

# Jail Book records Patrick Sellar's incarceration

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

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

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

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

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

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

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

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

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

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

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

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

Patrick Sellar is obviously a character that looms large in the history of the Highlands, and in that of Sutherland in particular. That he is mentioned in the Dornoch Jail Book means that this is a document not simply of local curiosity, but of national importance.

The weight of his name should not be allowed to overshadow all the others in the book, however. Each entry tells a story. Some are tragic while others are very amusing, but what they all have in common is that they allow us to pry into the lives of people during this period, providing a rich source for the genealogist and social historian.

It is evident from reading the Jail Book that security was not all that it could have been and a number of escapees are mentioned at different times. The first of these episodes is mentioned on January 1st 1818, which leads one to speculate whether the jailer had abandoned his duties in favour of a dram or two on Hogmanay.

*Early this morning Adam Mackay and Alexander Macdonald from Tomich, both of the parish of Kildonan, effected their escape from the Jail of Dornoch by one of the open turrets in the attic room and from there by means of a ladder on the top of an adjoining house and a rope fastened to it, came to the ground.*

A month later, the brother of Alexander Macdonald was thrown into the jail on a charge of "aiding and assisting" in the escape, and on 3rd February the Magistrates and Town Council of Dornoch offered a reward of 10 guineas for the apprehension of the two runaways. Due to the absence of any further entries on this subject, however, it would appear that they were never caught.

Evidence regarding the sanitary conditions within the jail can be found in the Dornoch Burgh minute books and, if they are to be believed, it is little wonder that prisoners tried to escape.

30 May 1835

The Magistrates having taken into consideration a Report by Doctor Ross the Gaol Surgeon of this date on the state of the Gaol from which it appears that MacKay Scobie Mackintosh a Criminal prisoner is ill with natural [sic] Small pox. Direct that agreeably from recent instructions from the Solicitor General, the Crown Agent be informed of this so as a warrant may without delay be procured for his liberation from Gaol during his illness. The very offensive State of the Gaol necessary alluded to in the Surgeon's Report is well known to the Magistrates; the Court room and indeed all the neighbourhood of the Gaol being affected with the effluvia from it in an insufferable degree. The effect of it on the health of the prisoners must be particularly injurious and therefore the Magistrates Direct that the necessary cesspool be forthwith cleared out, and that notice be given for estimates of the expense at which the work will be executed. The Magistrates are aware that this will only afford a partial temporary relief from the nuisance, and that a more durable remedy is essentially requisite, and the [sic] earnestly submit to his Grace the Lord Provost that the State of the Gaol requires the earliest & most serious consideration. The Clerk is directed to transmit a copy of this

May 31st - Mr Patrick Sellar at Culternaich  
Tailor to the Marchioness and Duchess  
of Stafford - is incarcerated by warrant of  
Robert Mackay Esq Sheriff Substitute  
in the lairds - on a charge of having  
wilfully set fire to the house of a Tailor  
in Parish of Rogart in Northmeir  
and demolishing the Mill of Oldhams  
both part of Mr Sellar's own sheep farm  
(committed to jail toward the house at 6 o'clock  
the morning -

An extract from the Dornoch Jail Book showing the entry relating to the imprisonment of Patrick Sellar on 31st May 1815.

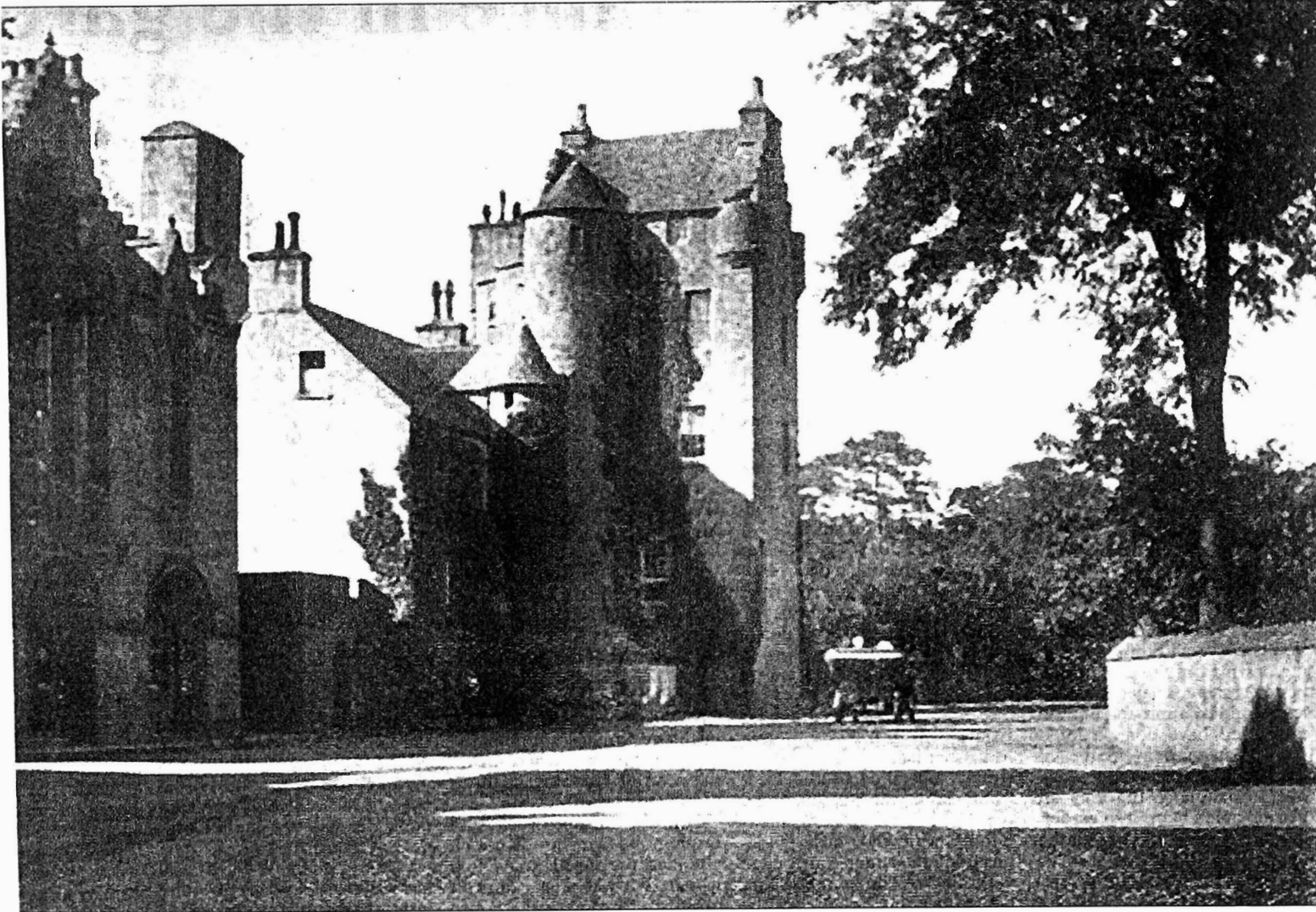
minute & of the Surgeon's relative report to James Loch Esq MP for the information of the Lord Provost.

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

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

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

Interested in finding out more about the Highland Council and the North Highland archives?  
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A late 19th century view of Dornoch Castle, at one time the town jail.