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**Will of David Frost 1808** (CheshireRO)

## Summary

Testator: David Frost, Macclesfield, Chester, Innkeeper  
Executors: brother Thomas Frost of Manchester merchant, John Shatwell of Macclesfield grocer  
Trustees: Executors  
Date: 29 September 1806, proved 28 January 1808  
Witnesses: Danl Brindley, M. Wadsworth, ? Norberry  
Will: - weekly to his widow (not named), 10s if any child of theirs is alive, 20s if all have died, 5s if she remarries  
- income from estate toward maintenance and education of children until youngest is 21, then divide equally among them. If they all die leaving no issue, divide evenly between testator's brothers and sisters  
- guardianship of children to wife and executors, but wife only as long as she remains his widow

## Text

1. This is the last Will and Testament of me David Frost of Macclesfield in the County of Chester Innkeeper made and published this Twenty ninth Day of September in the year of our Lord one thousand eight hundred and six in manner following
2. First I will order and direct that all my just debts funeral expenses and the charges of proving this my Will be paid and discharged by my Executors hereinafter named as soon as convenient after my decease out of my personal estate and in case the same shall be insufficient for that purpose I charge my Real estate to and with the payment thereof and subject thereto
3. I Give Devise and Bequeath All my Messuages Dwellinghouses Lands Tenements and Hereditaments whatsoever and all and singular other my Real and Personal Estate and Effects whatsoever situate and being in the said County of Chester or elsewhere unto my Brother Thomas Frost of Manchester in the County of Lancaster Merchant and John Shatwell of Macclesfield aforesaid Grocer To hold to them the said Thomas Frost and John Shatwell their heirs executors administrators and assigns respectively for ever or for and during all my estate term and interest therein respectively To upon and for the several trusts intents and purposes and with under and subject to the Powers Privisoes directions declarations and limitations hereinafter mentioned and expressed of and concerning the same (that is to say) Upon Trust and to the intent and purpose that they my said trustees do and shall as soon as convenient after my Decease sell and dispose of all of my personal estate and effects whatsoever and call receive and get in all such Debts sum and sums of money or securities for money as shall be due and owing to me at my decease and shall and do thereupon with all convenient speed then afterwards invest and place out the monies arising therefrom upon Government or other good and sufficient security or interest And also in trust that they do and shall receive as well the Interest dividends and produce thereof as also the Rents Issues and Profits of my Real Estate from time to time as the same shall be respectively become due and payable and by and out of such Rents Issues interest and proceeds of my said Real and Personal estate do and shall pay unto my Wife for and during so long of her natural life as she shall continue my Widow the clear weekly sum of ten shillings the first payment to commence at the expiration of one week from my decease and in case of the death of all and every my children that I shall have living or that my said

Wife may be ensient with at my decease under twenty one years of age and without leaving Issue lawfully begotten then from such event taking place to pay to my said Wife during so long of the remainder of her natural life as she shall remain my Widow in lieu and instead of the said weekly sum of ten shillings the clear weekly sum of twenty shillings and in case my said Wife shall happen to marry again after my Decease then from and immediately after such marriage shall take place in lieu and instead of the said weekly sum of ten shillings or twenty shillings as the case may be to pay unto my said Wife during the remainder of her life the clear weekly sum of five shillings only, which provision so hereinbefore made for my said wife I do hereby declare is and shall be in lieu bar? and full satisfaction of any Dower or thirds which she or her assigns might at any time after my Decease claim of in to or out of all or any part of my Real or other Estates

4. And also in trust that they my said Trustees do and shall from time to time pay apply and dispose of the residue of the said Rents Issues Interest and proceeds of my said Real and Personal Estate or a sufficient part thereof for and towards the maintenance education support and bringing up of all and every of my Children that I shall have living or that my said Wife may be ensient with at the time of my Decease until my said children shall severally and respectively attain their several and respective ages of twenty one years And when and as my said children shall severally and respectively attain their said ages of twenty one years then in trust to pay assign transfer and convey all my said personal estate and the Interest and produce thereof as shall not have been applied as aforesaid equally unto and amongst my said children share and share alike (if more than one) or some competent part or parts thereof to be sooner paid and advanced for his her or their preferment or advancement in the world at the discretion of my said Trustees
5. And also in trust that they my said Trustees after payment of the said weekly sum of ten shillings, twenty shillings or five shillings as the case may be to my said wife, do and shall from time to time pay the residue of the clear Rents Issues and profits of my said Real Estate equally unto and amongst my said children as shall be living at the time of my decease or my Wife may be ensient with until the youngest or youngest surviving child shall attain the age of twenty one years And then in trust that they my said Trustees do and shall (subject and without prejudice to the payment of the said weekly sum of ten shillings, twenty shillings or five shillings as the case may be to my said wife) absolutely sell and dispose of all my said Real Estate such sale or sales to be made either together or in parcels and either by public Auction or private contract for the best price or prices and most money that at the time of such sale or sales can be reasonably had for the same And also in trust that they do and shall pay assign and divide the clear monies arising therefrom equally unto and amongst my said children share and share alike if more than one, and in case any of them shall be then dead having lawful Issue then so much thereof as would have been if living his her or their share shall go and be paid to his her or their respective Issue share and share alike if more than one, when and so soon as they shall severally attain the age of twenty one years the Interest and produce thereof in the meantime to be applied towards their respective maintenance And in case any or either of my said children shall happen to die without leaving lawful Issue of his her or their Body or Bodies and before having attained twenty one years of age Then in trust to pay assign transfer and convey all my said Estate and Effects and the Interest dividends and produce thereof or such part thereof as shall remain unapplied as aforesaid unto such of my said children as shall live to attain his her or their ages of twenty one years share and share alike if more than one, But in case any or either of my said children shall happen to die under age or before me leaving Issue of his her or their Body or Bodies lawfully begotten then in trust to pay assign transfer and

convey the part or share of such deceased child or children of and in my said Estate monies and Effects unto such his her or their Issue share and share alike if more than one when and so soon as they shall severally attain their respective ages of twenty one years and to pay and apply the Interest dividends and produce thereof in the meantime towards their respective Maintenance and Education And I do hereby authorise and empower my said Trustees and the survivor of them his heirs executors and administrators to apply any part or parts of the respective part of share of any or either of my said children or their Issue of and in my said Estate monies and effects for his her or their respective preferment or advancement in the World

6. And in case all and every my said children shall happen to die under age or before me without leaving lawful Issue of his her or their Body or Bodies then and when such event shall happen Upon further trust that they my said Trustees do and shall (subject and without prejudice to the payment of the said weekly sum of ten shillings, twenty shillings or five shillings as the case may be to my said wife) absolutely sell and dispose of all my said Real Estate in manner aforesaid And in trust that they my said Trustees do and shall pay assign and divide as well the clear monies arising from sale thereof as also my said personal Estate or so much thereof as shall remain unapplied as aforesaid equally unto and amongst my Brothers and Sisters share and share alike And in case all or any of them shall happen to be dead or in case all or any of them shall happen to die in my lifetime leaving lawful Issue then so much thereof as would have been if living his her or their share shall go and be paid to his her or their respective Issue share and share alike if more than one when and so soon as they shall severally attain the age of twenty one years the Interest and produce thereof in the meantime towards their Maintenance in such and like manner as heretofore mentioned respecting my children and their Issue
7. And for the facilitating the sale or sales of my said Real Estate my Will is and I do hereby declare that the receipt of my said Trustees and the survivor of them his Heirs Executors and Administrators shall from time to time be a good and sufficient discharge to the purchaser or purchasers of all or any part of my said Real Estate and his her or their respective Heirs Executors and Administrators for so much of such purchase money as shall be therein acknowledged to be received and that such purchaser or purchasers his her or their heirs executors or administrators or any of them shall not afterwards be answerable or accountable for any loss misapplication or nonapplication of such purchase money so received or any part thereof
8. And I do hereby authorise and empower my said Trustees from time to time to alter and transpire the security or securities on which all or any part of my said Estate and Effects shall hereafter be placed out and from time to time as often as they shall think fit again to place out the same upon Government or other good and sufficient security or securities as they shall think proper And my Will is and I do hereby declare that the receipt or receipts alone of any of my children or grandchildren being females whether married or not shall be a sufficient release and discharge to my said Trustees and the survivor of them his heirs executors and administrators for all or any part of their respective share or shares of my Estate and Effects which they or any of them may be entitled to under this my Will Neither shall the same or any part thereof be liable or subject to the Debts contract or Engagements of their respective Husbands
9. And I do hereby declare my Will to be that it shall and may be lawful to and for my said Trustees and their respective Heirs Executors and administrators by and out of all or any of the monies which by virtue of this my last Will or any trust therein declared shall come to

their or any of their hands to deduct retain to and reimburse themselves all such reasonable costs charges and expences as they respectively shall or may sustain expend or be put unto in or about the Execution of this my Will And that they shall respectively be charged and chargeable only every of them for and with his and their own respective receipts payments acts and wilful defaults and not otherwise and shall not be charged or chargeable with or for any sum or sums of money other than such as shall actually and respectively come to his and their hands by virtue of this my Will nor with or for any loss or damages which may happen in or about the execution of all or any of the trusts hereby in them reposed without his or their respective wilful default

10. And I do hereby appoint my said Wife so long as she shall continue my Widow and no longer together with my said Trustees Guardian and Guardians of my said Children that I shall have living or that my said Wife may be ensient with at my decease during their respective minorities
11. And Lastly I do hereby nominate constitute and appoint my said Trustees Thomas Frost and John Shatwell Executors of this my last Will and Testament and hereby revoking all former Wills by me made I declare this to be my last Will and Testament
12. In Witness whereof I the said David Frost have to this my last Will and Testament, contained in three sheets of paper, at the bottom of the two first sheets thereof set my hand and to this third and last sheet set my hand and seal the Day and Year first before written



David Frost

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

Danl Brindley  
M. Wadsworth  
? Norberry

The twenty eighth day of January 1808

Thomas Frost and John Shatwell, 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 Two Thousand Pounds

before me

Lawrence Heaphy, Surrogate

The Testator died in August 1807.

Probate issued

Dated 28 Jany 1808