

Alexander Nicolson: Lawyer, Mountaineer and Poet

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Introduction

This paper is intended to shine some light on the life of a remarkable man from Skye, whose legacy continues in many diverse areas: law, Gaelic culture, mountaineering and poetry.



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My interest in Alexander Nicolson derives, to some extent, from some commonalities. He practised law as an advocate – as do I. He was, for a time, resident in the Stewartry of Kirkcudbright – as was I. And he was a keen mountaineer and hill-walker – as am I – albeit his experiences and conquests are undoubtedly more impressive than mine.

It is on account of the last interest that I discovered Nicolson. Most hill walking guides to the Munro known as *Sgurr Alasdair* in the Cuillin hills, will tell you that it is translated as the Peak of Alexander: named after Sheriff Alexander Nicolson, who is feted as having made the first ascent of the great stone shoot in about 1873. Curiously, that notable achievement does not feature in the short entry about Nicolson in the Dictionary of National Biography³. Nicolson's hill walking endeavours piqued my interest and, following several hours of research, this

¹ I am indebted to a number of individuals who have pointed me towards sources from which I have undertaken research. I am particularly grateful to Morag Ferguson, librarian, of the Advocates Library.

² Photograph taken from the A Nicolson: Verses Edinburgh: David Douglas 1893.

³ London: Smith Elder & Co 1895, Vol XLI page 54.

short paper is the fruit of my labours. By providing a brief biography of his life and work, I hope to highlight Nicolson's fascinating and extraordinary contribution to Scottish civic life in the mid-19th century.

Early life

Alexander Nicolson was born on 27 September 1827. His birth predates the official records (now accessible through the national archives). However, we learn a little of his circumstances by considering Nicolson's death certificate⁴: his father, Malcolm, was a "*landed proprietor*". Alexander was his third son. The family lived at Husabost, Skye – on the Duirinish Peninsula, to the west of Loch Dunvegan. The *Guide to the Isle of Skye*⁵ by another (later) Alexander Nicolson records the derivation of Husabost as originating from the Norse words Hus (house) and bolstadtr (farm)⁶. The commentary in the guide continues, that Husabost is: "*the birthplace of Sheriff Nicolson, facile writer of prose, collector of proverbs, and composer of beautiful poems, mostly in praise of his native isle and characterised by a healthy patriotism blended with a noble piety*".

I infer that Malcolm Nicolson was fairly prosperous: the Faculty of Advocates' biographical directory⁷ states that Nicolson was educated privately. We also see in Nicholson's anthology entitled *Verses*⁸ a memoir by his sometime student contemporary Walter Smith DD who believed that Nicolson came from a small property, but that "*the family circumstances must then have been tolerably easy*". In passing, the terms of that memoir – which I draw on in the course of this paper – tend to suggest that the author was Walter Chalmers Smith (1824 to 1908), who was himself an author and poet. Rev WC Smith was a minister of the Free Church of Scotland and Moderator of the General Assembly for the Free Church of Scotland in 1893 – the year of Nicolson's death. And as a hymnist Rev Smith gave us the well-known hymn "*Immortal, Invisible, God Only Wise*".

Rev Smith recounts meeting "*a bright young student entering the Divinity Hall of the Free Church*" who was a "*tall handsome figure... [with a] thoughtful face, not without a strong dash of humour in it*". From there Nicolson graduated from the University of Edinburgh with the degrees of BA and MA. The latter was an honorary degree "*in respect of services rendered as assistant to several of the Professors*"⁹ which was awarded some years later in 1880. The very short biographical note of Nicolson at the end of *Guide to Isle of Skye* adds the detail that "*this brilliant genius*" acted as assistant to Sir William Hamilton and then to Professor MacDougall.

But a career in religion was not to be. Smith records that Nicolson thought "*the uniform of the esteemed Free Church... too straight for me*"¹⁰. There then followed a hiatus during which

⁴ Statutory registers Deaths 685/2 53 (1893 Deaths in the District of Saint Andrew in the Burgh of Edinburgh).

⁵ Glasgow: Archibald Sinclair Celtic Press c1945.

⁶ Ibid, page 45.

⁷ Stephen P Walker: "*The Faculty of Advocates 1800-1986: A Biographical Directory of Members Admitted From 1 January 1800 to 31 December 1986*".

⁸ Edinburgh: David Douglas 1893.

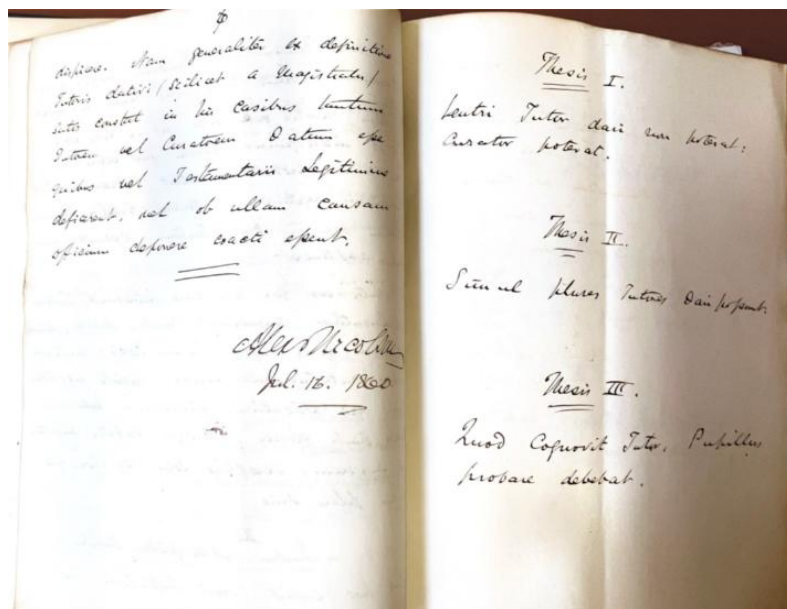
⁹ Verses: memoir page 5. My attempts to verify that with the University have not (yet) been successful.

¹⁰ Ibid, page 6.

Nicolson turned his attention to literature. He is credited with being involved as staff and/or editor of publications including the *Edinburgh Guardian* and the *Daily Express* and as a sub-editor of the 8th edition of the *Encyclopaedia Britannica*. That being so, it is possible to timestamp his involvement: the 8th edition was published between 1853 and 1860¹¹ though Nicolson's contribution is not easily discovered. Perhaps that is why Smith comments that he was “*doing mere hodman's work of course, hardly discoverable now by the most industrious biographer [which I am not] probably also not worth the search.*”¹². This time period fits with the next important period in Nicolson's life: his passing advocate and calling to the Scots Bar in 1860.

Career at the Bar

In 1860 admission to the public office of advocate required an intransigent to present a thesis in Latin. Thankfully, that is no longer the case! Nicolson's thesis was: “*De tutoribus et curatoribus, datis ab his qui jus dandi habent: et qui, et in quibus casibus, specialiter dari possunt*”: the subject concerning guardianship and wardship.



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Documenting Nicolson's legal career as an advocate is not particularly easy. Rather bluntly, the 9th edition of the *Scottish Law Review* – which carried an obituary of Nicolson in 1893 – stated:

“*Mr Nicolson was called to the bar comparatively late in life, in the year 1860, but he had little or no practice, his chief professional work being the reporting of legal cases at a time when nearly all law reporting for the press was done by advocates*”¹⁴.

¹¹ <https://digital.nls.uk/encyclopaedia-britannica/archive/190218839>

¹² Verses: memoir page 6.

¹³ A photograph of Nicolson's thesis which is retained by the Faculty of Advocates Library.

¹⁴ 9 S.L.R. (1893) page 38.

A similar detail is recorded in the Dictionary of National Biography. We can certainly see Nicolson's position as reporter of the Scottish Jurist: a position which he held from 1863 to 1872.

REPORTS OF CASES

DECIDED IN THE SUPREME COURTS OF SCOTLAND,
AND IN THE HOUSE OF LORDS ON APPEAL FROM SCOTLAND;

BY

WILLIAM ELLIS GLOAG, ESQ., ADVOCATE;
ALEXANDER NICOLSON, ESQ., M.A., ADVOCATE;
HUBERT HAMILTON, ESQ., M.A., ADVOCATE;

Like Nicolson, the other named advocate reporters later held judicial office: William Gloag became the Sheriff of Stirling then Perth and was later elevated to the Bench as Lord Kincairney¹⁵. Hubert Hamilton became Sheriff-Substitute of the Lothians and Peebles. However, with regard to the Scottish Law Review's obituary, it may be something of an overstatement to suggest that Nicolson had *no* practice.

In the twelve or so years during which he practised at the Bar, Nicolson appeared in a number of reported cases. These concerned a range of legal issues – criminal and civil. If the law reports are representative of Nicolson's practice, then it appears that in the early stage of his career he had a preponderance to criminal defence work – to varying degrees of success. For example: in HMA v Macpherson and Stewart¹⁶ he appeared for two individuals accused of 'running down' a fishing boat and causing the death of three others. Nicolson's objection to the vagueness of the charge was repelled and the first accused was found guilty. In HMA v MacKay¹⁷ he represented a man charged with stealing from a letter. Again, he objected to the charge; arguing that the accused could not be charged with two offences from the one act: stealing a letter and its contents. His objection was refused and the accused pled guilty and was sentenced to four years' penal servitude! Later in his career, in 1867, there is another reported example of Nicolson, as defence counsel, objecting to a charge. In HMA v Barbier and others¹⁸ he represented three men who were charged with culpable homicide by reckless discharge of a firearm. While his objection to the charge – that nobody had witnessed the discharge – was repelled, the jury found Barbier not guilty and the other two not proven.

¹⁵ 7 S.L.R. (1889) page 308.

¹⁶ (1861) 4 Irvine 85.

¹⁷ (1861) 4 Irvine 88.

¹⁸ (1867) 5 Irvine 482.

On the civil law side, Nicolson appeared in a diverse range of cases: damages for slander¹⁹; arrestment of a ship²⁰; competency of procedure²¹; and in the case of Kennedy v Macdonald²² (which took my interest because it resonates with my legal practice) proving the tenor of a testamentary writing, alleged to have been destroyed through facility of mind on the part of the maker. The report refers to the process of circumduction – something which I confess I had not heard of.

That there may be relatively few reported cases involving Nicolson should not necessarily be seen as determinative of the sort of practice which he had. We should bear in mind that in the 1860s, the size of and the volume of work at the Scottish Bar was much less than it is today. In those days advocates would typically attend to a range of legal subjects – both criminal and civil – in contrast to current practice, which is generally characterised by specialisms. And to put matters in context, in 1863, the *Scottish Jurist* (of which Nicolson was a reporter) records that there were just thirteen judges (eight in the Inner House; five in the Outer House): there are about thirty-five judges these days.

It is also noteworthy that during this period at the Bar, Nicolson was involved in the first of two important commissions which concerned civic affairs in Scotland. In 1864/5 he was appointed as an assistant commissioner to visit and report on the state of education in the Highlands and Islands. The report, under the presidency of the Duke of Argyll (which would later become known as the Argyll Commission) reported between 1865 and 1868²³. The reports were an important catalyst for reform of the provision of education in Scotland: they paved the way for the Education (Scotland) Act 1872 “*An Act to amend and extend the provisions of the Law of Scotland on the subject of Education*”²⁴. One of the commissioners was the politician Adam Black – the subject of Nicolson’s 1885 biographical work “*Memoirs of Adam Black*”²⁵. Surprisingly, that book says very little about the work of the Argyll Commission. Adam Black’s views were:

*“It appeared to me that it was the general desire that we should have a National instead of a Denominational and Sectarian system of Education, but the recommendations of the Commission appeared to me a lame and unsatisfactory conclusion... In the Commission we had four Peers, three Lords of Session, two Sheriffs, one Procurator of the Church of Scotland, and no decided school reformers”*²⁶.

The Scottish Law List and Legal Directory records that, in 1870 Nicolson was living at 1 Ramsay Gardens – no doubt handy for Parliament House in which the Faculty of Advocates library is situated. By 1871 Nicolson was Collector of the Widows’ Fund (a benevolent society)

¹⁹ Grant v Fraser (1870) 8 M 1011.

²⁰ Grant v Grant (1867) 6 M 155.

²¹ Allan v Munnoch (1861) 23 D. 417; Longworth v Yelverton (1865) 3 M. 645.

²² (1867) 5 M. 557.

²³ <https://archive.org/details/reportbyhermaje01scogooq/page/n13/mode/2up>

²⁴ https://www.legislation.gov.uk/ukpga/Vict/35-36/62/pdfs/ukpga_18720062_en.pdf

²⁵ Edinburgh: Adam and Charles Black 1885.

²⁶ *Ibid* page 230.

– a position which he held for two years prior to his appointment as Sheriff-Substitute of Kirkcudbright.

The Dictionary of National Biography records that “In 1872 Nicolson, despairing of a practice at the bar, accepted the office of sheriff-substitute at Kirkcudbright and declined an offer of the Celtic chair in Edinburgh University”. Smith’s memoir in Verses makes no mention of the latter but attests to the former; he observed that Nicolson:

“might have naturally looked to get a share of the business before the Supreme Court; yet he did not. In some quarters it rushed in full tide, but for Nicolson it was always at the lowest ebb. Weaker, commoner men drank their fill, while there was not a drop to moisten his lips...”

It interests me what sources Smith relied upon for his account, because, by his own admission he and Nicolson had not met for years after they left university. Despite that, Smith paints a rather detailed picture of Nicolson’s life at the Bar including Nicolson’s financial pressures, particularly when the Scottish Jurist – which paid a salary of £100 – ended. Nicolson’s own views are found in the poem “O Scottish Jurist!”

O Scottish Jurist

My heart is sad this night for thee,

Though many a time in summer’s prime

I counted thee a bore

Sheriff-Substitute of Kirkcudbright

At the end of Smith’s memoir in Verses there is appended a note which attests to the popularity of Nicolson: “On the occasion of his going to Kirkcudbright, he was presented with a beautiful artistic work in silver, with Celtic ornamentation, designed by the late James Drummond R.S.A., and subscribed for, among other friends” to which is added a long list of luminaries including professors and at least twelve named judges – many of whom were on the Bench in 1872²⁷.

I have pondered what Nicolson would have made of his posting to the Stewartry of Kirkcudbright. In Nicolson’s era, the appointment as a Sheriff-Substitute might not require a permanent move to the Sherifffdom. The convention appears to have been that Sheriff-Substitutes and Sheriffs would be appointed from the Bar and many (if not most) retained a residency in Edinburgh²⁸. Nicolson – who by now had moved to Warriston Crescent (which he continued to occupy and live in at the time of his death) – was no exception²⁹. The offices of Sheriff-Substitute and Sheriff were replaced by Sheriff and Sheriff Principal respectively, by section 4 of the Sheriff Courts (Scotland) Act 1971 (and by and large that represents the current hierarchy of local judiciary).

²⁷ Verses, memoir page 22. For members of the judiciary see the Scottish Law Review 1872.

²⁸ This can be seen in the Faculty of Advocates’ annual records of members

²⁹ Ibid.

It seems doubtful that the man who was of “*considerable intellectual power*”³⁰ would have been stretched on the Shrieval bench. Of the few cases which I have been able to discover, many deal with mundane matters. For example, the case of Thomson Brothers v Thomson³¹ was a dispute over delivery and repudiation of bags of flour! The subject matter of the case of Gibson v McFagan³² – which was appealed all the way to the Court of Session – concerned paternity and presumptions which apply thereto. In the course of an evidential hearing Sheriff-Substitute Nicolson, as he now was, had to determine if and when a couple had had intimate relations. He assoilzied the defender “*the only possible opportunity of intercourse occurred 312 days before the birth of the child*”. Although in a subsequent appeal the Sheriff overturned that decision, the First Division of the Inner House of the Court of Session reinstated the Sheriff-Substitute’s decision.

Another case from the Kirkcudbright era is that of The Dumfries and Maxwelltown Water-Works Commissioners v McCulloch and Another³³. The headnote to the case report tells us that the pursuers sought interdict to prevent a proprietor of a loch (from which the pursuers obtained a water supply) from washing in the loch sheep “*which had been dipped some months previously in a fluid containing deleterious ingredients*”. Sheriff Substitute Nicolson’s decision to grant interdict was affirmed on appeal to the Sheriff and to the Court of Session. Similarly, in Young v Mitchell³⁴ - a case concerning claims under the Master and Servant Act 1867 – Sheriff-Substitute Nicholson’s decision found its way to the Inner House. The issue, which concerned the legal principle of *res judicata*, was argued by some of Nicolson’s erstwhile contemporaries.

By 1885, Nicolson had also been appointed as Sheriff-Substitute of Wigtonshire – sitting at Stranraer as well as at Kirkcudbright Sheriff courts. Smith’s commentary on this was it “*implied also considerable increase of labour, early rising on certain days, and tedious railway journeys. He complained a good deal of this, for he was now grown rather corpulent, which added to his constitutional indolence*”. Smith’s memoir doesn’t hold back in its candour.

A reported decision from Nicolson’s Stranraer era is the 1885 case of James Carter & Company v Campbell³⁵ which concerned the suitability of oats. Nicolson’s note to the court order (the interlocutor) records that he considered it “*involves questions of importance, not only to farmers, but to all persons who buy or sell to any considerable extent.*” We see his decision at first instance because it was appealed to and overturned by the Sheriff (Norman MacPherson). At the end of the case report there is a note that the case had been appealed to the Court of Session. The report of that appeal³⁶ gives some more context to the case:

“A farmer ordered from a seedsman “100 bushels cluster oats, to be clear of black oats and barley.... See that this is pure and good.” No examination was made by the farmer of the oats on their arrival, but his son opened two of the bags, looked at the oats, “but saw no barley in

³⁰ 1 S.L.R. (1885) notes.

³¹ 1 S.L.R. (1885) 56.

³² (1874) 1 R. 853.

³³ (1874) 1 R. 975.

³⁴ (1874) 1 R. 1011.

³⁵ 1 S.L.R. (1885) 195.

³⁶ (1885) 12 R. 1075.

them." The oats were then sowed. When the crop came up a quantity of barley came up with the oats, the proportion being about 4 per cent of barley. The farmer having refused to pay the price on the ground that the goods were disconform to contract, held in an action at the instance of the seedsman for the price, (1) that there had been a breach of contract on his part, but (2) that the farmer was barred from refusing payment on that ground in respect he had failed timeously to reject the goods, it having been his duty to examine the oats on delivery."

The resultant appeal was determined by the First Division of the Inner House. In the course of the decision the Lord President stated: "*The Sheriff-substitute and the Sheriff have taken different views of the case, and I am not disposed to agree with either of them in the conclusion at which they have arrived*".

Cultural contributions

What Nicolson may have lacked in legal stimulation, he appears to have made up for in his other pursuits of literature and hill walking. It is during the Kirkcudbright era that Nicolson made the first ascent of the then unnamed peak which we now know as *Sgurr Alasdair*. The account of that is produced in the 1875 volume of Good Words³⁷; in the third of four articles which Nicolson wrote about the Isle of Skye³⁸.

"I had been told at Glen Breatal that another peak, a very beautiful one, which forms a prominent object from the house there, had never been ascended, and had foiled the Ordnance men. This naturally stirred my desire to attempt it, which I did, accompanied by a shepherd, A. Macrae."

There follows a mesmerizing description – which I would commend – of the ascent of the mountain and the views from the peak: "*exceedingly fine and varied*". Nicolson observed "*Whether this peak was really ascended for the first time that day, I cannot say, but it seemed very like it*". That Nicolson did not climb *Sgurr Alisdair* until after 1872 can be evidenced by his retrospective article which he wrote for the 1892 Journal of the Scottish Mountaineering Club³⁹. Nicolson penned that article with the following introduction:

"My days of climbing, I fear, are over, and I can now only look with fondness from below on the heights to which it was my delight to climb like a goat, and the towering pinnacles over which I used to peep with a shuddering joy.

The hills I like best are naturally those of Skye, where I was born, the chief of which, the Coolin, I used to gaze at from a distance when a boy, with unspeakable awe and admiration, but never became intimately acquainted with till many years after I left Skye for Edinburgh, and came for the first time to Sligachan, a big and bony man."

³⁷ London: Daldy, Isbister & Co 1875.

³⁸ Ibid page 457.

³⁹ Vol 2 Number 3 page 99: see page 102 where he date stamps the ascent with reference to an earlier article he had written (in 1872).

And he finished it with a similar poetic flourish:

“Here I will for the present end, and, with the Editor’s permission, give the song on Skye, which I composed on my return to Edinburgh in 1865, after an Education Commission tour in the Hebrides, and sang for the first time at a dinner of the “Blackie Brotherhood” in the following summer:-

THE ISLE OF SKYE.

AN EDINBURGH SUMMER SONG.”

The poem is also reproduced in Verses.

It was also during Nicolson’s tenure in Kirkcudbrightshire that he contributed greatly to two other important facets of civic – and in particular Gaelic – culture.

First, he edited an updated collection of Gaelic Proverbs (based on Macintosh’s Collection) which was published in 1881⁴⁰ (and a revised edition published the following year). The collection includes a chronology of the previous editions and a biographical note of the original author: Rev Donald Macintosh (1743 to 1808) whose collection was first published in 1785. Not only is this collection an invaluable compendium to the student of Gaelic; it offers a fascinating commentary on the genesis of many sayings. It is also noteworthy to read Nicolson’s acknowledgements at the end of his preface. There he mentions scores of individuals and friends from the length and breadth of Scotland. This, I think, underlines his popularity.

Secondly, Nicolson undertook hours of work, as a commissioner of the Royal Commission of Inquiry into the Condition of Crofters and Cottars in the Highlands and Islands (the Napier Commission): a public inquiry held in response to land agitation in the Highlands and Islands. Nicolson was one of six appointees by the then Home Secretary Sir William Harcourt. With Professor Donald MacKinnon, (Professor of Celtic at the University of Edinburgh) he stands apart from the other commissioners who were all diplomats, politicians and landowners. The reports of the Napier Commission have been digitized and are available courtesy of the University of the Highlands and Islands⁴¹. I have not read every report, but I was struck by the following account of the examination of Alexander Macdonald, solicitor, factor and bank agent, at Portree on Wednesday 23 May 1883. This is a passage between Nicolson and the factor (Nicolson is the questioner):

“8600. But are the public generally prohibited from wandering over the hills of the deer forest – There is no occasion to prohibit them. They are allowed on the Macleod estate to go to Coruisk.

8601. But on the other side? – There is nothing to be seen.

⁴⁰ Edinburgh: Maclachlan and Stewart 1881.

⁴¹ <https://www.uhi.ac.uk/en/research-enterprise/cultural/centre-for-history/research/resources/the-napier-commission/>

8602. *There are some fine hills. Is there not a threatening notice in the hotel at Sligachan to the effect that trespassers will be prosecuted with the utmost rigour of the law? —It is very probable, and that notice may be very necessary; but I do not believe it is intended to be carried out in its full sense. I am sure that, if you choose to go up on the hills. We will not object to it.*

8603. *I beg your pardon. I and two friends were subjected to the indignity of being assailed by a gillie on these hills? —I am sorry to hear it.*

8604. *And what is worse, we were called “Glasgow tailors” in a letter addressed by the lessee of these shootings, Mr Wolstenholme, to Mr Butters, the landlord, complaining of the intolerable trespass upon our native hills? —But he was a Sassenach, and did not know better.”*

It was while he was acting as a Napier Commissioner that Nicolson might have perished: the ship on which the Commissioners were travelling, HMS Lively, grounded and was later sunk off Stornoway on 6 June 1883. The following account comes from the London Illustrated News⁴².

“The Admiralty despatch-vessel, H.M.S. Lively, a gun-boat ’of 900 tons, attached to the Channel Squadron, has lately been employed in the Hebrides, under Commander Parr, for the conveyance to different islands of the Royal Commissioners, Lord Napier of Ettrick and others, appointed to inquire into the distressed condition of the poor “Crofters” or peasantry, in Skye, Lewis, Harris, Uist, and other parts of the West Highland archipelago. On Thursday of last week, about nine o’clock in the evening, when the Lively, with the Royal Commissioners, the newspaper reporters, and other visitors on board, was entering the bay to approach Stornoway, the chief place of Lewis, she ran upon the lien and Chickens Rocks, and has become a total wreck. All those on board, passengers, crew, and officers, got safely ashore, and saved their personal baggage; the Royal Commissioners were hospitably entertained by Lady Matheson, at Stornoway.”

Despite HMS Lively’s demise being debated in both houses of Parliament⁴³, remarkably, little or nothing is mentioned of this in the ensuing entries of the Commission’s reports.

One of the motivations for my researching Nicolson was to explore his move to a part of the country which is so alien to Skye. I can only speculate as to whether Nicolson had ever heard of the Stewartry of Kirkcudbright. Aside from Smith’s narrative of Nicolson complaining, some sense of Nicolson’s mixed feelings can be found from the following verses (five, six and seven) of “A Lay of Kirkcubree” which Verses reports was sung at the Reporters’ Dinner, Queensferry, on 20 July 1877.

⁴² 16 June 1883, which carried a sketch of HMS Lively on the Hen and Chicken Rocks near Stornoway. See also: <https://www.scottishshipwrecks.com/hms-lively/>

⁴³ <https://hansard.parliament.uk/lords/1883-06-21/debates/035e6625-4f12-469e-ace0-c18aa1f38c2b/Navy%E2%80%94WreckOfHmsLively%E2%80%94TheHenAndChickensRockAndNorthShoal;>
<https://hansard.parliament.uk/Commons/1883-06-25/debates/5237f080-b55e-4123-958f-1e20f7ea67c2/Navy%E2%80%94WreckOfHmsLively>

*“For thought it be a bonnie town,
 An ancient burg, of good renown,
 No Rip Van Winkle yet am I.
 Contented there asleep to lie.”*

*“But yet no one think it strange
 That human life brings many a change,
 A man from duns to keep him free
 Might choose to live in Kirkcubree.”*

*“If man’s chief end were vegetation,
 No better place is in creation,
 Quiet Peebles’ self can scare compare
 With Cuthbert’s Kirk⁴⁴ for dreamful air.”*

In a later article in the Scottish Law Review, from 1899, there is a valediction to another former advocate Campbell Smith, then Sheriff-Substitute of Dundee. The article talks of friendships at the Bar: it appears clear that Nicolson maintained links with his former colleagues. The said article talks of *“Alexander Nicolson, who occasionally ran up from Kirkcudbright to meet Carruthers. They met other friends of similar tastes, mental and bodily”*⁴⁵. And in an even later edition of the Scottish Law Review, from 1917, there is the following retrospective account⁴⁶ which attests to Nicolson’s gregarious nature and his continuing links to Edinburgh:

“A NEW EDITION OF OUTRAM’S LYRICS.

*The ancient Doer for the Queen
 Comes here to pledge his friend, the Dean,
 In wisely measured drams;
 And, if his thrapple be in trim,
 Perhaps he’ll croon a little hymn
 From Outram’s “Book of Psalms.”*

So sang Alexander Nicolson, the successor of Outram as bard of the Scottish bar, when Andrew Rutherford Clark became Dean of Faculty in 1874.”

⁴⁴ St Cuthberts being a parish church in Kirkcudbright.

⁴⁵ 15 S.L.R. (1899) 297.

⁴⁶ 33 S.L.R. (1917) 94.

Greenock and retirement

In 1885 Nicolson became Sheriff-Substitute of Greenock in the Sheriffdom of Renfrew and Bute; giving up his office in the South-West. The Scottish Law Review 1885⁴⁷ carries the following brief note:

“The office of Sheriff-Substitute at Greenock, vacant by the resignation of Mr. Harry Smith, who is a candidate for the representation of West Renfrewshire, has been filled by the appointment of Mr. Alexander Nicolson, advocate, Sheriff-Substitute of Wigtown.

Mr. George Dickson, advocate, Sheriff-Substitute of Berwickshire at Duns, has been appointed to the vacancy at Stranraer, caused by the removal of Mr. Nicolson.”

It was in 1885 that Nicolson’s biography of Adam Black was first published. The timing of publication suggests that the book had been a work in progress prior to Nicolson’s move to Greenock. That is consistent with a comment in the Dictionary of National Biography, that Nicolson had to rescue the manuscript from H.M.S. Lively.

At Greenock, Sheriff-Substitute Nicolson continued to deal with a range of seemingly mundane cases, for example: Mays v Gallacher⁴⁸ (raking of claims on a modest estate); Scott’s Trustees v Blair⁴⁹ (security for debt) and some more unusual ones. The issue in Kelly v Kennedy⁵⁰ concerned employers’ liability: whether the acts of a workman which led to the death of another, created a liability. In his note to the court order Nicolson stated: *“I have found it more difficult than usual to arrive without doubt at findings in fact”*. Smith’s account of the effect of Nicolson’s northwards move to Greenock is not positive and his comments, in Verses, perhaps shed some light or give context to Nicolson’s aforementioned note. Smith states:

“We all thought the change might be good for him, and we never were more mistaken in our lives... he found it difficult to make up his mind about the questions submitted to his judgement... murmurs were heard about arrears of court business, and discontent among agents and clients... There was a shadow on his face, which was only partly removed even when he talked of his beloved Skye”⁵¹

Nicolson remained as Sheriff-Substitute at Greenock for four years. The 1889 edition of the Scottish Law Review contains the following short note: *“Mr. J. Henderson Begg, advocate, has been appointed Sheriff-Substitute at Greenock in room of Mr. Alexander Nicolson, resigned.”*

The terms of the Scottish Law Review’s obituary (some of which appears to be reproduced in the National Dictionary of Biography) alludes to the many interests of Nicolson, and his contribution to many societies. I will return to that in a moment. Meantime, it may be inferred that on retiring to full time residency in Edinburgh, Nicolson kept up his various social activities – perhaps with the exception of ardent hill-waking (per his 1892 article for the

⁴⁷ Vol 1 page 177.

⁴⁸ 2 S.L.R. (1886) 358.

⁴⁹ 3 S.L.R. (1887) 185.

⁵⁰ 4 S.L.R. (1888) 339.

⁵¹ Verses, memoir page 14.

Journal of the Scottish Mountaineering Club). Smith recounts that “*It was pleasant for his friends to have him back among them in these last days, though they did not see so much of him... the old fire no longer burned in him as of old*”⁵². We know, however, that the night before his death, he was present at and delivered a brief address at a social gathering of the natives of Sutherland in Edinburgh⁵³. The next day, at breakfast on 13 January 1893, he died suddenly: “*his countenance changed and he passed into the great unknown*”⁵⁴.

In addition to his achievements mentioned herein, his obituary tells us about his other contributions:

Between 1872 and 1876 he wrote several articles and a number of verses in Gaelic and English for The Gael, a Celtic periodical. Among the latter were his well-known verses on the Hebrides, entitled "An Edinburgh Summer "Song," which, originally composed in English, he afterwards rendered into Gaelic. In this song appeared one of the most noted features of his character—that passion for his native island, which never forsook him-

Jerusalem, Athens, and Rome,

I would see them before I die;

But I'd rather not see any one of the three

Than be banished for ever from Skye.

*Among the many Highland songs which he wrote the Sheriff was especially pleased with a marching song which he had distributed among all the Highland regiments. Perhaps his most amusing composition was his exceedingly clever skit, "The British Ass.," which was written about two hours before it was " roared in a den of scientific lions " at the dinner of the Red Lion Club on the occasion of the visit of the British Association to Edinburgh in 1871. In social circles Mr. Nicolson was a great favourite. He had an immense fund of wit and humour, and his songs and stories afforded enjoyment to many a company round the social board... He was an honorary member of the Edinburgh Shinty Club, and used to play the game in his kilts every New Year's day until he left the city for Kirkcudbright.”*⁵⁵

His camaraderie made a mark with Smith, who, at the end of the memoir wrote:

“I append this note to show the kind of friends Nicolson made, who remained friends to the last, for nearly all of them who still lived stood by his grave as we lowered him into it that snowy winter day.”

⁵² Ibid page 20.

⁵³ 9 S.L.R. (1893) 38.

⁵⁴ Verses, memoir page 21.

⁵⁵ 9 S.L.R. (1893) 38.

Conclusion

It appears impossible to separate the various interests of Nicolson: they are intertwined. However, by looking into the sources, we get a real sense of who he was: a humble but keen intellect, immersed in literature, and rooted firmly in his love of Skye. We see that in his poems which feature in Verses. The first line of the first poem in that anthology sums it up appropriately: *“My heart is yearning for thee, O Skye!”*