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## THE SOCIETY OF ADVOCATES IN ABERDEEN

By Dorothea Bruce

As Executive Secretary and Librarian to The Society of Advocates in Aberdeen I often have to conduct visitors round Advocates' Hall and exhibit some of the Society's treasures. After they have overcome their initial surprise at finding such a handsome building tucked away in Concert Court, which is only a back alley, visitors usually want to know why and when the Society was founded, and why its members are set apart from the other solicitors in Scotland by being dignified by the title 'advocate'.

No date of its actual foundation can be determined, original records having been lost in a fire at the Record Office in Castle Street in 1721, but one must assume that the Society grew out of the natural expression of the desire of members of any profession to incorporate themselves for the purpose of mutual assistance and the exchange of professional expertise.

As to why the members call themselves 'advocates', William Kennedy, in his *Annals of Aberdeen* published in 1818, states that 'the practitioners before the courts of adjudication (in Aberdeen) have for a period of upwards of two hundred and fifty years, been distinguished by the title of advocates, which appeared to be sanctioned by many public deeds, and by judicial proceedings in the courts of record: but by what authority it had originally been conferred upon them we have not been informed.'<sup>1</sup> (See also Appendix I)

The most convincing theory in explanation of our members' right to the term 'advocate' appears in *Scottish Notes and Queries* and is attributed to an unnamed 'learned friend, a recognized authority on such matters.' It is suggested that before the institution of the College of Justice by James V, in 1532, Edinburgh was the seat of the great Ecclesiastical Court of the Archdeacon of the Lothians, and those who practised there were Advocates. Aberdeen and its legal practitioners were in a similar position relative to the rest of Scotland. It was the only large town which was at once a county town and the seat of a Bishop. Perth and Dundee were not Episcopal sees; Dundee was not a county town. Glasgow was the seat of a Bishop, but Lanark was the county town.<sup>2</sup>

At all events the title The Society of Advocates in Aberdeen is authorized by our Royal Charters, (1774, 1799 and 1862), and Advocate in Aberdeen is a title correctly used by a member of this Society.

There are some people who appear to resent our continued use of the title, or at least to view it with tolerant amusement. Sheriff David Kelbie, recounting (in his address to the 10th of February Society) the old tale of Dr James Catanach (a member of the Society) and his appointment in 1743 to the office of Civilist, or Professor of Civil Law, in King's College, calls Dr Catanach a 'pretend' advocate.<sup>3</sup> We have a document, signed by King James VI in 1588, in which Patrick Cheyne, also a member, is described as 'advocate in Aberdeen'. The document is a pardon for Mr Cheyne's part in a manslaughter which happened during a fight with two other persons, a fight which had taken place in 1570, the year of his admission to the Society, and which does not seem to have disqualified him from membership. I submit that a title that was good enough for James VI should be good enough for Sheriff Kelbie.

Incidentally, according to PJ Anderson, the result of the case of Dr Catanach and Charles Hamilton Gordon, rival candidates for the office of Civilist, had two distinct benefits.<sup>4</sup> Gordon was an alumnus of King's College and a member of the Edinburgh Bar, (a 'real' advocate, in Sheriff Kelbie's terms), and claimed that Catanach was not qualified for the post, since he had been made LLD (after strict examination by one of the Regents), of Marischal College, which had been founded to teach in Arts only. The Court of Session supported Gordon, although he was not a graduate of any university, but the House of Lords declared in favour of Catanach. The first benefit was that this decision meant that King's College was spared in all probability the introduction of a custom of giving the office of Civilist to a non-resident Edinburgh lawyer, and the second was that the case established the right of Marischal College to grant degrees in the higher faculties and thereby its right to be considered a separate University.

It must be remembered that for centuries the study of Law was a branch of Philosophy. Law as taught in the universities was not a vocational training. Bishop Elphinstone had brought to his foundation the ideals of the universities of Italy and France, where the study of law had flourished. Law meant the application of two systems - Canon Law and Civil Law. Canon Law was taught by the Church. The study of Civil, or Roman Law, was regarded as a most effective organ of intellectual and ethical training, and the universities treated it as a necessary part of a liberal education. King's College was founded as the 'Schule of Art and Jure', and was intended by its founder to be pre-eminently the school of Law for the whole of Scotland.<sup>5</sup>

The Faculty of Law at King's College prospered until the Reformation, after which its fortunes sharply declined. During and after the Commonwealth there was a brief revival, but the Union with England in 1707 caused an immediate reversal. Edinburgh University became the principal school of Law in Scotland.

Both King's College and Marischal College continued to defend the study of Civil Law as part of a general education, and as a special preparation for the legal profession, but the Society of Advocates had long provided both the sole means of entering the profession in Aberdeen and the necessary training. In 1633 the Sheriff Principal passed an act of court designating sixteen 'ordinary advocates and procurators of the court' as entitled to conduct judicial proceedings, and discharged other person from officiating in that capacity.<sup>6</sup> (Appendix I). The advocates so designated thereafter controlled the admission of applicant to legal practice, and this control was recognised and by the Sheriffs.

As a result, until well into the 19th century young men intending to enter the profession had to apply to the Society. (I say 'men', but some of the names in our Register of Apprentices are those of boys whose age is given as fourteen.) They had to prove that they had studied Latin for four years under a master of quality, and had attended two sessions at either of the Universities. They had also to be of good character. They were then apprenticed to a member for five years. Graduates in Arts were apprenticed for four years. At the end of their apprenticeship they were examined by a Committee of Examinators in their proficiency in Scots Law and Conveyancing. The examinations appear to have been very thorough. There were lists of set books and written and oral tests.

The Faculty in Edinburgh had almost the same procedure, except that for many years entry was restricted to sons of landed gentlemen or clergy, and the apprenticeship was seven years. Had we restricted our applicants to the sons of landed gentlemen and clergy, some of the best-known names in the profession here would have been automatically excluded. The father of the first James & George Collie, for instance, was a hairdresser.

In 1786 the Society in General Meeting agreed that the institution of classes in Scots Law within the City of Aberdeen would be highly advantageous. It was regarded as intolerable that a young man wishing to study Scots Law should have to go to Edinburgh. Nothing was done. In 1819, the Society took the initiative and made representations to Marischal College to allow a lecturer from the Society to conduct classes in one of the college classrooms. Arrangements were made to allow the lecturer to use the mathematics classroom from 2 o'clock until 3 o'clock from November 1st until March 31st for lectures in 'Scotch' Law. These were public lectures, attended mainly by the apprentices and clerks, whose fees constituted the lecturer's sole remuneration. A class in Conveyancing was later provided, although in the beginning it was suspected that there was not scope in Aberdeen for an annual course in Scotch Law and probably even less for a course in Conveyancing.

In 1829 a Committee of members met to discuss the proposal of the Royal Commission for Visiting Scottish Universities that Civil Law should become compulsory. The Society concluded that 'however indispensable an intimate acquaintance with Civil Law might be to a Gentleman whose views were directed to the Supreme Court, such knowledge appeared to the Committee to be of minor importance to students pursuing such a course of education as would qualify them to become practitioners before the Inferior Courts and to discharge the duties of conveyancers in provincial towns. A well-grounded knowledge of the Law of Scotland and of the principles and practice of Conveyancing would be more generally useful.' The Committee added, with evident pride, that the Society had always considered a liberal education a preliminary requisite to the admittance of members.

By 1834 the Society was endeavouring to expand the scope of the Law classes and four years later it was enthusiastically recounting that the Royal Commission recommended the foundation of a chair in Scots Law, and was promising a moderate endowment from the Crown. The Society was entitled by its Charter to prescribe the mode of study and the particular classes to be attended by applicants for admission. However, nothing came of this. In 1857 the law lectureship was still unendowed.

The Medical faculty at Marischal had four endowed chairs, Divinity had three. At King's a chair of Civil Law had always existed, but the class was still limited in practice to students of Philosophy. It was still not adapted for, and was of no practical benefit to, the student of Law.

A brief flicker of hope was experienced in 1862, when the Scottish Universities Commission were about to take into consideration the subject of graduation in Law, and asked the Society for its suggestions. A Committee gave the matter their most careful attention, and responded by stating that the degree of Doctor of Laws 'should be reserved as at present for those eminent in literature, or otherwise worthy of the honour, but that some academic title such as Bachelor or Master of Scotch Law would be extremely desirable.' Their suggestion was not implemented.

The Quatercentenary Studies of the University freely acknowledge the Society's part in protecting the study of Law during the 19th Century. NJD Kennedy's article on the Faculty of Law states that but for the exertions of the Society of Advocates the Faculty might have ceased to exist in Aberdeen. At the Union of the Colleges in 1860 the lectureship in Conveyancing was suppressed. The lecturer, Dr George Grub, the Society's Librarian from 1841 until his death in 1892, became Substitute for Professor Patrick Davidson, Civilist in King's College, and was the sole teacher of Law in the united University. With the passing of the Law Agents (Scotland) Act in 1873 Parliament abolished the privileges of the legal bodies, such as the Society, which required a university training as a condition of admission to the profession, and conferred the right of entrance without requiring any university training or instruction either in Arts or Law. In this way, says Mr Kennedy, Parliament not only neglected but positively discouraged the study of law and reversed the soundest traditions of Scottish legal education. The Society, however, continued to exercise its right to regulate the entry of applicants to its own body and to require of each applicant the time-honoured qualifications in the way of education and fitness.

It also continued to advance the case for legal education in the University. By the time Dr Grub succeeded to the Chair of Law in 1881, the situation was beginning to improve, although it was not until 1895 that the BL degree was conferred, followed in 1910 by the degree of LLB.

The Committee of Examinators ceased to exist. It was replaced by a Committee anent Entrants. The Society no longer had to conduct written and oral examinations in Law, but they required to satisfy themselves as to each applicant's 'fitness'. The Society had nursed the legal profession in the North-East of Scotland through many difficult years, and the profession owes much of its reputation for competence and integrity to the men who framed the rules for admission.

Aside from regulating the entry of young men to the profession, what did the Society do? Its most important function until the establishment of The Law Society of Scotland in 1948 was the consideration of Bills before Parliament. Bills were closely examined, debated and criticised. Members of Parliament were fully briefed and despatched to Westminster to convey the Society's approval or disapproval, and suggestions for amendments. Sometimes members themselves made the journey to London to lend weight to their argument or to keep an eye on the MP.

The discussions concerning the Bills are fully transcribed in the Minute Books, but very little was recorded about other historical happenings of the times (Appendix II). Wars are referred to only in passing. The American War of Independence is marked by the subscription of 100 guineas to help raise an army for service against the American colony, 'to reduce the colonies to their former allegiance', and an attempt (apparently unsuccessful) to raise a band of volunteers. In 1782 the unfortunate state of town and country - 'the fields uncut, meal scarce' - inspired the subscription of another 100 guineas to assist in the import of grain. The 'crisis' in 1798 made it expedient for the Society to show loyalty and public spirit by contributing towards the expenses of government. They subscribed 200 guineas, met by the imposition of an additional 10 shillings per annum contribution.

There was no reason to mention the Crimean and Boer Wars. The Great War took the lives of several of the members, and forced the Society to accommodate the Food Controller in the Dining Hall, causing heavy wear and tear on the furniture. Many members joined the armed forces during the second World War, and again some did not return. The minutes are silent regarding civilian hardships during both conflicts, although they do record that an arrangement was made with the Town House with regard to fire-watching, and that the problem of blacking-out the skylight might be solved if the Secretary experimented with sacking.

Throughout the years loyal addresses were composed and offered; sympathy was extended to the Prince Regent on the death of Princess Charlotte in 1817, although in 1820 the problem of dealing with the death of George III and the accession of George IV was obviously not easy to solve. The members seemed reluctant to welcome the transmutation of the Prince Regent into George IV. They probably disapproved of his lifestyle. It was felt that they ought not to seem obtrusive or rash - 'should lie back until they see what other societies and individuals were doing'. When it was found that addresses were pouring in from all quarters and the Society might be 'marked' if they refrained, they decided that 'at all events the compliment was a safe one, and cheap, and might in the future be recollected to their advantage and could not by any possibility do them harm in the meantime, and that further the present spirit of disaffection and disloyalty abroad in the land' - could this be construed as hypocrisy? - 'made it the duty of all good subjects to stand forward and show themselves in

opposition to such scandalous doctrines.' The address which is recorded is a masterpiece of crawling obsequiousness, on the principle that if a thing is worth doing, one does not do it by halves. Thereafter the Society welcomed all subsequent accessions, and sent sympathetic messages on Royal deaths.

From at least the middle of the seventeenth century the Society was assisting indigent members, and widows, children and other relatives of members. Every grant appears in the minutes, which record the names of the recipients and the amounts granted, and, in the early days, the various reasons for applications for aid. Some of the entries would almost make you cry. Widows are left with hordes of sickly children; members enter lunatic asylums, become incapable of continuing in their profession by reason of a breakdown in health, or arrive in Aberdeen destitute and have to be equipped with suits of clothing and despatched on the next steamer back to London. Some have to have their funerals arranged and paid for. Some simply fall on hard times, like the eminent Dr Daune, whose portrait by David Martin hangs on the staircase wall at Advocates' Hall. <sup>7</sup> Poor Dr Daune applied for aid, as his income was almost completely absorbed by the need to satisfy his creditors. Some of the beneficiaries appear in the minutes regularly for many years. Thomas Hutcheon is noted in 1803 as requiring assistance; he had been a member for only five years. The minutes chart his progressive mental derangement until his death in 1849, and his mentally incapable daughter Catherine was supported until her death in 1887.

To comply with these requests for aid large sums of money were required. The Entry Monies exacted from members, their annual contributions, and the fees payable by apprentices were the foundation of a considerable capital sum which was variously invested. Loans were made to people of repute - although in 1838 the Marquis of Huntly's inability to meet his creditors caused the Society financial embarrassment. The Marquis had borrowed £2000, and the annual contributions had to be increased to cover the deficit.

That the Society had invested considerable sums in property is clear from eighteenth century vouchers relating to repairs to 'The Doctors Houses' in the Hardgate. In 1747, it increased its stake in by purchasing the Lands of Gallowhill and Mardyke (Appendix III), and proceeded to acquire Foresterhill in 1790, Wester Hatton in 1827, and Hill Cairnie at Skene in 1847. The Lands Committee began, with the enthusiasm and energy which was such a conspicuous attribute of the members at this time, to improve the estates, building and repairing and farm steadings, constructing new roads, draining, trenching, blasting stones and clearing rough ground. Hundreds of trees were planted. The Lands Committee did none of the hard manual labour in person, naturally, but they satisfied themselves that it was properly done and made regular tours of inspection. Shootings and fishings were let. In spite of recurrent crop failures, droughts, floods and gales, the estates showed constant improvement. So great were the changes to the Wester Hatton estate that in 1844 a new map had to be drawn to include the alterations to the farms and the realignment of the Ellon and Udney roads. The purchase of the Wester Hatton estate made it expedient for the Society to subscribe generously to the building of the new bridge over the Don.

The tenants responded by showing appreciation in the way of rents paid promptly, and improvements competently carried out. Eventually the burdens associated with land ownership became too heavy. The lands were gradually sold and the capital invested in stocks and shares. The last farm was sold in 1954.

The present members seem to manage to avoid becoming distressed or indigent, but the Annuity Fund, thanks to the industry of their and wise investments by later Investment Committees, still annuities for spouses of deceased members. There are forty-one on the Annuitants' and the funds are assisting in the support two children.

There were, naturally, the bad boys. There are those in every walk of life. The rules governing admission to the Society included, and still include, rules allowing for expulsion. In all its history, thirty-five members have been struck off the list, twenty-two excluded for non-payment of annual dues, (some in such circumstances as to make it possible for the Society to permit a member to resign without the stigma of exclusion), and thirteen expelled for serious misconduct. Amongst these are the Blaikie brothers, who were early exponents of the Barlow Clowes System of Investment, and whose defection caused the other members considerable sorrow, in view of the fact that when some years previously their much respected father, Provost Blaikie, had dropped dead in the Town House at the feet of the Treasurer of the Society - a dreadful shock and 'a most striking Lesson to all of the uncertainty of life. Just before his Death he was in full exercise of his faculties, going on fairly and honestly in the Discharge of his Duties. At one moment he was thus employed - and the next - he was in Eternity!' - the entire membership were ordered to fix black crape to their hats and attend the funeral 'as a body'.

The Library was founded in 1787. It was not devoted exclusively to Law books. The old catalogues demonstrate that the members gave their attention also to cultivating their minds. Until 1975 the Society had in its possession a remarkable collection of works which had been considered necessary to a gentleman's Enlightenment (Appendix IV). The only major

category missing was fiction, although the works of Sir Walter Scott earned their place on the shelves. And having gathered to themselves a handsome collection of books, and requiring space in which to conduct the business of the Society, the advocates built themselves a Hall.

For about three hundred years they had conducted their meetings in The New Inn, the Lemon Tree Inn or the Record Office, although from 1820 they had been given the use of a room in the new Courthouse and had furnished it in 'a proper manner' with book-presses. The construction of a magnificent new home must have been a cause of enormous pride and self-congratulation. The opening of their first Hall, which built in 1837 to a design by John Smith, and which stood at the corner of Back 'Wynd and Union Street, was the occasion for a formal banquet, attended by one hundred and seventy people. On this occasion, the advocates really let their hair down. Apart from the official guests, each member was permitted to bring one friend. There were fifty-three toasts, and it was directed that no toast might be proposed until the list was exhausted. Each member had to see to the comfort of his friend during the evening, and one is tempted to suppose that this instruction included the responsibility for scraping him off the floor and carrying him home.

That Hall, from all accounts a beautifully appointed building, was put up for sale in 1870, when the Society built, to a design by James Matthews, a new Advocates' Hall in Concert Court, which was more conveniently adjacent to the recently reconstructed Sheriff Courts. The fireplaces and the books were transported to their new home, and the old Hall became the property of Lockhart & Salmond, confectioners. It had become known as the Queen's Buildings, and may have stumbled on the explanation for the royal connection. Soon after the Hall was open for business, Queen Victoria married Prince Albert. As part of the public celebration the members agreed that an appropriate transparency should be placed on the front of the building, and John Smith, the City Architect was requested to arrange it. The Hall at that time stood alone, flanked on one side by St Nicholas churchyard, and on the other by waste ground. Any decoration on such a prominent building must have made an impression on the citizens, and the display of a large portrait of Queen Victoria on its frontage might easily have led to the building's being thereafter known as the Queen's. It went through many vicissitudes, was externally much altered, and was for a long time a cinema.

During alterations in 1928 the foundation stone was extracted. Enclosed within was a glass bottle, which had been specially made in Leith and which contained specimens of coins, editions of newspapers, and the names of the members who subscribed to the costs of erecting the building. The bottle was ceremonially returned to the Society, and has since vanished, along with the contents. The original elegant interior of the building, including the domed ceiling of the Hall, was destroyed in a disastrous fire in 1936.

No ceremony seems to have accompanied the removal to Concert Court and the opening of the new Hall. Perhaps the advocates were too busy. But even in the vigorous commercial confidence of the second half of the nineteenth century, the gentlemen, although they were in their offices from nine until five each day, and from seven until nine each evening, (clerks who were members of the Society of Writers were permitted to leave at four on Saturday so that they could attend their meetings), were not averse to a little innocent diversion. They wrote law textbooks and books that they considered more frivolous. One or two 'communed with the Muse'. They organized a Social Science Conversazione, attended by one thousand people, and caused dancing cloths (whatever they were) and pianos to be placed in the Dining Hall, and entertained ladies, not forgetting to lay in a stock of pins and a hairbrush.

And how many members have there been of this august and unsentimental body? We have to go back to William Kennedy, President of the Society in 1820, who undertook to retrieve, from such records as were available to him, as much as possible of the Society's own records which had been lost in 1720, in a fire at the Record Office. I counted all the recorded names, from Alexander Paip, whose date of entry is given as 1549, until I reached the name of the most recently admitted member before the latest amendments to the Bye-Laws dragged the Society belatedly into the twentieth century. Nine hundred and ninety-four was the total I arrived at. How many advocates there were before Alexander Paip (who must have been admitted into some previous body of members) will never now be ascertained, but still the final total cannot be far beyond one thousand.

What of the Society now? Has it any function at all, apart the amenity offered by its Library, (still growing, although the books in General Literature were sold at auction in 1976, and the members consequently are no longer so Enlightened), and the occasional social event? I am not a member, but I have spent sixteen years ferreting in the basement amongst soot-grimed books and documents, I probably know more about its history than any member now living.

From a knowledge of its history comes a knowledge of its aims and aspirations. It should continue to be the voice of the legal profession in Aberdeen and the surrounding area. It should continue to keep in close touch with the Law Faculty of the University. The members, women now as well as men, should continue to regard membership of the Society of Advocates in Aberdeen as an extension of their calling, requiring enhanced standards of service. They owe it to that small band of dedicated gentlemen who created the Society, moulded it and cherished it, and handed it to them as a unique and valued heirloom.

## Notes

1. William Kennedy, *Annals of Aberdeen, Book III* (Aberdeen, 1818), 165.
2. *Scottish Notes and Queries I* (Aberdeen, 1888), 83.
3. *Aberdeen University Review LIV* (Aberdeen, 1991), 162.
4. *Records of Marischal College and University*, (Spalding Club: Aberdeen, 1889), 72.
5. *Studies in the History and Development of the University of Aberdeen, A Quatercentenary Tribute*, (Aberdeen, 1906), 239.
6. Records of the Sheriff Court, 2nd October 1633, *Annals of Aberdeen III*, 166.
7. Dr Alexander Daune, 1749-1833. Professor of Law, King's College, 1795-1833. Commissioner to Lord Saltoun. Promoter of Aberdeenshire Canal Co. President of Society 1796-98 and 1808-10. Built house of Rubislaw Den.

## Appendix I

The Advocates of Aberdeen - The Journal of the Law Society of Scotland Vol 14 p235.

An article which appeared in 1969 in the Journal of The Law Society of Scotland quotes a myth which had been current amongst the members for many years. This myth states that the right to use the title 'advocate' was granted by James VI in gratitude for an unsecured loan, which was never repaid. Another version of this fable recounts that the King amiably called out 'Ca' yourselves what ye like' as he rode away from a banquet at which he had been nobly entertained.

Neither story is supported by any evidence. The members of the profession in Aberdeen had been known as advocates long before the birth of James VI. It is unlikely that they would have felt the need to buy the title, by way of hard cash or victuals. William Kennedy's researches in 1817 yielded no clues as to the origins of the Society, and he himself does not mention either version.

This article further states that 'in the supreme courts after 1532 it became necessary for litigants to be represented only by those advocates who were licensed by the public authorities as competent professional pleaders. Thus the title advocate became vested in practitioners at the Bar . . . An Aberdeen sheriff by act of court (1633) authorised the town's sixteen unqualified forespeakers alone to practise in the local sheriff and burgh courts'.

The sixteen 'unqualified forespeakers' were:

Alexander Irving of Pitmurchie, MA, honorary burgess  
 William Barclay of Ardmurdo, Procurator Fiscal of Aberdeenshire 1594-1631  
 William Lumsden, MA, honorary burgess  
 James Irving, MA, Sheriff Depute 1622-33  
 Alexander Davidson, MA, Procurator Fiscal 1631-60, honorary burgess  
 George Andersone, burgess, Sheriff Clerk 1624  
 Alexander Reid of Birkenbrowell, MA (King's) 1615, Alumnus (Marischal) 1612. honorary burgess  
 Alexander Paip (grandson of A Paip, 1549), MA, Sheriff Depute of Aberdeenshire 1625-30  
 Robert Reid, MA, Sheriff Depute of Aberdeenshire 1634-44 (Alexander Reid and Robert Reid were killed at the Battle of the Crabstone on 13th September 1644.)  
 Alexander Thomson of Cults, NP, Sheriff Depute of Aberdeenshire from 1629, and honorary burgess;  
 Alexander Gardyne, MA, Procurator Fiscal of Aberdeenshire from 1629 and Sheriff Depute from 1634  
 George Middleton, Procurator Fiscal within the bounds of the Bishopric of Aberdeen, honorary burgess  
 William Cordoner, Sheriff Depute of Aberdeenshire from 1629, NP  
 John Hunter, NP, and probably Sheriff Clerk Depute of Aberdeenshire  
 Andrew Clerk, MA, NP, honorary burgess  
 George Merser.

All of these gentlemen had been qualified lawyers in practice for some years before 1633.

William Kennedy states that it would appear that at that time there were persons practising before the court who perhaps were not regarded as duly qualified, and therefore these sixteen, whose qualifications and integrity were perfectly known to Sheriff Crombie, were admitted to the place and privilege of members, ordinary advocates and procurators of the court.

The writer of the 'Journal' article refers also to the entry in Sir Walter Scott's Diary of 14th March 1826: 'Some English lawyer expressed to Lord Elibank an opinion, that at the Union the English law should have been extended all over Scotland. "I cannot say how that might have answered *our* purpose", said Lord Patrick, who was never non-suited for want

of an answer, "but it would scarce have suited *yours*, since by this time the Aberdeen Advocates would have possessed themselves of all the business in Westminster Hall," and quotes the remark by James (not, as stated, an English writer, but a member of the Gregory family which originated in the manse at Drumoak): 'My dear countrymen, the Aberdonians, have long been known to be very sharp folks - so very sharp that it has been estimated that if their attorneys (whom they sometimes call solicitors and sometimes advocates) were allowed to practise in London they would in seven years own the fee simple of the whole county of Middlesex.'

### *Appendix II*

#### Minute Books of the Society

The surviving Minutes of the Society are recorded in twenty Minute Books dating in unbroken sequence from 1776. It is likely that there were previous Minute Books in existence in 1887 when Norval Clyne, Secretary to the Society from 1874 to 1888, wrote ten articles for *Scottish Notes and Queries*, as he quotes extracts from meetings prior to 1776. If Minutes from 1721 to 1776 existed at the time of his tenure as Secretary, it seems probable that they were in his possession at the time of his death in 1888 and have since vanished.

### *Appendix III*

#### Gallowhill and Mardyke

The Society's lands of Gallowhill and Mardyke are described in an early Account Book thus: 'There belongs (sic) to the Society the lands called Mardyke Croft and Gallowhill Croft, lying contiguous, in the North Territories of the Burgh of Aberdeen, on the East side of the Highway leading to Old Aberdeen, along with a small piece of ground and house on the West side of the road'. The exact extent of the ground is difficult to determine, the Disposition referring only to a sequence of March Stones bearing a cross. The tenants were mainly crofters. In January 1802 some of the Mardyke tenants on lands on the line of the intended North Entry - King Street - were given notice to quit. Part of the remainder of Mardyke was feued to the Chairman of the Poor Board (who stipulated that the public gunpowder magazine should be removed.) The construction of King Street cut off access to the Society's lands on both sides, and the Society laid out a new road towards the Spital (Advocates' Road) at their own expense, with the intention of creating a square of handsome houses between King Street and the Spital. There was no public enthusiasm for such a scheme and the plan foundered. Another part of Mardyke was feued in 1861 for the building of the King Street Barracks, and by 1877 the whole of the area had been feued out with the exception of five acres on the east side of King Street where the frontage was the property of the town. In 1897 the remainder of the lands of Gallowhill and Mardyke were sold to the City Chamberlain for £3000. The Council took over Advocates' Road in 1922.

### *Appendix IV*

#### The Library

In 1975 the Society became aware that the Library could no longer accommodate its ever-increasing numbers of books. A Committee was appointed to go over the Library and remove about five hundred out-of-date legal books and compile lists to be sent to the National Library of Scotland and to the Head Archivist at the University to ascertain whether these books had any historical value. It was also decided to obtain expert advice as to the disposal of the non-legal books. The Secretary of the National Library of Scotland recommended putting the sale of these in the hands of Sotheby Parke Bernet, who were then asked to make a preliminary inspection.

A misunderstanding must have occurred at some point in the proceedings. Sotheby's representatives withdrew from the shelves numbers of Law Reports which should certainly have remained in the Library. There is no catalogue of the books removed. Volumes were sold in Lots, some of which contained over one hundred unlisted books. These Lots were auctioned at six sales between 1976 and 1978, the two main sales being on 15th November 1976 and 6th October 1977. On those two days more than two thousand five hundred books were disposed of. The sale on 27th July 1978 saw the disposal of what had been the proudest acquisition the Society had ever made. In 1835 it had been learned that the books of Mr Andrew Skene were to be publicly sold in Edinburgh. James Ross, a member of the Society, was dispatched to Edinburgh with instructions to bid for this collection. He was authorized to offer a maximum of £65. He returned in triumph, having secured two hundred and eight volumes of Session Papers and Appeal Cases for £59. A note in Sotheby's sale catalogue states that only three other moderately complete runs of Session Papers are known to exist in legal libraries.

Several volumes escaped the attention of Sotheby's representatives. In 1941, in expectation of bomb damage, certain

valuable items were removed to the basement of Advocates' Hall, stored in the wine cellar, and forgotten. They were found in 1980, submerged under nearly forty years' accumulation of rubbish and soot, by my son, who was working in the Library during his summer vacation.

These books are now being carefully looked after, and will, I hope, remain in the Library as a testament to its past glory.