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NOTES  
ON THE  
SUCCESSIVE BUILDINGS

USED FOR  
COUNTY, MUNICIPAL, AND JUDICIAL  
PURPOSES OF THE COUNTY OF SUTHERLAND  
AND BURGH OF DORNOCH

BY  
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TOWN-CLERK OF DORNOCH.



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## PREFACE.

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OF recent years the project has been occasionally discussed in the ancient City of Dornoch of erecting a Town Hall in the wider and nobler sense of that term ; that is to say, a building which would not only be the centre of civic life and administration, but one which could also be used by the inhabitants generally for the purposes of meetings, reading, and recreation, as well as by the various friendly societies gradually growing up in our midst. In thinking the matter over, it occurred to me that a few notes, thrown together in my leisure hours, on the Town Houses of other days might be interesting.

The sources of my information are, as will be seen, mainly the Records of the Burgh. To the Rev. Dr Joass, Sheriff Mackenzie, the Sheriff-Clerk,<sup>1</sup> and the County Clerk, I am also indebted for information. I do not apprehend that the subject is of such general interest as to warrant publication. I have, therefore, had these Notes printed for private circulation among gentlemen officially connected with the County of Sutherland and its County Town.

H. M. M.

DORNOCH.

<sup>1</sup> Donald Taylor, Esq., whose death took place while these Notes were in the press.

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# NOTES ON THE ANCIENT TOLBOOTH OF DORNOCH.

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## CHAPTER I.

**T**HERE have been at least four successive buildings in Dornoch used for County, Town, and Legal business, viz. :—

1. The building in High Street to the north-east of the Cathedral, wholly or partly pulled down in 1730.
2. The building, erected on same site in 1730, and pulled down in 1813.
3. The Castle of Dornoch, used *ad interim* from 1814 to 1850.
4. The present buildings, the Court House erected in 1849-50, and the Jail in 1842-43.

## CHAPTER II.

(PRIOR TO 1730.)

WHEN the first building was erected, or by whom, we have unfortunately no record. In 1628, the ancient City of Dornoch (formerly a Burgh of Regality holding of the Bishops of Caithness and subsequently of the Earls of Sutherland as its feudal superiors) was erected into a Free Burgh Royal. By the Royal Charter,<sup>1</sup> permission was given to the Magistrates to erect a Tolbooth and a Market Cross. The ancient Cross still stands in High Street, to the north-east of the Cathedral, as of old, and, near it, stood, until 1813, the Tolbooth or Town House. In 1633, moreover, the Regality of Sutherland, &c. (formerly part of the Sheriffdom of Inverness) were of new erected by Act of Parliament into a separate Sheriffdom.<sup>2</sup> A Court House and Tolbooth would undoubtedly be necessary for the newly-erected Sheriffdom and its Head Burgh.

There is reason, however, to believe that a Tolbooth existed in Dornoch even prior to 1628. In 1509, the Sheriff of Inverness (the Earl of Huntly) was empowered

<sup>1</sup> *Vide* translation of Charter, Appendix I.

*Vide* Act of Scots Parliament, 1633, Appendix II.

by James IV. to hold Courts at Dornoch and Wick. In 1515, the Bishop of Caithness, as feudal superior of the Burgh, held a Court at the Market Cross of Dornoch, where Sir Thomas Murray, precentor of the Cathedral, resigned a tenement *near the Cross* in favour of his brother John, to whom the Bishop gave Sasine. Whether, however, the Court was held at the Cross because it was the usual place, or because of its proximity to the tenement, cannot now be said.

In 1603, however, "the Tolbooth of the Burgh of Dornoch" is specially mentioned as the meeting-place of an Inquest of Burgesses, held on 22nd November of that year, for the purpose of serving Barbara Matheson, as heir to her father, in a tenement known as the "Bischopis Lighting Place."

A former Town-Clerk,<sup>1</sup> in Notes on the Town and its Palace and Cathedral, says: "To the north of the choir was attached a strongly vaulted building, probably the Chapter House, but latterly used as the prison." It is quite possible that, in pre-Reformation days, when the Burgh was a vassal of the Kirk, the same building would be used as a Chapter-House for the Cathedral, and as a Tolbooth for the Burgh, and that the use of this building by the Civic Authorities was continued, after the Reformation, down until 1729, or even, after repairs, down to 1813.

<sup>1</sup> Robert Sutherland Taylor, Esq.

## CHAPTER III.

(1730 TO 1813.)

IN 1730, the Magistrates and Council of Dornoch resolved to pull down the then Tolbooth on account of its ruinous state, and to erect a new one, utilising the materials and site of the old building. The Minute is a most interesting one, not only for the particulars it gives of the new edifice, but also for the account contained in it of the expedients resorted to to meet the expenditure. It may accordingly be given here in its entirety:—

DORNOCH, 13<sup>th</sup> January 1730.

Acted In Council of the Burgh thereof In presence of James Weir, Kenneth Sutherland, John Sutherland of Little Torboll, and John Sutherland of Riarquhair, Baillies, Thomas Weir, Dean of Guild, Angus M'Kay, John Barclay, and Hugh M'Culloch, Councillors, and Walter Ross, Councillor and Town Clerk of said Burgh, being a full quorum.

In pursuance of ane Representation given in by James Weir and Kenneth Sutherland, Baillies for<sup>d</sup> Shewing the Inconveniency and Great Loss which the Burgh has and doth sustain by the want of a sufficient prison and Council House, The Council finds the same to be most unsafe and troublesome For which Reason as the above saids Baillies are Resolved and doe propose to build ane sufficient Town house consisting of ane Grand Council

House, a Gentleman prison, and Clerk's Room, with four shops<sup>1</sup> in the lower storey, and ane stairs ascending in the outer, They *nemine contra Dicenti* Agreed That the samen be Built upon the public charges of the said Burgh, Ordaining the said Baillies to pull down the old Town Tolbooth and Council House, finding the samen insufficient and not capable of Reparation—and to make up the stōnes thereof for the said new building, which is to be built by consent foresaid upon the stance commencing from the Cross eastward, allowing six foot of a pass Between the s<sup>d</sup> Cross and the wester Gavol of the said new Town house And the better to enable and for the furthering of the said work The said Council Ordain a monthly or quarterly stent to be laid on the Inhabitants of the said Burgh, and its also enacted by consent for<sup>d</sup> that the sole priviledge and disposal of the ston quarries and lime shells within the Bounds of the said Burgh be in the hands of the Magistrates in all tyme coming, and as the dues of the Great Town Bell and hand Bell have heretofore been of no accompt in the revenue of this Burgh Ordains the samen to be rouped annually at Michaelmas and the Emoluments to accross to the Burgh and the Intromittores with them to be Lyable in payment, and Ordains this Act to be published in so far as it relates to Quarry, shells, and Bells.

(Signed)

A MK Co.

JOHN BARKLAY Co.

H M<sup>c</sup> Co.

WALTER ROSS, Co. and Clerk.

STRATHNAVER P.

JAMES WEIR, Baillie.

KENNETH SUTHERLAND, Baillie.

JOHN SUTHERLAND, Baillie.

J. SUTHERLAND, Baillie.

T. W., Dean of Guild.<sup>2</sup>

<sup>1</sup> These shops or "vaults" appear to have been sometimes rouped along with the rest of the Common Good, and sometimes used as a Criminal Prison. *Vide* Minutes of Council of 10th June 1761 and 1st November 1811, *infra*.

<sup>2</sup> The curious custom of the whole members of Council adhibiting their names to the Minute obtained in the venerable, and somewhat conservative, Corporation of Dornoch down until 1894.

The resolution of the Town Council evidences that that body was possessed of considerable public spirit. The building was seemingly to be a considerable undertaking, and subsequent Minutes show that it was not completed without great exertions on the part of the civic fathers of that day. Indeed, the Minutes for years subsequent are full of references to the progress of the work, and to the extraordinary efforts made, and expedients resorted to, to meet the expenditure.

On 6th October 1730, "*the Town bells and graves*" were for the first time roused at the annual rouse of the Common Good, and the proceeds devoted to the building fund. They were purchased by Alexander Ross, Sheriff-Clerk Depute of Ross, for £23 Scots.

On 12th January 1731, a year after the resolution to build, we find the Council imposing a stent of £12 sterling on the inhabitants "for bringing on and forwarding the building of the new Town House." By the same Minute the Heritors of the Parish were ordered to pay £5 to the building fund for stones and shells lime taken by them for Dornoch Manse.

On 8th July of this year the Convention of Royal Burghs "allowed to the Burgh of Dornoch Five pounds sterling towards the repairing of their Tolbooth and Town house."<sup>1</sup>

The Convention grant is for *repairs*. From this fact, and also from the fact that the edifice was in a ruinous

<sup>1</sup> *Convention Records*, vol. v. p. 525.

state early in the following century, we may infer that the Council were not able to carry out their resolution of January 1730 in its entirety, but that they had to content themselves with only partly rebuilding their ancient Council House. If an entirely new edifice had been erected at this time, it is not likely that it would have been in ruins some eighty years later. There is a local tradition, however, borne out by history to some extent, that considerable loss was sustained by the inhabitants of Dornoch and neighbourhood during the '45, when the Earl of Cromarty invaded the County. It is quite possible that the Council House may have suffered at the hands of the rebels.

In 1732, the Burgh was in deep water financially on account evidently of the great expenditure on the Town House, for, on 3rd October of that year, we find the Council resolving to tax, not only the publicans inside the Burgh, but also in the "country adjacent." Whether such an extension of civic authority was resented or not is not recorded. We extract the following from the Minute of the day's proceedings:—

The Which Day The Magistrates, Town Council, and whole Community of the said Burgh at this Head Court<sup>1</sup> Taking to

<sup>1</sup> By the ancient sett or custom of the Burgh the annual meeting of Council for election of Magistrates, etc., was held on "29th September, if a Tuesday, and, failing of the 29th being a Tuesday, on the first Tuesday thereafter." This meeting was called the "Michaelmas Head Court," and continued to meet until 1868, when, by Act of Parliament, it was practically abolished. The annual meeting of Council for election of Magistrates is now held in

their consideration the Cess due by the Burgh to His Ma<sup>ty</sup> Receiver General and that they presently want a Tolbooth or Town house, and also considering that there are a great many Brewers and retailers of ale and other liquors within the Burgh who pay no public burdens to the Burgh, nor contribute anything for the public service, and that there are severall persons in the Country adjacent who trade in and about the said Burgh who are not Burgesses and Freemen thereof, Therefore it is hereby enacted by and with Authority of the said Magistrates, Town Councill, and whole community of the said Burgh, that each brewer and retailer of ale, spirits, or other liquor within the said Burgh, not being a Burgess or free trader, shal be Lyable to the Treasurer or Tacksman of the customs of the said Burgh for the behoof of the samen of one merk Scots money for each Broust of ale less or more brewed by them within said Burgh and Liberties thereof: And Ordains \* \* \* that the Treasurer

every Royal Burgh on the same day, viz., the Friday after the first Tuesday of November. St Michael was an old patron of the Dornoch people. "St Michael's Well," lying to the east of the Town, is a copious spring of excellent water.

There is a curious story of factorial power and ingenuity told in connection with this old well. The Reform Act of 1832 fixed the well as the furthest east point of the Parliamentary Burgh. The Act also provided that owners of property who did not reside within "seven statute miles" of the Burgh should not be entitled to vote therein. Parliament, in framing the Act, apparently quite overlooked the facts that Mr George Gunn, factor for the Earldom of Sutherland, resided at Rhives House, that Rhives was just beyond seven miles from the boundary of the Burgh now fixed, and that, therefore, it was actually depriving this gentleman of his vote. Mr Gunn, however, rose to the occasion. He could not alter the Act, but he could, and did, *alter the well*. He erected a stone and limie fabric, of some architectural pretensions, about 150 yards further to the east of the real well, and within seven miles of Rhives House, and had carved on it, in bold letters, "St Michael's Well." There was no water near it, but that was a trifle. All believed, or affected to believe, that the well had somehow or other taken unto itself wings, and had, along with the Act of Parliament, alighted on a site within seven miles of Rhives. Mr Gunn got his vote.

have power to pursue and exact payment of the unree Traders in the Town and Country adjacent to the Burgh.

The result of the tax on the publicans was evidently disappointing. Indeed, from the proceedings at a meeting in July 1735, it would seem that up to that date the progress made with the new Council House had not been by any means satisfactory. The Minute is as follows:—

DORNOCH, 30th July 1735.

In ane meeting of Town Councillors under subscribing, It being Represented to them that Mr Robert McAllastair, Factor to the Right Hon<sup>ble</sup> William, Earle of Sutherland, Provost of the said Burgh, is willing to build the Town house upon their giving him fourteen years Tack of the customes of Dornoch, to which the Council agreed and Impowered Andrew and George McCullochs, Baillies of the samen, to treat thereupon with the said Robert McAllaster or any other person for his behoof, and appoynt a day for his meeting with the Council to concert the charge and Dimensions of which the s<sup>d</sup> Town house is to be builded, and to extend contracts thereupon, and ordains the Clerk to give extracts if required.

(Signed)

ALEX<sup>r</sup> ROSS.

ROB. MANDERTON.

WALTER ROSS, Co. & C<sup>ks</sup>.

AND: MACCULLOCH, B.

G. MACCULLOCH, Ba.

THOMAS ROSS, D<sup>n</sup> G<sup>d</sup>.

A. M<sup>K</sup>., Treasurer.

HUGH GRAY, Councillor.

It may be mentioned that the "customs" consisted about this period of the following items:—

"Ordinary customs, Toll, Stallinger, Brewers, and



Bells, with Miln, Stones, and Shells,"<sup>1</sup> and generally fetched from £20 to £25 Sterling per annum. Taking £22 as an average figure, therefore, it would appear that the Provost estimated that it would cost him over £300 to complete the Council House, a very considerable sum in these days.

There is no record of when the agreement with the Provost was to commence. That it had not commenced for a year at least afterwards is obvious from the terms of a somewhat quaint Minute of 20th October 1736, from which we extract the following:—

And Further the said Baillies and Council Having considered that the Burgh stands in heavy arrears for Cess and Missive dues besides the Expenses in carrying on the new Council House and that the public funds are by no means able to answer the demands upon them, Besides that Contingencies happen to be necessary for supporting the Honour of the Burgh, Therefore they have appoynted and hereby appoynt a Stent or Tax of Six pounds Sterling to be lyvyed and exacted from the Burgesses and Inhabitants of the said Burgh betwixt and Michaelmas next.

The customs, however, seem to have been collected by Mr M'Alister, in virtue of the agreement of July 1735, somewhat irregularly; for, at a meeting in February 1737, we find him set down as a debtor to the Burgh in the sum of £48 Sterling for customs of years 1734 and 1735.<sup>2</sup>

On 22nd March 1737, a special meeting of Council was held to consider "the treaty with Mr M'Alister anent the

<sup>1</sup> *Vide* Roup of Customs, 18th October 1733.

<sup>2</sup> *Vide* Minute, 28th February 1737.

building of the Town house and prison thereof," and a Committee was appointed to examine and to report on the Accounts of his intromissions with the customs.

On 10th November 1738, we find the Council of new appointing this Committee at Mr M'Alister's special request:—

Thereafter Robert M<sup>c</sup>Allaster repeated a former Act of Council, dated the Twenty-second of March 1737, with a warrant in consequence thereof under the hand of Baillie William Sutherland and Patrick Dunbar anent the visitation of the work made by William Montgomery upon the new Council House, and that as no report has been made by the persons named in that order hitherto He therefore requested that The Magistrates might appoint a certain day twixt and which the Report should be made. The Council having considered the request Appointed the persons formerly named to visit the said work and make their Report thereon in the way and method formerly prescribed betwixt and the fifth day of December next.

Unfortunately, the Report of this Committee cannot now be found. Some years after this, as will be seen later on, the Council appealed to the County, and to the Convention, for help in building the Council House, and it would therefore have been most interesting to know what progress the Burgh itself had been able to make up to this time.

No reference to the work on the Council House can be found in the Minutes for the long period from 10th November 1738 to 18th June 1750. During this period, probably owing to the Rebellion, the country was passing through a period of distress. The Burgh was in deep

financial difficulties, and the Council meetings appear to have been entirely devoted to "ways and means" for meeting ordinary expenses. From a Minute of 2nd October 1743, it would appear that the purchasers of the customs for years 1727 to 1742 inclusive had not paid a single penny to the Treasurer of the purchase prices. A List of those in arrear is given in the Minute, and includes the names of the Provost (the Earl of Sutherland), Sir Wm. Gordon of Embo, several Bailies of the Town, as well as the Town Clerk.

It is not surprising therefore to find not only that building operations were much retarded, but that H.M. Exchequer had actually taken legal proceedings against the Burgh for arrears of cess.

At this juncture the Provost came to the rescue. From a lengthy Minute of 10th October 1744 we may quote the following:—

Thereafter, William, Earl of Sutherland, Lord Provost,<sup>1</sup> Taking to consideration the debts due to and by the Town, and the present Distress the inhabitants are under By the continued Quartering on Deficiency for Cess, Proposed that for easing of the Burgh, His Lordship would clear off the arrears due, as Likeways the whole other Burdens That affected the Town of any kind Provideing That the Council woud agree that he should be entituled to Draw the customes of the Burgh from hence forth annually as they should happen, Together with the arrears that presently appear to be due to the Town.

This proposal was agreed to by the Council, and for

<sup>1</sup> The term *Lord* Provost is found frequently in the records of the last and sometimes in those of the present century.

years afterwards the customs were annually uplifted by the Lord Provost. Indeed, more than half a century elapses before a roup of the customs or other Common Good is recorded. Whether, however, the whole revenues of the Burgh were intronitted with by the Sutherland Family during such period does not appear. Nor is the proportion of the drawings which the Provost applied to the building of the Town House recorded.

At any rate, this building was not completed in 1750, as in that year complaints as to the condition of the Court House and Jail appear to have been made to the Magistrates by the Sheriff. They, thereupon, resolved to appeal to the County and to the Convention to help them in the work.

The Minute containing the Appeal is as follows:—

At Dornoch, the Eighteenth day of June,  
One thousand seven hundred and  
fifty years.

In a Meeting of the Common Council of Dornoch.

<i>Sederunt</i> —Ensign Kenneth Sutherland, eldest.	} Baillies.
John Gordon of Golspie Tower.	
John Peterkin, Dean of Guild.	
Patrick Dunbar, Tresaurer.	} Councillors.
Kenneth Sutherland, late Baillie, and William Paul.	

Who taking under their consideration the View and design of rearing up the Town house long ago projected, and in order to have the same finished and compleated, have resolved and do hereby resolve that application shall be made to the Noblemen, Gentlemen, and others within the County of Sutherland as well

as others friends to the Burgh for their aid or contribution for compleating that Work. And in order thereto they condescend on and appoint the said Baillie John Gordon of Golspie tower to be their Manager or Collector and Assistant in raising and Ingathering what may be given by any person or persons whatever to that purpose And that he shall depositate such sum or sums as he shall receive or be secured in by write or other wayes in the hands of Hugh Gordon of Carroll, Esquire, one of the Councillors of this Burgh, to be applyed by him towards carrying on the said Town House Twixt and Whitsunday next Provided the sums promised and subscribed for shall be applyed for the Ends aforesaid twixt and Martinmas thereafter Under this condition nevertheless that the sum or sums so subscribed for or payed if not applyed to the uses herein designed on or before Martinmas 1751 the said Baillie John Gordon or Hugh Gordon of Carroll or either of them in whose hands the collection or contribution may be, are by the Council directed to have the same returned to the different Contributors without any expence at Law, And in the event that such contribution may not answer this design, the Council are of opinion and do hereby Direct that a generall application from the Burgh shall be made to the ensuing generall Convention of Burrows demanding a supply from them for finishing and compleating their Town house and prison as by law directed, so as to prevent the complaints of the Shereffs<sup>1</sup> or other Executors of the Law and the consequences thereupon following : And of this they enact and ordain extracts to be given by their Clerk accordingly.

(Signed)

KENNETH SUTHERLAND, B.  
JOHN GORDON, R.  
JOHN PETERKIN.  
KENNETH SUTHERLAND, C.  
PA. DUNBAR, T.

<sup>1</sup> The Sheriff here referred to must have been the Sheriff-Depute, to

What response, if any, the Convention or the County made to this appeal is not recorded.

In this year, however, the Guildry of Dornoch contributed to the building, and in return received permission to possess the vaults. These vaults are evidently the shops referred to in the Minute of January 1730. The Minute is interesting as being the only record extant of a separate Guildry or Incorporation of Trades having existed in Dornoch,<sup>1</sup> and is as follows :—

At Dornoch, the seventh day of August  
1750 years.

In a Council Meeting of the Burgh, John Peterkine, Dean of Guild, Represented that he had out of the Guildry funds laid out the sum of £2. 14s. 6<sup>d</sup>. Sterling towards carrying on the Council

whom, in 1747, the powers of the hereditary Sheriff were transferred. Over a hundred years elapsed, however, before the "Executors of the Law" got a building to their satisfaction. See their Memorial of May 1848, Appendix IV.

<sup>1</sup> The only other official reference, so far as I know, to the Guildry, occurs in connection with the Parish Church, in the Northern Transept of which certain rights are reserved to the "Magistrates, Guildry, and Inhabitants of Dornoch." *Vide* Heritors' Minutes, 30th October 1788. Though records, however, are thus scanty, there is no doubt that "Guilds" or incorporations of the various trades, existed in Dornoch until well on in the present century, the members of which possessed the exclusive privilege of trading in the Burgh. The entrance of apprentices was jealously guarded. When an apprentice was admitted a full member, he was said to be "brothered," and these admissions usually took place at the annual business meeting of the brethren of the Guilds. Each of these business meetings was invariably followed by a Ball. The Tailors, Shoemakers, and Carpenters were the three last survivors of these close corporations, and existed down until the thirties in this present century, when the various "Brethren Balls," as they were called, were great social functions in Dornoch. Old residents inform me that the "Vrichts" (*i.e.*, Wrights or Carpenters) Ball was always considered the best.

house, and therefore desired the Council might secure that sum for the Guildry, or allow him and his successors in office to possess and let out the three eastern vaults of the said Council House from this time forth until the Council can repay the above sum to the Guildry, Which being Considered by the Council They Authorise the said John Peterkine and his successors in office to hold and possess the said three eastern vaults and let out the same to the best advantage for the behoof of the Guildry Until the above sum of £2. 14s. 6<sup>d</sup>. Sterling be payed up by the Council for the time being to the Guildry.

(Signed)

KENNETH SUTHERLAND, B.  
DAVID SUTHERLAND, B.  
JOHN GORDON, B.  
JAMES SUTHERLAND.  
DUGALD GILCHRIST.  
HUGH GORDON.  
WILLIAM PAUL.

At a meeting on 10th June 1761, we again find the Guildry contributing to the Council House, and the Dean representing—

That the Council House of this Burgh, and the two apartments therein are insufficient by want of some panes of glass and stand-shell irons, The first intended for holding of Courts, and the other<sup>1</sup> for confining Prisoners for Debt, and Further that there are no Prison which can be called wholesome within this Burgh for the Reception or Detention of Prisoners that may be committed for crimes.

Instructions were given for the necessary repairs to

<sup>1</sup> The system of separate cells was not known. All prisoners for debt were huddled in one room, and criminals in another.

the windows and “the two vaults in the centre of the Wauls below the Town house” were set apart as a criminal prison.

Pennant visited Dornoch during his Scottish Tour,<sup>1</sup> and refers to the Council House erected or repaired in 1730 thus :—

“There was a stately fabrick of a church built in that Town in the 11th century by St Bar, Bishop of Caithness, but Bishop Murray thought it too small. It stood where the Council House now stands.”

The building thus erected, with such great exertions, was used, as already stated, down to 1813. It was, undoubtedly, the exclusive property of the Burgh of Dornoch. Indeed, the Burgh, being by Act of Parliament the Head Burgh of the shire, was by law bound to provide and maintain a sufficient Court House and prison. The building seems to have been also used, as a matter of course, by the Sheriff for his court, by the Commissioners of Supply and Justices of the Peace for their meetings, as well as by the Magistrates and Town Council.<sup>2</sup> It was the headquarters of County and Municipal Government, and within its walls the celebrated Dornoch Law was doled out to the lieges. Many stirring scenes would also be witnessed here when the Barons and Freeholders of the County would meet to

<sup>1</sup> *Pennant's Tour in Scotland and the Hebrides*, 1769-72, Lond., 1790, vol. i. p. 361.

<sup>2</sup> *Vide* Minute of 13th November 1813, *infra*.

elect a "Knight of the Shire" to go to Edinburgh or to Westminster, or when the "delegates" from each of the Town Councils of the Northern Burghs would meet to elect a "Burgess" to represent them in the great Council of the nation.

The old Council House, however, was not always reserved for such important and solemn functions. Civic fathers and grave lawyers had once a year, at any rate, to make room for those in the pursuit of pleasure. Cock-fighting was a favourite pastime of the citizens, and the old Council House was the arena. The Rev. Mr Sage, Resolis, was in School in Dornoch from 1801 to 1803, and he gives a vivid account of one of these games.<sup>1</sup>

When the important day arrived, the Court-room itself, in which was administered Municipal rule, and where good Sheriff MacCulloch ordinarily held his legal tribunal, was surrendered to the occasion. With universal approval, the Chamber of Justice was converted into a battle-field, where the feathered brood might, by their bills and claws, decide who among the juvenile throng should be king and queen. The Council-board was made a stage, and the Sheriff's bench was occupied by the schoolmaster and a select party of his friends, who sat there to give judgment.

Whether the Council House was really one of the old church buildings patched up, or whether it was badly built, or badly cared for, or whether it suffered in the '45, cannot now be known, but the present century was not very old when it was seemingly a good deal out of repair.

<sup>1</sup> *Memorabilia Domestica*, p. 159.

On 3rd October 1809, for instance, a general repair seems to have been ordered on the debtors' prison. The Minute gives somewhat interesting information as to the nature of prison accommodation in these days, and we extract the following from it :—

The Council, desirous of having additional accommodation for the unfortunate persons who may be confined prisoners in the Jail of this Borough, have directed Bailie Boog to give such repairs as the prison rooms may require as to doors, windows, and locks, and also Direct that the back room of the Jail upstairs be floored with deals, and two of the vaults underneath also to be floored, and bedsteads erected in all the rooms, the expense of which the *meeting*<sup>1</sup> will defray.

During the early years of this century the Magistrates were constantly in trouble with prisoners escaping, and even legal proceedings were taken against them on several occasions by creditors of escaped debtors.

The first intimation we have of an intention to erect a new building is on 1st November 1811. The occasion was the annual roup, for the common good of the Burgh, of the vaults underneath the old Council Chamber. In the Minutes containing the conditions of roup we find that :—

Thereafter the Town-Clerk<sup>2</sup> Intimated to all present that there was an intention of throwing down the present Council House and Jail and building a new one in the Castle Close,<sup>3</sup> and that

<sup>1</sup> The word *meeting* is scored across in the Record, and the word *Provost* substituted.

<sup>2</sup> Mr William Taylor, Sheriff-Clerk and County Clerk of Sutherland.

<sup>3</sup> The area between the river and the ruins of the Castle was known as the

the vaults now to be set by roup was to be on the express condition that the purchasers or tenants thereof are to cede and give up possession at any time during the year, and before Michaelmas next, they or either of them should be required by order of one or more of the Magistrates of the Burgh to do so.

A condition in similar terms is carefully inserted in the Articles of Roup of the Common Good of the following two years, viz., 1812 and 1813, showing that the project was occupying the attention of the authorities for several years. It was not until November 1813, however, that steps were taken to provide a new meeting-place.

Castle Close, whereon stood a large number of old feal houses, inhabited by the poorer classes.—*Vide Sage's Memorabilia Domestica*, p. 169. About 1812, however, extensive improvements were carried out in Dornoch by Mr Young, Commissioner to Lord Stafford, and a Magistrate of the Burgh. At his instigation the Castle Tower was repaired, a modern house built over the old kitchens, and the old close cleared away. The wide street, then known as "the South Street" and now as "Castle Street," was about the same time made right through the old close and across the river to where the Hotel now stands. The present Court House and Jail were, as will be seen later on, erected on the south side of this new street in 1850, and, judging from Mr Taylor's intimation, this site must have been in view so early as 1811.

## CHAPTER IV.

## DORNOCH CASTLE (1813 to 1850).

ON 13th November 1813, the last meeting was held in the old Council Chamber. It was a joint conference of County and Town notables, and it resolved to pull down the old building, and meantime to accept Dornoch Castle as a meeting place and Court Room.

The meeting is an important one in the history of the County, and the Minute, as given in the Burgh Record, is as follows:—

At Dornoch, the 13th day of November 1813 years.

In 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, called by letter from the Convener, published in the *Inverness Journal* and other newspapers.

*Present*—William Young, Esquire of Inverugie.

Major Dugald Gilchrist of Ospisdale.

Patrick Sellar, Esq<sup>r</sup>, Factor on the Estate of Sutherland.

Angus Fraser,<sup>1</sup> Esquire, Factor for George Dempster, Esq<sup>r</sup> of Skibo and Pulrossie.

Thomas Houstoun,<sup>1</sup> Esquire at Lothbeg.

<sup>1</sup> With the exception of Messrs Fraser and Houstoun, all the other gentlemen present were Magistrates or Councillors of the Burgh, as well as Commissioners of Supply, &c., for the County.

Captain John Munro at Achley.  
D<sup>r</sup> William Ross at Cambusmore.

Major Gilchrist being unanimously chosen Preses, M<sup>r</sup> Young begged leave to call the attention of the Meeting to the ruinous condition of the County Court-house and Jail, And the Necessity there was for some Measure being followed to remedy this inconvenience; And as the Rebuilding of this house must be attended with considerable expense, delay, And inconvenience; He was authorised by the Most Noble the Marquis of Stafford to say that the County would be extremely welcome to accommodation in the Ancient Castle of Dornoch, lately repaired by his Lordship,<sup>1</sup> if the Gentlemen thought that this place was proper for the purpose; And the Meeting having considered of the Subject with every attention, And having examined into the Condition of the present Court-house, And seen the ruinous situation in which it is, And the accommodation offered by the Marquis of Stafford, They are perfectly satisfied that it is Necessary to relinquish the present Court-house, And beg leave to thank the Noble Marquis for the accommodation offered by him, And for which the County will pay Any rent his Lordship May think proper to demand.

Thereafter the Meeting took into consideration the manner in which the Materials of the old Court-house should be disposed of, Resolve that the slates, sarking, and other Materials of that house be sold by public roup on Thursday, the Twenty-fifth day of November current: And they direct William Taylor, clerk of Court, to advertise the roup once in the *Inverness Journal*, And at all the neighbouring parish Churches, As also to manage the roup, And report the sale and proceeds<sup>2</sup> thereof to the General Meeting of the County on the thirtieth of April next, to which

<sup>1</sup> The repairs cost the noble proprietor the sum of £1363, 11s. 2d.

<sup>2</sup> Neither the Burgh nor the County Accounts for this period are extant. But there can be no doubt that the considerable sum realised (£98, 11s. 6d.) from the sale of the Burgh property was paid over to the Commissioners of,

day he is authorised to give credit to purchasers, on granting bills with sufficient caution.

(Signed) D. GILCHRIST, Preses.  
( " ) W<sup>m</sup>. TAYLOR, Cl<sup>k</sup>.

This Minute is only second in importance to that of January 1730. It is also interesting as the first formal recognition of the County having any rights in the old Court or Council House. The Minute is inserted in the Burgh Record, and no reference to it can be found in the Records of the other bodies.

This joint meeting in November 1813 was the last meeting held in the old Council House. Indeed, the authorities must have almost immediately transferred themselves to the Castle, because, on the 25th of the same month, the sale of the materials of the old building took place. The minute of the Roup is of some interest, and may be given:—

At Dornoch, 25th November 1813 years.

By virtue of the power and authority granted to William

Supply, as stated in the Minute. The only explanation of this curious fact that suggests itself is, that an understanding had been come to between the Town and County authorities, to the effect that, whereas the old Council or Court House, which had served them both, was the property of the Town, the new buildings should be erected by the County, the proceeds of the sale of the old building to be the Town's contribution. This theory is borne out by the facts, that the Castle was looked upon as a temporary meeting place only, that when the Commissioners of Supply erected the present building in 1850 the Burgh did not at that time contribute to the cost, while, as will be seen later on, the Burgh did contribute towards the cost of the Prison erected by the Prison Board, and that the Building erected by the Commissioners of Supply has always been used, as a matter of course, by the Magistrates and Town Council as well as by the County authorities.

Taylor, Clerk of the County of Sutherland and Town-Clerk of Dornoch, by the Heritors, Freeholders, &c., of the Shire of Sutherland, and Magistrates and Councillors of the Burgh of Dornoch, A Sale by Public roup of the Materials of the Court house and Jail, known by the name of "The Council house of Dornoch," took place this day, And the following are the articles and conditions of roup, viz.

[The conditions follow here. The Minute then gives Sale List]:—

*Roup of Building Materials.*

1. The Slates and Riging Stones of the said house, purchased by	Mr George Alexander,	£18	0	0
2. The sarking, Roofing, and Lath, purchased by	ditto do.	34	0	0
3. The flooring, Joisting, and Stair of the Record Room, purchased by	ditto do.	5	10	0
4. The flooring of the Court room and Debtors' room, purchased by	Major Gilchrist, Ospisdale,	2	2	0
5. The four doors of the Court Room and Prisons, with locks and keys,	Mr Alexander, Golspy,	3	5	0

Carry forward, £62 17 0

		Brought forward, £62 17 0		
6. The three vault doors with locks and keys,	Mr Alexander, Golspy,	1	12	0
7. The whole windows, being eight in number, by	Major Gilchrist,	3	10	0
8. The seats and benches of the court room, with the railing, &c., purchased by	Mr Robert Ross, Dornoch,	5	0	0
9. A lot of Timber, consisting of nineteen pieces,	Mr Taylor, Dornoch,	0	12	6
10. The Stones of the whole house (excluding the Riging Stones),	William Young, Esquire,	25	0	0
			<u>£98 11 6</u>	

In June, 1814 the Magistrates presented Petitions to the Courts of Session and Justiciary to have the Castle declared the legal Court House and Jail of the Burgh;<sup>1</sup> but the Courts refused to entertain the Petition so long as the building was the private property of the Provost.

Notwithstanding this refusal, however, the building was used by the Town and County Authorities from 1813 onwards.

A County meeting was held in the Castle on 14th July 1814, which was attended by Lord Gower, afterwards

<sup>1</sup> One of the Petitions is given in Appendix III.



second Duke of Sutherland. Writing to the Marquess of Stafford the same day, the Marchioness-Countess says: "G. went to the meeting at Dornoch this morning. He reports the new Court-room and publick offices in the Castle to be extremely well done."

Though the sanction of the Court had not been obtained to the change, the Michaelmas Head Court of the Burgh was held, on 4th October 1814, "in the Court-room within the ancient Castle or Palace of Dornoch." The Magistrates appear, however, to have had sundry qualms of conscience as to the legality of their meeting there, and they were careful to minute the exceptional circumstances. The formality of the proceedings is in curious contrast with the itinerant habits of some of the governing bodies of more modern times.

The Minute begins as follows:—

The Magistrates and Council taking into their consideration the ruinous situation of the Council room in which they used to meet, and that it is impossible to meet there this day; and also considering the offer made by the noble Marquis and Marchioness of Stafford to give the necessary accommodation to the Burgh within this ancient Palace or Castle of Dornoch, and the application made by the Petitioners to the Court of Session for their authority to accept of the said offer, and which application will be brought under consideration of the Court how soon they meet in November—The meeting do in the meantime, on account of the urgent necessity of the case, Declare that the room in which they are now assembled is, and shall continue to be, the ordinary Court-room and place of meeting of the Magistrates and Counsellors of this Burgh untill the issue of the said application; and

also Declare That the prison rooms in the said Castle are, and shall continue to be for the same period, the public jail and Tolbooth of the Burgh, and Direct That the keys of the several rooms be now given up and Delivered over to Kenneth MacLeod, the Town officer.

After clearing their consciences with the above declaration, the gentlemen present proceeded with the election of Magistrates, &c., and the other usual business of the annual Michaelmas Head Court. At this meeting the proposal to change the cross was disapproved, and it was resolved "that the Cross be continued on its present site."

The Castle was used as a Court House and Jail without any authority (beyond the Minute of 4th October 1814) from 1814 to 1818. The difficulty being that the Court refused to sanction its use for public purposes so long as it was private property, and that the Marquis and Marchioness of Stafford could not alienate it in favour of the Magistrates, as it was part of their entailed estates.

On 4th March 1818 the Magistrates lodged a Minute in Court setting forth the difficulty above referred to, but stating that the Marchioness "was willing to grant a lease to the Magistracy for 99 years under the Act 10 Geo. III. cap. 51, if the Court should consider this to be a sufficient title." On this occasion the Magistrates were more successful, as, on the following day, the Court pronounced the wished-for Interlocutor.<sup>1</sup> No steps ever

<sup>1</sup> See Appendix.

appear to have been taken, however, to vest the building in the Magistrates.

The part of the Castle used as a prison seems to have been as insecure as the old Council House Jail, and, during the period of its use, the Magistrates were constantly getting into trouble with prisoners escaping.

In 1817 the Scottish Royal Burghs presented a petition to Parliament, setting forth the hardship of their having to keep up Tolbooths for their respective shires, and a Committee of the House of Commons was appointed to investigate the grievance.

The replies made by the Magistrates of Dornoch, on 24th April 1818, to a string of questions sent them by the Committee, are full of interest, and contain many curious references to the prison discipline and management<sup>1</sup> of the day.

On 28th August 1829 the Magistrates make a long and most interesting report to the Home Secretary on the state of the Castle Court-house and Jail, in which they state that they consider it insufficient, but that they are considering the expediency of erecting new buildings "on a piece ground lately acquired by the Marquis of Stafford within the Burgh, and which he therefore can convey to the County and Burgh absolutely."

This is the second reference to the site of the present buildings.

<sup>1</sup> The Jailor's salary is returned at "a small croft of land, two bolls of meal, and ten shillings in money."

## CHAPTER V.

### THE PRESENT BUILDINGS.

ABOUT the beginning of the present reign the question of erecting entirely new buildings, contemplated, as we have seen, so long ago as 1811, was forced on the attention of the authorities. Modern ideas of what a prison ought to be would no longer tolerate the gloomy vaults or topmost attics of the old Castle of Dornoch, while the increasing importance of the Sheriff Courts rendered the small Court Room in the Castle quite unsuitable for the proper and dignified administration of the law. The result was that, in 1842-4, a Jail, and in 1849-50, a Court House were erected on the site in Castle Close already referred to,<sup>1</sup> at a total cost of over £5500 to the County, and (in the case of the Jail) also to the Burgh. Perhaps we may be allowed to close our sketch with a few notes on these buildings.

The Jail was first undertaken. By Act of Parliament provision was made for the proper administration of prisons, and a General Prison Board, and a Prison Board

<sup>1</sup> See Minute of 1st November 1811, and Report of 28th August 1829, *supra*.

in each County, were established. With the approval of the General Board, the Sutherland Prison Board appear to have at once set about erecting a new Prison in the County Town. Plans and estimates were made in 1842, showing the estimated cost to be £2000. This sum was duly assessed for by the County and Burgh authorities, on the requisition of the Prison Board. The actual cost, however, came to £2929, 19s. 3d.,<sup>1</sup> and the additional sum necessary was also subsequently assessed for by the Commissioners of Supply and the Town Council respectively. The building thus erected was used as the Prison of the County and Burgh down until the year 1879. It was considered one of the finest prisons in the north of Scotland, the division walls being all of solid masonry, and the ceilings of the cells and passages being also vaulted in stone. A separate Prison for the County of Sutherland was abolished in this year, and the building was then sold to the local Volunteer Company for £220, whose property it still remains.

Increased Court House accommodation was, if anything, more urgent. By 6 George IV. cap. 23, and relative Act of Adjournal of 17th March 1827, trial by Jury was, in effect, introduced into the Sheriff Court. Even in ordinary circumstances the small room in the Castle used by the Sheriff Court was insufficient for the accommodation of the Court, its officials, and the public, while rooms for witnesses and offices were entirely want-

<sup>1</sup> See details in Minute of Magistrates, 4th October 1844.

ing. This unsatisfactory state of matters was of course intensified in the case of a Jury Trial. The matter was formally brought up at the Annual General Meeting of the Commissioners of Supply, held in the Castle on 1st May 1848. This meeting may be said to be third in importance in the history of our subject. While the proceedings of the other two meetings (*viz.*, those of 1730 and 1813) are recorded in the Burgh Books only, the proceedings of the meeting of 1848 are only to be found in the Minutes of the Commissioners of Supply. At this meeting a long Memorial was presented by the Sheriffs-Depute and Substitute and Procurator-Fiscal, calling the serious attention of the Commissioners to the wholly inadequate accommodation in the Castle for holding Courts. The Memorial is an extremely interesting document, and extracts from it bearing on our subject are given in the Appendix.<sup>1</sup> The meeting, satisfied of the urgency of the case presented to them, remitted to a Committee, consisting of the Convener, Messrs Gunn, Dempster, Gordon, and Fraser, "to procure a plan and estimate of the work, having due regard to economy, and to call another meeting on the day of to consider the same more fully in order to be prepared to enter into contracts."

This Committee appear to have met for the first time on 7th February 1849, when "Mr Fraser stated that, after the designs originally prepared had been divested of all external ornament, agreeably to the desire of His

<sup>1</sup> *Vide* Appendix IV.

Grace the Duke of Sutherland, and the plans had been finally approved of as thus altered by His Grace and Mr Loch in October last, he had transmitted the same to Mr Brown, the architect, and obtained from him working plans; that as soon as these were got he had advertised for contractors in all the local newspapers, and this day had been fixed for receiving the offers."

The Committee then accepted the following offers :—

Alexander Graham, Ardallie, for the whole work, except the plumber work, . . . . .	£2,299	0	0
John Blackie & Sons, Aberdeen, for plumber work, . . . . .	128	16	6
Miscellaneous furnishings, &c., . . . . .	160	0	0
Total cost, . . . . .	<u>£2,587</u>	<u>16</u>	<u>6</u>

By the end of the year 1850 the building was completely finished. When the size of the building, the short time taken, and the splendid workmanship so apparent in every part, are considered, it will be seen that the fabric as it stands reflects the greatest credit on all concerned—on the Commissioners of Supply, on the Architect, and on the Contractor. As already stated, the Burgh of Dornoch did not contribute to the cost of its erection, nor can any reference to the work be found in the Records of the Burgh for the period. Immediately on its completion, however, the Magistrates and Town Council, as a matter of course seemingly, left their quarters in "the ancient Castle or Palace," and transferred their meetings and Courts to the new building,

which, like its predecessors of old, is simply known to the Dornoch people as "the Council House." In this building they have met ever since, just as the County authorities were in use to do in other days in the old "Council House" or Tolbooth of Dornoch in the High Street.