

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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NOTES ON THE ANCIENT TOLBOOTHS OF DORNOCH.

CHAPTER I.

THERE 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,¹ 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.² 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

¹ *Vide* translation of Charter, Appendix I.

² *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,¹ 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.

¹ 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, 13th 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 an Representation given in by James Weir and Kenneth Sutherland, Baillies for^{sd} 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 says 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 shops¹ 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 stones 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^d 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^{sd} 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 roupd annually at Michaelmas and the Emoluments to accross to the Burgh and the Intromittors 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.	STRATHNAVER P.
JOHN BARKLAY Co.	JAMES WEIR, Baillie.
H M ^c Co.	KENNETH SUTHERLAND, Baillie.
WALTER ROSS, Co. and Clerk.	JOHN SUTHERLAND, Baillie.
	J. SUTHERLAND, Baillie.
	T. W., Dean of Guild. ²

¹ These shops or "vaults" appear to have been sometimes roupd 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*.

² 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.