

Will of Thomas Frost 1821 (CheshireRO)

Summary

Testator: Thomas Frost, Altrincham, Chester, Gentleman
Executors: sons James and Thomas Frost
Trustees: sons James and Thomas Frost
Date: 31 July 1819, proved 14 March 1821
Witnesses: Tho: Potter of Manchester, Solicitor, clerks Jno Whitworth, Jas Perry
Will: - £120 per year to wife Sarah for lifetime from property in David Street, Bloom Street and Hart Street, Manchester, and Charlotte Street and Saint James' Street, Manchester, or £60 if she remarries
- £6 per year to sister Sarah Parkinson for her lifetime
- property named first above to son James
- property named second above to son Thomas
- £1200 in trust for Mary, widow of son Charles Frost, and their four children
- property in Altrincham to son James for rent and £600 to son Thomas, if he refuses, to son Thomas on the same conditions, if he also refuses, to both jointly
- rest to sons James and Thomas equally
- manors messuages lands tenements and hereditaments held in trust to trustees in turn

Text

1. In the Name of God Amen I Thomas Frost of Altrincham in the County of Chester Gentleman Do make this my last will and Testament
2. First I give and bequeath to my dear wife Sarah Frost so much and such part and parts of my household goods, household furniture, beds and bedding as she shall make choice of for her own sole and separate use and benefit
3. And I give and devise to my said wife and her assigns during so much and such part of her natural life as she shall continue my widow and unmarried two several annuities of sixty pounds each of lawful money of Great Britain One whereof to be issuing out of All and singular those my messuages or dwelling houses tenements and buildings situate lying and being in David Street Bloom Street and Hart Street within Manchester in the County of Lancaster and now in the occupation of Knowles and others together with the lands hereditaments privileges and appurtenances thereto belonging And also out of all that certain yearly chief or ground rent of fourteen shillings and sevenpence halfpenny issuing and payable from and out of certain other lands and buildings situate in Manchester aforesaid near to or adjoining to the said messuages or dwelling houses and hereditaments and now or late belonging to James Newton And the said other annuity of sixty pounds to be issuing out of all and singular other those my messuages or dwelling houses tenements and buildings situate lying and being in Charlotte Street and Saint James' Street within Manchester aforesaid and now in the possession of Joseph Timpertey and others together with the lands hereditaments privileges and appurtenances thereto belonging And Also out of All that certain other yearly chief or ground rent of five pounds two shillings and four pence issuing and payable out of certain other lands and buildings situate in Manchester aforesaid and near or adjoining to the said last mentioned messuages or dwelling houses and hereditaments and now or late belonging to Mr. Mason. The said annuities respectively to be payable quarterly on the twenty fifth day of March, twenty fourth day of June, twenty

ninth day of September and the twenty fifth day of December in each year during the continuance thereof and to be free and clear of and from all taxes charges deductions or abatements whatsoever now or hereafter to be laid or imposed on the said hereditaments and premises charged with the payment of the said annuities respectively or on my said wife or her assigns in respect thereof by authority of parliament or otherwise howsoever the first quarterly payment of the said annuities respectively to be made on such one of the said quarterly day of payment as shall first happen after my death. And I do authorise and empower my said wife and her assigns in the event that any quarterly payment or payments of the said annuities or either of them shall be in arrear for the space of twenty one days after the same shall have become due and so from time to time when and so often as such event shall happen to enter into and distrain upon the hereditaments and premises so charged with the payment of the said annuities so in arrear as aforesaid and to dispose of the distress and distresses then and there found according to law as in cases of rent reserved on demises or leases for years To the intent that thereby or therewith or otherwise the said several annuities of sixty pounds each so in arrear and unpaid or such of them as shall be so in arrear and unpaid and all costs charges and expenses to be occasioned by reason of the non-payment thereof shall be fully paid and satisfied And I do hereby further authorise and empower my said wife and her assigns in the event that when and so often as any quarterly payment of the said annuities or either of them shall at any time or times be unpaid for the space of forty days next after any of the said days hereinbefore appointed for payment thereof although there shall not have been any legal demand made thereof or of the arrears thereof to enter into and upon hold occupy and enjoy the said hereditaments and premises so charged with the payment of the said annuities so in arrear as aforesaid or of such of them as shall be so in arrear as aforesaid and every or any part or parts thereof and to receive and take the rents issues and profits thereof to and for her and their proper use and benefit until she or they shall therein or thereby or otherwise be fully paid and satisfied the said annuities or such of them as shall be so in arrear as aforesaid as well the arrears due at the time of such entry as those if any afterwards to become due during her or their being in possession of the said premises. Together with all costs charges and expenses which she or they shall sustain by reason of the non-payment thereof and such possession when taken to be without impeachment for waste. Provided always And I do hereby declare that in the event of my said wife marrying again and ceasing to be my widow Then and in such case it is my will and mind and I do hereby direct that the aforesaid respective hereditaments and premises shall be charged and chargeable only with an annuity of thirty pounds each of lawful money aforesaid for the then remainder of her natural life and which two annuities of thirty pounds each I do hereby accordingly give and devise to her my said wife and her assigns And I do direct that the same shall be severally issuing out of the said respective hereditaments and premises and be respectively paid and payable on the same days and times and in like manner free of taxes and she my said wife and her assigns shall have the same powers and remedies for recovery of the said two annuities respectively as are hereinbefore mentioned expressed and declared of and concerning the said two several annuities of sixty pounds each. Provided also and I do hereby further declare that the provisions hereby made for my said wife are so made in lieu of and in full satisfaction for her dower thirds and all other claims of in to upon or out of all or any of my estates or property. And I do further declare that such provisions are so made and intended for her own sole and separate use benefit and disposal and that the same last mentioned annuities of thirty pounds each or any part thereof shall in no wise be subject to the control debts engagements or encumbrances of any future husband of her my said wife and that her receipts notwithstanding any her future coverture shall be sufficient discharge for the same

4. And I give and devise to my sister Sarah Parkinson and her assigns during her natural life two several annuities of three pounds each of lawful money aforesaid One whereof to be issuing out of all and singular those my said messuages or dwelling houses tenements buildings chief rent and hereditaments first hereinbefore mentioned and describe. And the other and remaining annuity of three pounds to be issuing out of all and singular my said other messuages or dwelling houses tenements buildings chief rent and hereditaments secondly hereinbefore mentioned and described. The said annuities respectively to be payable quarterly on the twenty fifth day of March, twenty fourth day of June, twenty ninth day of September and the twenty fifth day of December in each year during the continuance thereof and to be free and clear of and from all taxes charges deductions or abatements whatsoever now or hereafter to be laid or imposed on the said hereditaments and premises charged with the payment of the said annuities respectively or on my said sister or her assigns in respect thereof by authority of parliament or otherwise howsoever the first quarterly payment of the said last mentioned annuities respectively to be made on such one of the said quarterly day of payment as shall first happen after my death. And I do hereby direct that my said sister Sarah Parkinson shall have the same remedies and powers for recovering and receiving the said annuities of three pounds each or such part or parts thereof respectively as shall at any time or times hereafter be in arrear by distress on the said respective hereditaments and premises out of which the same are respectively issuing as aforesaid or otherwise as are hereinbefore provided and given to my said wife for recovering and receiving the said two several annuities of sixty pounds each and the said two several annuities of thirty pounds each. And I do further declare that the said annuities so as aforesaid given to my said sister are so given and intended for her own sole and separate benefit and disposal and that the same respectively or any part or parts thereof respectively shall in no wise be subject to the control debts engagements or incumbrances of any husband or husbands she may happen to have. And I do direct that her receipts notwithstanding any future coverture shall be sufficient discharges for the same.
5. And subject to one of the said annuities of sixty pounds or thirty pounds as the case may be and also to one of the said annuities of three pounds and the powers and remedies hereinbefore given for securing the payment thereof respectively I give and devise my said messuages or dwelling houses tenements buildings lands chief rent hereditaments and premises first hereinbefore described with their appurtenances charged with the payment of the said annuities of sixty pounds or thirty pounds and three pounds unto and to the use of my son James Frost his heirs and assigns for ever. But in the event of my said son James Frost departing this life before my death Then and in that case I do hereby give and devise the said last mentioned messuages tenements buildings chief rent hereditaments and premises subject nevertheless as aforesaid To the only proper use and behoof of all and every the child and children of him my said son James Frost lawfully begotten equally to be divided between or amongst them if more than one share and share alike as tenants in common and of his and their heirs and assigns for ever.
6. And subject to the other and remaining annuities of sixty pounds or thirty pounds as the case may be and three pounds and the powers and remedies hereinbefore given for securing the payment thereof respectively I give and devise my said other messuages or dwelling houses tenements buildings lands chief rent hereditaments and premises secondly hereinbefore described with their appurtenances charged with the payment of the same last mentioned annuities of sixty pounds or thirty pounds and three pounds unto and to the use of my son Thomas Frost his heirs and assigns for ever. But in the event of my said son Thomas Frost departing this life before my death Then and in that case I do hereby give

and devise the said last mentioned messuages tenements buildings chief rent hereditaments and premises subject nevertheless as aforesaid To the only proper use and behoof of all and every the child and children of him my said son Thomas Frost lawfully begotten equally to be divided between or amongst them if more than one share and share alike as tenants in common and of his her and their heirs and assigns for ever.

7. And I do hereby give and bequeath unto them my said sons James Frost and Thomas Frost their executors administrators and assigns the sum of twelve hundred pounds Sterling Money to be taken and drawn by them from my personal estate, or if the same shall fall short then the remainder thereof to be a charge upon my real estate, as soon as conveniently may be after my decease Nevertheless upon and to and for the trusts intents and purposes hereinafter declared and expressed concerning the same, that is to say, Upon Trust that they my said Trustees the said James Frost and Thomas Frost and the survivor of them and the executors administrators or assigns of such survivor do and shall lay out the same either in the purchase of stock in some or one of the public funds of Great Britain or at Interest on real securities in England or Wales in their or his names or name. And also do and shall from time to time as they or he shall think fit vary and change the funds and securities upon which the same money shall for the time being be laid out for any other funds or securities of the like nature as aforesaid And do and shall stand possessed of the same moneys and the funds and securities on which the same shall for the time being be laid out and pay and apply the interest dividends and annual income thereof unto Mary Frost the widow of my late son Charles Frost and her assigns during such part of the term of her natural life as she shall continue the widow of my said deceased son and unmarried again for the maintenance and support of herself and for the maintenance education and support of all and every my four grandchildren (children of my said late son Charles) or such of them as shall be living at the time of my decease until such children shall severally attain the age of twenty one years or be married which shall first happen. And from and immediately after the decease or marrying again of the said Mary Frost which shall first happen Then as to for and concerning the same trust money and the funds and securities on which the same may be then invested Upon Trust that they my said Trustees or the survivor of them his executors administrators and assigns do and shall stand possessed thereof upon trust for all and every my said four grandchildren (children of my said late son Charles) equally to be divided among them share and share alike as tenants in common to be vested in them respectively at their respective ages of twenty one years or on their respective marriages which shall first happen and to be payable and paid as soon after the vesting thereof respectively and the decease or marrying again of the said Mary Frost as conveniently may be. And if any one or more of the said children shall die before the vesting of his her or their said share or shares Then as to the share or shares both original and accruing of such child or children so dying as last mentioned Upon trust for the survivors or survivor or others or other of the same children equally to be divided between them if more than one share and share alike and to be vested and payable at the same ages and days and in the same manner as are hereinbefore appointed concerning the original share and shares of the same child or children respectively. And I do hereby also direct that if any one or more of such children shall not have attained the age of twenty one years or have been married at the time of the decease or marrying again of the said Mary Frost then and in such case the Interest dividends and annual Income arising from the share to which each of such children shall for the time being be presumptively entitled shall be paid and applied in and towards the maintenance and education of such child or children until the vesting of his her or their share or shares. But in case none of the said children shall take a vested interest under the trusts aforesaid Then upon further trust that they my said trustees and the survivor of them

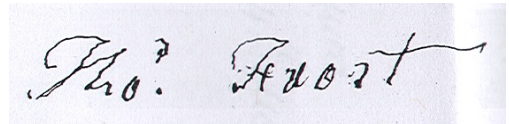
his executors administrators and assigns do and shall stand possessed of the said trust moneys and the funds and securities on which the same may be then invested and the accumulations and unapplied Interest dividends and annual Income, if any, of the said trust money, funds and securities Upon trust to pay and apply the same or assign or transfer the stocks funds or securities on which the same shall be then invested to and amongst my next of kin in a due course of administration in like manner as if I had died intestate Providing always nevertheless And it is my will and mind And I do hereby order and direct that if any of the said last mentioned children shall attain the age of twenty one years during the lifetime of the said Mary Frost or while she shall continue the widow of my said son Charles and unmarried again it shall and may be lawful for my said Trustees or the survivor of them or the executors administrators and assigns of such survivor to raise by and out of the stocks funds and securities upon which the said trust moneys shall be then invested the sum of one hundred pounds for each and every of such children so attaining the said age of twenty one years and pay the same sum of one hundred pounds to each and every of such children at his her or their respective age or ages of twenty one years for his her or their respective preferment or advancement in the world which said several sums of one hundred pounds so to be advanced and paid to the said children as aforesaid shall be and be considered and taken to be in part of his her or their respective share or shares of the monies so to be invested and placed out as aforesaid but no Interest shall be charged to any of the said children for whom such advancements shall be made as aforesaid for the money so to be advanced from the time of advancing and paying the same to the time of the final division and distribution of the moneys so to be invested and placed out as aforesaid pursuant to the trusts of this my will anything hereinbefore contained to the contrary thereof in any wise notwithstanding Provided further and I do direct that the Interest Dividends and Annual Income of the remaining part of the said trust moneys shall be paid to the said Mary Frost for so much and such part of the then remainder of her natural life as she shall continue the widow of my said deceased son in like manner as hereinbefore directed touching the whole of the said sum of Twelve hundred pounds

8. And I do hereby give and devise All that my Messuage and Tenement with the outbuildings garden and appurtenances thereto belonging situate lying and being in Altrincham aforesaid and now in my possession unto and to the use of my said son James Frost his heirs and assigns Subject nevertheless to the yearly chief rent issuing thereout and also subject to and charged and chargeable with the payment unto my said son Thomas Frost his executors or administrators of the sum of six hundred pounds sterling money But if my said son James Frost his heirs or assigns shall refuse to accept the said last mentioned Messuage Tenement and Premises subject to the said rent and also to the payment of the said sum of six hundred pounds to my said son Thomas Frost his executors or administrators Then it is my will And I do hereby give and devise the same Messuage Tenement and Premises unto and to the use of my said son Thomas Frost his heirs and assigns subject nevertheless to the aforesaid rent and also to the payment him my said son James Frost his executors or administrators of the like sum of six hundred pounds sterling money But if my said son Thomas Frost his heirs and assigns shall also refuse to accept the said last mentioned Messuage tenement and premises subject to the said rent and also to the payment of the said last mentioned sum of six hundred pounds to my said son James Frost his executors or administrators Then it is my Will and mind And I do hereby give and devise the same messuage tenement and premises unto and to the use of my said sons James Frost and Thomas Frost their heirs and assigns for ever

9. And I give devise and bequeath all the rest residue and remainder of my real and personal estate and effects whatsoever and wheresoever subject and charged nevertheless with the payment of all my just debts funeral and testamentary expenses unto and to the use of them my said sons James Frost and Thomas Frost equally to be divided between them share and share alike as tenants in common and to their respective heirs executors administrators and assigns for ever
10. And I give devise and bequeath unto my said Trustees the said James Frost and Thomas Frost and to their heirs executors administrators and assigns according to the nature and quality of my estate therein All and singular the freehold and leasehold manors messuages lands tenements and hereditaments of in or to which either in my own right or as heir at law or personal representative or otherwise howsoever I am seized possessed interested in or in any wise entitled as a Trustee for any purpose whatsoever To the end and intent that the said James Frost and Thomas Frost and the survivor of them his heirs executors administrators and assigns may have a complete power assigning and transferring the said manors messuages lands tenements and hereditaments respectively when a conveyance of the same respectively shall be necessary and may also be enabled to perform the trusts upon which the same respectively are held by me
11. And as far as it is in my power and I am entitled so to do I hereby order and direct that all conveyances and assignments which shall be made and all receipts and discharges for money which shall be given by my said Trustees or either of them or the survivor of them or by the heirs executors or administrators of the survivor of them shall be as good valid and effectual to all intents and purposes as if the same conveyances and assignments were made or receipts or other discharges were or had been given by me in my lifetime Provided always And I do hereby further declare and direct that the receipt or receipts of my said Trustees or either of them or the survivor of them or the heirs executors or administrators of such survivor being an active Trustee or Trustees for the time being under this my will for any money whatsoever to be received by them or him under and by virtue of any of the devises bequests trusts or dispositions aforesaid or otherwise howsoever as and in the capacity and character of such Trustees or Trustee as last mentioned shall be a good legal and valid acquittance and discharge, or several good legal and valid acquittances and discharges for the sum or sums of money which in such receipt or receipts respectively shall be expressed or acknowledged to be or to have been received And that all and every person and persons who shall pay any sum or sums of money to my said Trustees or Trustee as aforesaid and take such receipt or receipts as aforesaid for the same shall be thereby released from all obligation of looking to the application of the same money and from all lien and liability by reason of the loss misapplication or nonapplication thereof or any part thereof Provided also And I do hereby further declare and direct that my said Trustees and Executors hereinafter appointed and each of them their and each of their heirs executors or administrators respectively shall not be chargeable with any more or other moneys than they shall respectively actually receive or which shall come to his or their hands under or by virtue of the trusts hereby in them reposed notwithstanding he or they shall or may give or sign or join in giving or signing any receipt or receipts or other acquittances or in the doing of any other act for the sake of conformity only or solely for the satisfaction of the person or persons paying or parting with or requiring the same And that neither of them shall be answerable or accountable for the other of them or either of them for the acts receipts neglects or defaults of the other of them but each of them only for himself and for his own single acts receipts neglects or defaults Nor for any misfortune loss or damage which may happen in the execution of the aforesaid Trusts or in relation thereto except the

same shall happen by or through his or their own wilful default respectively and in that case each person shall be singly answerable for the loss or damage arising from his separate default And also that it shall and may be lawful to and for my said Trustees and Executors hereinafter appointed and each of them and the heirs executors administrators and assigns of them each and every of them by and out of the moneys which shall come to their respective hands by virtue of the trusts aforesaid from time to time to deduct retain and reimburse to and for himself or themselves respectively and also to allow to his or their Cotrustee and Cotrustees all costs charges damages and expenses and fees to Counsel for advice which they or either of them shall or may suffer sustain expend disburse or lay out in or about the execution of the aforesaid Trusts or in relation thereto And likewise to deduct and retain to and for themselves and himself and to allow to his and their Cotrustee and Cotrustees a fair and reasonable Allowance for his and their time and trouble in and about executing and performing the said Trusts or in relation thereto over and beyond the repayment of the said damage costs fees and expenses as aforesaid

12. And lastly I do hereby nominate constitute and appoint my said Trustees the said James Frost and Thomas Frost Executors of this my last Will and Testament
13. And hereby revoking and making void all and every former Will and Wills by me at any time heretofore made I declare this writing only to be and contain my last Will and Testament
14. In Witness whereof I the said Thomas Frost the Testator have to this my last Will and Testament contained on this and the eleven foregoing sheets of paper (written on one side only) set my hand and seal, to wit, my hand and seal to and at the top of the first sheet where the sheets are affixed together, my hand to and at the bottom of the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eleventh sheets respectively and my hand and seal to this twelfth and last sheet in usual form this thirty first day of July in the year of our Lord one thousand eight hundred and nineteen



Thomas Frost

Signed sealed published and declared
by the said Thomas Frost the Testator as
and for his last Will and Testament in
the presence of us who at his request
and in his presence have subscribed
our names as witnesses thereto

Tho: Potter of Manchester, Solicitor
Jno Whitworth)
Jas Perry) Clerks to the said Thomas Potter

The fourteenth day of March 1821

James Frost and Thomas Frost of Manchester Merchts the Executors in this Will named were sworn in common form and they further made Oath that the personal Estate and Effects of the Testator within the Diocese of Chester were under the value of six hundred Pounds

before me Jos Brookes, Surrogate

The Testator died Feb. 12 1821

N.B. Stamp Duty remitted eleven pounds
D.p.11 Wills

Probate issued
Dated 14th March 1821