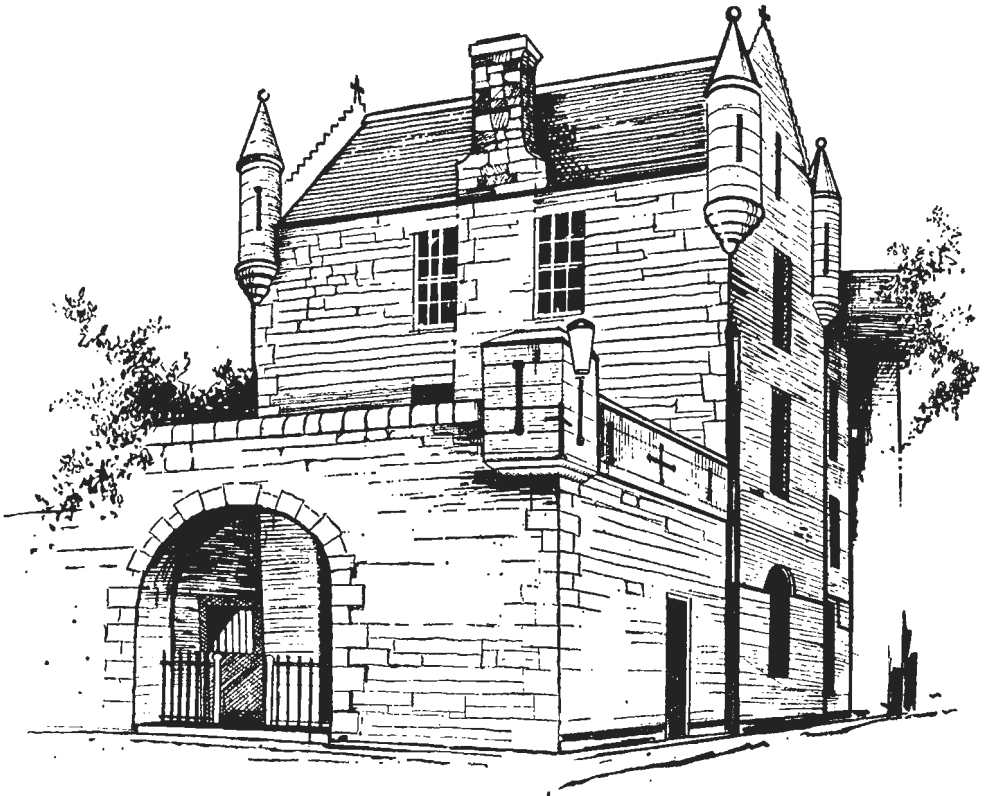


# TOWN JAIL CRAFT CENTRE

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## A Brief History



TOWN JAIL CRAFT CENTRE  
CATHEDRAL SQUARE · DORNOCII  
SUTHERLAND · SCOTLAND



The Town Jail Craft Centre, Dornoch,  
until 1882 the county jail for Sutherland

# TOWN JAIL · DORNOCH

## A Brief History

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### Acknowledgements

Before embarking upon the history of the Town Jail in Dornoch, it might be as well to point out to visitors that Scotland has its own Laws and its own system of administering those Laws. The Scottish Legal System is different from that which pertains in the rest of Great Britain and reflects Scotland's unique history and the attitude of the Scottish people to crime and punishment.

I am deeply indebted to Mr. Aithie of the Scottish Prison Service, within the Scottish Home and Health Department, for making available the department's records to me, and for his knowledge and enthusiasm. Without his help this pamphlet could not have been written.

I am also grateful to Ewan Currie, Dean of Guild Court, Dornoch, who allowed me to borrow his copy of "Dornoch Cathedral and Parish" by C. D. Bentinck, a book on which I have leaned heavily.

Photographs by David Sim, Photographer, Fountain Square, Brora, Sutherland.



## CHAPTER I

### Early History

The building of Town Jail was commenced in 1844 as direct result of the tireless work of Frederic Hill, Inspector of Prisons, Scotland.

To understand why it was built as it was, and to learn something of what went on within its walls, it is useful to know a little about where and how Dornoch's criminals were kept prior to 1844.

Fortunately, sufficient records remain for a fairly clear picture of Dornoch's town prison to emerge from the past. The picture reflects social attitudes towards crime and punishment at any given time, and shows how attitudes changed as life became more sophisticated.

The law was administered at a local level, then, as now, by the Magistrates. Every burgh was responsible for catching, sentencing and housing its own criminals.

The efficiency with which this was done was largely the result of the prosperity of the burgh. If the burgh was rich then criminals could be housed in relative security and supervised with reasonable efficiency. I qualify my terms in each case because it would seem that regardless of the richness or poorness of a burgh, in the eighteenth century, attitudes to prisons and prisoners were extremely careless. Because people did not care very much about prison or prisoners, life "inside" could be lax to the point of lunacy compared to that which pertains in the twentieth century, or it could be cruel and bestial beyond our understanding.

Without becoming involved in deep arguments concerning eighteenth century attitudes to punishment and reform of the criminal, it would seem that people were sent to prison because they had been convicted of a crime, and once they were there, the very fact of being deprived of liberty was considered to be sufficient punishment in itself. There was no need to institute rigid regimes or to lay down codes of discipline. It was unnecessary to appoint responsible warders and prison governors. The prisoners could be left to the whim of the turn-key. In

overcrowded city jails, where the depraved, the vicious, and the insane were unsegregated, prison life must have been like something from Dante's Inferno.

In a small town, the jail was inevitably situated near the centre. The building was easy of access and the jailer tended to live "in the community" and not in the jail. What went on in the jail was seen by most of the population and indirectly regulated. There were few inmates as a rule, and they were simple people whose crimes were petty.

This generalisation is certainly true of the jail in Dornoch in 1731, when the local lock-up was situated in the old Tolbooth and Council House building. It was such a dilapidated building that the council was trying to exert pressure on the townsfolk to build a new one. They appear to have been singularly unsuccessful for the records show that work on the new Tolbooth and Council House was not begun until after 1750. Admittedly the Rising of '45 intervened, but it shows that the then people of Dornoch could not have been too concerned about keeping their criminals in jail. If the old Tolbooth was falling down in 1731, how much more ruinous it must have been after Loudon's soldiers, and later Cromartie's men had been billeted there in 1746. Nevertheless it was used as a prison until 1767. One can only assume that life in prison was no worse for the inmates than was life outside, because there are no records of escape when surely it must have been the easiest thing in the world.

The records show that the Dornoch Council eventually built their new Tolbooth and Council House. Perhaps the builder was the first prisoner! If he was not, maybe he should have been, because in 1809, only fifty years after it had been built, the place was in a state of disrepair and a Tain merchant was suing the Burgh Council for money owed to him by a local doctor, who, having been imprisoned for debt, had subsequently made his escape through the "inefficiency of the jail".

The Council denied liability of course, but took some steps to make the jail more secure. They also sacked the Tolbooth keepers, who they said, "**were inattentive to their duty both by allowing the prisoners to be at large in the Council House and by giving the key of the Tolbooth to any other person, and also that they neglected to intimate the escape of the prisoner to any of the magistrates or to the Town Clerk**". Not so much a jail, more a club one might say.

The repairs to the jail do not seem to have been very successful. Either that, or the building was basically so poor that it was beyond repair, because in 1813 the Burgh Council accepted with gratitude an offer from the Marquis of Stafford to use the Castle of Dornoch, "**lately repaired by his Lordship**", as the court house and jail for the burgh.

His Lordship does not seem to have been any more fortunate with his builder than were the council. Was it the same builder one wonders? Alas the records do not reveal the answer. Certainly it was no more secure than the ill-fated Tolbooth. In 1818 the jailer complained to the council, "**that visitors on the prisoners have at present access to the jail at all times of the day and night and use it as if it was a public house**". The mind boggles!

Once again the Council acted too late to prevent the escape of a prisoner who climbed down a rope, which his brother had brought in for him.

In an edict which, compared with present day prison regulations, shows a remarkable leniency the Burgh Magistrates decreed that "**no visitors be admitted to remain with a prisoner without the written order of a magistrate unless betwixt the hours of 9 and 10 in the morning, 1 and 2, and 5 and 6 in the afternoon. They also direct that no Vinous, malt or spirituous liquors be carried in by visitors without the above permission. Or any great-coat, cloak, plaid or other covering under which such may be concealed**".

Visitors were searched after this set of regulations had been made.

It seems that this marked the end of the easy days at Dornoch Jail. Perhaps the jail was beginning to get too popular. There were certainly more prisoners. Two local doctors described the jail in Dornoch Castle as it was in 1818. They were surgeons James Robertson of Tain and William Ross of Dornoch.

"**The said jail or prison consists of two rooms or cells for the confinement of criminals on the ground floor, which are rough flagged, strongly arched above and well ventilated; and two rooms for the confinement of debtors (the lowest of which is two stories high above the cells), which are commodious and neatly finished, well lighted by three windows in each room and sufficiently aired, and are indeed the most salubrious prison rooms we ever had occasion to see.**"

One wonders how many prisons the eminent doctors had seen. Nevertheless their description illustrates a building which must have seemed palatial compared to some dark croft, roofed with turf, and the smoke going out through a hole in the middle.

A slightly later report by Justices of the Peace and magistrates was less enthusiastic than that of the doctors. They comment upon two vaults under the tower, formerly used for the confinement of criminals which had been abandoned by the Sheriff's orders because they lacked fireplaces and were damp.

Despite possibly odorous comparisons between salubrious Dornoch Castle and humble croft, most prisoners seemed to

prefer to be away from the cells. The prison may have been light and airy, but it was hopelessly insecure. Like something from the Keystone Cops we have Baillie Munro reporting to the magistrates on 3rd February 1817, **“that on Saturday morning two prisoners—Angus MacKay, a maniac, and Alexander MacDonald confined for trespass against the Laws of Excise (i.e. he had an illicit still. Ed.), had escaped from the attic or upper room, from whence they had descended upon his, the Baillie’s house, from whence the two prisoners, by means of a rope fixed to a ladder on the top of the house found their way to the ground”**.

As the 1800’s wore on Dornoch Castle became an even more desirable place to desert from. For reasons which we will discuss later the prison began to be overcrowded. In 1827-28 there were 80 prisoners of whom 63 were males and 17 females. Occasionally overcrowding prevented the sexes from being segregated and men and women were forced to share the few available cells. The Kirk Session meeting in 1828 complained **“that Mary Ross, one of the prisoners in the jail, was confined in the same compartment with five male prisoners”**. History does not record Mary Ross’s views.

Eye-witness accounts of the jail up to 1836 would seem to indicate that little account was taken of sex when it came to dealing with prisoners. Frederic Hill on his visit to Dornoch in 1836 found **“three prisoners using a day room, a man, a woman and a boy. They were using the same privvy, the door to which opened into the day room”**. A civil debtor who, because of the overcrowding, was forced to share his cell with “common criminals” decided to bring an action against the magistrates. He seems to have changed his mind before the action came to court however. In April of 1827 he escaped taking three of the common criminals with him! Despite rigorous press advertising and “wanted” notices everywhere, none was recaptured.

The magistrates went through their usual post-escape routine, doubtless to the ribald comments of the townsfolk. Little good seems to have come of the Magistrates’ deliberations, for only four months later a cattle thief held in the Castle made good his escape.

This was too much for the magistrates. They went to work on the security of the jail and sacked everybody in sight. Then they took on an ex-soldier, Sergeant Donald Gordon, and one David Ross, as jailers. A night watchman was also appointed whose job it was to patrol the castle with a rattle from sunset until 6.0 a.m. Gordon and Ross slept on the premises. The ex-soldier and his mate seem to have been more successful than their predecessors.

In 1830 there were three men in the jail, Hugh MacLeod, famous as the Assynt murderer, and of whom more anon, Donald MacDonald and a certain Donald Ross from Tongue who was

awaiting sentence to seven years transportation. MacLeod and MacDonald resolved to overpower the two jailers in the early hours of the morning and escape, having used the keys to let themselves out. Of necessity Ross had to be brought in on the scheme and he “spilled the beans” to Sergeant Gordon. As a result the escape plot was foiled, and Ross was commended by the magistrates, who recommended some mitigation of his sentence.

In 1834 a prisoner escaped using tools which had been secreted to him through a window, and in 1835 four men forced their way to the jail door but were recaptured on the threshold.

No other escapes are recorded while the Castle continued to be used as a jail, which was until 1850.

# The Present Building

During the eighteenth century a vigorous social revolution had begun to gather momentum. This revolution, which was to affect every facet of life in Britain, had started to influence thinking about the law, and about crime and punishment.

The Secretary of State for Scotland ordered his Inspector of Prisons, Frederic Hill, to prepare a report for him of all the prisons in Scotland and to offer conclusions and make representations regarding a new prison system. In 1836 Hill took off on his mammoth journey and eventually he arrived at Dornoch on September 16th.

His comments are brief but succinct. His observations regarding the three prisoners in the jail on September 16th-17th, 1836—one male, one female, one boy, have already been recorded. Hill also commented on the frequency of the escapes. What he would have said had his visit been earlier in the century one cannot imagine. He records that when the wind was in a certain quarter the stench from the privvies was overpowering. He points out the fire risk from open-fires and records that in 1835, three of the nine prisoners had smallpox. Hill notes that each prisoner had two double blankets and a straw mattress and these were changed twice yearly! No clothing was supplied to prisoners. There was no female officer and that male and female offenders were treated exactly alike. Visiting was free and easy it seemed and the warder did not remain to supervise the visit. Smoking and snuff were allowed. Supervision was by two warders who “perform their duties tolerably well”. In a closing note Hill remarks, “The system in use can do nothing towards reforming the prisoners, but disgrace of imprisonment has effect among the surrounding population”.

Frederic Hill's observations concerning every little prison in Scotland are set down in his report to the Secretary of State. Similarly recorded are his conclusions and recommendations. They are too complex and detailed to discuss here but they allow of a few generalisations in respect of their effect upon the jail in Dornoch.

The major conclusion which Hill came to, was that “the peculiar liability of Royal Burghs to pay the cost of erecting and



One of the massive steel grilles which cut off one floor from another

**maintaining prisons and to pay the expense of prisoners should be abolished".** He wished to see the management of all prisons in Scotland placed under one directing authority, which would be appointed by the government, and the cost of prisons and prisoners **"to be defrayed out of one general fund"**.

The bulk of his report is concerned with the introduction of a new system which was based upon the principle of "Separation". That is, that criminals were to be kept from associating and communicating with other criminals. The whole system of buildings and prison regulations which he worked out had this basic principle in mind. The regulations were to be rigidly applied by prison officers who were to be much superior to the old turn-keys and jailers they would replace. Their job would be to regulate, to punish—as prison governor and sentencing authority decreed, and to reform.

It is no part of my task to debate the rights and wrongs of Frederic Hill's report and recommendations but merely to report the results as they can be seen in Town Jail. People may draw their own conclusions as to whether his concept of the conditions within which reformation of the criminal was likely to take place, was one which they would have supported.

The major result of Frederic Hill's report on Dornoch was that it was decided to abandon the old prison in Dornoch Castle as soon as a new prison could be built. Local magistrates agreed with Hill.

The decisions involving the new prison were taken, not by the magistrates or the town council, but by the County Board—a newly constituted body.

In 1844 the following extract occurs in the report to the Secretary of State :

**"With a view to the erection of a new prison in pursuance of the proceedings reported last year, the County Board described to us a proposed site and stated that the ground was to be obtained from the Duke of Sutherland on a lease of 99 years. We approved of the description of the proposed site, but with respect to the ground being held on lease we suggested to the County Board that provision should be made for the payment, by the proprietor of the value of the buildings at the expiration of the lease, in the event of its not being renewed on similar terms; or otherwise that a feudal title should be obtained in virtue of the powers contained in the 58th Section of the Act. Thereafter the County Board reported that the Duke of Sutherland was willing to sell them the piece of ground proposed as the site of the prison, instead of granting it on lease. Our architect has since examined and reported favourably as to the site.**

The plans of the new prison having been submitted to us, we approved of them, after report by our architect and authorised

the County Board to proceed forthwith to make the necessary arrangements for the erection of the prison.

**The plans show the prison to consist of 11 cells for criminals, two rooms for civil prisoners, a sick room, an exercising gallery, an airing-yard, accommodation for keeper, and other conveniences."**

Six years later the prison had been built and was in operation. The Town Jail, unlike the Dornoch Castle, was not "of the town" nor were the jailers.

The prison was paid for indirectly by the people of Dornoch and all the county folk of Sutherland—for it had become the County Jail. The £2,400 which the jail cost was paid for with a substantial loan from the Bank of Scotland, and this debt, and everything associated with the Jail was administered by the County Board, who were responsible to the Inspector of Prisons and the Secretary of State for Scotland.

Just as the exterior of the new Town Jail differed from the exterior of the old jail in the tower of Dornoch Castle, so did conditions inside differentiate the new from the old.

Town Jail was built to a specific plan and to perform a specific purpose. The exterior of the jail has unique aspects to its architecture but the interior is identical to that of several small jails built at the same period. Frederic Hill had employed an Edinburgh architect, Thomas Brown of 3 Charlotte Street, to draw up general plans for his prisons, based upon multiples of two cells. Town Jail is to the design of Thomas Brown.

Part of Hill's specification to Brown had been an insistence on the use of the best materials, in order to ensure security more than because of the aesthetics of good stone. This insistence is reflected in every aspect of the specification. The masonry is massive, so are locks, doors, bars, keys, fireplaces and other detail in the jail. Notice the iron hammock hooks in each cell.

The specifications for the jail are worth noting, as are the prison regulations, because they reflect so precisely the attitudes of mind which guided Hill in his task. As you read these, consider what conditions were like in the old jail, and what affect the new system must have had on the average Sutherland criminal.

**For each prisoner there shall be at all times not less than 800 cubic feet of space.**

**The keys and locks shall be so adjusted that the following three classes of locks can severally only be opened by a key that will not open any of the others, viz : 1. the lock of the outer gate. 2. the lock of the entrance door to the prison-buildings. 3. the**



Cell interior to show hammock hooks embedded in cell wall

locks of the cells or apartments in which prisoners are detained, keeping in view the provision for separation of males and females as per Rule LXXXI.

The following are necessary arrangements :

An apartment suitable for use as a chapel where the stated average number of prisoners is five or more.

One punishment cell and additional punishment cells in proportion to each 50 of the stated average number of male and female prisoners respectively, the cells being so placed and constructed that their inmates cannot disturb the prison by shouting or otherwise.

One bath and additional baths in proportion to each 50 of the stated average number of male and female prisoners respectively.

An apparatus for the destruction of vermin in the clothes of prisoners.

Cells to be 10' high, with doors of 2" thick memel timber lined on the inside with strong sheet iron. (Town Jail walls are at least 3' thick.)

Hammock hooks of iron will be 2' 3" up from the door.

Foul air from cells to be drawn off by flues from an opening in the ceiling of each cell. These flues to be carried down corridor walls and to join a main foul air flue, to be placed under the pavement of the corridor on the ground floor and which will communicate with the flue from a stove to be placed in the same corridor, the heat from the stove will rarify the foul air, and make it pass off along with the smoke from the stove. During the summer months, when the heat from the stove is not required, a small fire may be placed at the bottom of the smoke flue to keep up the circulation of air in the cells and flues. The cells may be supplied with fresh air from the windows and from the corridors by small flues formed in the walls, along which the air will pass and enter the cells through a perforated iron plate placed in skirting.

A stove to be placed in the corridor on the ground floor and iron gratings to be put in the ceilings of the corridors to permit the heated air to ascend and warm the upper corridors.

The corridors to be supplied with fresh air in the warm weather by the windows, and in cold weather by a flue communicating with the external air and opening near the stove.

Drains to be carried round the outside of the prison walls with communications from the bathroom, W.C., etc.

There were many more building regulations of course but these should allow visitors to identify the salient features of the jail. The observant will see that five cells have "disappeared", of which one was certainly the "dark cell". This occurred when



**Dress — Male.**

Jacket of moleskin.

Waistcoat, with sleeves of moleskin.

Trousers of moleskin.

Pocket handkerchief.

Stockings—red and grey stripes.

Shoes—1 pair leather, 1 pair canvas.

Neckerchief.

Cap of moleskin, when necessary.

Belt, when prisoner has been in the habit of wearing one.

In Winter, serge drawers, and the waistcoat to be lined with serge, and for those who require it, an under-waistcoat of serge.

**Dress — Female.**

Green striped shortgown.

Twilled upper petticoat.

Blue plaiding under petticoat.

Bodice of stout twilled cotton.

Shift.

Pocket handkerchief.

Stockings—red and grey stripes.

Shoes—1 pair leather, 1 pair canvas.

Neckerchief.

Cap when necessary.

Other necessary articles.

In Winter a drugget upper petticoat instead of the cotton one.

Some large capes for prisoners of both sexes to wear in wet weather in the airing yards.



the jail became the army's property and the grand staircase was built. This led to the demolition of the end cells on the first floor and the ground floor.

The building regulations imply a number of factors which affected the life style of the prisoners—segregation and regimentation of course; but also regular bathing and a degree of cleanliness. There is enough heat and water to maintain health, but not enough to invoke comfort. The cells are meant to contain and their purpose is made absolutely explicit in height of ceiling and weight of door, size of window and thickness of wall. Prisoners are in prison to contemplate their crimes and to be aware of the weight of their guilt, and the imminence of further punishment unless they obey the rules implicitly. Through obedience to the rule will come “salvation”, release and re-acceptance.

The regulations for prisoners continue in the same vein. A very new element is introduced to the penal system however—the concept that work is redeeming. “The devil finds work for idle hands to do” was at the forefront of Hill's mind when he introduced his reforms. He believed that much crime was a direct result of idleness, and poverty due to laziness. Thus work was prescribed, and it was work with a capital “W”; hard, unrewarding, frequently purposeless labour such as that performed at the crank.

#### **Rule LXXXII.**

**It shall be shown to every prisoner on his being put into his cell or room, that the place and furniture are clean, in good order, and free from cutting, scribbling or other mark or disfigurement; and he shall be told that he will be required to keep them in that state.**

The prisoner rose before 6 a.m. in the winter. He endured a fourteen hour day and was not allowed to go to bed before the fourteen hours were up. At the discretion of the governor, prisoners were allowed to arise an hour later, and go to bed an hour earlier on Sundays.

Diet and work load was carefully regulated. The Crank machine was in regular use at Dornoch as the reports of the Inspector of Prisons makes clear. This machine did not “do” anything except occasion the prisoner to push against a weight. The energy he generated simply rotated a wheel.

**“The revolutions of the crank machine shall, on each lawful day, excepting Saturdays, be in the case of each adult a number not exceeding 14,400, and in the case of each juvenile a number not exceeding 12,000. On Saturdays the number of revolutions shall be reduced by one fourth in each case. The number of revolutions and the weight to be in each case fixed by the**



Cell door. Note massive locks, stonework, and Judas hole through which prisoners were observed

**Governor, with the advice of the Surgeon, and proportioned to the age and strength of the party at work, but the weight not to exceed 11 pounds in any case.**

There was some respite from this devastating routine at Dornoch where prisoners could also be employed in mat making, mending sheep nets, oakum teasing, gardening, knitting, mending prison clothing, washing, cleaning the prison, and pumping water.

We do not know how many hours were spent at each task, nor do we know whether all the prisoners were allowed to do some or all of the jobs. That there was scope for variety there can be no doubt, whether humanity was allowed to alleviate the rigour of the rule depended upon the Governor.

Diet was strictly prescribed and laid down in tables which related to age, sex, length and type of sentence. By and large, prisoners in the Town Jail were serving sentences of less than six months duration, most were serving short sentences.

**3 days or less :**

**Breakfast—1 pt. oatmeal gruel.**

**Dinner—1 lb. of bread.**

**Supper—1 pt. of oatmeal gruel.**

**3-14 days :**

**Breakfast—4 oz. of oatmeal made into porridge with  $\frac{3}{4}$  pint of milk.**

**Dinner—1 $\frac{1}{2}$  pts of barley broth with 6 oz. of wheaten bread or 2 $\frac{1}{2}$  lbs. of potatoes with  $\frac{3}{4}$  pt. of milk.**

**Supper—1 $\frac{1}{2}$  lbs. of potatoes with  $\frac{1}{2}$  pt. of milk.**

In longer sentences the amount of oatmeal and/or potatoes varied slightly but diet remained basically the same—no meat, fish, eggs, cheese or other protein foods. Men undergoing hard labour received the same diet. The only variation and clemency seemed to be with females and juveniles under sentence of transportation or penal servitude. Then the diet allowed for this diet on four days per week :

**6 oz. of meat with 1 $\frac{1}{2}$  oz. of cheese and with 6 oz. of wheaten bread and 1 lb. of potatoes, or 12 oz. of wheaten bread for dinner.**

Perhaps one should remember that the diet of working class people, in this day and age, would be only marginally superior to this. Indeed there would be those who would be better off in prison. Nevertheless the limited diet led to vitamin deficiency conditions, particularly to scurvy. A poor diet, in terms of energy and endurance, must have made hard, physical labour the more difficult to bear.

A scale of punishments was laid down for misdemeanors in jail. Many of these misdemeanors would be considered trivial by



Windows were high and small, admitting little air and light

present day standards. Refusal to work was a major crime. The punishments are listed as follows :

**Refusal to work—solitary confinement and restricted diet.**

**Guard bed (the regulations state that all prisoners serving less than 1 month slept on one of these, so there must have been quite a few at Town Jail)—this was a wooden bed, furnished with a wooden pillow, a sufficient quantity of covering being allowed for warmth.**

**Deprivation of work for a period.**

**Setting to hard labour.**

**Isolation at exercise.**

**Isolation at chapel.**

**Forfeiture of privileges earned.**

**Reduction of diet.**

**Restraint of limbs.**

**Putting in irons.**

**Confinement in dark punishment cell.**

All these punishments were at the discretion of the governor, who was under an obligation to record when a person was put in irons or confined to a straight-jacket, and who could not have prisoners so restrained or confined for longer than a defined and limited period.

Civil prisoners—debtors that is—were better off. **“They are to rise and go to bed at such times as the Governor, with the concurrence of the Board, may direct, but they are not to be required to rise before 7 o’clock throughout the eight months from March to October inclusive, nor before 8 o’clock throughout the other four months.**

Their visitors and mail were at the Governor's discretion but visitors were not allowed at meal times. They could have their food sent in—subject to certain restrictions concerning the nature of the food. They were not put to prison work, but could carry on their own trade or profession providing that it did not interfere with the discipline or order of the prison.

The regulations governing the behaviour and conduct of prison staff were laid down with equal clarity. What the Governor could and could not do was set out in a strict code, as were the regulations which dictated the working day of the Prison Warder. The rules were there for everyone within the jail environment to obey, and adherence to the rules was recorded in minute detail.

Every prison had to maintain the following registers :

1. Register of Criminal Prisoners.
2. Register of juvenile Male Offenders sentenced to be Whipped.

3. Register of Civil Prisoners.
4. Daily Statement of Prisoners.
5. Governor's journal.
6. Governor's order book.
7. Chaplain's journal.
8. Register of sickness.
9. Register of punishments.
10. Register of visits.
11. Inspection book.

The County Board made regular visits to the jail while the Inspector of Prisons made an annual visit and report to the Secretary of State.

The records, which exist now only in statistical form, show how many prisoners were in the Town Jail, Dornoch during a given year, what sex and age they were—within age groups—and what was the duration of their sentence. We no longer know their names or why they were there, because all the carefully maintained registers have disappeared—burned, or lost, or decayed to dust. Searching through the statistics, this entry for the years 1853-54 epitomises most of the entries :

In custody 31/12/1853, 6 male prisoners.

In custody 31/12/1854, 2 male prisoners (both sleeping on guard beds).

Sentences during the year averaged 50 days or less.

The greatest number of prisoners at any one time in 1853 were 11 males and 1 female. Of these people 4 were in separate confinement.

The breakdown by age was :

<b>Under 16</b>	<b>16-18</b>	<b>18-21</b>	<b>21-50</b>
1 male	2 males	5 males, 1 female	247 males.
<b>Above 50</b>			
22 males, 13 females			

Compared with other jails Dornoch had few inmates and none, apparently, whose crime was so heinous as to guarantee notoriety. It continued to dispense the rules which had been laid down, from 1850 until March 24 1882 when Dornoch ceased to be a local authority prison.

Nothing stands still they say, and this was certainly true of the Prison Service, where new minds introduced new ways of thinking about prisons and prisoners. In 1877 Richard Assheton Cross introduced the Prisons (Scotland) Act which, among many far-reaching reforms, led to the closure of a number of local prisons.

This letter proclaimed the end of Town Jail Dornoch's period as a prison :

**Prisons (Scotland) Act 1877**

In pursuance of the powers vested in me by the above mentioned Act, I, the Rt. Hon. Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, hereby order that on or after the 29th day of March 1880, the prisons mentioned in the schedule hereto shall be discontinued.

Home Office.

18th February, 1880.

Richd Assheton Cross.

Kilmarnock, Dornoch, Greenlaw.

After 32 years' service, Dornoch's Town Jail closed down. The final reports of William Willis, Inspector of Prisons read :

**Inspector's Report 1878-79.**

The prison buildings are in satisfactory repair and order internally and externally, and the general arrangements of the interior are good and sufficient in all respects.

The visiting committee have held 4 general meetings and visited on 17 occasions.

The provisions are purchased as required and appear good in quality.

I have always found the prison very clean and orderly and have reason to believe that the discipline is strictly maintained, and prisoners are kept fully employed.

It is stated that all the rules are carried out so far as the nature of the building will admit.

The general health of the prisoners has been very good ; no cases of illness, and no death has occurred.

A chaplain has been appointed.

The Library books are in fair condition.

The prison closed on March 29th, 1880 with this report :

The Governor and Matron were transferred to Elgin Prison and a 1st Class Warder from Aberdeen Prison was appointed acting Governor,, with his wife as Matron, on August 1st, 1879. Their duties have been satisfactorily performed.

The acting Governor states that all the rules have been enforced.

On my visiting the prison I always inspected the articles of diet and found them of good quality.

**PRISONERS.**

All have been seen by me at my periodical visits, and any complaint carefully enquired into :

The average daily number has increased from 1.03 to 1.9.

The visiting committee has visited the prison on 23 occasions.

The general health has been satisfactory and no case of sickness has occurred.

The Chaplain was regular in his attendance to the religious instruction of the prisoners.

The prison was closed by order of the Secretary of State on the 29th March, 1880. The one prisoner then in was safely lodged in the prison at Dingwall.

The Acting Governor and Matron were transferred to Alloa Prison.

Wm. Willis,

Inspector of Prisons.

And so the bolts slammed on an empty Dornoch Town Jail and silence settled on the prison until March 24th, 1882 when the prison, having been put up to public auction, was purchased for £200 by the Sutherland Rifle Volunteers—but that, as they say, is another story.

# The Nature of Crime in Dornoch

What crimes had been committed by the inmates of Town Jail, past and present? Unfortunately there is very little written evidence remaining from the mass of records which were kept, to tell us. However, one or two outstanding crimes, and their perpetrators, have been imprinted upon the folk history of the region, so we know about these. We also know about significant acts of legislation, or changes in the life style of the people, which resulted in increasing crime figures.

It is reasonable to suppose that the pattern of crime did not change significantly throughout the 17th and 18th centuries. The incidence of violence decreased as the methods of law enforcement became more sophisticated and more efficient, and as society became more "open" and caring. Certain legal changes in Scotland resulted in there being fewer candidates for the jail house. The most significant of these was the abolition of the Session or Church Courts, which in the eighteenth century exercised such an overwhelming influence on Scottish society. Let it be said at once that the Church Courts were principally concerned with contravention of the moral code, which governed church life at that time, and with profanation of the Sabbath. There is clear evidence, however, **"that civil-power was always willing to co-operate with the Church in her efforts for the moral and social welfare of the people"**. One of the magistrates was usually an elder, and he was known as the Session Bailie. He was invested with authority to impose civil penalties. In his book, "Dornoch Cathedral and Parish", C. D. Bentinck records a number of cases where church and civil-power acted together to punish people for what was sin, in a theological sense, rather than for crime in the legal sense.

The Church Court records indicate that superstition and a belief in witch-craft was extremely prevalent in the locale. This Presbytery minute from November, 1713 shows the church's concern. **"The Provincial Synod of Ross and Sutherland taking to their serious consideration that in several places within their**

**bounds, some persons when sick or in providence sustaining the loss of cattle or other things do oblige such persons in neighbourhood which they suspect to bear malice, envy, or ill-will against them to meet and swear on the Bible or an Iron that they bear them no ill-will and that they are not the causes of their sufferings, after citations are given on the Lord's Day to appear on the next day to give them oath fasting. To which practice being a horrid profanation of the Lord's most holy name and very frequently of his day, as also acknowledging of the Devil in afflictions which should be taken from the Lord's hand, and further a cherishing of a most abominable heathenish superstition", therefore the Synod felt bound to acquaint their people of "the evil of that most heinous wickedness", exhorting those who were guilty of it to repentance and amendment.**

The case of Janet Horne would seem to indicate that the Synod had greater cause to worry than even they knew. It also shows the incredible attitude of the civil authorities to witch-craft, and clearly illustrates what could happen when the law became involved in areas from which it should have stood aloof. In defence of the lawyers let it be said that there were many people who practised "the black arts", during the seventeenth century, and that those who did so invariably broke some civil law. Cases referred to the Presbytery during the 17th Century range from petty superstition, divination, and curses on cattle, to more serious cases of poisoning and intimidation.

At a time when people were left to their own fate there must have been **"Many poor, old, lonely, decrepit creatures whom poverty, isolation and bodily ailments had rendered peevish, secretive and peculiar in their manner and habits. Others were crafty old hags, who played upon the fears and superstitious notions of their credulous neighbours and made profit out of them"**.

Janet Horne, an old woman from the parish of Loth in Sutherland, was most probably one of the former kind. She was brought to Dornoch in 1722 charged with witch-craft. Captain David Ross of Little Dean was Sheriff-Deputy at the time and it would appear to have been his zeal and his willingness to act against orders, which occasioned the death of the old woman.

**"According to local tradition she had been a lady's maid in her younger days and had visited foreign parts with her mistress. After her marriage she had taken up her abode at Mintradwell, and had a daughter, one of whose hands was deformed. In her old age she seems to have, somehow, become an object of suspicion to her neighbours who became convinced that she was a witch and had dealings with the Evil One."**

She was charged with changing her daughter into a pony and riding her to the witches' meeting place and on the devil's errands.

The woman and her daughter were arrested and imprisoned in the ruined old Tolbooth which has been mentioned in an earlier chapter. The daughter's deformed hand seemed, to the prejudiced accusers, to resemble a horse's hoof. They claimed that the old woman had not succeeded in changing her daughter back to a complete person after the last occasion on which her daughter had been a horse ! This evidence was sufficient to convict her. The daughter managed to escape from the old Tolbooth but the old woman was sentenced to death by burning. "According to local tradition she suffered the extreme penalty imposed by law. She is said to have been stripped, tarred and feathered, and in this pitiable condition carted about the town as a terror to evil-doers. The day was chilly, and the poor wretch was so cold by the time she arrived at the spot chosen for her execution that she is said to have warmed her hands before the fire prepared for her burning, exclaiming as she did so, 'Eh, what a bonnie blaze'. The poor woman must have been so demented that she had no idea of the awful fate that was in store for her."

A stone in the garden of a house near the links marks the spot where she was burned to death. The stone is inscribed 1722, but the probable date was 1727. Whatever the date, her death caused a furore in Scotland and gave incident for both the Countess of Sutherland and Sir Walter Scott to record in writing. Janet Horne was the last witch to be burned in Scotland and her death had its effect upon those responsible for implementing the law.

In 1738 an old woman was murdered near Dunrobin. She was found dead in her house apparently having been beaten over the head with a spade. One Donald MacKay was arrested for the crime and tried before the Regality Court at Evelix. MacKay's defence was that he had wounded, with his spade, a hare that had crossed his path, being unaware that it was a witch. The court were not impressed by this defence and he was found guilty, and, as the Regality Baillie solemnly extinguished his candle, sentenced to death. On May 26th, 1738, MacKay was hanged at Gallows Hill, Dornoch—the last man to be hanged there.

Crimes of violence seem to have been the staple crime of the area throughout the 17th and 18th centuries. Most of these crimes arose out of drunkenness, thus :

**"Hugh Calder, Merchant Burgess of Elgin, was charged before the Sheriff Deputy with being in company with others in the house of Janet Manson in Dornoch, in the night time, they did, in a most violent and outrageous manner, assault, bear, and bruise each other, to the great effusion of their blood, and upon their being carried to prison by the guard, did beat and abuse the said guard."**

Hugh Calder was found guilty and sent to prison as one might have expected. Calder however was very angry and felt that not

only was it undignified for a man of his standing to be sent to prison, but also that it was extremely bad for business. He raised an action against the Sheriff-Depute and the Fiscal and we are left with a statement by the Sheriff-Depute to the effect that **"he allowed prison doors to be left open all the time Hugh Calder remained there, and everybody came freely out and in, and trafficked with him in prison"**.

Not all violent crime was so peaceably settled. The Assynt Murder has been mentioned earlier in this narrative. This was a violent murder perpetrated in pursuit of robbery by one Hugh MacLeod. MacLeod was initially imprisoned in Dornoch, in the Castle, from whence he attempted to escape. While he was in prison here he had a curious dream which he told to his jailers. Apparently he saw his father digging a grave. The grave was for him, his father assured MacLeod, but that he should not need it for a year, at which time he would not be able to escape it. Curiously enough, MacLeod's trial was fixed for September 23rd, 1830, but there was an incomplete jury and the trial was postponed until October 24th, 1831.

In the Justiciary Court at Inverness on that date Hugh MacLeod was duly convicted and almost immediately hanged, having first confessed his crime to the Prison Chaplain.

During the 1820's the Excise Laws which govern the sale and manufacture of whisky were changed. That these changes in the law had their effect in Sutherland there can be little doubt—"In the Autumn of 1827 it was reported that five people were imprisoned for breaches of the Excise Laws. During 1827-28 80 prisoners, 63 males and 17 females, were imprisoned in the Tolbooth at Dornoch, and 34 of these had offended against the Excise Laws".

It took a lot of years and many prosecutions before the highlanders desisted from breaking these particular laws. Perhaps there was not the same degree of moral censure from one's neighbour at being sent to prison for running an illicit still, as there was for being sent to prison for other crimes. You can be sure that there was not. Indeed, even in the twentieth century there is resentment at the swingeing tax placed upon whisky ; and controls still need to be vigorous so that the tell-tale smoke signals and the magic smell of mountain-dew do not rise up in lonely places as they did in the eighteen hundreds.

As the new Excise Laws brought a new crop of crime and criminals so did the new approach to agriculture ! There is no time here for a long dissertation concerning "The Closures", sufficient to say that the crofters' bitterness at being turned off their crofts so that the sheep could run free on the mountains brought the crime of sheep-stealing into pre-eminence. There are many cases of sheep-stealing recorded, and punishment was harsh. In a sense of course there was good precedence for sheep-

stealing in that during the long and stormy period of clan-history, the majority of raids made by one clan upon another were to steal cattle, or as an act of revenge for another clan having stolen your cattle. Following the '45 and the virtual collapse of the clan system, isolated, but fairly regular cases of cattle thieving are recorded, and many an inmate of Dornoch' prison was there to contemplate having coveted someone else's cow.

If there was a tradition of stealing beef, how logical that it should lead to stealing sheep. Sheep were smaller more plentiful, and could be seen to be a kind of enemy to boot. Easy enough to rationalise the crime of sheep-stealing into an act of public service.

By 1844 there were probably very few sheep-stealers. Sutherland was a most law abiding county where the shame of public wrongdoing was sufficient to keep the crime figures down. Most sentences were short term and were probably served for being drunk and disorderly, for petty theft and vagrancy. There are no scarlet crimes to enliven the pages of Dornoch Town Jail Records. By 1850 it would seem "The Knights had all gone and the Dragons were dead". The casual confinement and colour of the Tolbooth, in all its squalor, brooding violence, and occasional purple patches, had given way to an antiseptic smugness, which **enveloped crime and criminal alike in an aurora of deedy and** deadly dull routines. Prisoners were clothed and fed—but in what fashion! There was work for the criminal to do—but what work! Cells were waterproof and nearly warm. The old Tolbooth was careless, even cruel; the new Town Jail was caring, but crushing in its oppression of the individual. Conformity became the new cruelty during the nineteenth century.

