



HISTORIC
ENVIRONMENT
SCOTLAND

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STATEMENT OF SIGNIFICANCE

SCALLOWAY CASTLE



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HISTORIC ENVIRONMENT SCOTLAND STATEMENT OF SIGNIFICANCE

SCALLOWAY CASTLE

CONTENTS

1	SUMMARY	2
1.1	Introduction	2
1.2	Statement of significance	
2	ASSESSMENT OF VALUES	5
2.1	Background	5
2.1.1	Description	5
2.1.2	Deterioration and ruination	9
2.2	Evidential values	12
2.3	Historical values	13
2.3.1	Patrick Stewart, second earl of Orkney (1568 -1615)	14
2.3.2	Centre of administration and justice (1600 - 1650)	15
2.3.3	Association with Gallow Hill	16
2.3.4	Cromwellian period	16
2.3.5	Later history and recognition as an Ancient Monument	17
2.3.6	Wartime history	19
2.3.7	Stories associated with the castle	19
2.4	Architectural and artistic values	20
2.5	Landscape and aesthetic values	23
2.6	Natural heritage values	25
2.7	Contemporary/use values	26
3	MAJOR GAPS IN UNDERSTANDING	27
4	ASSOCIATED PROPERTIES	28
5	KEYWORDS	28
	BIBLIOGRAPHY	28
	APPENDICES	
	Appendix 1: Timeline	32

Please note, the research for this document was undertaken during 2020-2021 with limited access to archives and resources, as a result of Covid-19. While every attempt was made for accuracy throughout the statement, errors or omissions may remain. Please direct comments or suggestions to CRTenquiries@hes.scot

I. SUMMARY

1.1 Introduction

Scalloway Castle stands at the east end of the town of Scalloway, on the west side of Mainland and 6 miles from Lerwick, Shetland. The castle complex originally consisted of a tall tower house, with ancillary buildings, courts and gardens around it, spread over a low, natural promontory surrounded on three sides by the sea. Only the tower house remains: it is a tall, stone structure of four storeys, complete to wallhead but now unroofed.

It was built around 1600 by Patrick Stewart, Earl of Orkney and Lord of Shetland; its construction effectively made Scalloway Shetland's new capital, replacing Tingwall, three miles to the north.

Scalloway Castle is a scheduled monument¹ and was taken into State Guardianship in 1908. It is surrounded by a walled enclosure. Entry is free, and the site is generally accessible all year round². Immediately behind the castle lies Scalloway Museum which, along with the Scalloway Hotel, acts as key keeper. Visitor numbers are difficult to assess; the museum recorded upwards of 20,000 visitors in 2019, and it is likely that a high percentage also visited the castle.

1.2 Statement of Significance

Scalloway Castle is the most impressive Early Modern monument in Shetland. The following bullet points outline key aspects of its significance. A fuller description and assessment of its heritage values is found in Section 2 of this document.

- Scalloway Castle is a large and sophisticated example of a Scots Renaissance L-plan castle³ with a generous scale-and-platt stair; this

¹ SM90273, further information available at:

<https://portal.historicenvironment.scot/designation/SM90273>

² Prior to visiting, please check opening hours on the HES website:

<https://www.historicenvironment.scot/visit-a-place/places/scalloway-castle/prices-and-opening-times/>

³ 'L-plan' is used to refer to the shape of the castle footprint when viewed in plan: the main building is rectangular, with a square staircase tower projecting from its south-west corner (together, forming an 'L' shape).

is an important design feature and is an early example within a Scottish context.

- It is one of four buildings which form a nationally outstanding group, comprising **Muness Castle, Earl's Palace, Kirkwall and Noltand Castle**.⁴ These structures share features including a common approach to the detailing of corbelling and gunloops, all suggesting the hand of Andrew Crawford, Master of Work to Earl Patrick of Orkney and John Ross, mason.
- Scalloway Castle's most famous, or *infamous*, association is with its patron, Earl Patrick, who is still a figure of notoriety to many Shetlanders. The castle serves as an important educational resource in this respect.
- Aside from its links to Earl Patrick, the castle has important historic associations with the administration of law within Shetland during the 17th and early 18th centuries. Its hall served as the courthouse and its cellars as lock-ups; trials included several for those accused of witchcraft. A further link to this grisly period is to the nearby Gallows Hill, where executions are recorded as taking place.
- Scalloway Castle makes a defining contribution to the townscape of Scalloway; it is very important in views both within the town and on approach.
- The association of the castle with nearby Scalloway Museum is of benefit to both places, and together they provide a significant and complementary offer to visitors. They are also an important resource for communities, as key features in the heritage of Shetland.
- Because of its townscape value, the castle is important to the community as a visual symbol of Scalloway town and adds to a sense of place and identity.
- A further association is with Law Ting Holm, Tingwall,⁵ both for their shared history as one-time capitals of Shetland, and also because the churchyard contains a memorial to Alexander Crawford, Earl Patrick's Master of Work.

⁴ Throughout the text, site names in **bold** are managed by Historic Environment Scotland and are publicly accessible. Access information can be found at: www.historicenvironment.scot/visit-a-place/

⁵ For further information, see Canmore site 1104: <https://canmore.org.uk/site/1104/law-ting-holm>



Figure 1: Scalloway castle from the south-east. © Crown Copyright HES.

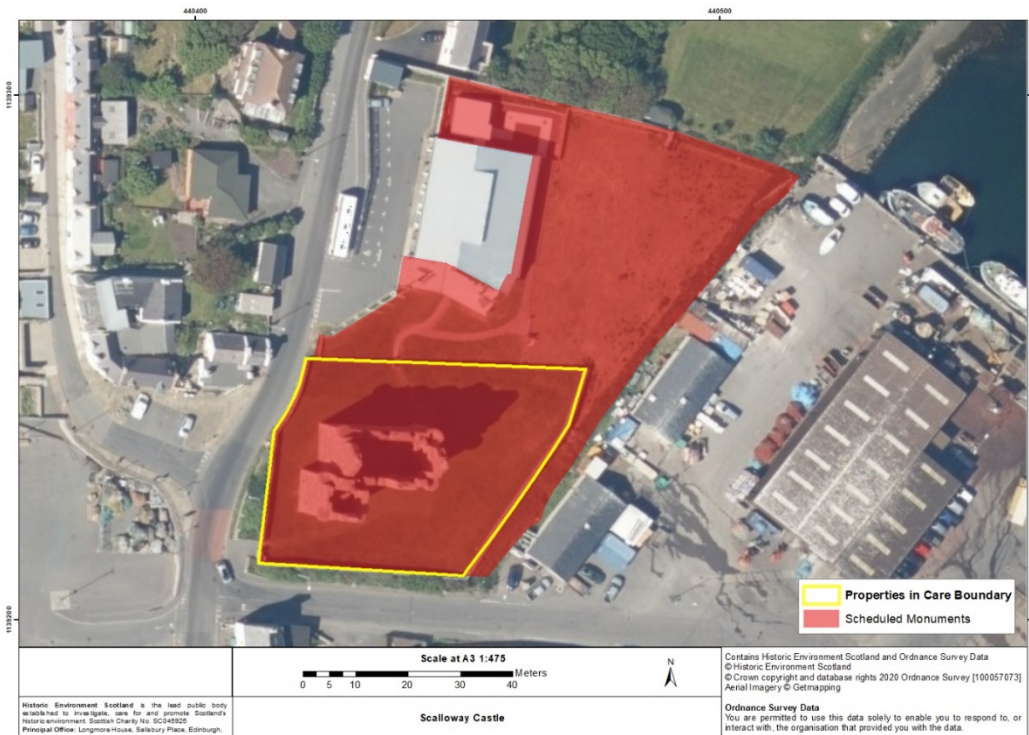


Figure 2: Scalloway Castle Scheduled area and property in care boundary; for illustrative purposes only. Area correct at time of publication in April 2021.

2. ASSESSMENT OF VALUES

2.1 Background

2.1.1 Description

The L-plan castle, which documentary sources show was built between 1599 and 1602, is of four storeys plus an attic. The main block is 18m long by 8m wide on an east-west axis, and a stair tower (or 'jamb'), 8m square at the south-west angle. The walls are of local rubble, originally harled (some patches extant, especially on the north side) with Eday sandstone used for dressings.⁶ Much of the dressed stone is now missing after the Earl of Morton gave leave in 1754 to remove 'dressed stones torn from their place to supply door and window jambs and lintels, and cornerstones..' for re-use at the Haa of Sand⁷, being built by Sir Andrew Mitchell.⁸ Two architraved doorcases survive there in the garden.

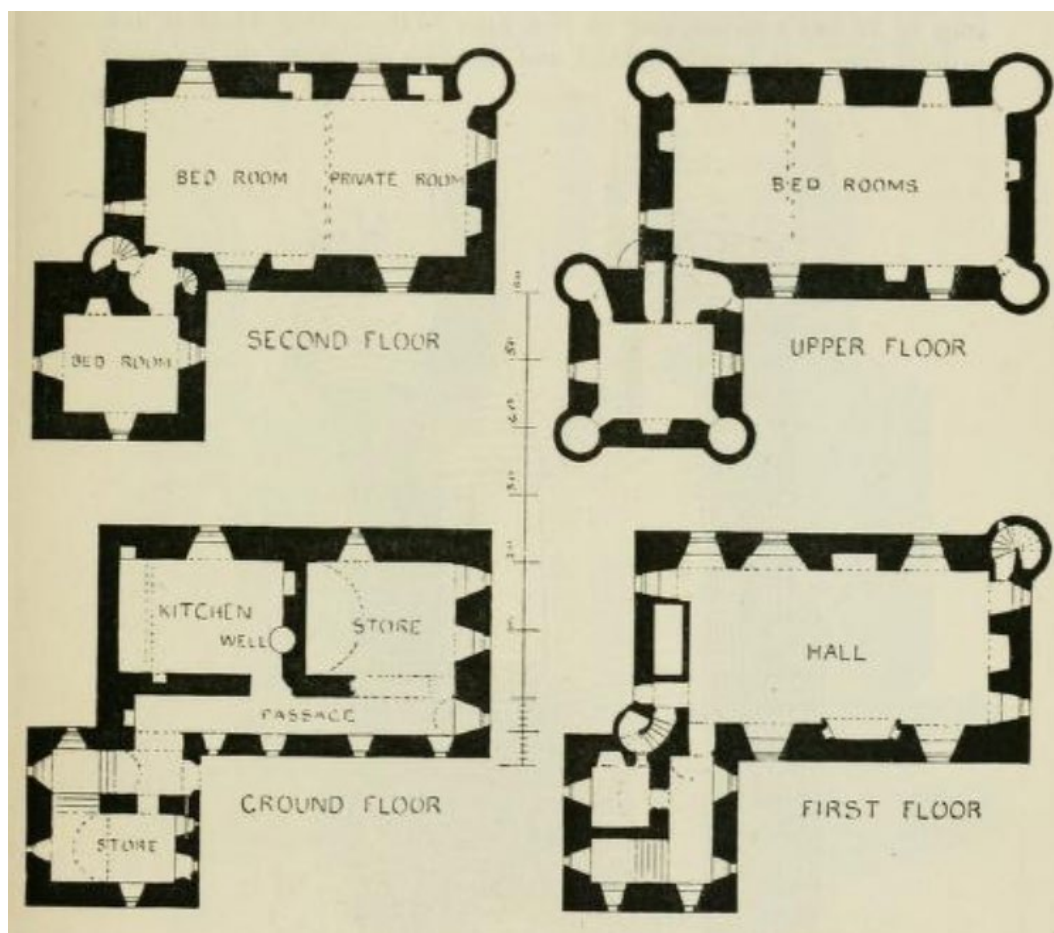


Figure 3: Plans of Scalloway Castle, from MacGibbon and Ross, 1887-1892, *Castellated and Domestic Architecture of Scotland*, Vol 2, p 91, © University of California Libraries via the Internet Archive

⁶ The bedrock geology of the site belongs to the Laxfirth Limestone Formation: BGS geoindex: <https://mapapps2.bgs.ac.uk/geoindex/home.html>

⁷ Canmore ID 701: <https://canmore.org.uk/site/701/shetland-haa-of-sand-with-outbuildings-walled-gardens-and-gate-piers>

⁸ Finnie 1990, 53

There are turrets at all corners; that at the north-east of the main block is corbelled from the first floor, and contains a turnpike stair rising to the upper floors. At all other corners, turrets are corbelled from the third floor and probably served as closets. There is the faint possibility that these bartizan turrets were originally open rounds, given that no early views show them roofed. The window openings are relatively large with chamfered margins. The second floor windowsills have quatrefoil gunloops, while the north-east turret has circular gunloops (Figure 4), both types identical to those at **Muness Castle**.

The corbelling of the main block turrets is again identical to those at Muness, with continuous mouldings below, and above: two tiers of chequer-set corbels with shotholes between. Similar corbelling (but without the shotholes) supports the south-west turret of the jamb⁹ and that of the small, first floor stair turret at the north-west angle between the jamb and the main block, rising from the first to the second floor. The corbelling of the two other third floor turrets of the jamb on the north-west and south-east, have continuous mouldings. The entrance doorway, in the east face of the jamb, is round arched with a roll moulding (Figure 5).



Figure 4 (Left): Detail of circular gunloop, identical to those on Muness Castle, Unst. Image taken prior to the installation of modern glazing.

Figure 5 (Right): Entrance, armorial and entablature above round arched doorway. Both © Crown Copyright HES.

⁹ 'Jamb' in this context refers to the stair tower, projecting from the main block.

Above the entrance is a horizontal panel, which contained an inscription recorded in the eighteenth century, now worn away, which read:

PATRICIVS STEVARDVS ORCHADIAE ET ZETLANDIAE
COMES I V R S
CUJUS FVNDAMEN SAXVM EST DOM'ILLA MANEBIT
LABILIS E CONTRA SI SIT ARE
NA PERIT
A D 1600

[Patrick Stewart, Earl of Orkney and Shetland,
James V(I) King of Scots
That house whose foundation is rock will stand,
but will perish if it be shifting sand.
AD 1600]

Inside the entrance is a barrel-vaulted vestibule with the main stair straight ahead (Figure 6); a vaulted store is to the left, and a door to the right leads to the vaulted corridor on the south side of the main block (Figure 7). From this opens a vaulted kitchen to the west with a large fireplace filling the west external wall and a well in the east partition wall. The vaulted room of equal size to the east has no fireplace and was presumably a store.



Figure 6 (Left): Barrel vaulted vestibule and main staircase. © HES

Figure 7 (Right): Vaulted corridor on south of ground floor. © Crown Copyright HES.

Returning to the jamb, the fine scale-and-platt stair rises as far as the first floor (Figure 8). Here, the hall, 13.7m long, 6.9m wide and, originally 4.57 m high (the timber ceilings of all the upper floors are missing) fills the whole of the first floor of the main block. There are two fireplaces, the principal one on the south wall and a smaller one in the east end wall. A buffet in the north wall faces the main fireplace. The hall is exceptionally well lit, with two windows on each of the south, east and west walls, and three on the north wall. Large patches of plaster survive on the walls. In the north-east corner a turnpike stair rose to the second and third floors. That at the south-west corner only rose to the second floor.



Figure 8: The scale-and-platt stair rises to the first floor. © Crown Copyright HES.

The second floor of the jamb is a room entered from a door in the north wall and which also has a fireplace, with a window in each of the other walls. The main block is now a single space but with two fireplaces, indicating that it was probably divided by a timber partition to the east of the fireplace in the south wall, creating two rooms; that to the east being slightly smaller, with a fireplace in the end wall. What appear to be two toilet closets are inserted into the thickness of the north wall; one serving each room. Each of the four walls has two windows, so that, when divided, the two rooms each had four windows.

The third floor of the main block may also have had a timber partition, or possibly served as a gallery. It has three small fireplaces in the west, south and east walls three windows in the north, two in the south and one in the west walls. The south-east and north-west corners open on to what were probably circular closets, unless they were open rounds. The chamber in the jamb had a fireplace in the south wall, windows to the east and west, and three circular closets (or open rounds) at the north-west, south-west and south-east corners. The attics were probably occupied by servants.



Figure 9 (Left): North-east turret rising from first floor to upper floors. Chequer-set corbels with shotholes between, resembling those of Munness Castle, Unst. The glazing is modern, installed in the 1980s. Figure 10 (Right): Interior of the main block of Scalloway Castle: the hall fills the whole of the first floor. This view shows the fireplace and two windows on the east end. The flooring of the upper storeys has not survived. Large patches of plaster are visible on the walls on the left-hand side of the image. Both © Crown Copyright HES.

No firm evidence survives of the ancillary buildings or gardens, despite excavations in areas surrounding the castle in 1979 and 1980. Neither of these targeted the immediate area around the castle.¹⁰ The castle would most likely have been harled with exposed dressed stonework in its original form, providing an important aesthetic contrast.

2.1.2 Deterioration and ruination

From the late seventeenth century, the castle was falling into a ruinous state and several visitors commented on the deterioration of the roof. In his 1701 publication, *A Brief Description of Orkney, Zetland, Pightland-Firth and Caithness*, Church of Scotland minister, John Brand, recorded how, 'The slaits have for the most part fallen from the roof, and are daily falling with every storm, so that the timber, much of which is yet very good and fresh

¹⁰ Hall and Lindsay 1983

is beginning to rot'.¹¹ Shetland landowner Thomas Gifford noted in 1733 that, 'now nothing remains but the stone walls'.¹² In 1754 the Earl of Morton gave Andrew Mitchell permission to remove the castle's gateway and window ornaments for re-use at Mitchell's new structure, Haa of Sand, about 10 kilometres to the north-west.¹³



Figure 11: Scalloway Castle in Shetland, From a sketch by Capt. Columbine 1792. This copy is thought to have been made in 1802, at Hutton's request. © National Library of Scotland.

In 1792 Edward Henry Columbine, a hydrographer for the Office of the Admiralty, wrote a description and produced a sketch of Scalloway Castle (see Figure 11).

¹¹ John Brand, *Description of Orkney, Zetland, Pightland-Forth and Caithness* (Edinburgh, 1883; 1st ed. 1701), pp. 137-8, cited in D. Hall, W. J. Lindsay, et al. 'Excavations at Scalloway Castle, 1979 and 1980', *Proceedings of the Society of Antiquaries of Scotland* 113 (1983), p. 554.

¹² Thomas Gifford, *A historical description of the Zetland Islands in the year 1733* (Edinburgh, 1879; 1st ed. London, 1786), p. 8, cited in D. Hall, W. J. Lindsay, et al. 'Excavations at Scalloway Castle, 1979 and 1980', *Proceedings of the Society of Antiquaries of Scotland* 113 (1983), p. 555.

¹³ Arthur Edmonston, *A View of the Ancient and Present State of the Zetland Islands*, vol. 1 (Edinburgh, 1809), p. 126; D. Hall, W. J. Lindsay, et al. 'Excavations at Scalloway Castle, 1979 and 1980', *Proceedings of the Society of Antiquaries of Scotland* 113 (1983), p. 555; Finnie 1990, 53.

These survive in a copy made by George Henry Hutton in 1802:

In Shetland there are the remains of several towers built of loose stones, & supposed to have been erected by the Picts ...

Except these, there are no remains of any old buildings, besides Scalloway, & Muness Castles: neither of which are above two hundred years old.

Scalloway Castle was built in 1600 by Patrick Stewart, son & successor to Rob^t. Stewart, natural son of James V. who in 1581 had been created Earl of Orkney & Shetland. It is said that he built this castle at little expence [sic] to himself, obliging the neighbouring inhabitants to quit their common occupations for that purpose, without paying them for their labour. This may be easily credited, since, being sole Lord of these islands, he had no immediate controul [sic]; & his subsequent oppressions & exactions (principally in the Orkneys) were so enormous as to cause him to be tried & beheaded for them at Edinburgh in 1614.¹⁴

In 1883 John Tudor lamented that:

if it had not been from neglect and the vandalism of those, who should have known better, this grand, baronial building, of which [architectural author, Robert] Billings does not seem to have heard, might still be standing intact. Along the south-western side of the ground-floor of the main building is a vaulted passage, out of which doors lead into the kitchen, in which is a well at the north end, and another apartment of nearly similar size at the southern end, both with vaulted roofs. The grand staircase, which was regularly laid in masonry, and the steps of which were of red Eday stone, wound round the tower over a vaulted chamber on the ground-floor. This led to the great hall on the first floor, from which a spiral staircase led to the apartments above. Both the lower staircase and the upper one are now broken and useless, and the vaulted roof of the ground floor is showing signs of giving way.¹⁵

Scalloway Castle came into the care of the Office of Works in 1908 via a Minute of Agreement with Lawrence Dundas, Marquess of Zetland. A Minute of Agreement allows ownership to stay with an individual or group but puts the property into the Guardianship of the State.¹⁶

¹⁴ National Library of Scotland, Edward Henry Columbine (1762-1811), Notes on Scalloway Castle, Shetland. NLS also holds his journal, and letters relating to anti-smuggling duties in Ulster, western Scotland, Orkney, and Shetland.

¹⁵ Tudor, 1883, p. 465.

¹⁶ At time of drafting, Covid-19 has restricted access to archives. When the situation improves, the following files could shed light on early restoration works.

2.2 Evidential values

The evidential values of Scalloway Castle mainly lie in the physical fabric of the castle itself and in the below-ground traces which may allow a greater understanding of the original and early environs of the castle, particularly its gardens and any ancillary structures. There is high potential that further study could increase understanding of this aspect of the castle's history. The castle itself would benefit from detailed Standing Building Recording and analysis which may help answer questions e.g. about room usage and whether the angle turrets were originally roofed or not.



Figure 12: Scalloway Castle viewed from the south-east. It is not known whether the angle turrets were ever roofed. © Crown Copyright HES

Some excavation was undertaken around the castle but outwith the area in State Guardianship. Finds from this excavation included a large assemblage of clay pipes, and some fragments of floor tiles, perhaps from the castle. In 1979-1980¹⁷ an excavation was undertaken close to the castle (but outwith the Guardianship area) to try to locate associated outbuildings. Several

Further useful information might be found in National Records Scotland: MW1/764, Scalloway Castle, Shetland, 1906-1908 (Guardianship), MW1/1168, Scalloway Castle, Shetland, 1919-1933 (Finds), DD27/2162, Scalloway Castle, Shetland, 1949-1975 (Guide book: publication and reprinting), MW1/1411, Scalloway Castle, Shetland, 1951(a. Protection of right of way; b. Widening of Castle Road), and RF4/52, Scalloway, Shetland, New harbour facilities: effect on castle, 1978-1981.

¹⁷ Hall and Lindsay, 1983

trenches were opened and some indications of structures found, the earliest of which were found to date to the seventeenth century.¹⁸ This identified a ditch to the castle's south, but there was not sufficient evidence to suggest a date or link it to either the construction or landscaping of the castle, or, if it was a later feature, perhaps linked to Cromwellian occupation in the mid-17th century (see 2.3.4). Excavated finds included pottery from the Low Countries, Germany, Britain, China and Persia; bricks, floor tiles, and pantiles; clay pipes; coins; and various other small finds.¹⁹ These are held by National Museums Scotland. The displays within Shetland Museum in Lerwick and Scalloway Museum currently include sandstone tiles from the roof of Scalloway Castle. The tiles date to c.1600 but by the eighteenth century they were falling off and were re-used on local buildings. Shetland Museum also holds a hammer which may be associated with the plundering of the castle's masonry after it became a ruin, and dates to the eighteenth century or later.²⁰

While there are no intact remains of the castle's interiors, areas of plaster do survive (Figures 6 and 10) and there are accounts²¹ of the interior having been painted. There are sufficient documentary records to evidence the usage of the castle both during the rule of Earl Patrick and after his demise. For instance, prisoners are recorded being held in 'the lach volt of the jame' – the low vault in the stair jamb (tower).

There are good documentary references to the castle during the 17th century as a place of trial, including for some accused of witchcraft; as a place of preaching, and later as a Cromwellian barracks (see 2.3 below). The partial dismantling of the castle is recorded in the mid-18th century when the removal of masonry and carved features to The Haa of Sand was allowed. The survival of these features can help shed a little more light on the form and appearance of Scalloway Castle, prior to its deterioration.

2.3 Historical values

The historical values of Scalloway Castle arise chiefly from its association with its builder, the notorious Earl Patrick, and its role as a centre of administration and law through the 17th century.

During the War of the Three Kingdoms it was used as a base for Cromwellian forces (1653). By the end of the 17th century Scalloway was recorded as falling into ruin, and ceased to be a high status residence. The administrative focal point of Shetland switched to Lerwick during the 18th century, so the castle's later history was as a presence overlooking Scalloway, rather than an active, functioning building. In 1908 Scalloway

¹⁸ *Ibid*, pp. 554-5.

¹⁹ *Ibid*, pp. 565-92.

²⁰ Dr Ian Tait, curator, Shetland Museum, pers. comm.

²¹ Martin 1716, 387

Castle was the first post-medieval castle to be taken into State care under the Ancient Monuments Act, and began its life as a visitor attraction.

The Timeline at Appendix 1 provides fuller details, and the following paragraphs pick out some key historical themes and associations.

2.3.1 Patrick Stewart, second earl of Orkney (1568 – 1615)

Earl Patrick was the second son of Robert Stewart, the first earl of Orkney. As the illegitimate son of James V, Robert was partially brought up with his half-sister, Mary Queen of Scots, who made him sheriff of Orkney and Shetland. Following her imprisonment, Robert was granted the title Earl of Orkney in 1581, by James VI (Mary's son and Robert's nephew).

Robert died in 1593 and the future Earl Patrick became responsible for the area, though he was not officially granted the earldom and bishopric until 1600. James VI initially took an interest in Patrick, possibly due to their mutual distrust of Robert, but Patrick fell out of favour for his own actions. He spent the 1590s consolidating his power in Orkney and Shetland, quickly becoming infamous for his lavish lifestyle, disregard and mistreatment of the local people, and unwillingness to listen to his critics. He also began an extremely ambitious building programme which included Scalloway Castle and the **Earl's Palace** in Kirkwall. These buildings were modern, sophisticated, and in the latest styles from Europe. This appears to be the influence not of Patrick but rather Andrew Crawford, the Master of Works, who had previously built **Muness Castle** in a similar style. Scalloway Castle quickly became the administrative seat in Shetland, as outlined in the next section.

In 1602 Patrick was prosecuted over the alleged forced labour he used while building Scalloway Castle. This was brought to the Court of Session in Edinburgh by his uncle Laurence Bruce of Muness Castle and his son Andrew Bruce. Power was slowly taken away from Patrick as his reputation declined and his debts mounted. This was aided by James Law, Bishop of Orkney, after he was appointed in 1605. Patrick was arrested in 1609 and imprisoned in **Dumbarton Castle**.

In 1612 and 1614 Patrick's illegitimate son, Robert Stewart, attempted to seize the Earl's Palace and Kirkwall Castle, seemingly at the request of his father. In the latter attempt he secured these as well as St Magnus Cathedral, prompting the Earl of Caithness to lead a force to remove him. During the siege, Kirkwall Castle suffered severe damage and the cathedral was threatened. However, Robert was an ineffective leader and eventually surrendered. He was executed for leading the rebellion.

Following the execution of his son, in 1615 Patrick confessed to commanding his son to lead the rebellion. He was sentenced to execution, though this was delayed by several days; it is often suggested that this was

to allow Patrick to learn the Lord's Prayer, though this is very likely apocryphal.

Today, Patrick is often remembered as the notorious figure *Black Patie*, particularly in Orkney and Shetland. He is especially known for his mistreatment of the local people, and there are many stories telling the cruelty of his time in power. As Peter D. Anderson has suggested, it is difficult to separate Patrick from the myths surrounding Black Patie.²² These stories reveal as much about the growth of myths and legends in the nineteenth century as they do about the man himself.

2.3.2 Centre of administration and justice (1600 – 1650)

During the 17th century Scalloway Castle became the centre of administration and law for Shetland. This shift in administrative power to Scalloway marked the end of Scandinavian power over the Northern Isles. The chief meeting place for the head court had been the Law Ting Holm of Tingwall, located about two and a half miles from Scalloway, though Earl Patrick moved these proceedings to the Great Hall upon the completion of Scalloway Castle. The break with Norse tradition continued in 1611 with the forced move away from the Norse Law Book, when the Scottish Privy Council banned all 'foreign laws'.²³ Evidence survives for some of the judiciary activities that took place at Scalloway. In 1602 Earl Patrick levied murder accusations against two men and detained them in the castle following their arrest. In 1604 a property dispute was settled. More details of these cases can be found in Appendix 1. After Earl Patrick's arrest, legal processes continued at Scalloway, with Bishop Law holding courts there in 1612 and 1613 (see Appendix 1). A more macabre reminder of the castle's continuing role in the justice system comes from 1640, when a new blade was ordered for the 'maiden', an early guillotine..

Between 1600 and 1650 the Great Hall was the site of a number of witch trials. The details of three trials from 2 October 1616 are available via the Survey of Scottish Witchcraft Database, from the University of Edinburgh.²⁴ Katherine Jones Dochter, Barbara Scord and Jonet Dynneis were all executed following their trials. Many of these executions would occur to the west of the castle on Gallow Hill, a location probably chosen

²² Peter Anderson, 1992a.

²³ Michael Jones, 'Notions of "udal law" in Orkney and Shetland: From medieval Norse law to contested vestiges of customary rights within Scots law,' in *Legislation and State Formation: Norway and its neighbours in the Middle Ages*, ed. Steinar Imsen (Akademika Publishing, 2013).

²⁴ *Survey of Scottish Witchcraft Database*, University of Edinburgh, available from <http://witches.shca.ed.ac.uk/>

by Earl Patrick.²⁵ There is evidence of witch trials continuing in Scalloway after 1650, though no longer at the castle.²⁶

Scalloway Castle's role as a seat of power was relatively short-lived. In 1675 a local minister regularly preached at the castle due to repairs being due on the kirk at Tingwall, but by the following year there is record of the castle having a rotted roof and broken doors and windows. By 1700 the castle was already in a state of disrepair. This coincided with the shift of Shetland's capital to Lerwick.

2.3.3 Association with Gallow Hill

Scalloway Castle's function as a court of law is well documented; it is also associated with the Gallow Hill which lies directly to the west of Scalloway. The site of the gallows is described as 'the west hill of Scalloway callit the gallow hill abone Houll' in the court book of Shetland in 1615. Houll was a group of houses on the west side of Scalloway, the name of which still survives in Houll Road. In documents of 1616 and 1625 the Gallow Hill is referred to as 'the place of execution' on the 'hill above Berrie'. Berry is a farm on the north side of Scalloway, about 500m from Houll.²⁷

Several women, who had been accused of witchcraft, were strangled and burnt at the Gallow Hill, while the male convicts were usually hanged.²⁸ There is certainly a long-lived local tradition that the burning site (likely to have been some distance from the actual gallows) is marked by a low knoll of reddish soil about 100 yards west of the television mast on Gallow Hill. The soil is interpreted as having been burnt.

2.3.4 Cromwellian period

The occupation of Scotland by Oliver Cromwell's army was the culmination of a series of conflicts in Britain and Ireland known as the Wars of the Three Kingdoms. In 1649 Charles I was tried and executed by the English parliament for waging war against his own people, news which was not

²⁵ One of several so-named locations in Shetland. Joris Coolen, 'A Survey of Shetland's Gallow Hills,' TAP Field Report No. 5. Available from <https://www.khm.uio.no/english/research/previously-projects/assembly-project/documents/field-report-5.pdf>

²⁶ Bigland, Marget (1673), *Survey of Scottish Witchcraft Database*, University of Edinburgh, available from http://witches.shca.ed.ac.uk/index.cfm?fuseaction=home.trialrecord&trialref=T%2FJO%2F637&search_type=searchaccused&search_string=lastname

²⁷ The location of the Gallow Hill, Scalloway is detailed in TAP Field Report no 5, *A Survey of Shetland Gallow Hills*, 2012, along with a summary of known executions linked to the site.

²⁸ TAP Field Report no 5, *A Survey of Shetland Gallow Hills*, 2012

well-received in Scotland. The Scottish parliament proclaimed the exiled Charles II as king, prompting Cromwell to invade and to soon control the entirety of Scotland.²⁹ Shetland played a largely marginal role in this fresh conflict, which was concentrated first in southern Scotland – Cromwell’s victory at Dunbar in 1650 being a significant moment – and later in the western Highlands, where the earl of Glencairn led an unsuccessful royalist uprising in 1653-4.³⁰

The installation of a garrison at Scalloway, under the command of Robert Lilburne and then Edward Lunne, appears to have reflected fears of a seaborne Dutch invasion from the north, rather than mistrust of Shetland residents. Tensions were raised by the First Anglo-Dutch War (1652-54) which was caused by intercontinental trade disputes. With Charles II in exile once again, there was a possibility that he would ally with the Netherlands, but the latter was unwilling to risk a resumption of hostilities with England.³¹ It seems that the garrison remained in place at Scalloway until the restoration of the monarchy in 1660; although its small size suggests that the principal theatres of war were elsewhere.

2.3.5 Later history and recognition as an Ancient Monument

The later 17th century marked a period of decline and ruination for Scalloway Castle, especially after the earl of Morton gave permission for the removal of dressed stonework. Walter Scott recorded his impressions of the ruin in 1814:

We reach Scalloway and visit the ruins of an old castle, composed of a double tower or keep with turrets at the corners.... But the huge tower remains wild and desolate, its chambers filled with sand and its rifted walls and dismantled battlements giving unrestrained access to the roaring seablast.³²

²⁹ Martyn Bennett, ‘The Wars of the Three Kingdoms, 1625-60’, in Edward M. Spiers, Jeremy A. Crang and Matthew J. Strickland (eds), *A Military History of Scotland* (Edinburgh, 2014), pp. 291-4.

³⁰ Bennett, ‘The Wars of the Three Kingdoms’, pp. 292-4; John Morrill, ‘Cromwell, Oliver (1599-1658)’, *Oxford Dictionary of National Biography* [accessed 02 February 2021], <https://doi.org/10.1093/ref:odnb/6765>; David Stevenson, ‘Cunningham, William, eighth earl of Glencairn (1610/11-1664)’, *ODNB* [accessed 05 February 2021], <https://doi.org/10.1093/ref:odnb/6936>; Ronald Hutton, ‘Monck [Monk], George, first duke of Albemarle (1608-1670)’, *ODNB* [accessed 02 February 2021], <https://doi.org/10.1093/ref:odnb/18939>.

³¹ Paul Seaward, ‘Charles II (1630-1685)’, *ODNB* [accessed 04 February 2021], <https://doi.org/10.1093/ref:odnb/5144>.

³² *Northern Lights or A voyage in the Lighthouse Yacht to Nova Zembla and the Lord knows were in the summer of 1814*, Sir Walter Scott, ed. William F. Laughlan (Byways Books, Hawick, 1982), p.38

For further detail and accounts of the deterioration of the castle see 2.1.2 above.



Figure 13: 1801 drawing of Scalloway Castle; by this stage ruinous. Walter Scott would later describe the 'rifted walls and dismantled battlements giving unrestrained access to the roaring seablast'. © Courtesy of HES.

Scalloway Castle came into the care of the Office of Works in 1908 via a Minute of Agreement with Lawrence Dundas, Marquess of Zetland. A Minute of Agreement allows ownership of a site to stay with an individual or group, but puts the property into the Guardianship of the State.³³ The castle was consolidated and repairs were carried out to allow safe public access. It was among the first secular structures – and indeed the first post-medieval structure – to be taken into State care as an Ancient Monument.

³³ HES Factoring. Further useful information might be found in National Records Scotland: MW1/764, Scalloway Castle, Shetland, 1906-1908 (Guardianship), MW1/1168, Scalloway Castle, Shetland, 1919-1933 (Finds), DD27/2162, Scalloway Castle, Shetland, 1949-1975 (Guide book: publication and reprinting), MW1/1411, Scalloway Castle, Shetland, 1951 (a. Protection of right of way; b. Widening of Castle Road), and RF4/52, Scalloway, Shetland, New harbour facilities: effect on castle, 1978-1981.

2.3.6 Wartime history

During WWII, Shetland was an important outpost of the United Kingdom, with around 20,000 military personnel stationed in the archipelago, including the garrison of Scalloway. Here, the harbour entrance was guarded by Royal Artillery gun batteries, and entrance to the town was controlled by roadblocks. A Royal Airforce Camp (the foundations of which are visible in Figure 14) was constructed on the land to the north of the castle, now occupied by Scalloway Museum.³⁴

Scalloway Castle played a small role in the WWII operation known as ‘the Shetland Bus’. On 09 April 1940 Germany invaded neutral Norway and this occupation lasted until May 1945. It prompted evacuations westwards, including to Shetland, west of Norway. On dark winter nights, fishing boats crewed by Norwegians were used to evacuate refugees and fugitives from Norway. By 1943, by which time 44 crewmen had lost their lives, the fishing boats were replaced by submarine chasers. In 1942 the operational base was moved from Lunna to Scalloway, where William Moore and Sons could service the Norwegian vessels.³⁵ Lieutenant David Howarth, who served in the Special Operations Executive on Shetland, recorded how, ‘Stocks of arms and explosives which we were to export were cached in a number of dumps throughout the islands, one of which was in the dungeon of the ruined medieval castle of the Earls of Zetland in the village of Scalloway.’³⁶ Perhaps Howarth was referring to one of the stores on the ground floor. The Shetland Bus operatives carried out 210 missions, sent over 400 tons of weaponry, explosives, and other supplies to Norway, and saved over 300 refugees.³⁷ In 2003 a memorial, located on Scalloway’s Main Street, was erected to the 44 Norwegian crewmen who died operating the Shetland Bus.

2.3.7 Stories associated with the castle

In drafting this document there has not been a comprehensive trawl for the stories, folklore or legends associated with the castle (though these factors weave through the preceding Historical sections) and this is acknowledged in Section 3: Major Gaps in Understanding. A couple of the better known ‘historical’ stories include that the inscription over the entrance, supposedly advised by Minister of North Mavine – referenced both the immoral

³⁴ Information courtesy of Scalloway Museum WWII display

³⁵ <http://www.scallowaymuseum.org/the-shetland-bus.html>; www.shetlandbus.com; Angela Watt, ‘The implications of cultural interchange in Scalloway, Shetland, with reference to a perceived Nordic-based heritage’ (unpublished PhD thesis, 2013), pp. 154-6.

³⁶ David Howarth, *The Shetland Bus: A WWII Epic of Escape, Survival, and Adventure* (Guilford, CT, 2001; 1st ed. 1951), p. 14.

³⁷ <http://www.scallowaymuseum.org/the-shetland-bus.html>; <https://www.youtube.com/watch?v=MyOgKj5q98Q&feature=youtu.be>.

conditions under which the castle was constructed, and the demise of the earlier seat at Sumburgh, built upon sandy foundations;³⁸ similarly Black Patie's inability to recite the Lord's Prayer delaying his execution. A further story tells how Stewart concealed himself from the officers charged with his apprehension in a small chamber in the wall, until he was betrayed by the smoke of his pipe.³⁹



Figure 14: 1971 oblique aerial view centred on Scalloway Castle. The footprints where Nissen Huts once stood are visible to the north of the castle (left of image). These were part of the Royal Air Force camp, housing crews of air-sea rescue boats. © HES (John Dewar Collection).

2.4 Architectural and artistic values

Scalloway Castle was clearly designed to impress by its sheer size, its fortified character, and the quality of its ornament, which was similar to that of Earl Patrick's palace at Kirkwall, his capital in Orkney. As the principal Shetland seat of Earl Patrick of Orkney, built 1599-1602, Scalloway far surpassed his previous residence, the modest hall house, the Old House of Sumburgh (now known as **Jarlshof**), which was built less than a decade earlier. Scalloway easily bears comparison with contemporary major castles in mainland Scotland, such as **Newark** at Port Glasgow or Glamis in Angus.

³⁸ Hibbert-Ware, 1891, p94-95.

³⁹ Cowie 1874, p194

The hall, approached by the spacious scale-and-platt stair, must have been a particularly magnificent space with its 'curiously painted' walls and ceiling.⁴⁰

Nevertheless, there are some conundrums, and it is possible to speculate that the castle was intended to be even grander. The entrance doorway is perhaps simpler than one might expect, compared to examples at **Muness** and the **Earl's Palace** at Kirkwall. It may be possible that it was remodelled at the same time that other freestone dressings were removed from the castle. A Standing Building Survey could examine this.

There are parallels for having the hall occupy the whole first floor of a main block, notably **Newark Castle**, Port Glasgow, dated 1597, but it is very unusual not to have the private apartment on the same level, even if in a separate jamb, again as at Newark. There are a few other examples of an L-plan with a stair in a jamb and a first floor hall in the main block, but they tend to be small, such as Blairfindy, Moray: a hunting lodge, completed in 1564, where the main block is about 9m long by 6m wide;⁴¹ or the mid-sixteenth century Drumcoltran, Dumfries and Galloway, where the main block measures 7.32m by 5.18m.⁴² The hall of Scalloway Castle may be explained by the fact that it also served an important administrative function as the courtroom of Shetland after the abandonment of Law Ting Holm, and therefore it was perhaps thought better to have clear separation from the private accommodation on the upper floors.

However, it has to be said that the result of the L-plan format is less impressive than e.g. a castle with a main block and with two jambs, such as the Z-plan **Noltland Castle** on Westray, Orkney. At Noltland the main block externally measures 26.4m by 11m, comprising: a hall, which internally is 12.8m by 7m, and a square withdrawing room with another private room in the jamb. Noltland was begun in the 1560s by Gilbert Balfour, but was in the possession of Earl Patrick from 1598, and some quatrefoil gunloops match those at Muness and Scalloway, indicating Andrew Crawford's likely involvement.⁴³

A possible solution is that Scalloway was intended to have another jamb, which was never built. Our understanding of contemporary building contracts makes it clear that sometimes structures could be built incrementally with perhaps the foundations of a jamb laid to be built later. This would make it similar to Balloch Castle (later Taymouth) in Perthshire and Careston in Angus, built in the 1590s. Both were first built with a main block and a jamb containing the stair; scale-and-platt to the first floor in

⁴⁰ Martin 1716, 387

⁴¹ M&R II, 82-4; Walker & Wordsworth 2015, 648

⁴² M&R II, 84-5; Gifford 1996, 222

⁴³ Gifford 1992, 343-6

the case of Careston, which was eventually completed as a U-plan around 1700, using an original turnpike stair at the junction with the main block.⁴⁴

In the case of Scalloway Castle, the presence of the north-east stair turret would mean that a jamb could have been intended for that corner, making the castle Z-plan. It would mean, of course, the dismantling or engulfing of the splendid corbelling but that could possibly have been regarded as a relatively minor factor in a building project of such intended magnitude. Besides, the ashlar might have been re-used on the jamb. That proposition (i.e. of an intended north-east jamb) seems more likely than the presence of a south-east jamb to make a U-plan, where a completely new stair would need to be constructed.



Figure 15: oblique aerial view of Scalloway Castle. The presence of the stair turret in the north-east corner (bottom centre of image) may suggest that a second jamb was intended at this point to create a Z-plan form. © Historic Environment Scotland.

While it is easy today to appreciate the richness and grandeur of the castle in terms of its scale, towering mass and intricate carved details, what *has* been lost is our ability to appreciate its original setting (see fig 13 and 2.5 below). It is likely that there were gardens and yards attached to the castle, and the castle itself fronted much more directly onto the harbour, aiming for a more dramatic and imposing original concept. The scale and nature of any gardens is not known, but they were likely walled, and probably functioned to control access as well as providing sheltered pleasure and

⁴⁴ Campbell 2015

productive gardens. By analogy with Muness and other contemporary castles, these may well have been ambitious, at least in intent, if not in execution.

Thus, Scalloway Castle, impressive as it is even in its present ruinous state, might have been intended to be even more so.



Figure 16: The iconic Scalloway Castle dominates the townscape. © Crown Copyright HES.

2.5 Landscape and aesthetic values

Scalloway Castle is of great importance as a landmark and visual icon for the town of Scalloway. It dominates the townscape and approach views, excellently described by the local information website:⁴⁵

When approaching Scalloway by road you are caught at “The Scord” by what is one of the most iconic and breathtaking views that

⁴⁵ <http://scalloway.net/> (accessed 31/12/2020)

Shetland has to offer, with harbour, castle, bridge and the scattering of smaller isles in the harbour approaches, only the larger of which are occupied. This view changes in all the varied conditions of light and weather that Shetland offers daily, and concurrently varies with large, traditional or historic vessels that use the port daily.

Scalloway Castle is noted as a key building within the Scalloway Conservation Area, important for views within the town, from across the bay and in more distant views of the settlement.⁴⁶ Historically, the castle is strongly associated with the Gallow Hill, (see 2.3.3 above) above the town to the west.



Figure 17: Historic photograph of Scalloway Castle, situated close to the water prior to later land reclamation. © Courtesy of HES.

In the 1980s a new quay was created to the east of the castle and reclaimed land built up in support of the fishing industry. The relationship of the castle to the sea has therefore changed markedly as it was formerly much easier to perceive its promontory siting, close to the water. It now appears set back from the water, given the land reclamation, and there are significant areas of modern industrial sheds. Large fishing boats at anchor can also affect perceptions of the castle.

⁴⁶ <https://www.shetland.gov.uk/downloads/file/1589/scalloway-conservation-area-character-appraisal> (accessed 30/12/2020)

Even with the above modern changes, the distinctive silhouette of the castle, standing high above the bay, remains eye-catching. Thus, while the castle has become visually and physically separated from its original coastal siting, it remains a dominant presence in the townscape and very much an icon for the town.



Figure 18: 2019 oblique aerial view. As the neighbouring harbour has been developed and land reclaimed, Scalloway Castle has become separated from its original coastal setting. © Historic Environment Scotland.

2.6 Natural heritage values

No notable natural heritage features have been recorded for this site. There is always a possibility of migratory bats being present, but none are known at present (2021). The main habitat type is short cut semi-improved grassland of little value to wildlife. The plant species selfheal (*Prunella vulgaris*) can be found here and is common locally. It has a long history of medicinal use and was used for liver complaints and obstructions of the spleen and kidneys.

Sea mammals such as common seals, grey seals, otters, harbour porpoises and occasionally orcas can be seen off Shetland all year round.

During excavations in 1979 and 1980, fish and large sea mammal bones (probably whale) were found in 17th century soil contexts. Cattle,

sheep/goat, and pig, horse and bird bones were also recovered from 17th century contexts.⁴⁷

2.7 Contemporary/use values

The close relationship between the Scalloway Castle and Museum brings great mutual benefit and strengthens their 'offer' both for educational experiences and to leisure visitors. Collectively, they increase the draw of tourists to Scalloway and allow for a much fuller understanding of the history and development of the area from among the Museum collections. The constant presence of the castle in many images displayed in the museum, especially of 20th century wartime history, makes a strong emotional connection between the castle, the town and people of Scalloway.

The importance of Scalloway Castle to its local and wider Shetland community has not been formally assessed, however informal consultation with local people involved with the Museum has informed the following section of the Statement:

While the castle is still perceived by many as a short-lived symbol of tyranny, and a memorial to a laird regarded with contempt, it is nevertheless held to be a key feature of the settlement. As such the castle itself is regarded with a high degree of affection, pride and a strong sense of identity.

In recent years, at least two episodes of community consultation reinforce this idea, with one simple indicator being the project put to the young people of the Scalloway Youth Centre to design a flag for Scalloway, for use at the Tall Ships event. Without hesitation, the castle was included as an icon in many of the entries and was duly placed in the winning design, along with a derivative of the Shetland Flag and a graphic sailing vessel, to signify Scalloway's connection with the sea. This flag has been generally adopted by the community and is itself a source of community pride, castle and all.

Similarly, a community consultation and charette process in 2018/19 to decide upon the future growth or development of the village was initially launched with the castle featuring in the publicity materials, without any pause to consider what it represented, other than a sense of local identity and pride. Within this process, the biggest single vote recipient idea was that of preventing the development of any houses in the Bool Green area of Scalloway, to preserve the iconic view from Scord Corner, when entering Scalloway, of which

⁴⁷ Hall, D, Lindsay W.J, with contribution by Caldwell D.H, Davey P.J, Hodgeson G.W.I and Smith C. 1983. Excavations at Scalloway Castle 1979 and 1980. Proc. Soc. Antiq. Scot, (1983) 554-593

the castle is a key component, despite being somewhat impacted by industrial development on the commercial quay in the past 30 years.

Indeed, a relatively recent anecdote tells of a local traveller in Asia and finding a generic postcard on sale marked “Scotland”, with the iconic Scord view of the castle printed upon it. It should also be noted that this view, and arguably the castle within it, is a keystone of Conservation Area status that is applied to Scalloway and its surrounding area.

In terms of socio-economic influence, the location of the castle was a significant factor in the siting of the new Scalloway Museum. The Museum attracted approximately 16,000 visitors in 2012, its first year of operation, and this has grown to over 20,000 in 2019. These statistics represent only the recorded visitors, with an undetermined number of local and additional visitors arriving out-with the monitoring factor of museum attendance. Many of the Museum visitors also visit the castle and so can give an approximate idea of visitor numbers.

3. MAJOR GAPS IN UNDERSTANDING

- Does the castle in its present form represent the full completion of the design concept?
- Were the turrets originally roofed or open? Is there evidence of drainage channels (e.g. as at Castle Menzies, Perthshire where comparable turrets were originally unroofed)?
- Is the entrance doorway original?
- Could survey and archaeological investigation reveal something of the garden and any ancillary buildings, and indeed the possible foundations of an additional jamb?
- Do the doorways in the garden at Haa of Sand come from inside the castle or from its garden? Are there any surviving remnants of panelling or other features off site that would help us reconstruct the castle interiors? Can any of the other stonework taken away for the castle be identified in and around Scalloway, e.g. at the Old Haa of Scalloway?
- As noted in the Timeline, further work is required to bring this appendix up to date with 20th and 21st century events.

- Could further study help decipher graffiti scratched on remaining areas of plaster in the Hall? These reportedly include names and initials, and at least three sketched representations of sailing ships or galleons. Locally these are attributed to the Cromwellian soldiers.
- What other stories and associations are there for the castle that could be recorded for the future?

Please note, the research for this document was undertaken during 2020-2021 with limited access to archives and resources, as a result of Covid-19. While every attempt was made for accuracy throughout the statement, errors or omissions may remain. Please direct comments or suggestions to CRTenquiries@hes.scot

4. ASSOCIATED PROPERTIES

Muness Castle, Unst, Shetland; **Jarlshof** (Old House of Sumburgh); Law Ting Holm and the Crawford Memorial at Tingwall Church, Tingwall; **Bishops and Earl's Palace**, Kirkwall, Mainland, Orkney; **Earl's Palace**, Birsay, Orkney; **Noltland Castle**, Westray, Orkney

5. KEYWORDS

Scalloway; castle; tower house; armorial inscription; great hall; scale-and-platt stair; corbelled turret; Earl Patrick Stewart (Black Patie); Tingwall; Lerwick; witch trial; Shetland

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APPENDICES

APPENDIX I: TIMELINE

- NB Further work required to bring the Timeline appendix up to date with 20th and 21st century events.

1581 – Lord Robert Stewart is created Earl of Orkney and Lord of Shetland. An illegitimate son of James V, he was brought up partially at the French court with his younger half-sister Mary Queen of Scots. In 1564 she appointed him as “feuar” or temporary feudal proprietor of Orkney and Shetland. From 1567 he had based himself principally in the Northern Isles, and although a dispute with the Regent Morton threatened his position in the second half of the 1570s, he won the favour of his nephew, King James VI, and thereby obtained his promotion to Earl, with a hereditary feudal charter of the Northern Isles.⁴⁸

1591 – Earl Robert’s son, Patrick, known formally as the Master of Orkney, is appointed Lord of Shetland by his father, and builds the New Hall, or Old House of Sumburgh (now known as **Jarlshof**) as his Shetland residence. In the following year he feus adjacent land to Sir William Bruce of Symbister and gives him keeping of the place during his absence.

1593 – Earl Robert dies in his chief Orkney residence, the **Bishop’s Palace, Kirkwall**. His son Patrick formally succeeds as Earl of Orkney and Lord of Shetland. He has already acquired a reputation as a man prone to violence in order to get his own way, especially when it comes to raising the revenue he needs to support his ostentatious lifestyle (described as ‘fatally extravagant’ by one modern historian) and ambitious building projects.⁴⁹

1599 – Earl Patrick commences the building of Scalloway Castle as his Shetland residence. There is no evidence of any earlier seat of authority here, but the site is relatively central within Shetland, adjacent to an existing village, and overlooking an anchorage. The castle takes its name from the village, but is sometimes distinguished as ‘Scalloway Banks’ in early documents. According to a hostile accusation, early in the summer of 1599, Earl Patrick begins conscripting the inhabitants of Shetland (and perhaps specifically the tenants of his uncle and rival, Laurence Bruce) to assist with the building work; making them serve in successive eight-day shifts at their own expense, during which they are forced to carry stone and timber, to make and carry mortar, and to perform various other sorts of construction work. The process is said to be still ongoing when a court case is brought in Edinburgh in December 1602, but the court documents themselves indicate that construction was largely complete by August that

⁴⁸ For a summary of his biography and career see Anderson, 2004, and for chronological and genealogical details, Paul, 1900-1904, i. 24, iii. 531, vi. 572-3)

⁴⁹ See Anderson, 2004, from which the quote is taken)

year⁵⁰. Scalloway lies just three miles from the Law Ting Holm of Tingwall, the chief meeting place for the head court or lawting, presided over by the foud, or sheriff, but documents show that Earl Patrick soon establishes his own court in the great hall of the castle. The construction of Scalloway is probably presided over by Andrew Crawford, the Earl's Master of Works, and John Ross, his Master Mason. Andrew Crawford dies soon after and is buried in the kirkyard at Tingwall.

1602 (August) - Earl Patrick levies separate murder accusations against two men, one of Laurence Bruce's servants, Henry Wardlaw. The Shetland laird, Adam Sinclair of Brow, arrests them both, and detains them in the prison in Scalloway Castle.

The accusation against Wardlaw was that he was part of a gang armed with a variety of blunt and bladed weapons who had attacked and killed a shepherd named Nicoll Magnusson on the island of Vementry, and thrown the body off a cliff in an attempt to feign a suicide. Wardlaw is originally arrested and imprisoned in Scalloway Castle on 23rd June, but is released on bail when he finds a 'cautioner' willing to pledge bail. On 15th August, presumably through Bruce's agency, he obtains an instruction from the Privy Council in Edinburgh, instructing Earl Patrick to suspend the legal proceedings until 24th November. However, soon after, perhaps before news of the Privy Council instruction arrives in Shetland, Wardlaw is rearrested by Earl Patrick's 'soldiers' and is held for a second time in 'the lach volt of the jame' in Scalloway castle. He is put on trial in the castle on 19th August, prosecuted by the deceased's father, Magnus Jacobsson, and the fiscal, Andrew Hawick. This takes place before an assize (jury) of 'gentlemen of the country' whose 'chancellor' is Arthur Sinclair of Aith; an old rival of Laurence Bruce, with Earl Patrick himself sharing the judge's bench, 'assisting' the judge, John Dischingtoun. Notwithstanding all this, Wardlaw and Bruce claim that he was found not guilty by the jurymen (Earl Patrick's version is that Wardlaw blew a raspberry, spoke defiance to the Earl, and ran off out of the hall, was pursued by officers of the court, and detained after a fight). On 20th August, another trial takes place, with an assize characterised as 'common ignorant people', although the Danish Navy admiral Andrew Mowatt of Hugatland, an associate of Bruce, is their 'chancellor'; the prosecutor is named as one Andrew Thomson. According to Bruce and Wardlaw, the verdict was again not guilty, though Earl Patrick denies that either trial actually took place, or that his clerk of court, Thomas Auchinleck, participated in them to keep minutes. On 31st August, Earl Patrick releases Wardlaw, but - according to Wardlaw and Bruce's narrative - instructs three of his servants to lie in wait to murder him, while Patrick goes up to the 'castell heid' to watch. Wardlaw runs out of the castle, and escapes into the adjacent house of John Buchanan, closing the gate and door behind him; his three pursuers scramble over the back dyke, but can't force their way into the house, so they call for fire to burn the

⁵⁰ Ballantyne and Smith [eds.], *Shetland Docs.* vol. ii. No. 353 p. 158

place down, at which point Wardlaw surrenders, and is knocked out with a heavy musket-rest and badly beaten.⁵¹

At the same time, Earl Patrick has also imprisoned Adam Sinclair of Brow, in Scalloway Castle, for alleged complicity in the June 1602 murder of Matthew Sinclair of Ness. Sinclair of Brow alleges that this is simply an expedient driven by the Earl's desire to expropriate his property, and seems to imply that while he was happy to face justice in a traditional Shetland court, Earl Patrick attempted to try him on his own terms in an irregular tribunal. Sinclair of Brow claims that once he was arrested, the Earl dispensed with a proper trial altogether, and arbitrarily sentenced him to confiscation of his property and banishment.⁵²

The narratives presented by Earl Patrick and his opponents are obviously contradictory and thus unreliable, but they nonetheless help us to identify the date of completion of the castle, and provide very detailed evidence on the way that the building was used. The murder charge against Wardlaw is eventually dropped in January 1608, while Sinclair of Brow agrees to pay Earl Patrick £1,000 Scots to have the sentence against him reversed.

1602 (December) – Earl Patrick is prosecuted over his alleged actions at Scalloway Castle in the Court of Session in Edinburgh, by his uncle Laurence Bruce of **Muness** and his son Andrew Bruce of Scasta.⁵³ The incidents of 1599 and 1602 are known through the legal documents presented by the Bruces, which although clearly partisan, provide important information on the building chronology of the castle.

1604 - In February this year, Earl Patrick draws up instruction demanding that the people of Mainland Shetland supply him with vast quantities of peat for the fires in Scalloway Castle; with fines of £100 to the local parish foud and £10 to the tenant.⁵⁴

1604 - We have glimpses in this year of more ordinary administrative matters being carried on at Scalloway Castle: on 30th June, Earl Patrick obtains a property in Trondray in exchange for one near Scalloway.⁵⁵ On 30th August, a court case is held, where a 1592 grant by the Earl of a tenement in the town of Scalloway is presented in evidence, and Thomas Auchinleck, the clerk of the court, notes this fact on the back of the document. These are useful examples of the sort of ordinary items of business that were transacted alongside the murder trials and imprisonment, and the clerk of the court's note also shows that the castle is still known as 'Skalloway bankis' at this date.⁵⁶ But imprisonments also

⁵¹ Ballantyne and Smith [eds.], *Shetland Docs.* Nos. 353, 424, 453, pp. 158-9, 199, 206)

⁵² Ballantyne and Smith [eds.], *Shetland Docs. 1580-1611*, No. 358, 429, pp. 164, 201-202

⁵³ Ballantyne and Smith [eds.], *Shetland Docs. 1580-1611*, No. 353, pp. 158-9

⁵⁴ Ballantyne and Smith [eds.], *Shetland Docs. 1580-1611*, No. 378, pp. 172-3

⁵⁵ Ballantyne and Smith [eds.], *Shetland Docs. 1580-1611*, No. 385, pp. 177-8

⁵⁶ Ballantyne and Smith [eds.], *Shetland Docs. 1580-1611*, No. 205, p. 92

continue - on 19th July, Earl Patrick arrests his uncle and rival Laurence Bruce, who is attempting to leave Shetland. Bruce is forced to walk all the way from Sumburgh Head to Scalloway in his stiff, spurred riding boots, and detained for several days in the castle.⁵⁷

1605 - James Law is appointed Bishop of Orkney by James VI, who also tasks him with curbing Earl Patrick's powers. Around this time Earl Patrick is enlarging his other Shetland property, at Sumburgh (now **Jarlshof**), as well as building a new residence in Orkney, the **Earl's Palace, Kirkwall**, and completing his father's other Orkney residence, the **Earl's Palace, Birsay**.

1609 - Earl Patrick is compelled to flee the Northern Isles for Edinburgh, where he is arrested and taken to **Dumbarton Castle**. However, his supporters appear to remain in control of Scalloway.

1611 - On 28th May, the Privy Council in Edinburgh orders that Scalloway Castle must be surrendered to crown on pain of treason.⁵⁸ On 29th June, Bishop Law holds court in the castle, releasing a number of Earl Patrick's supporters on punitive bail terms - £10,000 Scots for the leading men, and 5,000 merks (£3,333.6/8d) for several others.⁵⁹ Scalloway Castle continues to be used for local administration and the delivery of justice. We have glimpses of the ongoing conduct of ordinary legal processes,⁶⁰ and Bishop Law again holds courts in the great hall in 1612 and 1613.

1614/15 - Following a failed uprising in Orkney by Patrick's illegitimate son, Robert, in which his father is complicit, both father and son are tried, found guilty and executed. Earl Patrick's execution (February 1615) is reportedly delayed whilst he learns to recite the Lord's Prayer!

c1640 - A significant refurbishment of the castle takes place: the emphasis is on domestic repairs to window-glass, door-locks and repairs to the roof.⁶¹ The work is undertaken during a period of civil war within Scotland, England, and Ireland, known as The War of the Three Kingdoms: it may perhaps have been intended to prepare the castle to receive a garrison. A new blade is purchased for Scalloway's guillotine, the 'Maiden', indicating the castle's continuing role in the administration of justice in Shetland. (It was probably Earl Patrick who moved the place of execution from Tingwall to a new Gallow Hill beside Scalloway.)

1643 - Charles I grants Orkney and Shetland to the 7th Earl of Morton.

1650 - During the Wars of the Three Kingdoms, a royalist force arrives in northern Scotland. A detachment under Colonel Wood is sent to Shetland, and takes control of Scalloway Castle around March, but their position is

⁵⁷ Ballantyne and Smith [eds.], *Shetland Docs.*, No. 472 pp. 226-7

⁵⁸ Burton and Masson [eds.], *Register of the Privy Council of Scotland, 1st series*, vol. ix, pp 191-2)

⁵⁹ Ballantyne and Smith [eds.] *Shetland Docs. 1580-1611*, Nos. 532-3, pp. 263-4

⁶⁰ cf. *ibid.*, No. 552, p. 273-4

⁶¹ NRS 190/3/233/3 GD190/3/236/7-10

undermined by the defeat of the main Royalist force, news of which arrives in Shetland in May. Negotiations between the garrison and the local leadership follow, and on 28 June, an agreement is reached, under which Colonel Wood surrenders the castle and hands over a cache of armaments.⁶²

1653 - The republican Roundheads occupy Shetland and install a garrison in Scalloway Castle. The Roundheads, led by Oliver Cromwell, had extended their control over most of mainland Scotland in 1650-51, but the Highlands and Islands remained largely under the control of Royalist insurgents. In April 1652, a delegation from Shetland submits to the Roundheads,⁶³ but in the months that follow, the navy of the Dutch Republic, with whom the Roundheads are at war, anchors off the islands. Effective Roundhead control only extends to Shetland in July 1653, when Colonel Robert Lilburne, the radical Roundhead officer then commanding the Cromwellian army in Scotland, dispatches 'two little men of war' to recover concealed munitions in the islands and install a garrison. Lilburne is concerned that the Dutch will try and seize the islands with Royalist encouragement.⁶⁴ By November 1653, Captain Edward Lunne is in command of the garrison at 'Scalloway Castle in the mainland of Zetland'. He writes to Colonel Lilburne, and expresses his 'hopes not to stay long in this country, which affordeth nothing wherewith an Englishman will fall in love'. He openly asks for a prompt reassignment, and, concerned regarding the detached status of his garrison, notes: 'companies separated from their regiments march oft too much in the rear of relief'. He notes that the King of Denmark still draws a revenue from Shetland which he estimates at around £100, but that this has not been collected for three years due to the Civil War.⁶⁵ Although most secondary sources assert that Cromwell builds a new fort at Lerwick, the precursor of the extant **Fort Charlotte**, there is no evidence that this project ever existed except on paper.

A significant sum is voted by the parliament for building new fortifications on the island, but in October 1653 Lilburne reports to Cromwell that he is postponing to the summer of 1654, as no accommodation is available on the island for the work parties in the bad weather of the winter months. He heavily hints that he would prefer to divert the funds to paying his men instead.⁶⁶ In March 1654, Lilburne writes to Cromwell again, expressing his readiness to start work on fortifications in Shetland, but noting that as

⁶² Murdoch and Simpson [eds], *Memoirs of Montrose* pp. 292 n. 5 and p. 499, Shetland Archives D8/2/5, GHA/bi/172a

⁶³ Calendar of State Papers, Venetian, 1647 - 1652, p222.

⁶⁴ Firth [ed.] 1895, *Scotland and the Commonwealth. Letters and Papers Relating to the Military Government of Scotland from August 1651 to December 1653*, pp. xlix-l, 188, 226, 228n, 236, 258, 275.

⁶⁵ Historical Manuscripts Commission, *Report on the Manuscripts of F.W. Leyborne-Popham, Esq.* (HMSO: Norwich, 1899), pp. 107-108

⁶⁶ Firth [ed.] 1895, *Scotland and the Commonwealth. Letters and Papers Relating to the Military Government of Scotland from August 1651 to December 1653*, pp. xlix-l, 188,226, 228n, 236, 258, 275)

peace with the Dutch is soon expected, the monies might be diverted to more immediate concerns in the face of another Royalist uprising.⁶⁷ Such evidence as there is (see 1657) suggests that Scalloway remains the seat of the Roundhead garrison until the Restoration, with Cromwellian soldiers quartered in and around the castle.

1654 – Blaeu’s atlas⁶⁸ describes Scalloway (depicted as ‘Scolavo’) as the only city on Mainland Shetland: ‘small indeed, but fortified and adorned with a castle; to it, for the declaration of justice, whenever occasion offers, people pour in from all these islands.’

1657 - In October, General Monck, the Roundhead commander in Scotland, draws up a new plan for the deployment of his troops, in which he proposes that Scalloway should be garrisoned with an infantry company of seventy men; one of the smallest outposts in Scotland. The budget agreed in December that year conceals the soldiers’ salaries within the overall pay of their regiment, and lists the additional expenses of the garrison as: the salary of the governor on two shillings a day, the same sum for ‘fire and candle’, and one shilling for a ‘matrosse’ or junior artilleryman, the expenses of the garrison thus totalling just £7 per month.⁶⁹ Published sources do not make clear whether there was actually a real detachment of troops based at the castle, but any garrison presumably departs after the restoration of the monarchy in 1660.

1675 – The minister of Tingwall regularly preaches in Scalloway Castle because the kirk at Tingwall is in need of repair. In the following year the castle is also recorded as having doors and windows broken, and roof timbers too rotten to repair.

1690s – Martin Martin visits and records that ‘several rooms have been curiously painted, tho the better part be worn off.’ He also notes that ‘this ancient house is almost ruinous, there being no care taken to repair it’.⁷⁰

1713 – The Earl of Morton remarks that the various grand residences which are associated with his lordship in Orkney and Shetland are all ‘down to the ground and only ruinous old walls left’.⁷¹ This implies that Scalloway Castle and the palaces at **Kirkwall** and **Birsay** are all roofless and uninhabitable,

⁶⁷ Firth [ed.] 1899, *Scotland and the Protectorate. Letters and Papers Relating to the Military Government of Scotland from January 1654 to June 1659*, p. 64; nor is there any trace of a pre-existing fort in the documents on the establishment of Fort Charlotte, quoted in R.G. Ball, 1965, ‘The Shetland Garrison, 1665-1668’, *Journal of the Society for Army Historical Research*, 43, pp. 5-26.

⁶⁸ <https://maps.nls.uk/atlas/blaeu/browse/990>

⁶⁹ Firth [ed.] 1899, pp. 367, 370, 379; the governor’s salary is presumably an additional remuneration on top of their regimental pay, which stood at ten shillings per day for a captain, and fifteen shillings and eightpence for a major: cf. Firth, 1902, p 188

⁷⁰ Martin, 1716, p. 387

⁷¹ Edinburgh NAS GD150/3460/19x

and at the very least, that they are not in any condition to be used as gentlemen's residences.

1754 - The 14th Earl of Morton permits Sir Andrew Mitchell of Westshore to remove much of the freestone dressings for re-use in his mansion house at Sand (the harled laird's house, Haa of Sand, survives today).

1908 - The 1st Marquess of Zetland entrusts Scalloway Castle into State care; the first significant medieval structure in Scotland to be protected under the Ancient Monuments Act. The Ministry of Works carry out extensive masonry consolidation works thereafter, including reforming doorways robbed of their stonework in the 1740s.