

TNA, PROB 10/7486

In Dei nomine Amen. Auditis visis et Intellectis ac/plenarie et mature discussis per nos d[omi]n[u]m Johannem Bennet

militem legum doctorem Curie Prerogative Cant~ m[agist]rum custodem sive comissariu~ l[egi]time constitutu~ Meritis et Circumstanciis cuiusdam * negotii Testa-

mentarii sive approbationis testamenti sive ult~ voluntatis William Gilbert in medicinis d[omi]c[il]ioris nuper Civitates London def[unctis] quod coram nobis in luditio inter

Will[el]mum Gilbert et Ambrosiu~ Gilbert exequutores no[m]i[n]atos in Testamento sive vet voluntate d[omi]c[il]i def[unct]i partes huio[smodi?] negotiu[m] promoven[tes] et una et Georg~

Gilbert f[rat]rem naturalem et l[egi]timu~, Agnetem Smithe, Prudentiam Millington, Elizabetham Jones, et Annam Barret sorores naturales et l[egi]timas

d[omi]c[il]i def~in sp[ec]ie ac omnes et singulos alios ius titulu~ aut interesse in bonis iuribus et creditis sive in Testamento ac ult~ voluntate d[omi]c[il]i def~ h[ab]entes

aut haberet pretendentes in genere p[ar]tes con[tra] quas huia[smodi] negoti~ promovetur partibus ex altera aliq~um diu vertebatur, et pendeat, vertiturq~

adhuc et pendet indeciss rite et l[egi]time proceden~ Parte q~ memorat~ Will[el]mi Gilbert et Ambrosii Gilbert per eorum procurem coram nobis in

luditio l[egi]time comparen~ ac S[e]n[tenti]am ferri et iustitiam fieri pro parte sua instanter peten~ et postulan~ d[omi]c[il]is q~ Georgio Gilbert, Agnete Smithe

Prudentia Millington, Elizabetha Jones et Anna Barret in sp[ec]ie citat ac o[mn]ibus aliis in genere citat~ preconizat~ et non comparen~ sed continuariter

se absentantibus Rimatoq[ue] primitus per nos toto et integro processu in huio[smodi] ^
negotio inter partes pred~ habit~ et fact~ ac diligenter recensito servatisq[ue] per nos de iure

in hac p[ar]te servandis ad n[ost]r~ S[ente]n[tie] diffinitive sivi n[ost]ri finalis decreti prolac[i]o[n]em in huio[smodi] negotio ferend~ sic duximas procedend~ fore et

procedimus in hunc qui sequitur modum Quia per acta inactitata [sic] deducta allegata exhibita proposita probata pariter et confessata com-

-p[er]imus et luculenter invenimus partem memorat~ Willelmum Gilbert et Ambrosii Gilbert intentionem suam in quadam sua Allegac[i]one alias

coram nobis dat~ et oblat~ deduct cuius quidem Allegac[i]onis tenor sequitur et est talis xxx Quo die ward no[m]i[n]ie procurio ac ut procurator

l[egi]timis d[i]c[t]orum Willelmi Gilbert, et Ambrosii Gilbert Executorum nomnat~ in Testamento sive ult~ volutate William Gilbert in medicimis

d[o]c[t]oris nuper Civitatis London defunct~ et Quam ^quidem Allegac[i]onem pro hic lect et insert~ habemus et haberi volumus sufficienter et ad plenu~ fundasse

p[ar]iter et probasse nihilq~ effectuale ex parte aut per partem an[te]d[i]c[t]orum Georgii Gilbert, Agness Smith, Prudentie Millington Elizabethae

Jones, et Anne Barret citat in sp[ec]ie ac omniu~ et singuloru~ aliorum citatoru~ preconizatoru~ et non comparen~ sed continuariter se absentau~ in genere

in hac parte exceptum allegatu~ deductum exhibitum proposit aut probatum fuisse aut esse quod intentionem d[i]c[t]orum Willelmum Gilbert et Ambrosii

Gilbert in hac parte elideret seu quomodolibet enervaret Idcirco nos d[omi]nos Johannes Bennet miles legum d[o]c[t]orum, iudex an[te]d[i]c[t]us X~pi no[m]i[n]e primites

invocat~ ad ipsum solum deum oculis n[ost]ris preponen~ et haben~ deq[ue] et cum Consilio Iurisperitoru~ cum quibus in hac parte co[mun]icavimus preno[m]i[n]atum

William Gilbert dum vixit ment~ compotem et in sua sana memoria existen~ Testamentu~ sive ult~ voluntatem pred[ictis] in Reg[ist]ro huius Curie

exhibit remanens et in com~uni forma al[jia]s probat condidisse fecisse et declaresse atq[ue] prefatis Willimu~ Gilbert et Ambrosiu~ Gilbert xxx fr[at]res eius et d[i]c[t]i sui Testamenti sive ult~ voluntates pred~ Exectores no[m]inasse, ordinasse, ferisse et constituisse ceteraq~ voluisse legasse

reliquisse et disposuisse in omnibus et per o[mn]ia prout in eodem Testamento sive vlt~ voluntate pred~ quam sive quod pro hic lect~ et insert~

habemus et haberi volumus continetur pronuciamus decernimus et declaramus, proq~ viribus valore et validitate euisdem Testamenti

sive ult~ voluntates etiam pronu[n]ciamus decernimus et declaramur [sic] per hanc n[ost]ram S[e]n[tent]iam diffinitivam sive hoc n[ost]rum finale [sic] decretum quam

sive quod ferimus et promulgamus in hiis scriptis.

TRANSLATION

In the Name of God Amen. We, Lord John Bennet, Knight, doctor of the laws, Master, Custodian or Commissary of the Prerogative Court of Canterbury, lawfully constituted, having heard, seen and understood, and fully and in a timely manner investigated the merits and circumstances of a certain testamentary work, approved testament or last will of William Gilbert, medical doctor late of London, deceased, which is before us in Judgement between William Gilbert and Ambrose Gilbert, named executors in the testament or last will of the said deceased, the parties advancing this matter on the one hand, and George Gilbert, natural and legitimate brother, Agnes Smithe, Prudence Millington, Elizabeth Jones and Anna Barret, natural and legitimate sisters of the said deceased, in particular, and all and singular others having or pretending to have right, title or interest generally in the goods, rights or credits in this the testament and last will of the said deceased, the parties against whom the same matter is moved by the parties on the other hand, for a long time was considered and was pending, and is still being considered and pending undecided, duly and lawfully proceeding by the mentioned parties, William Gilbert and Ambrose Gilbert, lawfully appearing before us in judgement through their agents, and earnestly demanding and petitioning sentence to be pronounced and justice to be done for their party. And the said George Gilbert, Agnes Smithe, Prudence Millington, Elizabeth Jones and Anne Barret, in particular promotes and all others in general, promotes, proclaims and they are not appearing but absenting themselves. And we having first examined the whole and entire process in the same matter between the foresaid parties had and made and having carefully reviewed and paid heed to the law in that regard to be considered in the pronouncement of our definitive sentence or our final decree to be made in this matter, we have thus thought fit to proceed, and we do proceed in this manner which follows:

That by the things enacted, dealt with, alleged, exhibited, proposed, proved and also assessed in the same matter we well find and discover the mentioned parties William Gilbert and Ambrose Gilbert, their intention dealt with in a certain allegation given and offered at another time before us deduced of which certain allegation the tenor follows and is such [as] on which day, the named lawful agent or agents of the said William Gilbert and Ambrose Gilbert, the named executors in the Testament or will of William Gilbert Doctor, late of the city of London, deceased. And which certain allegation, here read and inserted, we hold and we wish to hold sufficiently and at full to have been proved and pronounced, and nothing effectual on the part or on the behalf of the said George Gilbert, Agnes Smithe, Prudence Millington, Elizabeth Jones and Anne Barret, promoting in particular and each and every other, promotes, proclaims, and they are not appearing but continue absenting themselves in general. In this regard having been or to be excepted, alleged, dealt with, exhibited, proposed or proved, or confessed that in this regard might counter or in any way weaken the intention of the said William Gilbert and Ambrose Bennet. For that reason, we, Lord John Bennet, knight, doctor of laws, Judge aforesaid, having first invoked the name of Christ, and placing and having God alone before our eyes, and by and with the Advice of those experienced in the law with whom in this regard we took counsel, [propose that] the aforesaid William Gilbert, while he lived, being possessed of his mind and being of sound memory, made his Testament or last will, aforesaid, exhibited, remaining and in common form at another time approved, composed, made and declared in the Registry of this court. And [he] named, appointed, made and declared the aforesaid William Gilbert and Ambrose Gilbert, his brothers, aforesaid Executors of his testament and last will. And other things willed, bequeathed, left and disposed in all and every part thereof as is contained in the same testament or last will aforesaid, which are here read and inserted, we hold and we wish to hold, and we do also approve, ratify and confirm for the strength force and validity of the same Testament or last will, we also approve, ratify and confirm by this, our definite Sentence or our final decree which we pronounce and publish in these writings.