

Local Law Societies

III.—The Society of Writers to Her Majesty's Signet

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The story of the Society of Writers to the Signet begins far back in the history of Scotland. Many centuries ago when the art of writing was little more than a mystery known to a few, but at a period when the authority of the King was at length growing from shadow to substance, the method of authentication of documents carrying the King's warrant and approval presented a growing problem. Its solution was found to be in the use of seals, bearing special devices embossed on them, to be attached to documents in evidence of Royal approval, and with or without any signature. As time passed and the number of documents calling for authentication increased, it was found that one seal only was insufficient and it is known that at least by the fourteenth century, if not earlier, the number of seals in use had grown to four. These seals differed in character and design according to the special purpose for which each was used, but one, known as "The Signet," was reserved for the private communications of the King himself or for the authentication of documents in which he was closely concerned or interested. The earliest recorded use of the Signet was in the year 1369.

With multiplication and growing use of seals came the need for officials and staff to supervise such use. Particularly was this apparent in the case of the Signet, the custody of which came to be entrusted to a high Court official known as the King's Secretary. His office was an important and busy one calling for the employment of clerks, discreet, trustworthy and skilled in the still rare art of writing, whose business it was to attend to the public and private correspondence of the King himself and to execute documents such as Royal Charters and Grants issued by the King's authority. Originally these clerks appear to have lacked any corporate entity other than that inherent in a community of calling, but there is evidence that before the end of the fifteenth century a body united by common interests had in fact come into being. At a time when men "wrote with difficulty and spelled by chance" it is hardly surprising to find these clerks referred to first as "Writaries to the Singnet" and slightly later as "Wrettaries to the Signet." Though still lacking any formal corporate existence or constitution these early Writers to the Signet, sharing a knowledge of law and conveyancing, the rare art of penmanship and the still rarer skill in the use of Latin, had much in common with the Guilds linked by the knowledge of trade and craft.

In 1532 James V brought about a major reform of the legal administration of Scotland by the establishment of the College of Justice. With this reform there came into being the Court of Session, superseding the Lords of Council, Lords Auditor and the other ancient Courts which had hitherto possessed limited or specialised jurisdiction. To these old Courts the Writers to the Signet had acted as clerks for some time before 1532, and now as a component part of the College of Justice they came to act in the same capacity in relation to the new Court of Session. The establishment of the College of Justice and the Court of Session had left in being the old Privy Council, which continued to deal with criminal and civil complaints brought by or against persons of high or low

degree in all parts of Scotland. To the Council, sitting in private session originally in the Council Chamber of the Old Tolbooth, Writers to the Signet, as they were increasingly coming to be called, had from early times acted as clerks. After 1532 they continued so to act, and the growing number of cases recorded in the many volumes of the Register of the Council from 1545 up till 1689 can leave no doubt in the mind of the reader that here, too, the Writers to the Signet found busy, useful and no doubt profitable occupation. By this time, too, it seems increasingly evident that besides acting as clerks to the Council, many of the writers were coming to transact business on behalf of persons appearing as litigants before the Council and the Court of Session, or in more private capacities.

In May 1532 immediately following the establishment of the College of Justice by James V, the first Act of Sederunt of the new Court of Session made regulations for the work of Writers or "Clerkis to the Signet." These were aimed at securing the diligence and confidentiality of a body which was coming increasingly to be recognised as a necessary and responsible part of the legal system of Scotland. The same regulations laid down scales of charges which could properly be levied by them for official work in connection with the Court of Session, the Privy Council or for such other work more directly on behalf of the Crown as they continued to carry out.

The earliest minutes of the Society of Writers to the Signet which have survived date from 1594. In that year Sir Robert Cockburn of Clerkington, Lord Secretary to the King and as such Keeper of the King's Signet, granted to John Layng as Deputy Keeper of the Signet and to eighteen other writers the first Commission conferring on them official status for their work as clerks to the Courts. Rules for the qualification and admission of Writers to the Signet were laid down. Provision was made for the remedying, by the Deputy Keeper and certain senior members, of abuses which might occur within the body, while vacancies among the first Commissioners were to be filled from the other most senior and best qualified members. Admission of new members, though virtually in the hands of the Deputy Keeper and Commissioners, still remained, at least in theory, in those of the Lord Secretary.

The regulations laid down in 1594 and subsequent communications from the Lord Secretary during the next half century emphasise the importance attached to the maintenance of the high standards of work and integrity demanded from members of the Society. For this purpose strict limitation in the membership was recognised as being of first importance for the public benefit, increase in members being seen as likely to lead to decrease in earnings and so to increased temptation "to committ falsettis." Sons, apprentices, or even servants of members might be admitted, but only on the death of a member, while the total number as laid down in 1594 was restricted to twenty-four. A letter dated 1609 for Sir Alexander Hay, then Lord Secretary, refers to anxiety over the "multitude of wrytaries to the Signet," with an exhortation to the Deputy Keeper of the Signet and Commissioners to "Lett not preposterous pitie heirefter move ather you or thame to spair or mitigate the punishment imposed, that so quhome dewtie can not

move feare sall inforce to walk warlie in their calling." No doubt happenings within the Society about this time justified these recurrent warnings aimed at those who stepped outside the bounds of proper professional behaviour, for during the first half of the seventeenth century references appear to the impropriety of drinking at taverns during sessions of the Court, failure to keep a true register of apprentices and servants with a record of their signatures, transacting business on terms other than those approved or acting as clerks to craft guilds in the City. It is on record that one member had even so far lowered the status of himself and the Society as to take employment as a waiter in Kirkcaldy, a monstrous iniquity which cost him his membership of the Society. At this time, too, many references appear to repeated efforts to maintain the standard demanded of entrants to the Society and to the tests of knowledge and qualification. How far these efforts were successful seems doubtful, for numbers continued to grow, a tendency which was perhaps not unconnected with the fact that payments by entrants seem, in theory if not always in practice, to have been a perquisite of the Lord Secretary who as Keeper of the Signet had the final say in admission.

The Society suffered its full share of the confusion which the Civil War brought to so much of the administration of Scotland and England alike, but emerged with the Restoration in 1660 under a new Deputy Keeper of the Signet and a membership purged of many officials and others whose appointments dated from the Commonwealth period. Restriction of the size of the Society was still a prime object, and in 1663 the Earl of Lauderdale, as Keeper of the Signet, undertook that the number of members should be limited to sixty. The Revolution of 1688 brought a further brief period of confusion, during which for a short time the work of the Signet Office was in abeyance, but with the new Monarchy firmly in the saddle the position of the Society as an integral part of the Establishment grew firmer year by year. In 1696 the Society entered into what was described as a "bond of association" in support of William III, and the Treaty of Union of 1707 provided that vacancies in the Court of Session could be filled only by advocates or Writers to the Signet. The Rebellion of 1715 appears to have given rise to some anxiety as to the political leanings of some of the members, for in November of that year they were warned not to take into their Chambers as apprentices or servants any not well disposed to the Government. This warning did not, however, deter one member from fighting for the Chevalier, at Sheriffmuir, while thirty years later another fought for Prince Charles Edward at Prestonpans. Whether, in the years which followed, glasses were sometimes raised in the privacy of Chambers to the King over the Water can never be known, for the minutes contain no hint. Instead, the records show the Society more and more firmly adhering to Crown and Parliament. An address of congratulation, jointly made to the Duke of Cumberland after Culloden by the Society and Lords of Session, was followed over the next half century by both resolutions and contributions by the Society in support of the Government during the American and French Wars, and in 1778 a sum of 500 gns. was contributed towards the raising in Edinburgh of a regiment for overseas. Meantime one important change closely affecting the Society had taken place. In 1746 the ancient office of Lord Secretary was abolished, and since the holder of the Secretaryship was also Keeper of the Signet, the latter office fell vacant. For some years thereafter the Keepership of the Signet was filled by special appointment, but in 1817 this office was combined with that of

Lord Clerk Register. The position has remained unchanged up to the present day, the office of Lord Clerk Register being today filled by the Duke of Buccleuch who, in virtue of his position as Keeper of the Signet, is responsible for the work of the Signet Office.

As the years rolled on the membership of the Society grew, at first slowly but later with increasing speed. The efforts made in the earliest years to limit the number of entrants "for the benefit of the public" were never wholly successful. As late as the first year of the Protectorate the membership was still limited to as few as thirty-six, but by 1731 this had grown to 110, "to the great loss of the whole body, for half the members could not possibly live upon their incomes and hence a larger proportion of aged and infirm brethren was brought to depend upon the Society's funds for maintenance." Throughout the eighteenth century the roll of members steadily lengthened, perhaps reflecting both the rise in the level of qualification and the suitability of these seeking admission, and the steady increase in the financial strength of the Society. In the first years of the nineteenth century, following the inauguration in 1803 of the Widow's Fund, the numbers had grown to 200 thereafter rising to a peak of 685 in 1840 and falling again in the second half of the century. Today the membership numbers 593. With the existence of a large and prosperous Widow's Fund the old anxieties as to provision for the aged has long been a thing of the past.

Such in brief and bare outline is the story of this ancient body, sketched with a line, faint but continuous and clearly discernible in the very earliest years, growing in strength and certainty as the centuries pass. But looking back over the long period of the Society's existence and turning the pages of the written records of nearly 400 years, it becomes apparent how abundant is the detail and the colour which even in a short compass may enable us to bring to the eye of the imagination a picture of the men who went before us, the work they did and the surroundings in which they moved. At the time when the earliest "Writtaris to the Signet" began to emerge as professional men from the historical obscurity of the fourteenth century they had, as has been seen, no corporate entity. It is equally clear that they had nothing approaching regular places of business. Even the King's Secretary, in common with other public servants of the time, had no official place of business and it is very certain that his clerks would be no better situated. The work of the King's Secretary and of his clerks for long continued to be done in their own homes, though in the case of the latter, references begin to appear as time passed to "writing booths." The nature and extent of these must be a matter for speculation, but it needs small imagination to realise their necessity when it is recalled that in the fifteenth and sixteenth centuries, and indeed for more than 200 years to come, the dwelling places of the citizens of Edinburgh were situated in tall tenements housing on successive floors rich and poor indiscriminately intermixed, living in only slightly varying degrees of squalor, and that till the middle of the eighteenth century the dwellings of even the richest and most aristocratic might contain only three rooms. It would be fascinating indeed to picture, were it possible the circumstances and the surroundings in which many of the documents of the time, drafted and engrossed by our professional predecessors, first saw the light of day. Till past the middle of the eighteenth century the life and activity of Edinburgh was virtually confined to the Old Town lying between the Castle and Holyroodhouse, but following the adoption in 1765 of James Craig's imaginative plan for develop-

ment of the city to the north, linked to the Old Town by the North Bridge and the Mound, the New Town grew rapidly. None took fuller and quicker advantage of the improved housing than the lawyers and by the end of the first quarter of the nineteenth century Writers to the Signet and advocates were living and working in George Street, Queen Street and Heriot Row which with the intervening streets, and especially Charlotte Square, were later to become the centre of the legal life of the city.

The same absence of office accommodation which must have tried so sorely our predecessors applied to the Society as a body in its early years, and its meeting places as recorded in the earliest minutes from 1594 vary in character and no doubt in quality. In 1596 they meet in "the new Kirk" and in the early years of the seventeenth century in the "Laiche" or the "Heiche" Tolbooth. In 1607 they are recorded as meeting in Holyroodhouse, but often in the dwelling house or "Writing Chalmer" of one of their members. A little later appear references to meetings in the "Signet Chalmer" or the "auld session" house, which appear to have been in the Tolbooth; but by 1648 meetings were being held in the session house of the newly-built Parliament House. In the last years of the century the need for premises to house the Signet office and to provide a regular meeting place for the Society had become imperative, and by 1696 the Society had acquired a "new lodging" in what came to be known as "Writer's Court" on the north side of the High Street opposite the Luckenbooths and St Giles' Church. Here were to be the premises of the Society until 1815 when, on the reconstruction of the buildings in Parliament Square to house the courts, accommodation was provided for the Society in what is now the Lower Hall of the Signet Library, the Signet Office moving in 1826 to the Register House.

From a very early stage in the history of the Society those responsible for its standing and well-being had been faced with two major and allied problems, firstly to limit the number of members to the extent necessary to ensure a reasonable income for those admitted, and secondly to make provision for colleagues or their dependants who fell on evil times. The first rules of the Society served the double purpose of maintaining professional standards and building up a common fund, providing as they did for fines for non-attendance at meetings or even at funerals of colleagues or for lapses in professional conduct. These payments all went into the "box" representing the Common Fund, and here too went the payments from apprentices and entrants, varying in amount but gradually increasing as time passed, and soon to become a valuable source of income. For very many years after the formal constitution of the Society in 1532 the details of its finances must be largely a matter for conjecture. The details of the Society's sources of income whether from fines or dues cannot be known with any certainty, a lack of certainty which is accentuated during that period in the late seventeenth and early eighteenth centuries when for a time money transactions in Scotland were expressed with little discrimination in terms of Scots or English currency. It is clear that for much more than 100 years from its inception the calls on the Common Fund were almost exclusively for the support of old or infirm members or their widows, but in 1695 the acquisition of the property in Writers Court for the Society's meetings meant a further substantial burden on its resources. While the payments to widows seem to have been regular and not ungenerous, fore-shadowing the establishment of a separate Widow's Fund in 1803, it is equally clear that well before the middle of the eighteenth century the

Society was making substantial donations to charitable and other objects in Edinburgh and elsewhere. Three payments in 1738 go respectively towards the building of the Royal Infirmary, the erection of an observatory for the University and the establishment of an orphan hospital. In 1760 the Burgh of Kinghorn in Fife gets, somewhat surprisingly, a contribution towards the cost of a harbour at Pettycur. Eight years later another goes towards the erection of a church for Gaelic speakers in Edinburgh, while in 1751 a sum of 500 gns. had been given towards a scheme for rebuilding ruinous houses in the capital. The accounts for the next 100 years show a steady increase in the Society's funds and further substantial payments for charitable, religious and educational objects. The list is long and varied, reflecting the wide interests of the Society and its members.

From an early date the knowledge and practice of the art of the conveyancer has been looked on by the Society as falling peculiarly within its province and responsibility. As early as the middle of the eighteenth century proposals were put forward by Mr John Mackenzie, w.s., of Delvine for regular instruction in conveyancing, in addition to that received by apprentices in the ordinary course of apprenticeship. The proposals met originally with some opposition, but this was soon overcome and during the last quarter of the century lectures on conveyancing were being regularly given to apprentices by members of the Society. By 1796, the feeling had grown that the importance of conveyancing as a part of legal education called for the establishment of a Chair in the University of Edinburgh. This, too, met with considerable opposition both from the courts and from the Town Council of Edinburgh, and it was not till the end of 1824 that a Chair endowed by the Society was finally established with Mr McVey Napier, Librarian of the Signet Library, as the first professor. The holder of the Chair is today appointed jointly by the Society and by the University, and up to and including the present time the professor has been a member of the Society.

But far exceeding pensions to widows or donations to educational or charitable objects, those responsible for the finances of the Society have since the first quarter of the eighteenth century been confronted with what has come to be probably the greatest source of pride and almost certainly the most complex problem in the history of the Society. On 12th November 1722 the Society resolved that all Acts of Parliament passed before and after the Union and all Scots law books in print and others as they came out should be purchased for the use of members. The Scots law books then in existence are believed to have numbered sixty. At that time no separate library fund existed, but it soon became evident that some new source of revenue for book purchase must be found. The plan which was decided on in 1755 was ingenious. For some time past it had been the custom for entrants to the Society to give entertainments in celebration of their admission. These parties appear to have resulted in what the Commissioners regarded as unseemly behaviour on the part of those present. Such parties were for the future banned, but in view of the saving in expense thus secured to entrants, a payment of £3 from each for purchase of books was imposed, while a fine of 5 gns. on any member attending an entertainment of the sort was to be similarly used. A few years later the payment due by entrants was raised to £10, and as the number of men entering on apprenticeship each year at this time was about forty, this source of revenue was coming to be substantial.

But the ambitions of those responsible for library policy were almost boundless. A proposal for some

degree of merger with the Advocates' Library in 1740 had fallen through. Now in 1778 the Society resolved to form a general library on a large scale, collecting for the purpose the best books in every department of literature, and by 1792 the library contained some 3,000 volumes. From now on the growth of the Signet Library to a great extent reflected the interests and genius of a continuous line of outstanding librarians, and no less the interests and generosity of very many members of the Society. Its growth during the first quarter of last century was remarkable, the average sums spent each year on books and binding rising from about £500 between 1808 and 1814 to £1,155 between 1815 and 1822, with a peak of nearly £2,000 in 1824. In 1837 when the librarian, Mr McVey Napier, himself a Writer to the Signet, retired, he described the library, by then containing over 30,000 volumes, as "one of the choicest and most valuable repositories of learning this part of the Island possesses." During the last 100 years and more the annual expenditure on purchase of books has fluctuated widely reflecting largely the intake of members to the Society, but despite this the size and importance of the library has steadily increased and very many valuable acquisitions have been added whether by purchase or by gift. Though the Signet Library has never been in any sense a public library, the Society has throughout adopted a most generous and liberal policy in making its books available for reference to researchers and writers. Many a writer and student up to the present day has had reason to be grateful to the Society and to those dedicated and kindly men whose life and work has been devoted to the care of the books in their keeping.

For nearly 100 years from the start of the library in 1722 no special accommodation for the books existed. For over fifty years the growing collection was housed in the Society's premises in Writers' Court, and although in 1782, due partly to the efforts of Mr Walter Scott, father of the future "Author of Waverley," these premises were enlarged, the accommodation for books remained quite inadequate. Finally, the acquisition in 1815 of the Lower Hall in the Parliament Square buildings, already mentioned, went far to solve the problem, while in 1826 the Upper Hall which had been built by the advocates was acquired from the Faculty. Here in these two magnificent halls, designed by William Stark and Robert Reid in the classical style which characterises many of the finest buildings of modern Edinburgh, is housed the Law Library of the Society and the great collection of old and modern books which, despite certain sales carried out in 1959 and 1960, still constitutes one of the outstanding general libraries in the British Isles.

Looking back on the early history of this ancient Society it seems certain that among those who first acted as clerks in the office of the King's Signet must have been many possessing skills and interests uncommon at the times in which they lived. Turning today the pages which record the names and such detail as have survived of past members of the Society from the sixteenth century up to recent times it is apparent that variety of knowledge and interests has throughout persisted, a catholicity of taste which shows itself nowhere more than in the wide scope of the library. An early link with the world of letters was forged when at the end of the fifteenth century Walter Chepman, the first to be formally designated as a "Writer to the King's Signet," was the founder of Scottish printing, working

under a patent of monopoly of James IV in a printing office in the Cowgate, and from his time forward the list contains the names of very many who were patrons or practitioners of the literary and other arts. The early years of the eighteenth century saw James Anderson, W.S., Postmaster General for Scotland. A century later James Hope from his office in the New Town was working with Thomas Telford on the great task of road and canal building in the Highlands, completed between 1803 and 1823. The roll of members records the admission in 1835 of William Ayton, later to be the author of *Lays of the Scottish Cavaliers*, while greatest of all, Sir Walter Scott served his apprenticeship as a Writer to the Signet before turning to the Bar and the Courts. These are but a handful of names from among many prominent in law, letters and many other spheres. As the years passed, Edinburgh was growing to be the centre of both the legal and cultural life of the country. At the end of the eighteenth century and for very many years to come, nearly all the landed proprietors in Scotland had legal advisers in Edinburgh, Writers to the Signet for the most part, who made their wills and their complex family trusts, arranged the heritable bonds which were then almost the sole means of investment or estate financing, and guided through the courts the lengthy and involved lawsuits without which, it almost seemed, no gentleman's estate would be complete. For the legal profession, the turn of the century was a notable time; but literature and litigation went almost hand in hand in an age when each was in its glory, and to the Parliament House came litigants and men of letters, men like Scott, Lockhart, Cockburn, Jeffrey and Brougham, who would be no less at home in the courts than in the Signet Library, where each year saw the laying up of more and more volumes reflecting many sides of the cultural life both of Scotland and of the world beyond.

The Society today has, like all else in our modern world, undergone great changes. For one looking back over the 500 years of its existence it may well seem that the greatest and most rapid of these have come in the century and a half which separates us from the early nineteenth century when great figures walked our streets and when the legal, literary and artistic life of Scotland centred on Edinburgh was in its prime. Modern life and modern conditions seem to have taken much of the colour from a drab and uniform world, and much of the character and personality from us and our fellows. But of this we are far too close to events to form a true judgment. Those who come after us will be better able to assess the true nature and value of the changes which, for better or for worse, are taking place today; and it may be that those whom we see as the ordinary and undistinguished fellows of today will in retrospect appear as the characters and personalities of tomorrow. Whether in their own right or as members of an old and respected body, Writers to the Signet play a prominent part in banking, insurance, finance and other spheres. The Society is fully represented on many educational and charitable trusts not a few of them set up by former members of the Society and for some of which, like John Watson's school in Edinburgh, it has for the last 150 years had full responsibility. Interest in the Arts and the world of Letters still lives on, while in the honourable profession of the Law the Society prides itself on the maintenance of those high standards of work and integrity which was the aim and the achievement of those who went before.