

John Farquhar Estate Litigation, 1826-1836: Basic Facts

By Robert W. Trezevant

The death of John Farquhar (1751-1826) led to major litigation involving his estate.

His parents, John Farquhar (1703-1791) and Elizabeth Chalmers (1725-1801), were both deceased by 1826. They had five children, all born in Bilbo, Scotland.

1. Robert (1743-1784) immigrated to Charleston, South Carolina, in 1760, where he married Elizabeth Fagan (1747-1773). They had one child: Elizabeth Willoughby Farquhar, who married Peter Trezevant (1768-1854).
2. Charlotte (1750-) married Robert Fraser (1745-), and they had two children: Charlotte Fraser (1786-1877), who married William T. Pole, and John Farquhar Fraser (1788-), who married Agnes Bagot.
3. John (1751-1826) never married.
4. Ann (1752-1801) married [] and had two children: a daughter Charlotte, who married Mr. Aitken and a daughter Mary who married Mr. Lumsden.

5. Jean (1753-1808) married William Mortimer (1753-1822), and they had two children: George Mortimer (1788-1832) and James Mortimer (1790-).

At the time of John Farquhar's death in 1826, his parents and all of his siblings were dead. Thus, he was survived by seven nephews and nieces: Elizabeth Farquhar Trezevant, Charlotte Fraser (Lady) Pole, John Farquhar Fraser, Charlotte Aitken, Mary Lumsden, George Mortimer, and James Mortimer.

In order to be considered a subject of John Farquhar's will, Elizabeth Farquhar Trezevant and her husband Peter immediately moved to England.

A long series of litigations began in 1826 and ended in 1836. Peter Trezevant assisted the lawyers in representing his wife Elizabeth. She was represented by the King's Solicitor. The other six British first cousins were, of course, represented by their own lawyers. The estate of John Farquhar was represented by his business partners. The essence of the issues involved was that during his lifetime John had made numerous gifts and loans to the six British cousins but none to his American niece.

Because she was the daughter of the eldest Farquhar sibling and the oldest of the group of cousins, Elizabeth Trezevant became the heir at law. As such, she was entitled to the real estate portion of John's estate. The liquid assets of the estate

were then to be divided among the children of John's four deceased siblings' offspring: Trezevant (1), Fraser (2), [Anne] (2) and Mortimer (2). Since Elizabeth had never before received anything from her uncle John, she received her full portion of those assets. The other six cousins did not fare nearly as well, because each of their shares was reduced by the amount that John Farquhar had already given them individually during his lifetime. The final appeal in the case was presented before the House of Lords was settled by Lord Chancellor Cottenham on Nov. 9, 1836. See below:

The English Reports: Chancery (including collateral reports) (1557-1865)

<https://books.google.com/books?id=7SUwAAAAIAAJ>
(pp. 503-507)

Elizabeth and Peter Trezevant took full advantage of their wealth by living a life of luxury at 31 Chester Terrace, Regent's Park, in London. Five of their thirteen children were dead, and one son was in India. Two children had already married in South Carolina and were living there, as was the widow and children of one of the deceased sons. The five youngest and unmarried of their children accompanied them to England. Peter and Elizabeth continually sent gifts of goods and funds to family members in the States.