

Jail Book records Patrick

The Dornoch Jail Book, spanning the period from 1813 to 1840, sheds light on the lives of some of Sutherland's more colourful characters, says North Highland Archivist PHIL ASTLEY.

Amongst the records of the Royal Burgh of Dornoch held at the Highland Council archive in Inverness, lies a fascinating volume detailing many of the crimes and misdemeanours that occurred in early 19th century Sutherland, providing us with a vivid insight into the lives of the county's more "colourful" characters.

Known as the Dornoch Jail Book, it is slightly larger than A4 size, containing roughly 200 handwritten pages spanning the period 1813 to 1840. Each entry, probably made by either the jailer or the town clerk, mentions the name of the individual, the crime they have been accused of, the length of incarceration and any subsequent fine or punishment following their trial.

The majority of the inmates were imprisoned for what we would consider to be fairly minor offences such as non-payment of debts, assault, sheep stealing and illegal distillation of whisky. There are, however, more serious cases detailed, including forgery (for which the accused was sentenced to seven years transportation), infanticide and even a case of murder.

There have been at least four jails in Dornoch. During the early 18th century the Chapter House was used as a place of incarceration prior to the construction of the old tolbooth. By 1813 this building had fallen into a state of disrepair. Indeed the conditions within it are alluded to at the beginning of the Jail Book in an extract from the minutes of "a general meeting of the Heritors, Freeholders, Commissioners of Supply and Justices of the Peace of the Shire of Sutherland and Magistrates and Councillors of the Burgh of Dornoch":

13th November 1813: A Report having been made of the ruinous State of the Prison rooms and Court Room of Dornoch, The Meeting ... Resolved to accept of the offer made to the County and Burgh of the necessary accommodations for Court room, Record room and Prison rooms in the ancient Castle of Dornoch, by the Most Noble The Marquis of Stafford, which his Lordship has lately futed up ...

This, of course, is the building which is now the Dornoch Castle Hotel. The Jail Book shows that the first "guests" arrived in October 1814.

Ironically, the Marquis of Stafford's own factor, the infamous Patrick Sellar, is to be counted among those who graced the jail in its first year. The entry for 31st May 1815 reads:

Mr Patrick Sellar at Culmally Factor to the Marchioness and Marquis of Stafford, Incarcerated by warrant of Robert MacKil, Sheriff Substitute of Sutherland, on a charge of having willfully set fire to the house of a Tinker in Badilokin of Rossal in Strathnaver and demolishing the mill of Rhimsdale both part of Mr Sellar's own sheep farm. Committed to jail twice the hours of 5 and 6 in the morning.

From a later entry dated 6th June of the same year we learn that:

Mr Patrick Sellar was Liberated from Jail in Virtue of an Act and Warrant of Liberation, dated the 3rd day of June granted by the Right Honourable the Lord Justice Clerk, caution being lodged for Mr Sellar to stand trial within six months under a penalty of one hundred pounds.

In fact, it was not until nearly a year later, on Tuesday 23rd April 1816, that he famously stood trial in Inverness, only to be found innocent of the charges

minute & of the Surgeon's relative report to James Loch Esq MP for the information of the Lord Provost.

Given these appalling conditions, there was little hope that the castle could be converted to meet the requirements of the 1839 Act of Parliament "To Improve Prisons and Prison Discipline in Scotland". Consequently, the Sutherlandshire County Prison Board together with the Commissioners of Supply set about the construction of the new jail and court room between 1840 and 1850. The plans of the new jail (described in the Third Report of the General Prison Board as "11 cells for criminals, 2 cells for civil prisoners, 1 sick room, an exercising gallery and airing yard, accommodation for keeper and other conveniences") were approved by the General Prison Board in 1841/42, and it was legalised in 1844.

Although the castle may have lost its function as a jail, it is indeed fortunate that the Dornoch Jail Book, with which it is associated, survived. The original volume is available to the public at the Highland Council archive in Inverness, but readers may also be interested to know that the Jail Book, together with the Burgh minute books, are publicly accessible on CD-ROM at the Dornoch Library, the Highland Council's, and indeed Scotland's, first "digital archive".

(The writer is grateful to Stuart G Mackenzie for information provided during the preparation of this article.)

Interested in finding out more about the Highland Council and the North Highland archives?

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