

Extract Inventory of the Personal Estate of James Brebner 1840

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At Aberdeen the fifteenth day of September in the year one thousand eight hundred and forty in Presence of **Andrew Murray** Esquire Advocate Commissary of the Commissariat of Aberdeen. Compeared **James Brebner**, Advocate in Aberdeen as procurator and gave in the Inventory of the Personal Estate of the Afterdesigned now deceased **James Brebner** and oath thereon and craved that the same might along with a Testament executed by the deceased in the year one thousand eight hundred and thirty eight and another Testament executed by him in the year one thousand eight hundred and thirty nine be insert and Registered in the Commissary Court Books of Aberdeen in terms of the act of Parliament passed in the 48th year of the Reign of his Majesty Geo. III Cap. 149 Entitled “an act for repealing the Stamp duties on deeds, law proceeding as and other written or Printed Instruments and the duties on legacies and Succession to personal Estate upon Intestacies now payable in Great Britain and for granting new duties in lieu thereof.” Which request the Commissary foresaid finding reasonable ordained the same be done accordingly and of which Inventory the Principal being written upon Paper Stamped according to law the tenor follows, viz.

Inventory of the Personal Estate of **James Brebner** Merchant residing in Bon-accord Street Aberdeen who died Testate on the third day of November in the year one thousand eight hundred and thirty nine.

Cash in the house	£10/1/-
Proceeds of Household furniture and other effects sold by William Ross Licensed Appraiser conform to Roup Roll and account certified by him.	£242/2/8 ½
Wearing apparel per Appreiciament of ditto	£5/5/-
2/8 Share or Interest in the Copartnery of Messr’s Nicol Reid & Co. , Shipbuilders in Aberdeen not yet fully ascertained but valued over	£800/-/-
5 Shares of the <i>Gilcomston Brewery Company</i> valued at	£25/-/-
A small quantity of African Mahogany per Appreciation of said William Ross	£20/-/-
Dividend of 8/ per share on the twelve Shares which the Defunct formerly held in the <i>Aberdeen and London Shipping Company</i>	£4/16/-
	£1106/4/8 ½

(Signed) **James Brebner, Wm. Gordon**

Follows tenor of Executor’s oath, viz.

At Aberdeen the Fifteenth day of September in the year one thousand eight hundred and forty in Presence of William **Gordon** Esquire Commissary Depute of the Commissariat of Aberdeen. Appeared personally James Brebner Advocate in Aberdeen who being solemnly sworn and examined depones that **James Brebner** Merchant residing in Bonaccord Street Aberdeen died on the third day of November last and the Deponent has entered upon the Possession and Management of the deceased’s personal Estate as Executor nominated by him in his last Will and Testament dated the twenty fifth day of October last which is now exhibited and signed by the Deponent and the said Commissary of this date as relative hereto. That the Deponent does not know of any Settlement or writing executed by the deceased relative to the disposal of his personal Estate or any part thereof other than that now exhibited unless a last Will and Testament also exhibited the said Deceased and date the twenty fourth day of July one thousand and eight hundred and thirty eight Lodged by the deceased with the Deponent also exhibited and signed by the Deponent and said Commissary as relative hereto but which is superseded by the foresaid Last Will and Testament of a Subsequent date first above referred to. That the foregoing Inventory which is signed by the Deponent and said Commissary as relative hereto is a full and Complete Inventory of all the Personal or Moveable Estate and effects of the said deceased wheresoever situated already recovered or know to be existing and belonging or due to him beneficially at the time of his death in so far as the same has come to the Deponent’s knowledge and that the said Estate situated in Scotland is of the Value of one Thousand Pounds Sterling and under the Value of one thousand five hundred pounds Sterling. All which is truth as the Deponent shall answer to God.

(Signed) **James Brebner, William Gordon**

Extracted on this and the six preceding pages by me Commissary Clerk of Aberdeenshire Stamp Office Aberdeen 6th October 1840, Received up the Principal Inventory with...
Recorded to be transmitted to Edinburgh.

(Signed)

Extract Testament of James Brebner 1840

At Aberdeen the fifteenth day of September in the year one thousand eight hundred and forty. In presence of Andrew Murray, Esquire Advocate Commissary of the Commissariat of Aberdeen. Compeared **James Brebner** Advocate in Aberdeen as procurator and gave in the Testament underwritten of the afterdesigned now deceased **James Brebner** and Craved that the same might (along with another Testament executed by the said deceased in Eighteen hundred and thirty nine and an Inventory of his personal Estate in the Commissary Court Books of Aberdeen in terms of the acts of Parliament 44 Geo:III Cap. 98 and 48 Geo: III Cap. Which Request the Commissary foresaid finding reasonable ordained the same to be done accordingly and of which Testament first before mentioned the tenor follows, viz.

I, **James Brebner** Merchant in Aberdeen being resolved to settle my worldly affairs so as to prevent all disputes among my relations at my death, do hereby name and appoint **James Brebner**, Advocate in Aberdeen my nephew to be my sole Executor and Universal Legatee under the burden of paying all my Just and lawful debts, Servants Wages and Sick bed and funeral expenses and all charges to be incurred by him in the execution of the office of Executry hereby committed to him. Also with the burden of paying and the first twentieth day of June or December after my death to **Rachel Mathieson** my Servant if she shall be in my service at my death the Sum of Ten Pounds Sterling in addition to the Wages to which she may be then entitled. And further with the burden of paying an annuity of Twenty five pounds Sterling (less or more, *stroked out*) on such Lesser Sum as may amount to the interest of One moiety of the Residue of my Estate to each of **George Brebner** my Brother and **Jean Brebner** my Sister during their respective lives by four equal Quarterly instalments beginning the payment of the first instalment of said Annuity on the first twentieth day of June or December after my death, declaring hereby that as said annuities are intended for the more comfortable alimnt and Subsistence of the said **George Brebner** and **Jean Brebner**, the said Annuity payable to the said **George Brebner** shall not be liable for his debts or deeds nor be arrestable or affectable by the diligence of his Creditors but shall be payable to himself on his own receipt only, and that the said Annuity payable to the said **Jean Brebner**, shall not be subject to the In mariti on right of Administration of her present or any future husband which is hereby expressly Secluded nor be arrestable or liable to be attached for her or any of their debts or deeds, but shall be payable to herself on her own receipt alone without the consent of her husband and I declare this to be my last Will and testament hereby Revoking all former Wills made by me. In witness whereof I have Subscribed these presents written by **George Dempster** Profatt Advocate in Aberdeen the twenty fourth day of July in the year One thousand eight hundred and thirty eight before the witnesses **George Duncan** residing in Shine brae and the Said **George Dempster** Profat.

(Signed) **J. Brebner, George Duncan**

Witness **George D.**, Profat

Extracted on these six paged by me Commissary Clerk of Aberdeen, received up the Principal Testament with Recorded.

Wm. Duthie

Extract testament of James Brebner, 1840

At Aberdeen the fifteenth day of September in the year One thousand eight hundred and forty. In presence of Andrew Murray Esquire Advocate Commissary of the Commissariat of Aberdeen. Compeared James Brebner, Advocate in Aberdeen as procurator and gave in the Testament underwritten of the Afterdesigned now deceased James Brebner and Craved that the same might (along with another Testament executed by the said deceased in eighteen hundred and thirty eight and an Inventory of the said deceased's Personal Estate be Insert and Registered in the Commissary Court Books of Aberdeen in terms of the Acts of Parliament 44 Geo: III Cap. 98 and 48 Geo: III Cap. 149 which so request the Commissary foresaid finding reasonable ordained the same be done accordingly and of which Testament first before mentioned the tenor follows, viz.

I James **Brebner** Merchant residing in Bon Accord Street Aberdeen bring resolved to settle my worldly affairs so as to prevent all disputes among my relations at my death do hereby name and appoint **James Brebner** Advocate in Aberdeen my nephew to be my sole Executor and Universal Legatee, under the burden of Paying all my just and lawful debts, Servants Wages and Sick bed and funeral expences, and also with the burden of paying at the first twentieth day of June or December after my death to **Rachel Mathieson** my Servant if she shall still be in my Service at my death the Sum of Ten Pounds Sterling in addition to the wages to which she may be then entitled and also of paying to each of **George Brebner** my brother and **Jean Brebner** my Sister at the first twentieth day of June or December Six months after my death Ten Pounds Sterling, which sum is to be paid to the said **Jean Brebner** on her own receipt and excluding her husband Jus mariti? On right of administration. And this I declare to be my last Will and Testament, hereby revoking all former Wills and Settlements made by me. In witness whereof I have subscribed these presents,

Written by **George Dempster**, Profat Advocate in Aberdeen, at Aberdeen the twenty fifth day of October in the year One thousand eight hundred and thirty nine before these Witnesses,

David Robertson, Writer in Aberdeen and the said **George Dempster**, Profat.

(Signed)

J. Brebner, **David Robertson**, Witness. **George D.**, Profat, Witness.

Extracted on this and the four preceding pages by me Commissary Clerk of Aberdeen.

Received up the Principal Testament within presented.

Comments:

This was Baillie **James Brebner**, died at age 74. It would appear that he had no wife or children, and only brother **George** and sister **Jean** still alive in 1838 at the time of his wills.

In his first will he bequeathed the interest of one half of his estate to his brother and sister. Given the valuation of the inventory at £1100, that would have generated about £40 in interest (at 4 %), or about £20 for each of his siblings. In that first will, he took great pains to ensure that the amount payable was untouched by either **Jean's** husband or any of **George's** creditors.

In the second will a year later, the bequest to his brother and sister had decreased to £10 each, the same amount left to his servant **Rachel Mathieson**. What was to have happened to the balance of his estate, over £1000? And was there heritable property... the house at Bon-Accord Street in Aberdeen?

James Brebner, Advocate mentioned as executor in both wills, was the son of **Alexander Brebner** and **Isabella Tough**. Alexander (1767-1800) was a younger brother of the **James** (1765-1839) mentioned above. Both were children of **James Brebner** and **Isobel Gillespie**, from Durris and Banchory-Ternan.

George was probably the same man married to **Jane Scorgie**. He worked for most of his life at the Aberdeen Shore duty office, and his death in 1851 matches the age for the **George** above mentioned as **James'** brother.

Who was **Jean Brebner's** husband? Unfortunately there are several possibilities for marriages in the 1790-1810 range in Aberdeen and environs...more information is required before speculating further!

View the [genealogy of George Brebner and Jane Scorgie...](#)

View the [genealogy of James Brebner and Isobel Gillespie...](#)

