

Christopher Nicholson Johnston (Hon. Lord Sands),
Kt., LL.D., D.D.

LORD SANDS was born on October 18, 1857, as the second son of Mr James Johnston, D.L., of Sands. He received his education at the Universities of St Andrews, Edinburgh, and Heidelberg; but mainly at Edinburgh, where he took the degree of M.A. and qualified for the Bar. He was a brilliant student, and had the distinction of being first prizeman in at least two classes, and took a high place in all the others he attended. He was admitted to the Faculty of Advocates in 1880 and practised from that time until he was promoted to the Bench in 1917. He never, however, attained to a leading position at the Bar, even after he took silk in 1902. For this his somewhat hesitating style of pleading and a want of backing in professional circles were largely responsible. His ample leisure in the earlier years enabled him to write manuals on Agriculture and Crofter Legislation, and also an important textbook on *The Ecclesiastical Law of Scotland*. In these departments of law in which he thus specialised he was frequently consulted, and conducted litigations connected therewith. A staunch Conservative at a time when Liberalism was at its high-water mark in Scotland, his active participation in the councils of his party (which included an unsuccessful contest for Parliamentary honours in Paisley in 1892) led to preferment when it came into power on the defeat of Mr Gladstone's First Home Rule Bill, and during the long period that his party thereafter (with one short interregnum) held the reins of office. After some minor appointments as Junior Counsel for certain Government Departments (which were of small value) he became in 1892 an Advocate Depute—the duties of which office he discharged with competence for seven years. In 1899 he resigned his Deputeship on his appointment as Sheriff of Caithness, Orkney, and Shetland, from which he was promoted in 1900 to Inverness, Elgin, and Nairn, and in 1905 to Perth.

Always a loyal and devoted member of the Church of Scotland, of which he became an elder, he took a vigorous part in resisting the attacks of the Liberal Party when Disestablishment became a plank in their programme. Thus in the early 'nineties he wrote a *Handbook of Church Defence*, which proved an invaluable aid to Parliamentary speakers on his side of politics. Partly to this and to the genuine interest which he took in theology, he owed his appointment in 1907 as Procurator of the Church, whose duty it is to advise the General Assembly on matters of law during its sittings, and to act as general adviser to the clergy throughout

the year. This appointment he held till 1918. His publications: *The Seven Churches of Asia* and *The Mission of St Paul to the Roman Empire* and his "Lives" of two eminent ministers, Dr A. Scott and Dr Wallace Williamson, reflect this side of his character. He held a licence to preach, and only a week or so before his death he delivered a characteristic sermon to students at an evening service in St Giles.

Johnston resigned his Sheriffdom in 1916 to become M.P. for the Universities of Edinburgh and St Andrews, but his political career was soon ended on his accepting in 1918 a seat on the Scottish Bench under the judicial title of Lord Sands (there being another Lord Johnston at that time). It was during his tenure of this high office that he earned his chief distinction. Not merely were his judgments marked by an adequate knowledge of law and a strong common sense, but they were characterised by a quaintness of conceit and sometimes by a pungency of criticism that gave them a special distinction. His occasional dissents from his colleagues of the First Division were not infrequently upheld on appeal by the House of Lords.

Although most Judges confine their activities to their judicial duties, Johnston found time for much other work. Thus he acted as Chairman of the Carnegie Trust for Scottish Universities with marked ability until the time of his death, and had, indeed, delivered in London his annual summary of its activities only three weeks before his death. Most of all will he be remembered by the great part he took in the negotiations which culminated after a period of many years in the union of the United Free Church and the Church of Scotland. His knowledge of ecclesiastical law and his sound statesmanlike advice combined with great tact contributed more than any other factor to this supreme achievement. He was for many years chairman of the Philosophical Institution and of the Deaconess Hospital, the new wing of which is to be named after him.

Amongst his literary recreations may be mentioned: *Kinloch Moidart's Dirk*, *Major Owen and other Tales*, *John Blane of Castlehill*—all stories of Scottish romance, mystery, and crime, which form excellent reading.

The University of St Andrews had comparatively early honoured him with the degree of LL.D., and in 1928 the University of Edinburgh conferred on him the degree of D.D.

He was elected a Fellow of this Society in 1925, served on its Council from 1929 to 1932, and from 1932 to 1934 as a Vice-President.

On February 26, 1934, Johnston passed away after a short illness. He had married, in 1898, Agnes W. Dunn, daughter of Mr I. L. Dunn, of Dunmullin, by whom and by two sons and two daughters he is survived.

E. T. S.