



Inventory

Acc.6188

Lord Cooper of Culross

(Collection closed until 1 March 2006)

Manuscripts Division
George IV Bridge
Edinburgh
EH1 1EW
Tel: 0131-466 2812
Fax: 0131-466 2811
E-mail: manuscripts@nls.uk

©National Library of Scotland

The surviving personal and legal papers of Thomas Mackay Cooper, Baron Cooper of Culross, judge and historian (1892-1955). Lord Cooper passed Advocate in 1915 and was created a K.C. in 1927. He was Conservative M.P. for West Edinburgh, 1935-41, Solicitor-General for Scotland, 1935, and Lord Advocate, 1935-41. In 1941 he succeeded as Lord Justice Clerk with the judicial title of Lord Cooper, and became Lord Justice General and Lord President of the Court of Session from January 1947 to his resignation in December, 1954.

In addition to a very distinguished legal career, Cooper had a lifelong interest and involvement in Scottish historical studies and particularly in legal history. A founder of the Stair Society, his most substantial contribution to their series was *Regiam Majestatem* (1947). He also published a study of *Select Scottish Cases of the Thirteenth Century* (1944), and was President of the Scottish History Society, 1946-9. A posthumous collection of *Selected Papers, 1922-1954* was published by his brother (the donor of this collection), in 1957.

Presented, 1956 and subsequently, by James M. Cooper, W.S., Edinburgh, subject to a 50-year closure from the original date of deposit.

Date of opening of the collection: 1 March 2006.

1. A volume of T.M. Cooper's "Special Opinions" as Counsel, 1933; there is a list attached to the front leaf of the volume.
2. A similar volume of opinions, 1934.
3. A volume containing miscellaneous historical notes (some for *Regiam Majestatem*) and a few small vignette watercolour sketches by Lord Cooper. Also included in the volume is the draft of the biographical appreciation of T.M. Cooper by his brother for *Selected Papers*, with additional notes and comments by Dr. H.W. Meikle, Historiographer-Royal and Librarian of the National Library of Scotland.
4. Previously loose in no. 3: draft list of essays or addresses for inclusion in "Collected [ie. Select] Papers"; a Bibliography of TMC; and correspondence on the publication and biographical memoir with Dr. H.W. Meikle.
5. Another volume entirely of historical notes drawn mostly from medieval sources.
6. A file of letters, 1935-53, relating mostly to TMC's political and judicial appointments, and to other appointments (mostly to Lordships of Appeal in the House of Lords) following his elevation to the Court of Session; also includes TMC's copy (as Lord Advocate and Privy Councillor) of the Proclamation of

- King George VI following the Abdication of King Edward VIII, 1936, and his election address as National Unionist candidate for West Edinburgh, 1935.
7. A scrapbook containing press-cuttings and some letters relating to his public career and publications, 1930-47: the latter include letters of Stanley Baldwin, Ramsay MacDonald and Sir John Simon, relating to TMC's candidacies in Banffshire and West Edinburgh, 1931 and 1935.
 8. Stair Society papers:
 - (i) Prospectus for *An Introduction to Scottish Legal History* (published, 1958).
 - (ii) Corrected typescript of TMC's 'From David I to Bruce, 1124-1329, The Scoto-Norman Law'.
 - (iii) Scripts and other papers used for TMC's *Regiam Majestatem and Quoniam Attachiamenta Based on the Text of Sir John Skene* (Stair Soc., 1947): includes a paper on 'Textual notes on Certain Passages in Skene', and correspondence with comment from John Buchanan, Edinburgh.
 - (iv) Copies of reviews in *Cambridge Law Journal*, *Law Quarterly Review* and *American Historical Review*, of TMC's editions in Stair vols. X and XI of *The Register of Brieves* and *Regiam Majestatem*.
 9. Report of AGM of West Edinburgh Unionist Association, March 1939; with notes for, or reports of various political speeches, n.d. but probably 1938-9.
 10. A file of lectures, speeches, articles and addresses and notes, 1932-54; some were published in *Supra Crepidem (SC)*, 1954, or *Selected Papers (SP)*, which also re-published the contents of *SC*.
 - (i) 'Legal Education in Scotland: A Criticism', cutting of TMC article in the *Scots Law Review*, Mar. 1932 (reprinted in *SP*, pp. 3-8).
 - (ii) 'The Challenge to Parliamentary Democracy', a post-Election address, Jan. 1936.
 - (iii) Speech: toast to Bain Whyt, Edinburgh, Jan. 1938.
 - (iv) 'The Importance of Comparative Law in Scotland', Aberdeen University, April, 1947 (*SP*, pp. 142-52).
 - (v) 'The Authorship of the Berne MS.', 1948 (*SP*, pp.161-71)
 - (vi) 'Christianity and the Law', address to Episcopal Church Society, Nov 1948.
 - (vii) 'Henry Cockburn, 1779-1854', [1954].
 - (viii) 'The Public Prosecutor in Scotland'.
 - (ix) 'The Dark Age of Scottish Legal History, 1350-1650', Glasgow University, 1951 (*SC*, pp. 219-36).
 - (x) 'The Statute Book and Scottish History' (published as 'The Scottish Lawyer's Outlook on Scottish History' in *SC*, pp. 1-10).
 - (xi) 'A Historical Atlas of Scotland', (*SC*, pp. 11-19).
 - (xii) Reflections on various Biblical texts, 1936, n.d.
 - (xiii) Notes on British political and legal history, 18th – 20th cents., n.d.

- (xiv) Reflections based on New Testament texts for addresses to the Stenhouse Brotherhood, Edinburgh, n.d. but probably 1930s
 - (xv) 'Dicey and the Act of Union', n.d.: begins: "I cannot without further argument accept Dicey's facile assumption".
11. A black folder of personal legal notes and observations on criminal law [*ca.* 1941-54] on various topics including admissibility of evidence, prevention of corruption, verdicts of murder, guilt by accession or concert, etc. The reverse of the back page contains a graph of the numbers [probably of Scots students] at Leiden, 1600 to 1780.
 12. A small quarto ring bound black notebook, mostly of political notes, 1930-*ca.*1935; subjects include: 'Pseudo-Cobdenism' (illustrated by graphs), Keynes' expansionist policies, the Macmillan Report and the Mays Committee, 'the Era of Planning', Scottish Home Rule, India, unemployment, the Ottawa Agreement, etc.; and notes for various political speeches in Edinburgh.
 13. A similarly sized and bound green notebook containing case notes and charges to juries, *ca.* 1945-6.
 14. A red quarto notebook entitled 'The Lord Justice General's Justiciary Note Book No. 9', but containing notes on medieval legal history from various sources.
 15. Formerly secret papers received by TMC as Lord Advocate, relating to emergency preparations for war, 1938, and to events surrounding the succession of Winston Churchill to Neville Chamberlain as Prime Minister, May, 1940 (two telegrams and 2 circular letters to members of the Government); includes a map of Scotland marked with wartime emergency districts and directing personnel.
 16. A file of papers and photographs prepared for the opening ceremony for the new Sheriff Court House, Edinburgh (now the High Court of Justiciary), 25 October, 1937: includes speech by TMC (as Lord Advocate), and photographs of the new building, and of the former Sheriff Court House, on the site now occupied by the NLS.
 17. Illustrations (the original photographs & negatives of his maps) for TMC's Paper on 'A Historical Atlas for Scotland.'
 18.
 - (i) Letters, 1949 and 1952 from Professor Gordon Donaldson and Sir James Fergusson, Keeper of the Records of Scotland, both concerning TMC's work on the Declaration of Arbroath.
 - (ii) Note by TMC, 1949, on the reaction by Sir James Irvine and the University Court of St Andrews University to his Report on the situation between St Andrews, and University College, Dundee (now Dundee University).

19. Miscellaneous papers, 1926-54, mostly relating to attendance at royal occasions and the territorial designation of TMC's peerage.
20. Photograph, and his own watercolour sketch of TMC's study at 16 Hermitage Drive, Edinburgh.
21. Letters of condolence, 1955, to James M. Cooper from Lords Keith and Normand, James Stuart, Secretary of State for Scotland, and Principal Sir Thomas Knox, St. Andrews.
- 22-23 Copies, partly original off-prints of the Old and New Statistical Accounts, of the parish of Culross, Fife and the parish of Watten, Caithness, prepared for the [Third] Statistical Account Committee.
24. An ocatvo, brown morocco notebook of TMC, commenced March 1921 and containing historical, theological and religious, Greek and Latin and other notes and quotations.
25. TMC's copy of *The New Parliament House Book*, anon., Edinburgh, 1890, containing caricatures of contemporary judges and advocates.
26. TMC's copy of a Court of Session paper, *ca.* 1770, 'The Additional Case of Elizabeth, Claiming the Dignity of Countess of Sutherland, By Her Guardians'.