**Book Review**

*KING’S INNS AND THE BATTLE OF THE BOOKS 1972: CULTURAL CONTROVERSY AT A DUBLIN LIBRARY*


Dr Colum Kenny of Dublin City University, barrister, journalist and historian, chronicles the controversy over the sale of thousands of non-law books from the King’s Inn Library sold at Sotheby’s in London in 1972. The books were sold because the Society of King’s Inns was in financial difficulty. The story of the sale of the books is set in context with chapters describing the foundation of the King’s Inns Library and the significance of the copyright privilege which the Society once enjoyed. The sale of the books realised €138,975, estimated by the author to be around €1.5 million in today’s terms.
Lot 470 of the books from King’s Inns Library sold at Sotheby’s on November 7, 1972 contained *Contemplations Moral and Divine* by Sir Matthew Hale (1699), together with two other books, Gale’s *Court of the Gentiles* (1677) and Prynn’s *Perpetuitie of a Regenerate Man’s Estate* (1626/7); the last two books were not in good condition. They were sold altogether for 10 pounds. Sir Matthew Hale (1609-1676), later Lord Hale - judge, author and a lover of scholarship - became Chief Baron of the Exchequer and Chief Justice of the King’s Bench of England. In his will, he bequeathed books and manuscripts to the Society of Lincoln’s Inn in London. Recently, in another context, I came upon a copy of the text of Lord Hale’s will and, in the scheme of Dr Kenny’s book; an extract from the will is worth quoting:

“As a testimony of my honour and respect to the Society of Lincoln’s Inn, where I had the greatest part of my education, I give and bequeath to that Honourable Society the several manuscript books contained in a schedule annexed to my will. They are a treasure worth having and keeping which I have been near forty years in gathering, with very great industry and expense. My desire is that they be kept safe and all together in remembrance of me. My desire is that they be kept safe and all together in remembrance of me. They were fit to be bound in leather and chained and kept in archives. I desire that they may not be lent out or disposed of. Only, if I happen hereafter to have any of my posterity of that Society, that desires to transcribe any book, and gives very good security to restore it again within a prefixed time, such as the Benchers of that Society in council shall approve of, then, and not otherwise, only one book at one time may be lent out to them by the Society. They are a treasure not fit for every man’s view nor is every man capable of making use of them. Only, I would have nothing of these books printed but entirely preserved together for the use of the industrious learned members of that worthy Society.”

Lord Hale’s strictures in relation to his manuscript books were too severe; but books and manuscripts are a rich treasury. For many, “books are the greatest teachers, the chief ministers to self-culture”.
An epigraph often gives an indication of where the author’s sympathies lie. Dr. Kenny quotes John Milton (*Areopagitica*) and the following is an abbreviated version:

“For books are not absolutely dead things, but do contain a potency of life in them to be as active as that soul whose progeny there are; nay, they do preserve as in a vial the pure efficacy and extraction of that living intellect that bred them. … Many a man lives a burden to the earth; but a good book is the precious life-blood of a master-spirit, embalmed and treasured up on purpose to a life beyond life.”

This is a passionate statement from Milton on the love of books. Dr Kenny’s love of books and his sense of loss at the sale of the books by the King’s Inns are palpable.

The importance of books in a cultural sense is emphasised by the writer. Books are a form of immortality. For many, those whose names may be carved on a single tombstone may be all that is left. Authors, however, may still live through their words and their books. The preservation of heritage, in the sense of the preservation of all that is noble, is a hallmark of a civilised society. The preservation of memories of the past and the fruits of intellectual endeavours of those who have gone before us, demonstrated by respect for and care of books from a previous age, is commendable.

Professor W.N. Osborough, Professor of Legal History at University College Dublin, and a founding member of the Irish Legal History Society, is mentioned by the author as a source of inspiration and assistance. In the context of preservation of our heritage, I will always remember the words of Professor Osborough in his inaugural address to the Irish Legal History Society when he quoted a scholar in local history:

“At the time of my visit, a workman was engaged in deepening the fading letters of an old tombstone, to preserve a little longer, from total oblivion, the memory of some obscure name. …”

What a poignant image, and there is much poignancy in the sense of sorrow at the sale of books in the story told by Dr. Kenny. I am
reminded in this context of the imagery of Chief Justice Ronan Keane in his chapter, “A Mass of Crumbling Ruins: The Destruction of the Four Courts (June 1922)” in *The Four Courts 200 Years* (1996), where a sense of deep sorrow is expressed in his words: “For some days, charred fragments of legal papers floated gently down on the Liffey and were carried by the wind as far as Ringsend.” Chief Justice Keane is mentioned in the book recalling visiting the King’s Inns library during the period of controversy and being invited by Christopher Micks, SC, one of the Benchers, to inspect Sotheby’s catalogues or proof catalogues. Chief Justice Keane, then a practising barrister, observed that the Society’s copy of Augustine’s *Confessiones* was of the greatest rarity and he drew the librarian’s attention to the fact that the Benchers’ copy had been rebound by George Bellew of Dublin. He told the librarian that this information provided reasonable grounds for arguing that it ought to be kept in Ireland. The Benchers did eventually decide that their *Confessiones* should not leave Ireland and agreed with the suggestion of Judge Brian Walsh that they themselves would hold on to the book in the event of An Taisce not being persuaded to buy it. An Taisce finally paid €4,000 for Augustine’s *Confessiones*. Among contributions received by An Taisce specifically towards the cost of acquiring the book was €100 from Charles J. Haughey.

The chapter headed “The Removal Van” paints a powerful picture. Some 7,000 volumes were selected by Dr Feisenberger, Sotheby’s man, who had travelled from London to Dublin. The author writes that during the third and final visit to King’s Inns, the books selected by Dr Feisenberger “were all packed into a van and driven off to London”. One can visualise almost a tear in the pen of the author at the thought of the removal van winding its way down Henrietta Street, Dublin, full of the precious books on its way to London.

In general, Dr Kenny is not out outwardly critical or judgmental; he essentially lets the facts speak for themselves. There were certain elementary mistakes made by the Benchers: their failure to make a full and accurate list of all the books that were subsequently taken away by Sotheby’s was deserving of criticism. The only comprehensive list of the books sold by Sotheby’s is that specified in the Sotheby’s catalogues. There is no inference that there was any
impropriety on the part of Sotheby's but prudence should have dictated that a comprehensive list of the books was compiled before their departure for London.

Looming throughout the entire book is Mr. Justice George D. Murnaghan who took a very active part in the sale of the King’s Inns library books. When he died aged 83 in December 1990, *The Irish Times* noted that he would go down in history as the judge who sentenced Michael Manning, aged 25, to the death penalty in the Central Criminal Court in February 1954 for the rape and murder of a 65-year-old nurse. Manning was the last man to be hanged in Ireland. 

Mr. Justice Murnaghan was a formidable man who enjoyed a long and distinguished legal career. He was called to the Bar in 1930 and soon established himself as an able prosecutor. He was appointed a judge of High Court in 1953, a position he held until his retirement 25 years later. Born into an eminent legal family in Tyrone in 1907, his father, George Murnaghan, was a solicitor and a member of Arthur Griffith’s early Sinn Fein party. His uncle James Murnaghan had been a judge of the Supreme Court.

In January 1991, in an appreciation by “LH” in *The Irish Times*, it was said that law was bred in Judge Murnaghan’s bones. It was the great love of his life as well as being his chosen career. The obituarist described Judge Murnaghan as being “strict” in requiring that cases be disposed of with the maximum of care and attention. The obituarist stated that while the judge certainly presented a stern appearance, any task entrusted to Mr. Justice Murnaghan was executed with great dedication. That can certainly be demonstrated by his endeavours in relation to the sale of the King’s Inns books. The obituarist noted that as a Bencher of King’s Inns, he was tireless in efforts to maintain that institution and it was mainly due to those efforts that “it flourishes today (in 1991) as a vibrant body with a modernistic approach to the education of students hoping to follow in his footsteps”. Mr. Justice Geoghegan as chairman of the King’s Inns Library Committee in his foreword to the book notes that King’s Inns may not have survived but for the service, time and energy which Mr. Justice Murnaghan applied to the management of it.

Dr. Kenny does not openly criticise Judge Murnaghan but one may glean criticism from the author’s style. The author recounts the
story how on the afternoon of Sunday April 23, 1972, the day before some of the sales were due to commence, Chief Justice Ó Dálaigh telephoned Judge Murnaghan informing him that he had reason to believe that an application would be made that evening for an injunction to restrain the sale of books alleged to have been exported without a licence in contravention of the Document and Picture (Regulation and Export) Act 1945. The Chief Justice told the judge that he had spoken to the majority of the standing committee on the telephone and that they had agreed that the particular books should be withdrawn from the sale. Judge Murnaghan told the Chief Justice that he would examine each of the books on the list and withdraw any that he considered should have been covered by a licence. This did not satisfy the Chief Justice. Judge Murnaghan was eventually persuaded to agree to withdraw the books in question. Judge Murnaghan admitted that he was unaware of the provisions of the Act. Dr Kenny adds that there is a maxim that ignorance of the law is no excuse.

Some of the comments of the various parties involved in the controversy are memorable. Professor T.P. O’Neill, the historian, based in University College Galway, who was tempted to make a protest at one of the Sotheby’s sales of the books considered that such action might demean the Irish people but commented: “The whole taste of the Benchers seems to be culinary rather than cultural.” It was perhaps an unfair criticism. But the sense of anger of Professor T.P. O’Neill and others was palpable. O’Neill also wrote at the time: “They have raped their library of 5,000 precious volumes in a manner which could not have more calculated to damage the Irish heritage”. It is noteworthy that University College Galway contributed more than twice as much as any other donor to the funds of AN Taisce to buy some of the books. As Honorary Secretary of An Taisce at the time, Nicholas Robinson’s role is acknowledged by the author and when he subsequently received an honorary doctorate from National University of Ireland, Galway, his assistance to the college in acquiring a collection of books from the King’s Inns library was mentioned in his citation for his honorary doctorate.

The author rightly acknowledges that not all the books sold were masterpieces. He states that many might seem “quite hurndrum” or their contents irrelevant to many lawyers and others.
Kenny notes that the books and prices they fetched were by no means all substantial. The author, however, argues that the cultural merit of the books far exceeded their market value.

In Chapter 15, Dr Kenny sets out his lessons for the future. He notes the creation of a library is an act of faith in the future and a mark of respect for the past. A library is a repository of learning and information, where people go in order to equip themselves better, intellectually and emotionally, for both the ordinary and extraordinary challenges that face them in their daily lives. He notes that a library is one of the hallmarks of civilisation, its foundation being worthy of note. These are truly words of wisdom, elegantly expressed. Dr. Kenny notes that there is still a library on Henrietta Street in the King’s Inns and its shelves are adorned with a wonderful collection of volumes including many that are unlikely to be cited frequently in a court of law.

In the final pages of the book, the author does criticise the Benchers by stating that the manner in which the Benchers handled their financial crisis in the last two decades leading up to the sale of Sotheby’s “was almost quaint if not perverse”; at one point it drove the Secretary of the Department of Justice to declare that the Benchers “were the most unbusinesslike people in the world”, although Dr. Kenny states that had persons known more of the attempts made by the Benchers to interest the Taoiseach and others in the future of the books, they might not have judged the King’s Inns quite so harshly. Dr. Kenny sets out a list of ten recommendations as being an appropriate way for the Benchers to manage any possible relocation or sale of part of their collection if that was deemed necessary or desirable at some point in the future.

This book is a credit to the author, and credit must also go to the present Benchers who gave appropriate access to records to Dr. Kenny concerning a controversy of relatively recent vintage. The book is also a contribution to the debate over the relationship between professional knowledge and expertise and its relationship to what may be described as more general knowledge. The role of libraries and their proper care is also considered by the author.
Dr Colum Kenny has written a memorable book, which can only increase his reputation. This is a revealing book, a fascinating study. It is revealing in the sense of its insights into a facet of how the Benchers, comprising the Irish law “lords” and the most senior and respected barristers, conducted their business. This book is eminently readable.

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