

## APPEALS TO THE PRIVY COUNCIL.

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30 Nov. 1741. The Defendant Micajah Perry refers to his late father and grandfather's books of account.

A commission met 23 Nov. 1748 to examine witnesses in Antigua. Caesar Rodney being dead and Lucy Parke living in Antigua, and D. P.'s will was established, and copies of the whole record sent to Virg<sup>a</sup>.

The Def<sup>t</sup> John Custis d. Apr. 1750 leaving the now Resp. his son and heir and Ex'or, and in Oct. 1750 a second Bill of reviver was exhibited against Mic. Perry, Lucy Chester Parke, Dan. Parke Custis and Tho. Chamberlayne and Wilhelmina his wife, the only surviving dau. and heir of Lucy Byrd. Tho. Dunbar P. devised his estate to his wife and 3 children Daniel, Eliz. and Lucy. Test<sup>r</sup> had clandestinely m. said Lucy at 11 years of age. In 1723 she was not 14.

10 Apr. 1754. Decree in Virg. Bill dismissed, Cha. Dunbar to pay costs to Def<sup>d</sup> D. P. Custis. C. D. appeals to H. M. in C.

To be heard 24 June 1757. In writing: "Decree varied," etc.

## Respondent's Case.

D. P. went from V. to E. in 1697, leaving his wife Jane and 2 daus. Fra. and Lucy there.

17 March 1702. Abstract of letter from D. P., going a voluntier under the D. of M. in Flanders.

May 1706. John Custis m. Fra. his eldest dau. in Virg., and same day W<sup>m</sup> Byrd m. Lucy with the approbation of their mother, and J. C. was seized of estate worth £8000 st.

June and Aug. 1709. Abstract from letter of D. P. at A., his bro. Col. Ludwell of Virg.

7 Dec. 1710. Gov. D. P. murdered by the people of A.

12 May 1711. Letter from Mic. Perry. D. P. owes them £2,400 and other debts in E. £6,680. The estate in V. left to F. consisted of 2 mills, 17,000 acres and 120 slaves. After carrying out the sale and paying debts and legacies to £10,000 J. C. had remaining for his wife's portion 61 slaves, 4,033 acres besides 587 acres intailed worth less than £4,000. (Add. MS. 36,217, fo. 161.)

## BARBADOS.

Barbados. Sam. Adams, esq. (nephew and heir to his uncle Sam. A. the Elder, who was eldest son and heir of his father John A., who was the eldest son and tenant in tail under his father Sam. A., esq., the Eldest), and who is called Ex'or (but is not so) of his great uncle John A.; Geo. Græme, esq., called Ex'or of Tho. Maxwell, esq., dec<sup>d</sup>; Eliz. Maxwell, spr., called heir at law and resid<sup>y</sup> devisee of her late father said Tho. M.; Tho. Ince, esq., and Eliz. his wife, she being called heir at law and Representative (but not so) of Rob. Bishop (son of Rob. B.) either dead or absent, Appellants. W<sup>m</sup> Sturge, esq., called Ad' de bonis non of said Rob. Bishop the father, Respondent.

## The Appellants' Case.

Sam. Adams the Eldest being seized in fee made his Will 20 Oct. 1663, and intailed his Upper pl<sup>a</sup> upon his s. John and died in or before 1666. John the s. possessed the estate and acquired another pl<sup>a</sup> called the Lower pl<sup>a</sup>. In 1701 he conveyed to his eldest s. Sam. the Elder a moiety of the Upper pl<sup>a</sup>. Said John by his will of 14 Jan. 1707 devised to his eldest s. Sam. the Elder the Upper pl. (which he had no power to devise), and gave to his dau. Margt. £1500 c. at 16. He devised his Lower pl. (which he *had* power to devise) to a younger s. John, and gave Margt. another legacy of £500 c. at 17 out of his Lower pl., named his eldest s. Sam the Elder, Ex'or, and died in or before 1709. Sam. the Elder never proved his father's will because he would not subject himself to the demands of