

Gibbs v Davis: Will of Dame Margaret Boreman with probate: Kent, Essex, Bucks, Beds

Reference: C 110/57

Description: GIBBS v DAVIS: Will of Dame Margaret Boreman with probate: Kent, Essex, Bucks, Beds

Date: 1700

Held by: The National Archives, Kew

Henry Davis, brother and executor of his sister, Margaret Davis, third wife of Sir William Boreman.

Sir William Boreman's first wife was Dulcibella Robinson. She died in 1675. He remarried Sarah (Burgess) and she died. His third wife was Margaret Davis. He died next in 1686. She survived him, and was the Executrix of his Will. She died in 1700. He had no issue by any wife.

HENRY GIBBS administrator of his late wife Elizabeth Gibbs, late Elizabeth Davis, deceased plaintiff.

HENRY DAVIS surviving executor of Dame Margaret Boreman deceased and brother and heir of his late sister the sd Elizabeth Gibbs defendant, CAPTAIN Wilkinsen, Lady Boreman's second husband, purchased an annuity of 100 per annum for ninety nine year determinable on the death of himself and Lady Boreman and the longer liver of them from Robert Sianton and Elizabeth his wife and for securing the payment of it the said Robert Stanton acknowledged unto Anthony Collins in trust for the said Captain Wilkinson and Lady Boreman statute staple of 1000 which was defeasanced for payments of the said annuity And the said annuity being greatly in arrear to Lady Boreman after Captain Wilkinson's death the manor and farm of Brobrick Hill in the county whereof the said Robert Stanton was seized in fees were extended by virtue of the said statute in Lady Boreman's lifetime and she got into possession of the said manor and premises which were about 60 per annum

Thomas Young Lady Boreman's fourth husband before his marriage by deed and fine settled the manor of Cranbrook and the lands thereunto belonging in the county of Essex to the use of himself for life remainder to Dame Margaret Boreman for her life for her jointure remainder to the heirs of their two bodies remainder to his own right heirs And covenanted that the said jointure lands then were and during Lady Boreman's life time should be and continue of the value of 400 per annum free from encumbrances

In 1675 Thomas Young died without issue by the said Lady Boreman and upon his decease the said lady entered upon the said manor of Cranbrook and the lands thereunto belonging and enjoyed the fame twenty five years after her said husband's death but the fame did not exceed above the yearly value of 200l.

The said Young having before his marriage with the said Lady Boreman viz on the 5th of March 1670 demised the said manor and premises except the house coach house and stables and hay for four horses and all the wood timber and trees to Matthew Young for a term of fifty one years at a pepper corn rent the said Matthew You consideration of 342 paid by Sir William Boreman Lady Boreman's fifth husband assigned the said manor fond premisses unto William Yardley for the residue of the slid term in trust to corroborate Lady Boreman's said jointurft and for the repayment of the said 342 to Sir William foreman with damages for the breach of the said covenants of the said Thomas Young in the value of the said manor of Cranbrook and premisses for so much as the fame fell ihort of 400 per annum

Dame Margaret Boreman widow was also seized in fee of lands in Kent and being so seized and possessed he by her last will dated the 20th of March 1719 devised in the words following

Item I give devise and bequeath all my manors messuages lands tenements and hereditaments and real estate whatsoever with their and every of their rights appurtenances whatsoever situate lying and being within the several counties of Kent EJ ex Bucks Bedford or elsewhere within the kingdom of England of which I shall be any way seized or entitled unto to my nephew Henry Davis and his sister Elizabeth my niece now wife of Air Henry Gibbs to hold to them the said Henry Davis and Elizabeth his said sister equally during their natural lives to be equally divided between them share and share alike they jointly paying out of the rents and profits of the said estate unto my brother Richard Davis their father the full sum of 30 a year during his natural life and from and after the decease of my said brother nephew and niece then I give all my said real estate to the right heirs of my said nephew Henry Davis and my said niece Elizabeth Gibbs equally in equal parts to hold to them and their heirs as tenants in common and not as joint tenants Always provided that my said nephew and niece during their joint lives and by their joint consent shall and may have full power to dispose settle and convey all or any of the said real estate to them devised as aforesaid for any purpose or to or for any other use or uses as they shall both agree to and think meet and their circumstances in this life shall require

And by the same will after having devised several legacies I also devise as follows

All the rest residue and remainder of my personal estate gold, jewels, medals, pictures, household goods and furniture and all my mortgage bonds specialties and credits whatsoever they shall consist of my wearing apparel only excepted I give and bequeath the same and every part thereof after payment of my debts funerals and legacies to be equally divided between my said nephew Henry Davis and his said sister Elizabeth part and part alike And she appointed the said Henry Davis and his said sister Elizabeth executors of her will The 23d of April 1700 Lady Boreman died and the defendant and the said Elizabeth Gibbs proved the said will and the defendant possessed himself of the whole estate.

There is a petition relating to this case in the House of Lords Journal, Volume 23, March 1730, 1-10:-

Davis v Gibbs

Upon reading the Petition and Appeal of *Henry Davis* Gentleman, surviving Executor of Dame *Margaret Boreman* deceased, and Brother and Heir of his late Sister *Elizabeth Gibbs* (late *Elizabeth Davis*, deceased) complaining of Two Decrees of the Court of Chancery, of the Twenty-seventh of *January* 1728, and Twenty-first of *May* 1729, made by the Master of the Rolls, and of an Order of the Seventh of *February* last, for the confirming thereof, and of all subsequent Orders and Proceedings thereon, in a Cause wherein *Henry Gibbs*, by Bill of Revivor, was Plaintiff, and the Appellant Defendant; and praying, "That the same may be reversed or varied:"

It is Ordered, That the said *Henry Gibbs* may have a Copy of the said Appeal; and he is hereby required to put in his Answer thereunto, in Writing, on or before *Tuesday* the Seventeenth Day of this Instant *March*

Henry Davis seems to have published his case in 1730:

Henry Davies, gentleman, surviving executor of Dame Margaret Boreman, decess'd; and brother and heir of ... Elizabeth Gibbs, ... appelliant. Henry Gibbs, gentleman, administrator of the said Elizabeth Gibbs, his late wife, decess'd, - - respondent. The respondent's case ... published 1730.

Essex Record Office:

Deed: Conveyance (Release) for 10s.; in trust.

Sir Edward Hulse of Breamore House, Hampshire, and wife Dame Mary (niece and heiress of Smart Lethieullier of Aldersbrook, esq., who died a bachelor), and John Lomas Johnson of City Road, London, and the Rev. Dr. Benjamin and Mrs. Mary Macdowell, to Wasey Sterry of Romford, gentleman (lawyer and trustee).

Recites various deeds, from 1670, the earliest being a Settlement on marriage of Thomas Young on Cranbrook, gent., and Margaret Abbott widow, of:-

The Manor of Cranbrook, Great Ilford no details]; that Young died, and Margaret afterwards married Sir William Boremen kt., whom she also survived, and by her Will, 1699, devised to her brother Henry Davis:-

All her estates in Kent, Essex, Buckinghamshire and Bedfordshire [no details];

Recites also Conveyance, 1720, by Mary Townson, widow (sister and heiress of James Young, who was son and heir of said Thomas), to John Lethieullier, of:- messuages, etc.

The said Manor of Cranbrook [no details] in Paris

Scope and Content:

Conveyance (Release) for 10s.; in trust.

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Recites also Conveyance, 1720, by Mary Townson, widow (sister and heiress of James Young, who was son and heir of said Thomas), to John Lethieullier, of:- messuages, etc.

The said Manor of Cranbrook [no details] in parish of Barking, then in occupations of [blank] Cotton, Henry Davies gent., Thomas Beacon gent., [blank] Bigsby, John Shelley, [blank] Pope, and [blank] Poole.

Recites also Division by Court of Chancery, 1728, of the said Manor of Cranbrook into two moieties, whereof was allotted to said Henry Davies:-

The said Rayhouse alias Turrett House [sic] in Ilford, with a barn, stable, hay-house and gardens

Recites also that Davies was then indebted for money mortgaged on:-

His farm and lands called Hockles by the Water in parish of Barking [no details].

By the present deed, the first parties convey the premises to the lawyer in trust, in order that a good freehold title may be given to purchasers at the auction-sale of the Rayhouse property, now described thus:-

A piece of ground whereon formerly stood a message called Rayhouse or the Turrett House in Great Ilford; a piece of pasture adjoining (containing 3 and a half acres) in occupation of Isaac Shelley; a piece of meadow in Great Ilford (containing 12 acres) in occupation of Mr James Graves; a close (7 and three-quarter acres), and a piece of arable (5 and a quarter acres), both in Great Ilford in same occupation; a piece of meadow (4 and three-quarter acres), late in occupation of Thomas Carpenter; a close called the Gravel Field (11 and a half acres), lying on west side of road from Great Ilford to Epping Forest, late in occupation of said James Johnson; and a piece of land or pleasure ground (1 and three-quarter acres) on west side of same road; all in Great Ilford.

[there are a couple of other records in the Seax catalogue online [Essex Record office] for Henry Davis].