

## James Bremner, Will and Testament

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20<sup>th</sup> August 1856, Bristol, GLS

This is the last Will and Testament of me **James Bremner** the elder of the City of Bristol, Gentleman. I appoint my good friends **William Whercat** of the said City of Bristol Rationer and **James Bissell** of the same City Linen Draper Executors of this my Will and give them each the sum of Five pounds as a slight acknowledgement for their trouble in settling my affairs. I direct my just debts and funeral and testamentary expences to be paid off by my Executors out of my Residuary Estate and that on the written request of my daughter **Magdalen** all rent and taxes payable in respect of the House in which we may be residing at the time of my death shall be paid out of my Residuary Estate for her benefit for a period of six months commencing from the Quarter day following next after my decease. I give to my said daughter my household goods and furniture plate and plated Articles silver watch with its appendages (if any) Linen, China, Glass, Books, Prints and Pictures and Implements of Household whatsoever and also all my consumable housekeeping ... for her own use and benefit. And as to my Wearing Apparel, I give them to my son **James**. I give to my said Executors my six whole shares otherwise Six Hundred pounds Stock in the Bristol and Exeter Railway Company and also such other shares of Stock (if any) as I may at my death be found to have bought or contracted to buy in the said Company.. To hold them their executors administrators and assigns upon the trusts hereinafter declared. And whereas my son **James** in indebted to me in the sum of Eight hundred and forty five pounds secured to be repaid with Interest by his Bond, Four hundred pounds whereof is to be paid with interest by eight half yearly payments of Fifty pounds each. Now I give such Four hundred pounds or so much thereof as shall remain unpaid at my death unto my said Executors. Upon trust from time to time as soon as each payment shall have been made to invest the same in their names in some or one of the Government Stocks or Parliamentary Fund of Great Britain or in shares or stock of the said Bristol and Exeter Railway Company or in Debentures of railway Companies paying dividends on their Capital with full power from time to time at the request in writing of my said daughter **Magdalen** to alter or vary and such investment for any others hereby authorized without being answerable for any loss to be occasioned by so doing. And as to the said stock or other shares or stock in the Bristol and Exeter Railway Company and the Stocks funds and securities in or upon the said sum of Four Hundred pounds or any lesser sum is now or shall be from time to time to be invested. I declare that my said Trustees their executors, administrators or assigns shall stand possessed thereof Upon trust to receive the interest dividends and annual produce to arise therefrom respectively and to pay the same unto my said daughter **Magdalen** during her life or to such person or persons as she shall from time to time by writing under her hand but without power of alienation or anticipation appoint to receive the same to and for her own absolute use and benefit separate and apart from any husband with whom she may at any time and marry and with which Income he shall have nothing to do nor shall the same be subject to his control, debts or engagements and her receipts alone (notwithstanding any coverture) or those of the person or persons so to be appointed as aforesaid to be the only effectual discharges for the money therein expressed to have been received.

And immediately after the decease of my said daughter Then as to the said Shares, Stock, funds and securities and the dividends and annual produce thereafter to arise therefrom Upon a trust for my said son **James** and my son in law **William Salmond** of the said City of Bristol Tailor (husband of my late deceased daughter **Sarah**)<sup>i</sup> equally between them share and share alike their respective executors administrators and assigns I direct that the Legacies hereinbefore given to or in trust for my said daughter **Magdalen**<sup>ii</sup> shall be take, held and delivered free of Legacy Duty or as per her interest therein be liable ... which Legacy Duty shall be payable out of my Residuary Estate. And as to all the residue of my Estate and Effects of what nature or kind soever which I shall be possessed of or ... at the time of my decease I give the same (subject to the payment of my debts and funeral and testamentary expences and by Legacies and Legacy Duty aforesaid) Unto and equally between my said daughter **Magdalen**, my said son **James** and my son in law **William Salmond** share and share alike and their ... executors, administrators and assigns. But...

Residuary Estate may be partly composed of monies due to me as aforesaid from my said son **James** I direct that the respective shares of my said daughter and son in law therein shall not be payable until after

the time limited by the said Bond for the payment of the said sum of Four hundred pounds hereinbefore given to my Executors the trusts aforesaid and that in the mean time Interest at the rate of Five pounds per cent per annum shall be payable upon such respective shares.

And as to the balance of the said monies so as aforesaid owing to me from my said son **James** after deducting the said sum of Four hundred pounds or such lesser sum as aforesaid I declare that if it will be inconvenient to my said son to make full payment thereof within three calendar months next after my decease my Executors shall accept payment thereof in manner following, (that is to say) As much of the said balance as shall be needful for payment of my debts funeral and testamentary expences the Legacies given to my Executors and the Rent Taxes and Legacy duty to be paid for the benefit of my said daughter **Magdalen** the same shall be paid by my said son to my Executors within six calendar months after my decease or so soon after that period as it shall be required. As to the respective merits of my Residuary Estate which will be payable to my said daughter **Magdalen** and son in law respectively I direct that the same respectively shall be secured to be paid by my said Son by his written Bond payable without interest by four equal portions at the expiration of one, two, three and four years from the nineteenth day of August One thousand eight hundred and sixty or from the day of my decease which shall last happen or upon the death of my said Son in case he shall die before all the above payments shall have been fully made. And as to the third of my Residuary Estate hereby given to my said Son and which except as to the said excepted sum of Four hundred pounds or such lesser sum as aforesaid will form the balance of his said debt I release him from the payment thereof so that he may hold the same as his own proper moneys and in satisfaction of such third. And I direct that if he shall make the (due?) payment at the time hereinafter appointed and give the security hereinafter required and pay Legacy duty on his share of my Residuary Estate when thereunto requested by my Executors that immediately thereupon he shall be discharged from the payment of the said debt which shall as respects my said Estate and Executors to be considered to have been actually paid except as to the said sum of Four hundred pounds or such lesser sum as aforesaid and upon payment thereof he shall have such Bond delivered up to him to be cancelled.

And I declare that, my Trustees for the time being shall not be answerable the one for the other of them but each for his own acts in receipts, neglects and wilful defaults only. Nor for any losses happening without his or their own wilful default. Nor for any moneys other than such as shall have actually come to his or their hands in possession. Nor for any Banker, Broker or other person with whom any money shall have been deposited for safe custody or otherwise unless the same shall happen by or through his or their own wilful default. And that he and they shall be at liberty to retain and allow each other out of the trust moneys which shall come to his or their hands all costs and expences and fees for legal advice or incident to the execution of the trusts and powers of my Will. And I further declare that in case the Trustees herein named or either of them shall die in my lifetime or shall renounce the trusts hereby created or if either of them or any trustee or trustees appointed under this provision shall die or be absent from England for six consecutive calendar months or shall become unwilling or unable to act in the said trusts \* before the same shall have been fully performed. Then and as often as the same shall happen it shall be lawful for and I do hereby direct my said daughter **Magdalen** whether covert\* or not to nominate and appoint some other fit person or persons to ... the place of the trustee or trustees so dying, renouncing or residing abroad or becoming unwilling or unable to act so that she\* shall be at all times except during the shortest possible to ... necessary for the appointment of a new Trustee two acting Trustees of my Will...that by force of every such appointment such appointed Trustee or Trustees shall have and possess all the powers and authorities of the Trustee or Trustees in whose stead he or they shall be nominated and appointed and in whom either alone or (as the case may be) jointly with the surviving or continuing trustee my trust property shall vest or by proper assurances be vested. And that the costs of and incidence of every such appointment shall be borne by the capital of my said trust property. And on every such appointment in the...of the Trustees hereby appointed or either of them appointed trustee or trustees shall be considered as coming in under this my Will as if he or they had been named herein. I revoke all former and other Wills and declare this only to be my last Will and Testament. In witness whereof I have hereunto set my hand this twentieth day of August in the year of our Lord one thousand eight hundred and fifty six<sup>iii</sup>.

(signed) **James Bremner**

And that signed by the above named **James Bremner** the elder the Testator and by him acknowledged to be his Will in the presence of us present at his request and in the presence of each other hereto subscribed our names as witnesses.

**Frederick Jacques**, Solicitor, Bristol  
**Edwin Davis**, his Clerk

On the Twentieth day of March 1857 **William Whercat** and **James Bissell** the Executors in this ...

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<sup>i</sup> **Sarah Bremner** married **William Salmond** 8<sup>th</sup> September 1829 in Bristol. It appears that she died in the September quarter of 1850 (ref. Bristol 11-111).

<sup>ii</sup> **Magdalen Bremner** married in the September quarter of 1857 to **John Jack**, Minister shortly after her father's death.

<sup>iii</sup> **James Bremner** died in the January quarter of 1857.