

Testament of Lachlan Macquarie

SC51/32/2 pp.200-201

Lachlan Macquarrie SC51/32/2 [p.201] At Inverary the thirteenth day of May Eighteen hundred and twenty five years In presence of Robert Bruce Esquire Advocate Commissary of the Commissariat of Argyll Compeared Duncan Patterson writer in Inverary as procurator and gave in the Inventory oath Subjoined thereto and Copy Prob[ate] Reg[istered] Last Will and Testament underwritten craving that the same might be recorded in the Court Books of the said Commissariat conform to Act of Parliament made thereanent which desire the said Commissary found reasonable and therefore ordained the same to be done accordingly whereof the tenor follows; Inventory of the Personal Estate in Scotland of Major General Lachlan Macquarrie of Jarvisfield in the Island of Mull and shire of Argyll who died at London on the first day of July Eighteen hundred and twenty four To Sum of Arrears of Rent falling under the Executry due and resting owing by the tenants on the Defuncts Estate in the said Island of Mull at Whitsunday Eighteen hundred and twenty four conform to List Signed by lieutenant Colonel Charles Macquarrie then Factor Eleven hundred and forty eight pounds one shilling and four pence Sterling of [p.203] of which it is thought no more than two third parts will be recovered Inde ____ 3765.7.7½ Interest thereon from Whitsunday eighteen hundred and twenty four till first July eighteen hundred and twenty four _____ 4.16.4 To Sum of Rent falling under the Executry payable from the Defuncts said Estate at Martinmas eighteen hundred and twenty four for the half year then ending per Statement by James Nisbett Factor pro tempore _____ 395.7.7½ Besides the lands contained in said Statement the farms of Beintulla Forlochan and part of Killichrenan were occupied by the Defunct at the time of his decease and the Stocking belonging to the Defunct as there three farms is included in this Inventory as below To Amount of value of the Sheep Stock belonging to the Defunct on the said lands of Beintulla Forlochan and Killiechrenan also of the horses and Black Cattle and implements of husbandry Garden tolls & c[etera] belonging to the Defunct at Jarvisfield in the said Island of Mull per Inventory and appraisement of Alexander Campbell and Hector Macpherson Appraisers _____ 1351.6.5 To Amount of value of household furniture Wines Silver plate Bed and table linen paintings Gold Watch and other Articles belonging to the Defunct at Jarvisfield aforesaid per Inventory and appraisement by Robert Cuthbertson Merchant in Burntisland now in Tobermory and Angus McHinnen upholstorer residing at oskamull ____ 1256.11.3 To Amount of Silver plate besides the above in the house at Jarvisfield at the time of General Macquarrie's death but since taken to London per Inventory and appraisement of W. Aviss Carpenter and appraiser Putney _ 4.10.- N.B. A considerable part of the furniture at Jarvisfield included in this Inventory is claimed by Mrs Macquarrie the widow of the Defunct as being bought with her proper money To principal Sum due by Mess[ieu]rs Ramsay Binars & Co[mpany] Bankers in Edinburgh _____ 1101.10.6 Interest due thereon at the time of the decease of the Defunct _____ 31.3.8 £4961..13..6 (signed) John Campbell & John Gregerson At Jarvisfield in the Island of mull the Eleventh day of April one thousand eight hundred and twenty five years In presence of John Gregerson Esquire of Ardtornish Sheriff Substitute of the northern District of Argyllshire commissioner by virtue of the Warrant and to the effect aftermentioned Compeared Sir John Campbell of Ardnamurchan (Airds) Baronet one of the Executors Testamentary of the deceased Major General Lachlan Macquarrie late of Jarvisfield in the Island of Mull & c[etera] &

c. and produced Warrant and Commission dated the twenty sixth day of October Eighteen hundred and twenty four granted by the Commissary Commissary Depute of the Commissariat of Argyll to the Sheriff Substitute of the Northern District of the said County of Argyll or to any of the Justices of Peace for the said County of Argyll to receive the oaths of the Executors Testamentary of the said deceased Major General Lachlan Macquarrie or of anyone of them to the Inventory of the personal Estate and effects of the said Defunct Situated in Scotland and the said Sir John Campbell being Solemnly Sworn and examined Depones That the said Major General Lachlan Macquarrie died upon the first day of July last and the Defunct and the other Executors Testamentary of the said Defunct have entered upon the possession and management of the said deceaseds personal Estate as Executors nominated by him in a last Will and Testament executed by him dated at Sidney in new South Wales the twenty eighth day of march eighteen hundred and fifteen having two Codicils thereto one dated the twenty eighth day of September in the year Eighteen hundred and Sixteen and the other dated the tenth day of February in the year eighteen hundred and twenty two and which last Will and testament and said Codicils thereto are recorded in the books of Council and Session conform to act of parliament anent the registration of probative Wills the twenty fifth day of September in the year eighteen hundred and twenty four an Extract of which last Will and testament and Codicils is now exhibited and signed by the Deponent and the said commissioner of this date as relative hereto That the Deponent does not know of any settlement or Writing relative to the disposal of the deceaseds personal Estate or effects or any part of them other than that now exhibited That the foregoing Inventory each page of which is Signed by the Deponent and the said Commissioner as relative hereto is a full and true Inventory of all the personal or moveable estate and effects of the said Defunct Situated in Scotland already recovered or known to be existing belonging so due to the said Estate situated in Scotland is of the value of Four thousand pounds and under the value of Five thousand pounds Sterling all which is truth as the Deponent shall Answer to God. (signed) John Campbell & John Gregerson Commissioner At Edinburgh the twenty fifth day of September Eighteen hundred and twenty four years: In Presence of the Lords of Council and Session Compeared Mr Thomas Thomson Advocate Procurator for Charles Tawie Writer to the Signet Ingiver of the Will underwritten desiring the same to be Registered in the Books of Council and Session Conform to act of Parliament anent the Registration of Probative Writts which desire the Lords found reasonable and ordained the same to be done accordingly whereof the tenor follows ____ In the Name of God __ Amen- I Lachlan Macquarrie Esquire of Jarvisfield in the Island of Mull and Shire of Argyll in Scotland Major General in his Majestys Army First Lieut[enan]t Colonel of the 73[r]d Regiment and at present Captain General and Governor in chief in and over the Territory of New South Wales and its dependencies, Do male this my last Will and Testament hereby annulling cancelling and rescinding the Will and Testament made by me at Bombay in the East [p.205] East Indies on the 10th day of March 1807 and also all other Wills made by me antecedent or Subsequent to the said date. Declaring this present to be my only true last Will and Testament I accordingly resign my Soul to its Creator, in all humble hope of its future happiness as in the disposal of a being infinitely good I hereby make and appoint my dearly beloved Wife Elizabeth Henrietta and my dear particular friends my Brother Bart. (my Brother in law) and James Drummond Esqr of Strathallan at present a Member of Parliament for Perthshire the Survivors or Survivor of them, to be Executrix and Executors of this my last Will and Testament Those who in the course of my life have done me all

other good offices, will not I trust refuse this last after my death I leave them therefore this trouble, as a mark of my Trust confidence and friendship: only desiring them to accept each, as a Small memorial of me the Sum of five guineas a Mourning Ring –Having on the 3[r]d of November 1807 been married at Holesworthy in England to my present dearly beloved Wife then Elizabeth Henrietta Campbell Daughter of the late John Campbell Esquire of Airds in Argyllshire Scotland and having on occasion of my said Marriage conveyed to and Settled on her a Jointure of three hundred pounds per annum during her natural life after my decease, and payable out of the Rents of my Estate of Jarvisfield in the Island of Mull on priority to all other claims or Demands on the said Estate I do hereby formally attest and confirm the Said Jointure by this my last Will and Testament –I also will and desire that the patrimony of seven hundred pounds Stg bequeathed by her deceased father to my dearly beloved Wife Elizabeth Henrietta shall be considered her own property still notwithstanding our Marriage and Shall be entirely and exclusively at her own will and free disposal I hereby renouncing all Claim and title to the whole or any part thereof By this my last marriage with the said Elizabeth Henrietta Campbell, a Son was born to us at Sydney in New South Wales on the 28th of March 1814, and who is Consequently this day twelve months, and God grant him many happy return of this his natal day –The name of this dearly beloved Son is Lachlan having been so names after myself In the event of my having no more Children, I will and bequeath to this beloved Son Lachlan, the whole of my landed Estate of Jarvisfield all Monies I may die possessed of as well as every other description of Property whether moveable or imMovable belonging to or pertaining to me save and except the Legacies herein after mentioned which I intend leaving to certain friends and Domestic hereon after named remembering always that my said landed Estate in burthened with my present Dearly beloved Wife Jointure of three hundred pounds per annum during her natural life –Item Providing nevertheless, it may be the will of God that I should be refused with any more Issue by my present dearly beloved Wife, I will and bequeath as follows namely namely that in the event of our only having one other Child whether a Son or a Daughter, the said Son or Daughter shall inherit and receive when he or she shall have attained the age of twenty one years a Patrimony of three thousand pounds Stg from my Estate in money But in case I may have more children than one by my present dearly beloved wife, I will and bequeath the Sum of Five thousand pounds Stg from my Estate in money to be equally divided amongst them whatever number there may happen to be Share and share alike on their respectively attaining the ages of twenty one years; In this division of Five thousand pounds my present Son and heir Lachlan is not included and it is to be fully understood by him and my Executrix and Executors that all my younger Children are to be fed Clothed, lodged, and Educated from my Estate until they have respectively attained the ages of Sixteen years free from all Charges on their respective Patrimonies. -After however they respectively attain the ages of Sixteen they are to be maintained and supported from their respective Patrimonies but which are not to be paid to them till they have attained the age of twenty one years and until so paid they are to receive at the rate of ten percent per annum from the Estate from the age of Sixteen till twenty one and in case they prefer leaving their Patrimonies after they attain that age in the hands of the heir he is to continue to pay them the same Interest till they marry when the Principal is to be paid to them from the Estate Item I do hereby will ordain and direct that my said landed Estate of Jarvisfield in the Island of Mull Shall be and it is hereby accordingly formally and solemnly forever entailed on my present Eldest Son Lachlan and his posterity namely failing of his leaving

issue of his own Body lawfully begotten, the said Estate of Jarvisfield is to devolve to my next Son (if any) and his posterity and failing of such son and is posterity the said Estate is to devolved to my next eldest son (if any) and his posterity and soon in like succession to any other younger sons I may have and their posterity respectively; And in case there shall be no more sons born to me, then I will and bequeath my said Estate to Jarvisfield failing of my Eldest son Lachlan leaving any issue to my eldest Daughter and her offspring lawfully begotten, and failing of her and her issue lawfully begotten, then I will and ordain that my said Estate shall successively devolve to my other younger Daughters (if any) according to priority of age, and to their offspring lawfully begotten respectively It is however to be clearly understood, and it is hereby strictly willed and Ordained that whenever and as often as by this destination my said Estate of Jarvisfield shall descend to and be inherited by a Female the person who married her must take and assume the Surname of Macquarrie and no other and in case he should decline so doing I will and declare that the next heir of Entail shall inherit an possess the said Estate of Jarvisfield In like manner I will order and direct that all my other Heirs of Entail herein after named, who may succeed to my said Estate of Jarvisfield either from their own immediate right in Succession [p.207] to female heirs alluded to in this destination shall all and every of them assume and bear the Surname of Macquarrie and no other on their respectively succeeding to the said Estate of Jarvisfield in case their names by any other than that on their said succession –Item In the event of my beloved son Lachlan and any other children I may hereafter have by my present beloved Wife appointed by this Destination to succeed to my Estate and fortune should die without leaving any issue lawfully begotten then I will ordain and direct that my said Estate of Jarvisfield together with all my money and other property of whatever kind whether moveable or immoveable shall be bequeathed and devolve to my dear and only now surviving Brother Charles Macquarrie Esquire of Glenforsa in the Island of Mull late Lieut[enant] Colonel of his Majestys 42 Royal Highland Reg[imen]t of Foot and after his decease to his lawfully begotten Male and female children exactly in the same order of Succession as is herein already appointed for my own immediate offspring the Male Children always succeeding according to priority of Birth in preference to the female children Item Failing of My Brother Charle’s issue lawfully begotten I will and ordain that my Estate and other property shall next devolve to my Nephew Hecter Macquarrie now a Lieutenant in his Majestys 86th Regt of foot and his offspring lawfully begotten Item failing of my said Nephew Hecter Macquarrie and his Male and female offspring lawfully begotten I will and ordain that my said Estate and other property shall next devolve to my Nephew Murdoch Maclaine now Major in his Majestys 42d Royal Highland Regiment of foot and his offspring lawfully begotten and failing of his and his legally begotten Male and female Children that my said Estate and property shall devolve next to my Nephew Hugh MacLaine younger Brother of the said Murdoch at present Major in the 77th Regt of Foot and his offspring lawfully begotten and failing of him and his lawfull offspring that my said Estate & Property shall devolve to my Niece Mary Maclaine the Wife of Angus MacKinnon on the Island of Mull and her offspring lawfully begotten and failing of her and her lawful offspring that my said Estate shall devolve to my second Niece Ann the Wife of Donald Campbell in the Island of Mull, and her offspring lawfully begotten and failing of her and her lawful offspring, that my said Estate and Property shall devolve to the lawfully begotten offspring of my recently deceased third Niece Margaret Maclaine the Wife of MacPherson in the Island of Mull Item in failure of my said Nephew and Nieces herein already specified and their male and female

Children respectively lawfully begotten I will ordain and direct that my said Estate of Jarvisfield and other property shall devolve to and be inherited by my Cousin German John Maclaine at present Lieutenant in the 73d Regt of Foot being the Second Son of my late uncle Murdoch Maclaine Esqr of Lochbuy in the Island of Mull and by his offspring lawfully begotten Item failing of all these persons already herein named as my heirs of Entail dying without issue I will ordain and direct that my said Estate of Jarvisfield and other property shall devolve to and be inherited by my next nearest of kin whether Male or Female But hereby strictly enjoining ordaining and directing that all my heirs of Entail herein named or alluded to in this Destination shall on their succeeding to my Estate of Jarvisfield and other property take assume and bear the Surname of Macquarrie only together with the arms of that Family immediately on their becoming possessed of my said Estate and Property and in failure of doing so they are hereby forever deprived of inheriting or possessing the said Estate and Property; and which is to devolve to the next nearest heir of Entail willing to assume and bear the Surname and Arms of Macquarrie to the entire exclusion of all other Heirs of Entail who may decline assuming the said name and arms of Macquarrie –Item In the event of my not living long enough to return to my native Country to get this Entail perfected according to all the usual forms of the Scotch law it is my earnest and solemn commands and request to my Executrix and Executors to cause my said Estate of Jarvisfield together with whatever other landed Property I may happen to die possessed of to be most strictly entailed according to the forms of the Scotch law agreeably to the destination herein contained on my beloved eldest son Lachlan, and the other surviving issue of my own body lawfully begotten in regular Succession and in failing of them on the next heirs of Entail herein specified Item in making this desired Entail care must be taken that my Landed Estate be burthened with the Jointure of three hundred pounds Stg per annum settled in our Marriage Contract on my present dearly beloved wife, and which must regularly be paid to her as the same shall become due during her natural life –Item As my Landed Estate is but small and Entailed one I deem it necessary to limit on this Will the portions that are to be given to the younger children of the heirs of Entail with the exception of these of my own body my own children being already provided for in this my last Will and Testament, I do therefore accordingly direct, and ordain that the Entailed Estate now bequeathed to my posterity herein specified (with the exception of the Provision herein already made for my own younger Children) shall never be burthened with a greater sum than three thousand pounds Stg as portions for all the younger Children in case they should exceed two in number, and the said three thousand pounds are to be equally divided between all the said younger Children of the existing heir of Entail receiving Share and share alike in case they exceed two in number but in the event of their being only two younger Children of the existing heir of Entail exclusive of his presumptive heir whether Male or female then the entailed Estate shall only be burthened with two thousand pounds as portion for the said two younger children each receiving one thousand pounds as a portion when he or she shall have attained the full age of twenty one years. And it is my positive commands that the Entailed Estate possessed by me at the time of my death shall never be burthened on any account whatsoever with a greater sum than is [p.209] is herein expressed and ordained as portions for the younger Children of the existing Proprietor of the said Entailed Estate Item I do hereby Will and bequeath the following Legacies to be paid to the Persons herein afternamed Vi[delice]zt To my Cousin German Jane Jarvis Maclaine youngest Daughter of my late Uncle Murdoch Maclaine Esquire of Lochby, who was named

after my late beloved Wife I bequeath the sum of one hundred pound Stg to my Godson Charles Macquarrie Jarvis Son of my much esteemed friend and Brother in law Major George Ralph Paine Jarvis late of the 36th Regt of Foot –These two legacies I desire may be paid to the Legatees within six months after my decease Item I also Will and direct that the following annuities already allowed or to be hereafter allowed to the persons herein after named shall continue to be or commence being paid from and after the date of my decease as they become due to the following persons namely To my Sister Mrs Betty MacLaine the wife of Mr Farquhar McLaine of Askamill in Mull the sum of Thirty pounds Stg per annum To my Sister in law Mrs Margaret Campbell the widow of the late L[ieutenant] Colonel Campbell of Glenfeachan twenty pounds Stg per annum – and to my good and faithful Domestic Servant George Jarvis a Native of India and who had now served me faithfully and honestly and has on all occasions manifested the greatest attachment and fidelity to my person for the last twenty one year in every quarter of the Globe the sum of twenty five pounds per annum which I direct to be paid him in two equal payments every half year during his natural life, this last annuity commencing immediately from the date of my decease. Item In case my said faithful Servant George Jarvis should prefer living on my Estate in Mull after my decease it is my desire that he way be allowed to do so on my farm of Gruline and that he shall be completely fed clothed and lodged there at the expence of my heirs and successors during his natural life independent of the annuity herein already allowed him, and which is to be regularly paid him wherever he may choose to fix his permanent residence Item As it is most propable that my present dearly beloved Wife in case she should survive me (which in the regular course of nature she is likely to do and I sincerely hope will do) would prefer living in Mull on our Estate of Jarvisfield for the sake of improving the same foe our beloved Son during his Minority I do hereby Will and direct that the whole of the farm of Gruline (on which is intended to be erected and elegant and spacious mansion house and suitable offices) shall be exclusively appropriated for her residence, and at her entire use and disposal free of Rent until our Son attain the age of twenty one years when the said farm is to to be delivered up to him it being intended and hereby declared and ordered to be the family seat –And in case I may not live long enough to erect a respectable handsome mansion house and suitable offices at Gruline I do hereby authorize and direct my said dearly beloved Wife to do so as soon as she conveniently can for her own comfort and that of her family the expence of which buildings and other Improvements she may think proper to make is to be defrayed from my monied Estate and which my Executors are hereby Authorized and directed to do, Item I reckon my Estate of Jarvisfield at present to be at least worth four hundred pounds per annum rent it having cost me the sum of twelve thousand five hundred pounds Stg first and last, and I reckon that I am at this moment worth at least twenty thousand pounds Stg in money which sum is partly invested in the British funds in England partly in the East India Companys funds in India, the East India Stock in England and in the hands of my Bankers in England and Scotland and in the hand of my Agents in India all which id more fully and more particularly explained in the accompanying Schedule of my Estate and Property hereunto annexed and marked A –Item –In the event of the demise of both my dearly beloved Wife and myself in this Country, and that neither of us shall live to return to Great Britain I do hereby Solemnly Consign the temporary care and guardianship of our dearly beloved son Lachlan to the Custody of Thomas Moore Esqr at present Justice of Peace and Magistrate of Liverpool in this Colony Considering him as one of our

best most sincere and most faithful friends in New South Wales, and as fully competent to this sacred trust in every respect enjoining the said Thomas Moore Esqr to proceed to England as soon as he conveniently can after the death of the last survivor of either of us his Parents and carry home thither our dearly beloved son, attended by some decent honest sober and cleanly woman as a servant and Nurse to watch dress and constantly wait on him, not sparing any reasonable expence in procuring such a woman as a servant to attend and take the immediate care of our child exclusively –Item –on Mr Moore’s arrival in England with our dearly beloved son Lachlan in case it should be the will of God to preserve his life so long it is my desire and direction that he shall deliver the charge and guardianship of him over to James Drummond Esqr of Strathallan at present Member of Parliament for the County of Perth in Scotland and generally residing in London and who is hereby Solicited and earnestly entreated to take the charge and guardianship of him accordingly from my worthy esteemed friend Mr Moore who will ascertain the exact place of Mr Drummond residence, by enquiring for the same at the office of Mess[ieu]rs Drummonds Bankers Charing Cross London. –Item having from long experience and intimate knowledge of his real worth Judgement superior talents, honour, integrity, amiable temper, and generous liberality of Sentiment and Principles formed the highest opinion of my much esteemed and dear Friend James Drummond Esquire of Strathallan herein already named as one of my Executors, it is my most earnest wish and most solemn request that he should do me the kindness to accept the sacred office of being the particular [p.211] particular and exclusive guardian of my dearly beloved son and heir Lachlan from the moment of his being delivered over to him by the said Thomas Moore Esqr his temporary guardian till his arrival in England, from which moment my friend Mr Moore is to be relieved from further responsibility on my Dear sons account and I do hereby direct my Executors to pay to the said Thomas Moore Esqr the full amount of all such disbursements as he may have had occasion to make on my said dear sons account up to the day of his delivering over charge of him to James Drummond Esqr Taking it for granted that my much esteemed and highly respected friend Mr James Drummond will do me the honour and favor of accepting the said office and trust of being the particular Guardian and protector of my beloved son and heir Lachlan I have only to entreat the additional favor of him to direct him to be Educated in the same manner and at the same school as he would do if he were a son of his own; Submitting however to his (Mr Drummonds) own superior Judgement the propriety of having my son educated entirely in England, in preference to Scotland and every other Country – and that I am particularly desirous, that my son Lachlan should reside permanently in England (with the exception of occasional short visits to his relations in Scotland once in every year) until he become of age and complete his one and twentieth year; when he will of course be at liberty to take possession and the entire management of his Estate in Scotland as well as of all his other concerns; -Item Being extremely anxious and earnestly solicitous that our dear beloved Son Lachlan should obtain the very best and most liberal education, that the best and highest Seminaries in England can afford I wish no expence to be spared on his education and Instruction at these Seminaries of learning leaving to my friend Mr Drummond entirely the choice of such seminaries submitting however for his consideration the celebrated school of Eton to send my son as soon as he complete his tenth year and is sufficiently grounded in the first Rudiments of Education to qualify him for admission to Eton school which seminary I confess myself particularly partial to on account of its high celebrity, and some of the greatest men of the present age have been

educated at that seminary and I am also much inclined to prefer this school to all others on account of the youth of the first and highest families in England being educated at it –But I have already said I entirely leave the choice of the school or schools for the education of my son to the superior Judgement, experience, and sound discretion of my highly honoured and esteemed friend Mr Drummond Item I do accordingly hereby authorize and direct my Executors to furnish Mr Drummond with such sums of money the Rents of landed Estate or Money invested in the British funds, or lying in the hands of my Bankers as he may have occasions to call for from them from time to time to defray the expence of the education of my said son, as well as to defray all his other necessary expences for Board Lodging Clothing Washing Wages of Servants & c[etera] & c relying entirely on Mr Drummonds own good sence and experience in such matters for giving the necessary Instructions to his Tutors and Servants for the due and proper Instruction for the instilling Pious, Religious and moral Sentiments into his youthful mind, and for the due preservation of his health cleanliness and comfort in all respects, and under all circumstances recommending strongly, that a decent sober cleanly and religious Female Servant may be hired to attend and take care of our beloved son, till he completes his tenth year, and is sent to one of the best public schools. In Witness whereof I have hereunto set my hand and seal this twenty Eighth day of March in the year of our Lord 1815 at Sydney in New South Wales (signed) L. Macquarrie (L.S.) signed and sealed in presence of us (signed) John Watts Ch[a]r[le]s Whatan A Schedule of the Property and Effects of Major General Lachlan Macquarrie of Jarvisfield as the same stood on the 31st of December 1814 and as referred to in the foregoing Will hereunto prefixed dated 28th March 1815. –Vizt –In the hands of Messrs Goring & Sharpe Bankers in London and under their care and management in East India Stock in East India Bonds in the 3 p[er] c[en]t Reduced annuities and in cash immediately in their own hands I reckon at least my credit with them to be Stg _____ £7538..-.- In the hands of Messrs Cauts & Co[mpany] Bankers in London and under their care and management in the 3 per cent consol stock and in cash immediately in their own hands I reckon at least my Credit with them to be Stg ___ 7,000..-.- In the hands of Messrs Ramsay Bonars & Co. Bankers in Edinburgh running on at Interest at 4 per cent but such Int[erest] not included the Principal being exactly originally deposited with them 928..2..6 In the hands of Messrs Greenwood Cox & Co. Agents in London my Subce as Lieut Colonel of the 73d Regt from 24 Decr 1813 to 24 Decr 1814 as per Certificate of Paymaster Birch _____ 273..-.- Total in England £15,739..2..6 In the hands of Messrs Forbes & Co. Agents at Bombay in the East Indies and under their care & management in trust for me by Power of Attorney An East India Bengal Government Prom[isso]ry Note of 6 per cent under date 30th of June 1811 for 64000 Bombay Rupees of Licca Rupees 60,000 the said sum of 60,700 Licca Rupees being the above mentioned date and principal being in Sterling money} 8,000..-.. Total 23,739.2.6 Deduct ? of late sum by me to Messrs Forbes & Co. of Bombay being cash p[ai]d there in my acco[un]t up to 1,500..-.. 31 ? 1814 _____ Net Balance remaining £22,239..2..6 Sidney 28th March 1815 (signed) L. Macquarrie In addition to my last Will and Testament (signed) and Executed under date the 28th March 1815 hereby make the following Codicil, namely; In the event of its being [p.213] being the will of God that I should die in this Country whilst in the administration of the Government of it, I hereby will and desire and strictly enjoin that my remains may not be interred in New South Wales, but to be preserved either in a Leaden Coffin or in Spirits whichever may be deemed most advisable and carried home in the same ship that conveys my beloved wife and child to England and from

thence conveyed to my Estate of Jarvisfield in the Island of Mull and be entered in a family Vault or Burial place which I hereby order and direct may be erected on some eligible spot on the farm of Gruline near Loch Baid on the aforesaid Estate Jarvisfield I trust and Expect that this sacred injunction in respect to the future disposal of my Earthly remains will be strictly carried into effect by my beloved wife, and that the same will be sanctioned by my other Executors Item Having thus resolved that my own mortal Body shall be carried home to be burried in Mull it is also my full intention should it be the will of the almighty, that I should survive either my dearly beloved wife or our darling son and that either or both of them should die in this Country to carry the precious and beloved remains of either or both home with me for the purpose of being interred in our family Vault or Burial place on Jarvisfield –But I trust in God that I shall be spared this dreadful and most insupportable of all pangs namely that of surviving either my beloved Wife or our darling Boy, both of whom it is to be hoped and devoutly wished may long long survive me and which by the usual cause of nature they most probably will do –Item Knowing from long experience how much it contributes to the happiness comfort and respectability of domestic life to have a spacious commodious and elegant Mansion for a family to live in especially in that remote country where I ardently hope we shall all one day reside, and end our days in; I will and ordain in the event of my not living long enough myself to carry this measure into complete effect that my beloved wife shall have a spacious elegant and commodious mansion house with suitable offices and Garden erected and made at our family Seat of Gruline in our said Estate of Jarvisfield in the Island of Mull on such a site as she may deem most eligible for the same –and according to such plan and size as she may judge suitable in reference to the many conversations she and myself have held on this subject –I limit however the expence of a plain modern house and offices including a Garden wall to Five thousand pounds Stg but if a Castle or Castellated House with offices and Garden wall can be built and completely erected for one thousand pounds more I should greatly prefer it to the plain modern Mansion as I think a Castle is peculiarly appropriate and suited to the wild grand and sublime scenery of Gruline and Loch Baid If therefore a Castle with suitable offices can be completely erected for the sum of six thousand pounds Sterling to which sum; I hereby limit the whole expence thereof I particularly request that that preference may be given to the latter description of Building by my dearly beloved Wife –I also will and ordain that the said Mansion or Castle and offices shall be properly and respectably furnished, limiting the expence of the said Furniture to one thousand pounds Sterling the amount of which as well as of erecting the Castle or Mansion offices, and Garden wall are to be paid from my money now invested in the British funds –Item In the afflicting possible event of our darling beloved son –or any other offspring we may still have, not surviving their mother and myself, and that my beloved wife should survive them and me also, I hereby will ordain and bequeath that my said dearly beloved wife shall continue to possess during her natural life for her own sole use benefit and accommodation exclusively without paying any Rent to my next heir of Entail the Family mansion offices and Garden together with the whole of the farm of Gruline proper including the pendicle called Forlochan hitherto annexed to the said farm of Gruline and this farm and family Mansion as above mentioned she is to hold & possess during her natural life exclusive of her Jointure of three hundred pounds Sterling per annum, secured for her support and maintenance by our marriage Settlement , and which is to be regularly paid to her from my Landed Estate or money in the British funds For although, I hope she needed not any further additional proof of my faithful love and sincere affection for her, which I can with

great truth assert is equal to any that one human being can feel for another yet I wish to make my strong love and affectionate friendship and regard for her future personal comfort, by this last act of kindness, and which I entreat my beloved and amiable good wife will so me the favour to accept of in the true spirit of love and affection it is offered for she may rest assured that her happiness care comfort & respectability in life are dearer to me than all other earthly considerations especially once we are deprived of our lovely and dearly beloved darling Boy –But in mercy to us both I p[er]fervently hope and devoutly pray that the great disposer of all things will vouchsafe to spare the precious life of our beloved son till he attains the age of manhood and that he will long –long survive both his parents enjoying many happy and prosperous years; Grant his o Almighty God; for the sake of thy own dearly beloved son: Our Saviour Jesus Christ Amen and Amen: In Witness whereof I hereunto set my hand and Seal at Sydney in New South Wales this 28th day of September in the year of our Lord 1816 –(Signed) L. Macquarrie (L.S.) I[n] presence of (signed) H.C. Antill Chs Whalan –Additional Codicil –Sydney New South Wales 10th Feby 1822 –As I have now resigned the Government of these Colonies, and have consequently taken my passage to England on the Ship Surry of London and intending to embark on the said ship in two says hence I have only time at the present hurried moment to revoke and cancel by these Presents that part of my will Contained in the foregoing Codicil so far as relates to my friend Thomas Moore Esqr J.P. taking charge of my dear son Lachlan, and which is hereby revoked and annulled accordingly my said son now proceeding along with his Mother and myself to England in the ship Surry; but I do hereby confirm all [p.215] all other parts of the foregoing Codicil; And I further will and direct that the lands of Loharnacoil in Mull some time since purchased by me for £20,500 Sterling shall be settled upon my said son and his heirs and my other heirs specified in my last Will: exactly according to the destination of my other Estate of Jarvisfield (signed) L. Macquarrie Extracted furth of the Records of the Court of Session in Scotland upon these forty three Pages of Stamped paper by me Thomas Peat Writer to the Signet Principal Keeper of said Records (signed) Thomas Peat