728	John <b>Spottiswoode</b> of that ilk (joint keeper & clerk) <sup>507</sup>
1703–1718	Adam <b>Coult</b> (joint keeper & clerk) <sup>508</sup>
1705–1719	William <b>Forbes</b> (joint keeper & clerk) <sup>509</sup>
1702	Thomas Ruddiman (as assistant)
1730–1752	Thomas <b>Ruddiman</b> (keeper) <sup>510</sup>
1725	Robert Maule (“assistant to Ruddiman”) <sup>511</sup>
1730-1760-1766	Walter (“Watty”) Goodall (assistant or underkeeper) <sup>512</sup>
1752–1757	David <b>Hume</b> (keeper)
1757–1758	Adam <b>Ferguson</b> (keeper)
1758–1765	William <b>Wallace</b> (keeper) <sup>513</sup>
1762-1766	Alexander Brown (assistant keeper)
1766–1794	Alexander <b>Brown</b> (keeper) <sup>514</sup>
1773-82, 1803, 1816	Various William Gibbs (assistant or under keepers) <sup>515</sup>
1786-1824	Robert Douglas (servant of the Library) <sup>516</sup>
1794–1818	Alexander <b>Manners</b> (keeper) <sup>517</sup>
1818-????	James Haig & Brother (assistant librarians) <sup>518</sup>
1821-1825	Dr. Ferdinand Becker (assistant librarian) <sup>519</sup>
1820–1848	David <b>Irving</b> (keeper) <sup>520</sup>
c.1840-50s?	William Hamilton Chalmers, Assistant <sup>521</sup>
xxxx-1824	Repp

<sup>505</sup> MINUTES VOL. 1, at 69.

<sup>506</sup> SCOTS MAGAZINE, Volume 56, at 198 (1794). First mentioned in 1683. MINUTE BOOK OF THE FACULTY OF ADVOCATES, VOL. 1, 1667-1712, at 61.

<sup>507</sup> CC8/8/93.

<sup>508</sup> Grant, *The Faculty of Advocates*, *supra* note 108, at 39. Coult was also admitted as an advocate in 1676. *Id.*

<sup>509</sup> MINUTES, VOL. 1, at 257.

<sup>510</sup> JOHNSTON, THE RUDDIMANS, *supra* note 135, at 11.

<sup>511</sup> MINUTES, VOL. 2, at 95.

<sup>512</sup> CHALMERS, THE LIFE, *supra* note 110, at 127.

<sup>513</sup> Grant, *The Faculty of Advocates*, *supra* note 108, at 214. Wallace was admitted as an advocate in 1734. Wallace succeeded Ferguson on Jan. 7th 1758. Scots Magazine Volume 21, at 332 (1759).

<sup>514</sup> SC70/1/42.

<sup>515</sup> *IX Legal Obituary*, 1 LAW CHRONICLE xc (1829). But the Caledonian Mercury says 1816. CALEDONIAN MERCURY, Oct. 26, 1816, at 3 and MINUTES VOL. 3, at 258.

<sup>516</sup> MINUTES, VOL. IV, at 49, 54, 58, 179 & 249. Douglas appears to have been hired by the Library to help, but never obtained any official title of Librarian, sub-librarian, assistant librarian or keeper, etc. At his death, he was labelled merely as “late of the Advocates Library.” CALEDONIAN MERCURY, Sep. 6, 1824, at 3. We find another Douglas in 1833 mentioned in Dr Irving’s Report to the Curators – a relation like the other sub-librarian staff such as the Haig’s?

<sup>517</sup> Though there seems to have been a private agreement between Brown and Manners for the division and eventual succession of the salary and position between the two. MINUTES, VOL. IV, at 174. Manners died in 1825. SC70/1/33; SC70/1/58; CC8/8/150. Manners was labelled “bookseller in Edinburgh” in his testamentary documents. *Id.*

<sup>518</sup> MR. HAIG’S REPORT TO THE CURATORS 17 (1833).

<sup>519</sup> Died 1831 and received his medical education in Edinburgh (a city well-known for its medical training). The Examiner (London), Nov. 27, 1831, at 14.

<sup>520</sup> SC70/1/104; THOMAS GEORGE STEVENSON, NOTICES OF DAVID LAING, LL.D. 25 (1878).

<sup>521</sup> NICOLSON, MEMOIRS, *supra* note 476, at 161; ENCYCLOPEDIA BRITANNICA, *supra* note 477.

1816?-1848	“sub-librarian” <sup>522</sup> or “assistant librarian” <sup>523</sup> David Haig, assist. <sup>524</sup>
1848(?)–1871	“Keeper” Samuel <b>Halkett</b> <sup>525</sup>
c.1868	Mr. Green <sup>526</sup>
c. 1868	A “Mr. Dickson” resigning from the library <sup>527</sup>
c. 1868	A “Mr. Macnee” <sup>528</sup>
1868	Jamieson (Assistant) <sup>529</sup>
1871–1876	Thomas Hill <b>Jamieson</b> <sup>530</sup>
1872–...	Jon Hjaltalin <sup>531</sup>
1877–1906	James Toshach <b>Clark</b> <sup>532</sup>
1890s	Francis Gellatly <sup>533</sup>
1892	William Gibb died, Assistant in the Advocates Library <sup>534</sup>
1890s-1915	George Stronach “librarian advocates library” <sup>535</sup>
1906–1925-1931	William Kirk <b>Dickson</b> <sup>536</sup>

## Appendix 2: Major Catalogues of the Library of the Faculty of Advocates up to Nationalization

1696 Catalogue (published by George Mosman)

1742 Catalogue of the Library of the Faculty of Advocates, Part the First (published by the Ruddiman brothers) (compiled by Thomas Ruddiman and Walter Goodall)

1776 A Catalogue of Library Belonging to the Faculty of Advocates, Part the Second (additions since 1742) (published by Balfour & Smellie)<sup>537</sup> (under Alexander Brown)

1787 Appendix to the Catalogue of the Advocates Library (cataloguing additions since 1776)

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<sup>522</sup> SC70/4/6; Mentioned at MINUTES, VOL. 3, at 242, 258, 295, 318, 338; *IX Legal Obituary*, 1 LAW CHRONICLE xc (1829).

<sup>523</sup> SC70/1/69.

<sup>524</sup> See also SC70/1/55.

<sup>525</sup> Halket, *Report*, *supra* note 404; SC70/1/153.

<sup>526</sup> Reported to have been in process of indexing Session Papers. *Report by the Curators of the Library to the Faculty of Advocates, at the Anniversary Meeting to be held on Wednesday, 15th January 1868, in A REPORT BY THE CURATORS OF THE LIBRARY 1868*, at 2.

<sup>527</sup> *Anniversary Meeting*, *supra* note 527, at 2.

<sup>528</sup> *Anniversary Meeting*, *supra* note 527, at 1.

<sup>529</sup> *Anniversary Meeting*, *supra* note 527, at 2.

<sup>530</sup> *Anniversary Meeting*, *supra* note 527, at 1; SC70/1/176.

<sup>531</sup> TESTIMONIALS IN FAVOUR OF MR. JÓN, *supra* note 437.

<sup>532</sup> William K. Dickson, *The National Library of Scotland*, 40 JURID. REV. 172, 172 (1928); SC70/1/627; SC70/4/520.

<sup>533</sup> GLASGOW HERALD, Tues. Nov. 2, 1897.

<sup>534</sup> SC70/1/305, at 197. Gibb was owed five pounds by the Treasurer of the Faculty of Advocates for his Assistant Librarian salary. *Id.* at 197-8.

<sup>535</sup> SC70/1/301. SC70/1/565; SC70/4/471. Stronach was due around seven pounds as Salary from the Advocates Library.

<sup>536</sup> Grant, *The Faculty of Advocates*, *supra* note 108, at 56. Dickson was admitted as an advocate in 1897.

<sup>537</sup> Balfour & Smellie obtained from Thomas Ruddiman in 1754 (after he left the Advocates Library) an important University Printer contract in return for not competing with Ruddiman’s weekly-serial business in Edinburgh. STEPHEN W. BROWN, *EDINBURGH HISTORY OF THE BOOK, VOLUME 2: ENLIGHTENMENT AND EXPANSION 1707-1800*, at 360 (2011). The fact that Balfour & Smellie later went on to publish the catalogue in 1776 must have been in part due to a connection with Ruddiman.

(published by William Smellie) (compiled by Alexander Brown)

1807 A Catalogue of Library Belonging to the Faculty of Advocates, Part the Third (published by Smellie) (additions since 1776 – presumably incorporating the 1787 appendix) (compiled by Alexander Manners)

1831 A Catalogue of the Law Books in the Advocates Library (1831) (David Irving) (published by Balfour)

1839 A Supplement to the Catalogue of Law Books in the Advocates Library (published by Balfour<sup>538</sup> & Jack) (this supplement was promised in the 1807 Catalogue) (no name appended but presumably by Irving)

1852 Catalogue of Manuscripts Relating to Genealogy and Heraldry Preserved in the Library of the Faculty of Advocates at Edinburgh (limited publication run) (compiled by William B. Turnbull)<sup>539</sup>

1867 Volume I. (A-Byzantium) (volumes I-VI all printed by R&R Clark) (Halkett, commenced in 1853)

1873 Volume II. (C-Engineering) (Halkett, then Hjaltalin under Jamieson for remaining volumes)

1874 Volume III. (England-Homen) (update to 1871, i.e., after Volume I and some of Volume II)

1876 Volume IV. (Homer-Marx) (published by William Blackwood & Sons) though not noted, presumably under Clark)

1877 Volume V. (Mary-Rzaczynski)

1878 Volume VI. (S-Zypaeus)

1912 A Descriptive Catalogue of Gaelic Manuscripts in the Advocates Library and Elsewhere in Scotland (published by T. & A. Constable) (compiled by Professor of Celtic Language at U. of Edinburgh)

### Select Published Reports

- 1830 Report from the Committee on the New Library March 1830 (published by Balfour)
- 1830 Report of the Committee Appointed by the Faculty of Advocates to Superintend the Building of the New Library, etc. & separate Dissent
- 1830 Report from the Committee of the Faculty of Advocates to Appointed to Superintend the Erection of the New Library
- 1830 Statement connected with the Building of the New Library of the Faculty of Advocates
- 1830 Regarding the Library Adopted at a Meeting of the Faculty, 10th March 1830
- 1834 Statement by the Curators of the library regarding the case of Mr. Repp
- 1834 Statement to the Faculty of Advocates by Thorl. Gudm. Repp on the subject of the Statement by the Curators of the Library (June 24, 1834).

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<sup>538</sup> The same Balfour from Balfour & Smellie in the 1776 Catalogue.

<sup>539</sup> Turnbull was an Advocate turned Antiquarian.

- 1851 Report by the Curators, incorporating Report to the Curators of the Advocates' Library by the Librarian (Halkett)
- 1868 Report by the Keeper of the Advocates' Library to the Curators, by Samuel Halkett
- 1868 Report by the Committee Appointed, On 15th January 1868, To Inquire Into The Condition of The Advocates' Library February 25th 1868
- 1868 Report by the Curators of the Library to the Faculty of Advocates, at the Anniversary Meeting to be held on Wednesday, 15th January 1868