

The Sale of Logiealmond Estate in the 1840s

For 350 years Logiealmond estate in Perthshire has been in the ownership of two families. John Drummond bought it in 1670 and in the 1840s Sir William Drummond Stewart of Grantully and Murthly sold it to the Earl of Mansfield. In his local history of Logiealmond David Forrester says that it changed hands at Martinmas, 11 November, 1846 (1).

Looking for confirmation and more detail about this key event in the history of the area led along a revealing trail of documents - sasines, entails, court records of deeds and appeals - that indicated the varied lives and challenges of the generations involved and a growing network of debts.

Part of the Old House of Logie

Artisht unknown, 1852

With thanks to the A K Bell Library, Perth



John Drummond: the entail

John Drummond inherited Ballathie Estate from his father in 1741 and Logieamond from his uncle in 1757 when he was in his mid 40s, making him the 3rd Laird. He married Lady Catherine Murray of Dunmore and they had a family of 8 children - first 5 girls and then 2 boys before another girl. He set up an Entail in 1769 when his first son, William, was very young and he was in his mid 50s - *'considering the infant state of my family in case the issue of my body should fail'* and *'as my two sisters and brother are dead without issue'* (An entail was a deed specifying the inheritance of immovable property) (2). It says, as was usual: *'it shall not be in the powers of the heirs to sell, alienate or dispoene the lands or burden them with debts or sums of money or in security'*, and – what might have been less common - they shall *'not commit any crime whereby the estate be forfeited'*. One might think it odd to explicitly require this of an heir, but the uncle from whom he had inherited, Thomas Drummond, the 2nd Laird of Logiealmond, had been a Jacobite sympathiser. He had fought at Sheriffmuir in 1715, was wounded and imprisoned at Carlisle, pardoned and got his estate back. In the '45 he was supportive but not active, imprisoned in Stirling Castle but again pardoned and his estate was not forfeit (3).

John Drummond did not tie himself into the limitations of the entail: he reserved the power to incur debts and to sell land. He also reserved the power to alter the Entail, which he did in 1773, and had recorded in the Books of Council and Session. He revoked the previous entail and replaced it with one that preserved the line of succession, but freed male heirs, though not female, from the other restrictions.

In the year of his death in 1776 when he was 63 and his heir was just 7 years old, he made a handwritten Deed of Revocation (4). This was reported to have been found in Logie House 65 years later and was only registered in the Court of Session Deeds in 1842. In it he set aside the Tailzie (entail) he had made and empowered his children's Tutors and Curators, who included his neighbour Thomas Graham of Balgowan, to dispose of the land in any way they thought would be in the best interest of his children. The document states that the changes were required because of

'the uncertainty of humane life', 'the infant state of my children', 'the situation of my affairs' and 'the load of debt my estate is burdened with'.

It appears that the estate already had a considerable level of debt secured over it, some of which he may have inherited from previous generations. The archives of the A K Bell Library, Perth, hold a notebook of *'a complete list of debts by me on bond or bill'* signed by John Drummond for the years 1762-5. In the last year 60 items add to £93,535 Scots, (about £7,700 Sterling at that time), some of which were owed to tenants (5).

Sir William Drummond: politician, diplomat and classical scholar

John Drummond's oldest son, William, was interested in a wider world than Logiealmond. He studied at St Andrews and Oxford, and became Tory MP for the rotten borough of St Mawes, then Lostwithiel, in Cornwall (6). He became a diplomat, Privy Councillor, poet and scholar. He served abroad from 1801 to 1808 in Denmark, Sicily, Naples and Constantinople, and spent his later years living abroad, mainly in Italy. While he was away the estate was managed by a factor and the family, particularly his oldest sister, Catherine, her husband, George Stewart of Grantully and Murthly, and their oldest son, John Archibald. This arrangement was formalised in 1817 in a Trust Deed (7).

The estate generated revenue, provided status and was security for loans, but it also enabled Sir William to enfranchise five of his nephews in 1827 – a useful addition when the constituency voters' roll was only 220. *'With a view to increasing the political influence of the family'*, parcels of land in Logiealmond were set up as feus in liferent for them, with the superiority returned to Sir William. As freeholders of land above a critical value they might vote for an MP for Perthshire (8).

Despite his wife's considerable inheritance, Sir William Drummond added significantly to the debts tied to Logiealmond. Perhaps the life of an MP, diplomat and scholar was expensive and not correspondingly remunerative. He sold his other estates of Ballathie and Kercock. Bonds totalling £73,000 secured over

Logiealmond are recorded in the Register of Sasines (9). But a document of 1834, 7 years after his death, lists all his still outstanding debts, large and small – there were 137 of less than £1000 each, and 10 of £1000 or more, together totalling £105,302 and requiring the regular payment of interest (10).

Sir William Drummond K. C. of Logie Almond
Lithograph, National Galleries of Scotland



Lady Catherine Drummond or Stewart: the female line

Sir William Drummond died in Rome in 1828 without children, and was succeeded by his older sister, then aged 65, as his only brother had pre-deceased him. To fulfil the requirements of the entail Lady Catherine's husband, George Stewart (or Steuart), was from then known as George Drummond Stewart and adopted the Drummond arms. They lived at Murthly, but her three unmarried sisters continued to live in Logie House.

The estate had now passed to the female line and the restrictions on sale and debt should apply, but later documents record that she *'contented herself with being served nearest and lawful heiress to the tailzie'* and that *'during her lifetime the estate was managed by her Ladyship and her eldest son ... under the trust-deed of 1817'* (11). The building leases for the village of Harrietfield are granted by her *'both as a trustee of her deceased brother and an heiress of entail in possession of the estate'* (12), and another deed notes that she did not take measures to make up her title. She appears to have continued to operate, at least in part, as a Trustee of her deceased brother, in which role the limitations of the entail did not restrict her.

John Archibald Drummond Stewart: mansion builder

John Archibald Drummond Stewart succeeded his mother in 1833 when he was 39. He had already succeeded to his father's entailed estates of Murthly and Grantully. In Logiealmond he continued to operate under Sir William Drummond's Trust Deed of 1817; he was the last surviving trustee. This way he continued to act with the authority of a male heir, and without the greater restrictions of the female line.

As Sir William's trustee he executed a strict entail of Logiealmond and Meikle Findowie in 1834, with similar restrictions to that of 1767, recorded in the Sasines (13). In it the full list of debts due by Sir William, and described above, are *'resting-owing'*, and the estate is *'under the burden of debts generally, and in particular the debts therein specified which still remain unpaid'*.

His main interest was the new Mansion House that he was building at Murthly to the designs of James Gillespie Graham and A. W. N. Pugin. The Register of Accounts for Entailed Estates includes Murthly and Grantully, but not Logiealmond, and record in detail his huge expenditure on Murthly – as much as £10,000 in 1831, many times more than his father had spent on the estate (14). John Archibald became ill and went abroad with his wife, appointing Commissioners to manage his lands.

William Drummond Stewart: traveller and new broom

Sir William Drummod Stewart, as an officer in the 15th Hussars, about 1815. Painting at Murthly Castle, with thanks to Thomas Steuart Fotheringham (image from Scottish Field)



John Archibald Drummond Stewart died in Paris in 1838 and as he had no children, Logiealmond, along with Murthly and Grantully passed to his next brother, William, aged 43. He sold Logiealmond to the Earl of Mansfield despite the various entails and so was the seventh and last Drummond laird.

William Drummond Stewart, a second son, as a young man might not have expected to inherit, particularly once his brother married. He went into the army, and fought in northern Spain and southern France, and at the Battle of Waterloo in 1815 aged 19. On half pay, in the spring of 1832 he sailed to New York, and rode to St Louis via Niagara Falls and then visited New Orleans. In the summer of 1833 and the following five, he trekked into the Rockies with the traders who went to rendezvous with the local Indian tribes and barter for furs – these were the peak years of the fur trade there (15).

William Stewart in America
Painting by Alfred Jacob Miller, 1837



At the time he inherited William Drummond Stewart was again heading up into the Rockies. He returned to Scotland the following summer, 1839, after 7 years in North America. He brought with him two native Indians, a French Canadian/Cree hunter, many plants and some buffalo. He based himself at Murthly, leaving Logie House to his aunts and brother, George. He did not complete his older brother's mansion at Murthly, which was eventually demolished in 1949. He did invest in new buildings; as a Roman Catholic he restored, extended and furnished the Chapel of St Anthony the Eremite at Murthly, and built a villa at Laguna for the priests, and also built a hunting lodge of Rohallion.

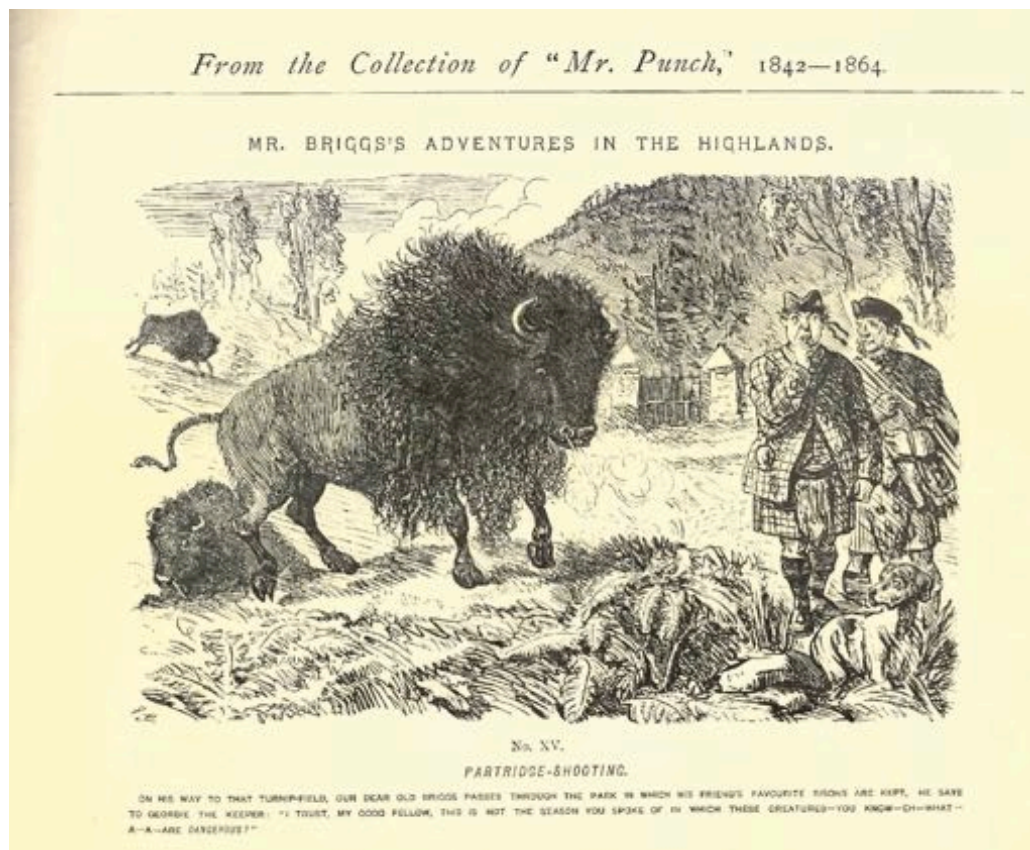
Punch, 15 September 1860, p.194

Punch Historical Archive 1842-1992

(gale.cengage.co.uk/punch-historical-archive.aspx)

Partridge Shooting in the Highlands

'On his way to that Turnip Field, our dear Old Briggs passes through the Park in which his Friend's favourite Bison are kept'



The sale

With the estates of Grantully, Murthly and Logiealmond he inherited the debts, and as he inherited Logiealmond through his mother he had the greater restrictions of the female line.

Unlike his brother, John Archibald, he was not a Trustee of his uncle Sir William Drummond and so could not operate under the male line of the entail.

He generated a flurry of legal documents from December 1840, which include a number required by the complicated process of completing his ownership of the various properties, and some old documents that had not been recorded previously.

Instead of completing '*the entail of 1834, by recording it in the register of entails, and possessing the estate in virtue of it*', as the family may have expected, in June 1842 he signed a Minute of Sale with the Earl of Mansfield to sell to him irredeemably, for £203,000, '*the lands and Barony of Logie commonly called Logiealmond, and the lands of the Barony of Findowie with Auchnagour and Aulmad, and the lands of the Barony of Mullion, and the fishings in the Water of Almond*' (16).

Challenges were anticipated and also the legal route around them. The Earl promised to pay the full sum at Whit 1842, which was to be the date of entry, and Sir William promised to deliver a good title to the lands at that time. But to prove a valid and lasting title they anticipated the need to go through the Scottish Courts and then to the House of Lords for a final judgement.

As foreseen, the Earl suspended payment for Logiealmond in May 1842 quoting doubts over the right to sell and give a lasting title to the buyer. Then Sir William through his agents raised an action against his brother, George, who was next in the line of inheritance, saying he had no right to stop the sale or challenge it in the future (17). Over the next 18 months a series of similar actions were raised against all possible heirs, and they were conjoined by the Court of Session to be considered together.

In February 1844 Sir William's agents pleaded for a speedy decision, as no money would change hands until the case had a

decision first in the Court of Session and subsequently in the House of Lords (18). The legal Note says that the estate was now affected by about £100,000 of Entailer's debts bearing a high rate of interest, and the present rental did little more than meet the interest and the expense of management. If Sir William got the £203,000 agreed, after paying debts, he would have a residue of £100,000, and so was suffering loss of profits until the case was resolved. It added that Lord Mansfield was equally anxious for an early decision as he wished '*to commence a system of improvements of which the Estate is largely susceptible*'.

The decision by the Court of Session in May 1844 was in favour of Sir William's right to sell and against the Earl's reasons to suspend payment. The Earl of Mansfield's response was to challenge the decision in the House of Lords (19). Sir William's claim that he had the right to sell was based in essence on the legitimacy of certain key documents – on legal technicalities. John Drummond's Entail of 1767 was valid and properly registered. He changed it in 1773 as he was legally entitled to do, but this document was not properly recorded. He revoked the earlier entail in 1776 in his handwritten document, which Sir William had registered by the courts when he inherited in 1842. (He was selective in which old documents he registered.) Sir William Drummond's Trust Deed of 1817 had not been recorded as it should have been, and also it had been set up under the 1767 Entail, which the court now accepted had been revoked. John Archibald's Entail of 1834 was dependent on the invalid 1817 Trust Deed. The opinion of the Lords was that, so long as the heirs were adequately represented in court at that time, as they were, they could not challenge the decision in the future.

The House of Lords took two years to come to their decision, from July 1844 to August 1846 (20). The Earl of Mansfield was probably as delighted to lose the case, as Sir William was to win it. The heirs may have been unhappy at the outcome, although even for them there were compensations in the long run as all the inherited debts were cleared. They had argued that it was not in their interest for the considerable debts to be cleared through the sale of the estate, but the Lords stated that they could have paid them off if they had wanted, but had chosen not to do so. The estates of

Murthly and Grantully were still in the family, and probably the sale of Logiealmond helped to pay off debts that affected them.

In May 1847 Sir William set up another Commission for James Condie, Writer, and an Edinburgh accountant to complete the legal processes, as he set out on new travels abroad (21). They were to deliver title to the Earl of Mansfield, receive payment from him and grant receipts. The Earl would '*pay off the whole heritable and personal debts presently affecting the estate*'. They could then get discharge from creditors and record it in the Sasines. The Sasines record that the debts were transferred to the Earl of Mansfield gradually from 1845 to May 1847, and they were paid off and the land disburdened from May to August 1847. The last of Sir William Drummond Steuart's Commissioners signed the 'disposition' or sale of Logiealmond to the Earl of Mansfield in August 1848. It was eventually recorded in the Sasines in May 1852 – ten years after the original agreement to sell (22). None of the legal documents seen so far record when the estate changed hands, but the date of Martinmas 1846, given by David Forrester, seems very likely.

Post Script

The early court papers are explicit that Sir William Drummond Stewart was unmarried. But in 1846 he petitioned the Court of Session for permission for his son, William George, to be legally represented in the case as it went to the House of Lords, as his only legitimate son and heir (23). It states that two years before '*he had completed a marriage in Scotland to a lady by whom he had previously had a son who was thereby legitimised*'. His son was at that time living in Paris, but soon after he went into the army as his father had done, and fought in the Crimea and in India, and was awarded the Victoria Cross. (24). As a celebration of his military achievements his father built the Malakoff Arch at Murthly – a large structure with a ballroom at first floor level.

Sir William's son, William George, did not inherit Grantully and Murthly on his father's death in 1871, aged 76, as he had been killed in an accident three years before (25). So the estate reverted to his brothers. The next in age, Thomas, had lived in Rome and been murdered there in 1846. The next, George, also pre-deceased Sir William in 1847 at Braco Castle, where he had

moved with his surviving aunts, who had not lived long after leaving Logie House. The estate passed to the youngest of the five brothers, Archibald Douglas.

Sir William's adopted American son, Frank Nicol Stewart, could not inherit Murthly estate under the entail as he was not '*the heir of his body*'. But he could inherit the moveable property, and he removed all he could and either sold it in Edinburgh or shipped it back to the States. Sir William's furnishings for the chapel were removed by his successor and went to the Catholic Church in Crieff. The Malakoff Arch was demolished in the 1950s. The buffalo adapted to Scotland better and survived longer at Murthly than the North American Indians – descendants of the buffalo are said to be at Blair Drummond and Woburn Abbey.

Sir William Stewart

Murthly, about 1870, photograph by A F Mckenzie of Birnam
St Andrew University Library collections



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