

Dame Margaret Kidd QC: From Basement to Spotlight

When I was born in 1952, Margaret Kidd lived in the double upper flat above us, with her husband Donald Macdonald¹, a Writer to the Signet. We were at 10 India Street, Edinburgh, in a house with a dank, empty basement, main door entry, and first floor. The possibility that the basement might be lucrative real estate had yet to be imagined. The stone houses, built circa 1823, have high ceilings and were freezing cold as no one had central heating, so people relied on coal fires. While the street was as elegant architecturally as it is today, it was drab by comparison. The window frames were black or muddy green, rather than white, and the front doors were dark and tatty since paint was in short supply because of the war. There was hardly a car on the street, and many of the houses were rented rather than owned. The Macdonalds were renting² number 8, and Margaret's life at the top of the long flight of stone stairs would have been far from luxurious, especially after their daughter Anne was born in 1933³. I think she had a maid then, but the modern washing machine and tumble dryer had yet to be invented.

At No 9 India Street some enterprising Advocates had established a so called "Chambers," which provided a few consultation rooms and crucially a place for their bags to be delivered.⁴ A Faculty edict meant that the bags would not go further afield than the New Town⁵. Elderly Mr Scone, son of generations of Scones (pronounced "Scoon"), collected legal papers (all tied up in pink ribbon) in huge canvas sacks, for delivery to Advocates. He toiled up the stairs to Margaret's flat. This was long before the days when a single court case might require a dozen lever arch files or multiple cardboard boxes, much less an

¹ I take the spelling of Macdonald without a capital D from Donald's death certificate, which Margaret signed herself. His middle name was the splendidly Scottish "Somerled", but he was born in Wimbledon, London to Henry Macdonald, Barrister at law, and Mary, nee Chapman on 21 November 1900.

² Information from the Valuation Roll 1935/36, which I looked up after it was quoted in an article about Margaret Kidd on the website "Scotland's People". (No author is given).

³ Anne Turnbull Macdonald, born in Edinburgh-see Scotland's People website for a partial record of her birth, and for the Census returns for Scotland cited here.

⁴ This was not a set of Chambers on the English model, where a clerk would be employed by a legally distinct group of barristers. It was conceived as a way of getting round the delivery boundary edict, so people could live further afield.

⁵ A uniquely planned eighteenth and early nineteenth section of Edinburgh situated north of Princes Street.

infinity of electronic attachments. The bags were collected before breakfast four mornings a week in term time, and taken back to the Advocates' boxes in Parliament House before court started at 10am. In those days⁶ the bags often contained the added attraction of actual cheques from instructing solicitors.

My father was a young hopeful at the Bar, without money or connections. "Auntie Margaret" took him under her wing. He went upstairs to borrow her law books from time to time, and they enjoyed good tempered political arguments. She probably helped all the young Advocates, whatever their background, but there were not many who could afford to go to the Bar without family money at that time, and she was particularly sympathetic to the impecunious ordinary chaps who were struggling, perhaps because there had not been much money to spare when she was growing up with eight siblings. It seems that she lived at home with her parents throughout her degree courses (MA 1920, LLB 1922), and she may even have stayed there after calling in 1923 until she married in 1930.⁷ Mind you, as an unmarried Christian lady she would have taken care to lead an unimpeachably respectable life.⁸

Writing this piece, I paused to wonder how the doyenne of the Scots Bar could have married the English born son of an English qualified Barrister? It turns out to be a tragic story. Donald's father had been brought up in New Zealand after the Highland Clearances had evicted the previous generation. Donald's father Henry, having travelled to the UK and qualified for the English Bar, then went to South Africa with his wife and baby son, who had been born on 21 November 1900.⁹ Mary died there when Donald was only two. Henry sent Donald back to be brought up by friends in Edinburgh, while he stayed in Africa. A few years later, Henry Macdonald also died.

By 1911¹⁰ Donald (aged 10) was referred to as the "adopted son" of John and Margaret Glover, who also had their own son John (aged 13), but no other children. Donald went to Merchiston Castle School, and was planning to study at Oxford when John was killed at the very end of the First World War. Donald

⁶ Before Faculty Services Ltd, set up by the Faculty, provided a centralised feeing and fee collection system.

⁷ This comes from the "Scotland's People" article, apparently referring to the census of 1921 and the family address of "Muiredge, Carriden" on the marriage certificate. However, an unattributed newspaper interview cutting reproduced on the same website suggests that she had rooms in Edinburgh during the week.

⁸ She attended the Church of Scotland, and Donald became an Elder at St Giles.

⁹ This was related by Helen Murley. It should be noted that the Boer War lasted from 1899 to May 1902.

¹⁰ See Census return for 31 Midmar Gardens, Edinburgh – along with two servants. The house was not subdivided then, according to the 1925 Valuation Roll, which records John Glover of 1 Hill Street as the owner. He is also listed as owning several flats in King's Road, Portobello, which were rented out.

was barely 18, and very clever, but he was put under pressure to skip Oxford and aim straight for his adoptive father's firm of Solicitors, Scott and Glover.¹¹ He seems to have done some kind of National Service¹² while an apprentice: he is listed as a Private at barracks in Colinton in 1921¹³. He became a Writer to the Signet in 1924. The family think that he met Margaret when she was tutoring at the University of Edinburgh, so probably before he was 24. They were the same age. She took him home, where he enjoyed the rambunctious chaos of cheerful young people, and where he was initially accepted simply as a friend of the family. It caused some surprise when romance blossomed.¹⁴ Donald's adoptive father died in 1927, and he duly spent his life working with Scott and Glover.¹⁵

Donald and Margaret married at Carriden Church on 27 March 1930, and her mother died of cancer later that year.¹⁶ I suspect that Margaret was pretty conventional in her private life: it was in her career that she was a quiet revolutionary. She spoke with a Scots accent, and had a smiley, chatty disposition which put people at their ease. I can just remember going up to her flat at no 8. "Uncle Donald" seemed impossibly old and tall, and I recall being told off because I shyly failed to reply when he greeted me on the steps leading down to the basement Post Office at the top of the street. No child would ever have been intimidated by Margaret. Shortly before he died of cancer in 1958¹⁷, Donald and Margaret moved across the street to number 5, which was then a ground floor and basement.¹⁸ Three storeys of flats are above it, accessed from number 7.

¹¹ According to the "Register of the Society of Writers to Her Majesty's Signet" (1983), Donald was first apprenticed to Macandrew, Wright and Murray WS, then switched to Scott and Glover. At the time, a Law degree was a post-graduate qualification, so his preferred route would probably have been Oxford followed by a Law degree –if indeed he wanted to follow a legal career. The cheaper alternative was to work in an office as a law apprentice, attending law classes at university simultaneously.

¹² The Military Service Act 1916, famously introduced by Asquith in the face of heavy casualties in the trenches during the First World War, brought in conscription for men aged 18-41. I deduce that there was some continuing obligation to serve, although it was repealed around this time.

¹³ Census 1921: this confirms he was employed by the first apprentice masters at that time. Many of the men listed alongside him were "out of work" labourers, electricians, etc.

¹⁴ Information from the Murley sisters.

¹⁵ "The Register of the Society of Writers" etc, *ibid*: see entries for Donald Macdonald, and John Glover 1865-1927.

¹⁶ Death Certificate 19.11.1930: Jessie Gardner Kidd. She was 58, and the daughter of Thomas Turnbull and Margaret nee Henderson. I think that her father's occupation reads "Joiner" (?).

¹⁷ He died on 24 May 1958, aged 57. Like Margaret, he was buried at Carriden Church, Old Yard.

¹⁸ It has now been split into two separate flats.

The family's impression is that Donald was amazingly supportive of Margaret's career, but that he resembled his contemporaries in that he relied on her to organise the household. He expected his daughter to be looked after, the washing to be done, and meals to be on the table, so she had all those domestic responsibilities if their paid help failed for any reason.¹⁹

After Donald's death, I clearly remember my mother taking me across to number 5 to admire Anne's new baby, Richard, when Anne came north from Cambridge. Today people remember Margaret for various events when she was the first - the first woman to appear in the House of Lords, for example,²⁰ - but surely her most astonishing achievement was to combine her career with motherhood? She must have struggled to resist peer pressure to stay home. Perhaps she took a break from practice before Anne was sent to boarding school²¹ in York? Her family think not, and that she carried on working because she was supporting her younger siblings.²² Yet I recall the prevalent intense disapproval of working mothers later, in the 1950s. Relatively few women had managed to go to university, and those who did have careers for a while were dismissed as soon as they got married, or as soon as there was a visible pregnancy bump. Women had no chance of returning to work after having a baby, even if they were experienced teachers or much needed doctors who sincerely wanted to carry on. They had no right to return to a job, and no employer would hire them anew. This applied even after their children went to school, unless they were widowed. Middle class men regarded it as shameful if a wife "had to work", and this also applied to wives without children. These attitudes only started changing gradually and unevenly in the 1960s, and by then Margaret was a grandmother. Bear in mind that the right to return to a

¹⁹ Email by Helen Murley, assisted by Kate Lea, dated 10 July 2023, sent to Laura Dunlop KC and shared with me.

²⁰ This was heard by the court in 1926, and it was an important moment symbolically, but she did not actually argue the case then. She said herself "*I don't know what they made all the fuss about*" in the same newspaper interview reproduced on "Scotland's People" website. It concentrated on her hair and dress. Actually, it would be interesting to identify the first woman to present and argue an appeal in the House of Lords. However, it was an unequivocal and extraordinary achievement to be the first woman to take silk in the UK (1948), ahead of the English trailblazers Helena Normanton and Rose Heilbron (both 1949). The first female silk was probably Helen Kinnear in Canada in 1934. ("Taking silk" refers to the granting of the status of King's Counsel or Queen's Counsel, depending on the monarch at the time. It is a promotion in career terms.) The photograph of Margaret now hanging in the Great Hall of Parliament House shows her after taking silk, as you can see the white "fall", ending just behind her pen, which is part of Senior Counsel's uniform for court appearances, along with a silk gown.

²¹ She went to The Mount, partly because the Quaker ethos appealed, and partly because Margaret disapproved of the headmistress of St Leonard's. (Helen Murley)

²² This even extended to writing a weekly newspaper column on housekeeping during the war, for the cash, much to her family's amusement as she had very little to do with housekeeping. (Murley sisters)

job was introduced in the UK in 1975, and it was severely limited.²³ She must have been very determined to keep going in the 1930s and 1940s. Did the absence of so many Members of Faculty who went to war ease her path?

Moreover, it must have been lonely to withstand irrational prejudice²⁴ without the support of any other female Advocate. Even in the 1950s *“Women were not expected to plead, and if they did then they were expected to do so in a ladylike manner, different, and therefore inferior to the way a man would do it.”*²⁵ Gown room laughter and chatter with other women certainly made the Bar far more enjoyable for me. Even after 1949 there were very few women Advocates until Margaret retired in 1975, and she was markedly their senior in a very hierarchical world. One who stands out is Isabel Sinclair²⁶, who did become her friend, but Isabel was very different – a former journalist²⁷ who was flirtatious, keen on fashion, and a party person, if I remember correctly. She achieved her fifteen minutes of fame by fighting to retain her red nail polish in court. She went on to become the first proper full time female Sheriff in 1966.²⁸

There was a private room in Parliament House where Advocates ate lunch hurriedly during the maximum of one hour permitted by a judge during a court day. Isabel was told that ladies were not allowed to go there, but *“...with great bravery on the first day of her calling to the bar she marched in and sat down. She won....”*²⁹ This was 1949. So the question arises: where had Margaret eaten her lunch during the previous quarter century?

Returning to the 1960s, I have a memory I can't place of being taken to Parliament House as a child. It is the grand headquarters of Scotland's highest courts, built in a haphazard way during the nineteenth century above old premises which stretch down to the Cowgate. Random additions over the next hundred odd years included a primitive central heating system. Margaret and

²³ The Employment Protection Act 1975, extended in 1980. Lengthy qualifying periods, and a restriction in application to technical “employment” (rather than partnership, for example) meant this right was limited. Of course, as an Advocate, Margaret was self employed so no one could stop her returning to the Bar. But they could indicate disapproval by withholding instructions (which came via Solicitors), or preferment.

²⁴ An example is given in the unattributed newspaper interview reproduced on Scotland's People website – it was put to Margaret that there is an “alleged lack of logic in women”.

²⁵ Ian Hamilton QC: “A Touch of Treason” (1998), Chapter 7.

²⁶ Called to the Bar 1949, silk 1964.

²⁷ She achieved considerable seniority in journalism during the war, but was demoted when the men returned and needed jobs. Incensed, she turned to the law.

²⁸ Some commentators are confused about this. She became a full time “Sheriff Substitute” then, which means in today's vocabulary she was a Sheriff. At that time, a Sheriff Principal was called a “Sheriff”.

²⁹ Ian Hamilton, *ibid*. He thought Margaret *“...contented herself with being admitted to the faculty. She never fought the ranks of privilege the way the next lady member fought and won.”*

Isabel took me down to the basement,³⁰ weaving their way under enormous gurgling pipes which made the corridors look and sound like a submarine. I saw the perfectly appalling toilet and cloakroom facilities which were provided for the women to don their wigs and robes before court. The Rev Ann Inglis remembers sometimes seeing Margaret sitting quietly in a corner of this tiny space even after she retired in 1975, but Ann was too much in awe of her to ask why.³¹ It was the 1980s before the “Ladies Gown Room” was elevated from the ancient basement.³²

Back in the 1960s, at no 5 India Street Margaret’s sunny study overlooked the street, and it was lined with law books as she had spent many years reporting cases and editing the Scots Law Times. The bedrooms at the rear lay in the shadow of the judges’ houses in Heriot Row to the south, and downhill you could see slum houses in notorious Jamaica Street, all of which were soon to be demolished. Margaret had a uniformed housekeeper who seemed to me to be as old as her mistress. Confusingly, she was also called Annie, and she came from the Highlands. Though the women “*were interdependent in a way...there was a definite hierarchy which was valued on both sides, I think. Annie really enjoyed working for someone as well-known as my grandmother...*”³³ She lived in the basement, opened the front door to visitors, and toiled up the stairs from the kitchen with a huge tray of tea cups and fresh baking. Today’s Advocates (male and female) would envy such comprehensive domestic help, as they dash to the nursery and the supermarket before cooking supper and working until 1am in time honoured fashion.

It was an important ingredient of Margaret’s success that her father had been a Solicitor³⁴, and also the Unionist Member of Parliament for Linlithgowshire.³⁵

³⁰ By the stair roughly opposite Court 3.

³¹ Rev Ann Inglis called to the Bar in 1975 and remained in practice intermittently during the early 1980s while she studied for the ministry, finally leaving in 1986. Margaret sometimes went back to visit the Library after she retired.

³² At some stage in the 1980s Rev Ann Inglis caused the ladies gown room to be moved to a quirky space opposite Court 9, and then in the 1990s the facilities moved up to space and light on the first floor because the Clerks had vacated a large space to the SSC library. There are even sofas! Ironically, in the next century the men moved down from a prime position on the ground floor to the basement off the Laigh Hall.

³³ E-mail by Helen Murley, 2.7.23. Ann Logan worked for Margaret for many, many years.

³⁴ He was not a Writer to the Signet (which was/is an expensive extra to being a Solicitor). His second son, James Turnbull Kidd OBE, TD, DL, LIB (1904-1972) did become a WS, and went into his father’s firm, Peterkin and Kidd, Linlithgow. (Register of the Society of Writers etc, as above). The eldest son, Thomas, defiantly chose Engineering. Margaret’s father did not think it suitable that she should join the firm. (per Murley sisters and Census 1921).

³⁵ Roughly speaking, this constituency became West Lothian in 1950. Tam Dalyell represented it for Labour from 1962-83, then Linlithgow from 1983-2005. (Who’s Who). Imagine the heckling faced by Margaret in 1928!

She was a staunch Tory, and stood as the official candidate for his seat after he died in 1928.³⁶ Nancy Astor, who was the first woman MP, came north to speak on her behalf.³⁷ In the days when judicial appointments depended on political allegiance, this party political loyalty will have helped. Margaret became the first female Sheriff Principal in 1960. The post did not involve the same kind of work as that of a Sheriff today, such as hearing criminal trials and civil proofs. It was partly administrative, and involved hearing appeals in civil cases only. A Sheriff Principal worked part-time, receiving a modest salary, and continued in practice at the Senior bar. When it was decided to reduce the number of posts and make the Sheriff Principal a full time judicial appointment, my father was able to repay Margaret's kindness to him. She was already well into her seventies, and the 'powers that be' expected her to retire gracefully, but like so many others she needed the money.³⁸ He went in to bat for her, and eventually negotiated a modest pension as compensation for loss of office. After she retired, Margaret moved to a much smaller flat in Drummond Place, where she lived until she died.³⁹

When I called to the Bar in 1987, a little oil painting of Margaret was hanging in a tiny basement consultation room.⁴⁰ I thought this was distinctly unimpressive. When she died in 1989, I suggested that the picture be moved somewhere more prominent, and was told this was a serious matter and would have to come before a Faculty meeting.⁴¹ Hesitantly, I made a formal motion to bring Margaret's portrait upstairs to hang in the Reading Room.⁴² The Dean of

³⁶ Nancy Astor (Conservative, 1919-1945). The victor was Emanuel Shinwell MP (Labour). He had already been the MP for Linlithgowshire from 1922-1924, during the First Labour government led by Ramsay Macdonald. "Manny" was a famous firebrand, who had been jailed for incitement to riot during the Red Clydeside rebellion of 1919. The Labour government set out to normalise relations with the Soviet Union, and it was alleged that Communists were influencing it. Just before the 1924 election, the "Zinoviev Letter" was published, which claimed that there was a Bolshevik plot to paralyse the British Army and Navy, and to create civil war in the UK. It is now certain that this letter was a forgery (as was alleged at the time), but it had a considerable influence on the election. I speculate that this is why Manny did not retain the seat, and James Kidd was elected in an overwhelmingly industrial and mining area. Manny Shinwell (1884-1986) went on to play a crucial role in Attlee's government, being responsible for nationalising both the coal and the electricity industries. (Wikipedia on Shinwell).

³⁷ This is recollected by the Murley sisters.

³⁸ Most judges carried on working long well into their eighties at this stage.

³⁹ She was visiting her family when she died in Cambridge. Her daughter, Anne had married a surgeon, Mr Alan Murley, after studying History at St Andrew's University. They had three children. She had done a secretarial course to work at the BBC before she married in 1956, but did not have a career later.

⁴⁰ There were several at both levels below the Library corridor- the room is now one of the Faculty staff offices.

⁴¹ These meetings were held in the Reading Room, and every available Member of Faculty would crowd in, standing up. It would be quite unimaginable today when there are perhaps five times the number in practice.

⁴² A sombre room for Advocates only, where they read newspapers, take coffee and wait for their cases to come up in court.

Faculty was David Hope QC (Lord Hope of Craighead). As he was sympathetic to the proposal, it passed. The portrait was then given its portentous heavy black frame, and brought up from the basement to encourage the growing numbers of women.⁴³ During the next thirty years, a couple of distinguished contemporary women joined her on the walls of the Reading Room before she moved into the colourful dappled light and grandeur of the Great Hall of Parliament House to public acclamation.

It may take decades to appreciate what was in the basement all along – but today Margaret Kidd’s life deserves to be illuminated by a warm spotlight.

Susan O’Brien KC

This is the second version of this essay: I revised and expanded it following my meeting with Margaret’s grand-daughters Helen Murley and Kate Lea at a Faculty Reception in honour of the centenary held on 22 June 2023. My thanks go to them, and to Rev Ann Inglis, for their assistance with some aspects of this revised version, although of course all mistakes and opinions are my own.

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⁴³ There were approximately 35 women in practice at the Scottish Bar in 1989.