

JAMES DRUMMOND AFTER CULLODEN

The Battle of Culloden took place on Wednesday April 16th, 1746 between the British government and the Jacobite army. The battle was an attempt by Prince Charles Edward Stuart (Bonnie Prince Charlie) to reclaim the English throne for his father James (The Old Pretender). James would have become James 3rd of England & James 8th of Scotland. As the Jacobites lined up for battle, Lord George Murray commanded on the right, Lord John Drummond in the centre, and the duke of Perth on the left, on the first line. The Drummonds played a prominent part in the battle. There is plenty of background reading available in public libraries and online to fully read the politics leading up to this battle.

It is important to mention the results of this battle and the actions taken by the British government, as it has implications on the length of time taken for James Drummond and his descendants to re-claim their lands and titles. The clan chiefs who had fought for Prince Charles Stuart were attainted for treason and their lands were declared forfeit to the crown. Some of them were executed by beheading. Any remaining rebel chiefs would be in fear of their lives and needed to flee the country as soon as possible including Prince Charles Stuart and James and John Drummond.

After the battle, James was reported to have died onboard ship on his way to France with his brother John. There is evidence to support the theory that James was badly injured in the battle, looked after by a local doctor then hidden for a while until he was well enough to travel. This is the point where accounts begin to differ. The historical version states that James died onboard ship on his way to France with his brother John. It has been suggested that the ship docked at South Shields and James went ashore and made his way to South Biddick. James was impelled to let the rumours about his death at sea remain as he was attainted under penalty of Treason which carried the death sentence. The annexation was lifted in 1784, two years after James Drummond died.

Thomas Drummonds ' legal action to reclaim the lands and titles of the Perth Estates

During the court case which James' grandson Thomas brought, to reclaim the titles in 1832, it came to light that James had eventually reached South Biddick in Washington. Thomas' legal team produced a deposition giving the evidence to prove that his grandfather James Drummond who had escaped Scotland after the Battle in 1746 and

James Drummond, 6th Earl of Perth were one and the same person. In the deposition it was stated that James fled to England by ship and landed at South Shields, County Durham. He travelled to Sunderland and then on to Biddick near the river Wear. It seems that Biddick was chosen as James would be afforded shelter and security due to the nature of the village. Biddick was described in the deposition as 'being inhabited by banditti who set all form of authority at defiance.' James was given refuge at Biddick by a coal miner John Armstrong. John had a reputable character and could have hidden James down a deep mine if it was needed until danger from the authorities had passed. Eventually, James married John Armstrong's daughter Elizabeth in November 1749 and when they started a family, they moved into a boathouse. The boathouse, provided by Nicholas Lambton, was supplied with a ferryboat which could be used to make an income. Nicholas Lambton was a local gentleman "of large fortune and possessions" according to the evidence in the deposition.

According to two of James' daughters - Mrs. Ann Atkinson and Mrs. Elizabeth Peters, Nicholas Lambton was aware of James' true identity. James and Elizabeth went on to have seven children. The eldest son, James, followed in his maternal grandfathers footsteps and became a coalminer: this James was content with his life and had no desire to claim his fathers' lands and titles. James Drummond's second son, William, was a seaman who eventually was master of a ship which he partly owned. William was said to be intelligent, active and worthy man and he decided to try and reclaim his father's title and estates in 1784 after the annexation was lifted and two years after James Drummond, 6th Earl had died.

Unfortunately, William's ship was attacked and sunk and everyone on board was killed including William. Vital Drummond family papers which William had gathered for making search and instituting an inquiry as to how far the heirs of James Drummond were entitled to the Perth Estates, were also lost. Further family papers were lost from the boat house (also known as Girdle Cake cottage because of the business Elizabeth had set up, selling girdle cakes from the boathouse) in some great floods which occurred in 1771. The house was flooded and ruined and they lost a box containing more of their family papers and valuables. Among the papers was a document - a "Ducal Patent of Nobility". James was said to have scoured the riverbanks frequently after the floods subsided in search of the box and papers. It is believed that the "Ducal Patent of Nobility" which he told his family, was vital in reclaiming his estates, was the original Royal Patent granted by King James 2nd, at St. Germain, in France, to James Drummond Fourth Earl of Perth, and his heirs male, creating him "DUKE OF PERTH".

Thomas Drummond was the eldest son of James Drummond Jnr. who had died in 1823. In 1826, Thomas began his legal action to be declared the heir to the Perth lands. James Drummonds' daughters Elizabeth Peters and Ann Atkinson were instrumental in encouraging their nephew.

The document mentions the existence of a letter to James Drummond at Biddick from his brother Lord John in France. The letter urged James to come to France where he would be in less danger. The letter also mentions the rumours that James died onboard ship. The existence of this letter means that Lord John knew that his brother had not died on the ship, but that he was alive and well.

The document mentions the loss of papers in the flood and from William Drummonds ship, the support of the Lambton family and the evidence of Ann Atkinson and Elizabeth Peters who could relate the story as their father, James had given it to them. The document mentions James Drummonds' journeys back to Perth in disguise and the fact that he was recognised by several people mainly the tenants.

Thomas Drummond's petition was presented to King George 4th on 27th March 1830 and presented to the House of Lords by the Earl of Shaftesbury. The petition was then referred to the House of Peers on 15th April 1830 then on to the Lords Committee of Privileges. There seems to be no report back from this action.

The petition was presented again on 12th February 1831 by Lord Melbourne to the House of Lords. It was referred to the Lords on 22nd February and the Committee for Privileges was ordered to consider the claim on 5th May. On 25th May, the petition was sent to the Canongate Courthouse in Edinburgh. On 20th June 1831, Thomas Drummond was served Nearest and Lawful Heir to his deceased Great Uncle, Lord Edward Drummond, 1st Duke of Perth.

Without funds, the claim was delayed, but the claim was brought back to Canongate Court on 3rd March 1834 and again, with further witness support, the claim was found proven before 15 Edinburgh men and Thomas was proved to be Nearest and Lawful Heir once again .

On 5th of March, a summons was issued in the Edinburgh Court of Session for restoration of the Perth estates. Further letters between the lawyers of Thomas, the pursuer and the defenders went back and forth. By mid November the revised answers were ready and Lord

Cockburn announced that counsels should be appointed for debate. The debate was over by 22nd January 1835 and Lord Cockburn gave his verdict on 27th January. The decision to restore the titles and estates had gone against Thomas Drummond.

The main reason that Thomas lost the case was that of 'Prescription'. Prescription means a loss or a right, lost or gained by a lapse of time. As the defenders had been in possession of the estates for 50 years, they had a strong case to stay there. Lord Cockburn stated in his findings that others with stronger cases than Thomas's had been repelled because of Prescription. Thomas Drummond was the rightful heir to the Earldom of Perth but the family had simply left it too late to make a claim.

I have copies of documentary evidence in the form of birth certificates and parish records to show that William Waite was descended from a James Drummond of Biddick. Thomas Drummond, William Waite's great grandfather was, in 1832, declared heir male to his deceased Great Uncle, Lord Edward Drummond, 1st Duke of Perth. The documents which I have and the legal decree stating that Thomas Drummond is descended from James Drummond, Earl of Perth combine to prove the link between James Drummond, 3rd Earl of Perth and my grandfather William Waite.