

Grant of Probate for the
Will (1810) of Isaac Fox (d. circa January 1811).

Whereas Isaac Fox formerly of the Parish of St. Andrew in the County of Surrey & Island of Jamaica but late of Liverpool in the County of Lancaster deceased died about the month of January one thousand eight hundred and eleven but whilst living made his Last Will and Testament in writing the said Will bearing date on the 15th October One Thousand Eight Hundred & Ten and thereof appointed Charles Horsfall of Liverpool aforesaid Merchant William Parke of the same place Merchant and Andrew Hogg of Kingston in Jamaica Merchant his Executors.

Now know all Men by these Presents that I the said Charles Horsfall one of the Executors as aforesaid named in the said Will of the said deceased for divers good Causes and Considerations one thereunto expressly moving do hereby expressly renounce the Probate of the said Will of the said Deceased and to the end that this my Proxy may have its due effect in Law I do hereby nominate constitute & appoint Edward Porter of Chester Proctor or in his Absence any other Procurator for me & in my Name to appoint before the Right Reverend father in God Boywer Edward Lord Bishop of Chester or his lawful Surrogate or Surrogates or other competent Judge & to exhibit this my Proxy & to pray & procure the same and the Renunciation herein contained to be admitted & enacted And generally to do & perform or cause to be done & performed every other Act Matter or Thing needful & necessary in the Promises or which I myself might or could do being personally present & the immediate agent thereof vesting in my said Proctor his Substitute or Substitutes my full & absolute Power & Authority & promising hereby to ratify confirm & hold valid all & whatsoever my said Procurator his Substitute or Substitutes shall lawfully do or cause to be done in or about the Promises by virtue of these presents In Witness whereof I have hereunto set my Hand & affixed my Seal at Liverpool this Sixth day of May in the Year of Our Lord One Thousand Eight Hundred & [blank].

Signed sealed & delivered by the
said Charles Horsfall (being first
duly Stampd) in the presence of us

Chas Horsfall

Thomas Moss

Surrogate

John Pratchett

attorney Liverpool

Note: in the original document, the Bishop of Chester's first name is incorrectly given as "Boyer"; he was, in fact, Bowyer Edward SPARKE.

Will (1810) of Isaac Fox (d. circa January 1811).

In the Name of God Amen. I Isaac Fox late of the Parish of Saint Andrew in the County of Surry and Island of Jamaica, but now residing in the Town of Liverpool in the United Kingdom of Great Britain being of sound Mind Memory and Understanding, Do make publish and declare this to be and contain my last Will and Testament in manner following, that is to say, It is my desire, and I do hereby order and direct, that all my just Debts and Funeral Expences, be in the first place fully paid off and satisfied, to the payment thereof and of the several Legacies herein after mentioned, I subject, charge and make liable, all my Estate both Real and Personal. I Give and Bequeath unto my Sister Eleanor Fox one Annuity or clear yearly Sum of Thirty Pounds Sterling Money of Great Britain, during her natural Life, to be paid to her or her Assigns, by even and equal half yearly Payments, by my Executors herein after named, and with the Payment thereof I do hereby charge and make liable all my Real and Freehold Estate. I Give and Bequeath unto my Brother Gilbert Fox, the Sum of one Hundred Pounds Sterling Money of Great Britain, to be paid within Twelve Months next after my decease. I Give and Bequeath unto my beloved Wife Mary Eliza Fox all my Household Furniture Plate and Kitchen Utensils, to and for her own proper Use and benefit. I also Give and Bequeath unto my said dearly beloved Wife one Annuity or clear Yearly sum of Two Hundred and Fifty Pounds Sterling Money of Great Britain to be paid and payable to her, by my Executors herein after named, by even and equal half Yearly Payments, during her natural Life, and with the Payment whereof I do hereby make liable all my Residuary Real and Freehold Estate. But in Case my Wife shall marry again, then it is my Desire that the said Annuity may cease, and in lieu thereof she may accept and do receive the Sum of Two Thousand Pounds which said Sum of Two Thousand Pounds Sterling Money of Great Britain, I do hereby direct that my said Executors herein after named, do forthwith raise by Sale or Mortgage (or any other way they think proper) of such Part of my Residuary Real or Personal Estate and Effects, as may be necessary, and pay the same to my said Wife to and for her own Proper Use and benefit, and to be applied and disposed of as she may think Proper, but the choice of the foregoing Proposition I leave to her own Option, and which ever it may be, It is my Will, and I do hereby declare, that such Provision, so hereinbefore made for my said Wife, shall be, and is, in full satisfaction and discharge of and for all Dower or Thirds to which she would

[END OF XEROX SHEET ONE]

or might be entitled on my decease, and shall be accepted as such accordingly. And in Case I should have any Child or Children, by my said Wife, living at the time of my decease, I do hereby commit the Tuition and Guardianship of him her or them to my said Wife, and Do direct that my said Executors do from and out of the Rents and Profits of my Real Estate raise and Pay to her for each Child, the Sum of Fifty Pounds Sterling Per Ann: for and towards each and every of their Maintainance clothing and Education, until he she or they shall have attained the Age of Ten Years and from and after that Period such further Sum or Sums of Money as may be necessary for each and every of their Maintainance and such Education as may befit their Situation in Life, until they respectively become of Age.

And in Case my said Wife shall happen to depart this Life during the Minority of any such Child or Children, then I commit the Tuition and Guardianship of him her or them to my esteemed Friend Charles Horsfall, one of my Executors herein after named, and direct him to expend the sums herein before expressed, or such thereof as may be necessary for and towards his her or their Maintainance and Education. And as to all my Real and Freehold Estate situate in the said Island of Jamaica or elsewhere. And as to all the rest residue and remainder of my Personal Estate and effects of whatever kind quality or Description (subject to the Charges by me hereinbefore made) I Commit and Intrust the same and every Part thereof unto my Friends William Parke and Andrew Hogg both of the City and Parish of Kingston in the Island of Jamaica Merchants and Charles Horsfall of Liverpool in the County of Lancaster in the Kingdom of Great Britain Merchant. To Hold the same unto them and the Survivors and Survivor of them Upon Trust, to and for the Uses, Intents and Purposes hereinafter mentioned, expressed and declared of and concerning the same, (that is to say) Upon Trust, that the said Trustees, or some or one of them Do and Shall immediately after my decease enter upon and take Possession of my Coffee Plantation in the said Parish of Saint Andrew commonly called and known by the Name of Mount Chrissey, and all and every the Negroe and other slaves thereunto belonging, and thereupon being, belonging to me (except the Man, named Edward Fox to whom I give Freedom)

Isaac Fox

[END OF ORIGINAL PAPER SHEET ONE, AND OF XEROX SHEET TWO]

at the Time of my decease, and Manage, carry on, cultivate, and improve the same to the best of their Skill, Ability and Judgement. And Do and shall by with and out of the Rents, Issues, Profits, and Produce of my said Plantation and Premises pay and apply a sufficient Part thereof, for the Support, Maintainance and education of my dearly beloved Son John Fox as well as any other the Child or Children I may have by my said dearly beloved Wife Mary Eliza Fox, as is hereinbefore expressed and declared. And do and shall by from and out of the Residue of the said Rents, Issues, Profits and Produce pay and apply such Part thereof as may be necessary in the purchase of Negroes Cattle and Stock for the Benefit and Improvement of my said Mountain Plantation. And the Overplus, if any, do and shall invest in good and sufficient Securities of Great Britain such as may be approved by my said Trustees. And upon this further Trust, that when, and as soon as my said Son John Fox, shall attain his Age of Twenty one Years, my said Trustees, Do and shall, thereupon Authorize, Permit, have, and Cause, all and every my said Plantation and Negroes, to be fairly and equitably appraised and valued, by two indifferent Men, One of which to be chosen by my said Son John Fox, and the other by my said Trustees, or the Survivor of them, and in the Event of their disagreeing in their Valuation, these two Appraisors, shall call in a third Person, and proceed to the Determination as is usual in such Cases. And it is my Will and desire, that the Sum and Amount, of such Appraisement and Valuation, together with the Residue and Remainder of my Real and Personal Estate, Goods, Chattels and Effects, with Securities, Gains and Emoluments whatsoever, shall be equally distributed and divided between and amongst my said Son John Fox, and all and every the other Child or Children I may have, by my said Wife Mary Eliza Fox, living or with which she may be ensient, at the time of my decease, and be afterwards born alive, Share and Share alike, but it is my

desire my Trustees shall first secure the Dower bequeathed to my said Wife, in the Manner they think most etigable [equitable ?]. And it is also further my Will and Desire that so soon as my said Son John Fox shall attain his Age of Twenty one Years, he shall be at liberty, if he pleases, to take Possession of my said Plantation, Premises and Negroes called Mount Chrissey, at such Valuation so to be made and agreed upon as aforesaid. And I do hereby Order and direct my said Trustees, or the Survivor or Survivors of them to deliver up Possession of all my said Plantation, Premises and Negroes, to my said Son John Fox, on his giving Security for the Payment of such Sum or Sums of Money as are hereinbefore mentioned to be paid for and towards the Maintainance and Education of all and every my said other Child and Children by my said Wife Mary Eliza Fox, as also the Annuities hereinbefore mentioned, And also Security for the Payment of the Amount (but without Interest) of each Childs Share of my Estate and Effects (according to the Valuation to be made as hereinbefore expressed) as they severally become of Age. And if any one of my said Child or Children shall happen to depart this Life before he or she attains the Age of Twenty one Years, and without being married such Childs Share shall be divided equally between and amongst my remaining Children, But if any one should marry and have Issue

[END OF XEROX SHEET THREE]

and afterwards depart this Live before attaining the Age of Twenty one Years, such Issue shall take its Parents Share. But and If my Son John Fox should happen to depart this Life before he attains his Age of Twenty one Years, altho he should be married and have Issue, or if he should decline or refuse to take my said Plantation Premises and Estate at the Valuation as aforesaid and on the Terms as aforesaid, then and in either of such Events happening, It is my Will and Desire and I Do hereby Authorize and Empower my said Trustees or the Survivor or the Survivors of them to sell and dispose of all and every my said Plantation Premises and Negroes (except the Man Edward Fox given free as aforesaid) and all my residuary Estate and Effects for the most Money that can be had or gotten for the same. And to make and execute to the Purchasor thereof good and sufficient Conveyance and Assurances in the Law for the same. And I do also hereby further Order and direct my said Trustees or such of them as shall be immediately concerned in such Sale, that in the Event of such Sale taking Place, that they or the Survivor of them do and Shall as soon as possible after such sale takes place (and in the Event of my said Son John Fox refusing to take my said Plantation Negroes & Estate, on the Terms as aforesaid, pay to him my said Son his full Share, and afterwards remit the Balance and Remainder, or in the Event of his Death as the Case may be, the whole of the Nett Proceeds of the Monies arising from such Sale to be by them or him received to Great Britain, and Invest the same in good Security there. And that they my said Trustees, or the Survivor of them (after setting apart a competent Sum for answering the several Charges hereintofore made on my Estates) Invest the Surplus of the Interest if any in like Security with the Principal. And do and Shall pay to or otherwise divide the same equally between and among my remaining Children or the Issue of a deceased Child taking such Childs Share as they severally become of Age. Share and Share alike. To hold the same to them severally, their Heirs and Assigns for ever. I Give and Bequeath my Gold Watch to my Son John Fox. And lastly I do hereby nominate, constitute and appoint

Charles Horsfall, Guardian of my said Son John Fox and do appoint him also with the said William Parke and Andrew Hogg Executors of this my last Will and Testament. Provided always, and I do hereby declare that they the said Charles Horsfall, William Parke and Andrew Hogg or any or either of them

Isaac Fox

[END OF PAPER SHEET TWO, AND OF XEROX SHEET THREE]

shall not be charged or chargeable with or answerable or accountable for any more of my said trust Estate and Premises or the Proceeds thereof than they shall respectively actually receive, by Virtue of the Trusts aforesaid, nor with or for any Loss or Damage which shall happen thereto, or to any Part thereof, for any involuntary Loss of or to the said Premises which shall happen without his or their wilfull Default, nor the one of them for the other of them, or for the Acts, Deeds, Receipts, Disbursements or Defaults of the other of them, but each only for his own Acts Deeds, Receipts, Disbursements and Defaults. And also that it shall and may be lawfull, to and for them the said Charles Horsfall William Parke and Andrew Hogg, and every of them, by and out of my said trust Estates and Premises, in them vested or to be vested, upon the trusts aforesaid from time to time, to deduct, retain and reimburse him and themselves respectively all such Costs Charges and Expences as he they or any of them shall sustain expend or be put unto, for or by Reason of the Trusts hereby reposed in them or in the Management or Execution thereof, or any other thing relating thereunto. And Whereas, In the Island of Jamaica a Commission is allowed to Executors as a Consideration for their trouble in the Management of the Trust Estate reposed in them. It is hereby declared that such Commission as shall arise from and by Virtue of this Deed shall be equally divided and shared by my acting Executors whether residing in Jamaica or Great Britain. And lastly I do hereby revoke and make void all and every former and other Will and Wills by me at any time heretofore made. And do Publish and declare this only to be and contain my last Will and Testament. In Testimony whereof I have to this my last Will contained in this and the two preceding Sheets of Paper, to the first two Sheets thereof set my hand and to this third and last my Hand and Seal the Fifteenth Day of October in the Year of Our Lord One Thousand Eight Hundred and Ten.

Isaac Fox

Signed, Sealed, Published and Declared
by the Above Testator Isaac Fox as and for his
last Will and Testament in the Presence of us who
in his Presence, at his Request and in the Presence
of each other, have hereunto set our Names as
Witnesses to the due Execution thereof

[END OF XEROX SHEET FOUR]

William Owens
Matthew Hayes
John Pratchett

The Sixth Day of May in the year of our Lord One Thousand Eight Hundred and Twelve.

William Park, one of the Executors in this Will Named, was sworn in common form (Charles Horsfall the other Executor therein also named having first in writing under his hand and Seal renounced the Executorship of the said Will) power being reserved to Andrew Hogg, the other Executor therein also named, to take upon him the Execution of the said Will, when he shall lawfully request the same and he for him made Oath that the personal Estate and effects of the Testator within the Diocese of Chester were under the value of Two Hundred Pounds.

Probate issued
Dated 6th May 1812.

before me
Thomas Moss
Surrogate

Source: Will (1810) and Probate Grant of Isaac Fox
formerly of the Parish of St. Andrew in the
County of Surrey on the Island of Jamaica and
late of of Liverpool in the County of Lancaster:
Consistory Court of Chester (W.C.W. Isaac Fox 1812),
Lancashire County Record Office, Bow Lane,
Preston, Lancashire.

An Abstract of the Will (1810) of Isaac Fox (d. circa January 1811).

The Will was made at Liverpool on 15 October 1810, and proved in the Consistory Court of Chester on 6 May 1812. The Grant of Probate records that Isaac Fox was presumed to have died "... about the month of January one thousand eight hundred and eleven ...". Three Executors were appointed and named: -

Charles Horsfall, of Liverpool, Merchant.

William Parke, of Liverpool, Merchant.

Andrew Hogg, of Kingston in Jamaica, Merchant.

Note: Charles Horsfall renounced his Executorship on 6 May 1812.

Beneficiaries: -

Sister - Eleanor Fox, lifetime yearly annuity of £30.

Brother - Gilbert Fox, one payment of £100.

Wife - Mary Eliza Fox, (1) all his household goods,

(2) either a lifetime annuity of £250, or; if she re-marries, the option - for her alone to choose - of £2,000 in cash.

(3) any children by her to be given into her Guardianship and each to receive £50 per annum until the age of 10 years, then to be educated appropriately until they come of age at twenty-one years.

(4) in case of her death, then their Guardianship to pass to Charles Horsfall.

Executors' duties: -

(1) to take possession upon Trust of his coffee plantation, known as "Mount Chrissey", situated in St. Andrew's Parish in Surrey County on the island of Jamaica.

(2) to free "the man known as Edward Fox".

(3) to maintain his son John Fox and any other children he might have by his wife Mary Eliza Fox.

(4) to protect the investment in the Estate until his son John Fox, under the Guardianship of Charles Horsfall, attains the age of twenty-one years.

(5) to value the Estate when John Fox reaches twenty-one years of age and divide the value equally between him and any other children by Mary Eliza Fox.

(6) John Fox is to be offered possession of the Mount Chrissey Plantation Estate upon the security of his paying the monetary value of their share in the Estate to any other child by Mary Eliza Fox.

(7) if John Fox dies before the age of twenty-one, or at twenty-one declines the option to enter into possession of the Mount Chrissey Estate, then the estate is to be sold and the money used to maintain any children until they are twenty-one. When all children have reached that age, the money invested can be divided equally between them. If this option is taken, then Edward Fox is still to be given his freedom.

(8) his gold watch to be given to his son John Fox.

(9) the Executors are absolved from all un-intentional negligence, and also allowed to take (according to Jamaican custom) a commission for their time and trouble in administering the Will.