

23 Aug. 1754. Sharpe exhibited his Bill in Chancery against the Appellant, and claimed possession as trustee, alleging that Appellant had taken personal estate to amount of £14,000 c. On 27 Aug. Sharpe procured a *Ne exeat Insula* and caused his arrest. Appellant put in his Answer 11 Oct. 1754.

21 Feb. 1756. Gov^r Thomas decreed that Appellant should come to account before the Master. Appellant's wife is since dead, and he appeals to H. M. in Council. To be heard 19 May 1757. Endorsed in writing: "Decree reversed" etc.

Respondents' Case.

Copy of the will given. (Add. MS. 36,217, fo. 152.)

VIRGINIA AND ANTIGUA.

Virginia. Cha. Dunbar of the Island of Antigua, esq., only surviving and acting Ex'or of Tho. Dunbar Parke, late of said Island, dec^d, Appellant. Daniel Parke Custis, esq., son and heir, and Ex'or of John C. of Virginia, esq., dec^d, Respondent.

Appellant's Case.

Daniel Parke, formerly Capt.-Gen., etc., of the Leeward Charibee Islands, being seized of a large estate in V. and G. B., but greatly indebted in the Leeward Islands on account of purchase of lands and slaves, charged his debts on his V. and G. B. estate, and by Will dated 29 Jan. 1709 gave his estate in the Leeward Islands to Lucy Chester, dau. of M^{rs} Cath. C., but if she died before 21 to her said mother, and after her mother's death to his godson Julius Cæsar P., remainder to the heirs of his dau. Fra. Custis and Lucy Byrd. He also gave to his dau. F. C., wife of John C., his estate in V. or Eng., she to pay all legacies and debts and £1000 to his dau. Lucy Byrd, etc. The Hampshire estate at Whitchurch was afterwards sold away by the Ex'ors. Lucy Chester took testator's name and arms and married Tho. Dunbar, and became entitled to the whole of the estate in Leeward Islands, applied to John Custis, Respondent for the same, but he refusing the Appellants filed their Bill in the Court of Chancery of Virginia, reciting Act of Virginia of 10 Anne that John C. and his wife Frances were seized of D. P.'s lands in the cos. of York, James City, New Kent, and K. Wm., it was enacted that Scimino Mill, co. York, and 900 acres in New Kent, 900 acres, and 1875 acres, 2000 acres, 200 acres in Jas. City, 3805 acres in King Wm., 50 slaves were to be sold to satisfy testator's debts, and said lands were sold, but Custis never paid the debts in the Leeward Islands, and £5,421 c. has been levied there being £4,500 st.

John Custis answered that D. P. left only 2 legitimate children, Fra., whom the Defendant married, and Lucy, who was married to W^m Byrd, esq., both which daus. had been dead several years, but Fra. left a son and dau. then living, and Lucy left 2 daus. also living. Has paid all legacies and debts in V. and Eng. The Whitchurch estate was worth £250 a year for three lives, and was mortgaged by D. P. before he went to the Leeward Islands for £2,100 to Barnes, who exhibited his Bill in Chancery in G. B., and it was sold by decree for £4000. Will of D. P. was not signed in the presence of 3 witnesses. The lands in Virginia were those of Daniel's father, who by will of 11 Aug. 1677 devised them to his son, and they descended to Fra. and Lucy, and a partition was made and he is seized of 574 acres.

29 July 1734. Answer of Cæsar Rodney that the debts in Antigua were £6,735 c.

1 May 1734. A commission was ordered for examining witnesses in England, but it was not carried out. Thos. Dunbar Parke died soon after having by Will dated 27 Nov. 1734 appointed the Appellant Cha. Dunbar an Ex'or.