

John Custis, December 3, 1708, Will, Letters to Washington and Accompanying Papers. Published by the Society of the Colonial Dames of America. Edited by Stanislaus Murray Hamilton.

WILL OF JOHN CUSTIS. ¹

IN THE NAME OF GOD AMEN I John Custis Esqr. of Northampton County in Virginia being at present in perfect Health and sound in memory, thanks be to the Almighty, but considering the State of Mankind, how soon they are taken out of this life, and being willing to Settle those Worldly Goods, God of his infinite mercy and goodness far beyond my deserts, he hath bestowed upon me, do make, ordain, and appoint this my last Will and Testament revoking all former Wills and Deeds of Gift whatever.

IMPRIMIS I Give my Soul to God, that gave it me, my Body I Give to the Earth from whence it came, to have a decent Burial at the discretion of my executors hereafter named, no ways doubting through the Mercy and merits of my dear Saviour Christ Jesus to have a joyful resurrection.

ITEM my Will and desire is, that my dear and loving Wife Sarah Custis live during pleasure at my now dwelling House, and Plantation at Hungars not to be disturbed by any pretence whatever while she liveth, but if it please God she Marries, her Husband immediately enter into Bond with Security to keep all the Housing, fencing, and Plantation in good repair, and in Case of failure my son Hancock Custis, or his heirs enter into the said Houses, and Plantation the Bond to be made to Hancock Custis, or his heirs, in the sum of five hundred Pounds Sterling.

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ITEM My Will and desire is, that my dear Wife Sarah Custis have, besides what I shall hereafter give her the feather Bed & Furniture, we usely lye on, one pair of good Sheets, one pair of Blankets, her choice of all my riding Horses with her riding furniture with her choice of any Copper Kettle she please.

ITEM I Give and bequeath unto my said dear Wife all the Negros & Slaves of what sort soever, that I had with her, I likewise give her my Mulattoe Woman Chocolate withall her increase that she now hath or shall have, my Negro men named Peter, and Trout, and my girl Dennis to her, and her heirs forever.

ITEM I lend to my said Wife during her Widowhood, my Negro man called Michael, my Indian Woman called Sarah, and my Mulattoe Girl called Emananuel. But in case of my said Wifes Death or marriage, then the said Slaves to return to those that I shall hereafter give them to, in this Will, and my Negro man Bristol during her Widowhood, this with my hand.

ITEM My Will and desire is, that what goods, Household Stuff, Cattle, and Sheep, I have hereafter given to my Children, the like proportionable part shall be set apart for my now Wife before the rest of my Estate be divided, the particulars of which, I shall hereafter insert.

ITEM I give and bequeath to my son John Custis² my Chiconessex Plantation with all the Stock that shall be found thereon of what nature soever to him and his heirs forever. I likewise give to my said son Arlington House together with two hundred and fifty Acres of Land thereto belonging which I bought of Mr William Willett, and have Patent for it, in my own name with the Appurtenances thereto belonging to him and his heirs forever. ITEM I Give and bequeath unto my said son all my Stock of Male Cattle, that be found upon Smiths Island, and Mackean Island after my decease, I say Male Cattle with my own hand.

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ITEM I likewise give and bequeath unto my said Son one large Silver Dish, six large Silver Plates, one large Silver Bason, two Silver Candlesticks, with a Silver Snuff Dish, and two Silver Snuffers, one good feather Bed, and furniture, and the second choice of my riding Horses, my best Saddle and furniture, and his choice of my Cases of Pistols, and Holsters, and my best Sword to him and his heirs forever.

ITEM I Give and bequeath unto my son Hancock Custis after my dear Wifes decease or relinquishment, my now dwelling House & Plantation containing fifteen hundred Acres of Land withall the Appurtenances thereunto belonging during his natural life together with that Tract of Land, I bought of Captain Isaac Foxcraft containing by estimation three hundred and forty Acres of Land (be the same, more or less) commonly called and known by the Davis, with that Land I bought of Pierce Davis, which makes upon that quantity, and after his decease, to the heir of his Body lawfully begotten (That is to say) it is my true intent and meaning, that my said son hath power to divide the said Land between two of his issue Male How and what quantity he shall think fit, and they to enjoy it, and their heirs forever. But if it should happen that my said son should dye, without heir Male, the I Give it to his heirs female, and their heirs forever, but for want of such heir to my heir at common Law forever.

ITEM I Give and bequeath unto my said son Hancock Custis, and his heirs forever, my Plantation at Jolys Neck in Accomack County containing by estimation two thousand Acres of Land together with three hundred Acres of Swamp low Land lying near the Land, I sold to William Bradwater, which I have reserved for Timber for the supply of the two thousand Acres of Land which I Give to my said son, and his heirs forever. But it is my Will & desire that my now Wife Sarah Custis have free liberty of range of twenty Steers during her natural life, all the rest of my Land lying at Pocomock that I shall not be disposed of; in my lifetime, I Give and bequeath to my son John Custis, and his heirs and assigns forever.

ITEM I Give and bequeath unto my son Hancock Custis besides what already I have given him, these following Negros & Slaves (Viz) Simon, Dum, Harry, Bristol, Michael

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and Emmanuel always excepted, that my Wife have the use of the said Michael and Emmanuel as before excepted in my Will: — and Bristol.

ITEM I Give and bequeath unto my son Henry Custis five hundred, & fifty Acres of Land on Jingoteague Island which I had of Captain William Kendall together with an Island adjoining thereto by a Bridge commonly called and known by the name of wild Cat Island by estimation two hundred and fifty acres of Land withall Marshes and other advantages thereto belonging to him the said Henry Custis, and his heirs and assigns forever; Always Provided, and it is my Will and desire that my now Wife have liberty of range for twenty Steers upon the said Island during her natural life, with free liberty of bringing of and carrying on at her pleasure.

ITEM I Give and bequeath unto my said Son Henry Custis these following Negros and Slaves (Viz.) Daniel at Pocomock, Ben, Bull, Jack, Ruffy, the boy Will, Bridget, and Lankeston to him the said Henry Custis his heirs and assigns forever.

ITEM I Give and bequeath unto my two daughters Elizabeth Custis and Sorrowful Margaret Kendall five hundred Acres of Land which I bought of Henry Towles lying and being on Jingoteague Island in Accomack County together with an Island that I bought of Joh- Morris in the said County containing by estimation three hundred Acres of Land, and Marsh, to be held in common between the two Sisters during their natural lives, and after their decease to any two Children of their Bodies lawfully begotten, And if it should happen that either of my two daughters should dye without issue, then her part to be and remain to the issue living of either of their Bodies, and their Heirs forever, and in case of failure of any such Heir, then I Give and bequeath the said Land to my Son Henry Custis his heir and Assigns forever, the true intent and meaning of this my Will is, if the issue of either or both of my said Daughters enter upon the Premises at full age, then they or either of them enjoy the said Land, and their heir forever, my meaning is that my daughters, or their now Husbands give the Land above given to which Child they please of my daughters body begotten.

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ITEM I Give unto my said daughter Elizabeth Custis these following Negro Slaves (to wit) George, Sunto, Daniel, her Son Lucretia, her daughter Yamnone Indian Sarah, and her son Jemme, and Notse to her during her natural life, and for the life of her Husband Thomas Custis, and after their decease them and their increase I Give to any Child or Children of their Body lawfully begotten, but for want of any such Issue, then to Thomas Custis her husband, and his heirs forever. Always provided that my now Wife hath the use of the Indian Woman Sarah during her Widowhood.

ITEM I Give and bequeath unto my daughter Sorrowful Margaret Kendall these following Negros or Slaves Nicholas, Jenny his Wife Abigail, Moriah, John a boy, all children of the said Jenny, Indian Betty, Lettitia, Festus, withall their increase, that they ever shall have, my Negro man named Cesar to her my said daughter during her natural life, and for the life of her Husband William Kendall, and after their decease to be to the issue of the said Sorrowful Margaret Kendall of her body lawfully begotten to one or more, as he shall think fit, and for want of such Issue, then to the said William Kendall and his heirs forever.

ITEM I Give to my boy John Atkinson a Horse, four Cows, and Calfs, four Ewes, and Lambs, one feather Bed, bolster, one pair of Sheets, two Blankets, and one Rug, and if it should happen that I should dye having either Sloop, or Sloops the said John Adkinson to take his choice of them, with their Apparel, all which I Give to the said John Atkinson his heirs and assigns forever, but my will is, that the said John Adkinson live with my now Wife until he is at the age of one and twenty, unless my now Wife cause to the contrary in whose hands I leave every particular given to be delivered at the aforesaid age, or sooner if she think fit.

ITEM I Give and bequeath unto Sarah Custis Matthews two Cows and two Ewes.

ITEM I Give and bequeath unto Yardly Michael the remaining part of that Tract of Land, I bought of Joseph Benthall Senr him and his heirs forever, Always provided that [whoever?]

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lives upon my Plantation at Hungars have liberty to get Timber thereon for the use of this Plantation, I now live on.

ITEM I give and bequeath unto my daughter Elizabeth Custis my Negro man Toney besides what I have already given her, to her and her heirs forever. Upon mature and deliberate consideration relating to all the Negros and Slaves given to my aforesaid two daughters Elizabeth Custis and Sorrowful Margaret Kendall, and the more fuller to explain my meaning and *will* I do make void the word give, and I do lend the said Negros and Slaves during the lives of my said two daughters, and their husbands, and in Case it should happen that either of my said two daughters dye Childless, they shall have liberty to dispose of the said Negros and Slaves to any of their relations as they shall think most fit.³

ITEM I Give and bequeath unto my Son John Custis, my quarter part of the Brigenteen the Northampton; built by John Bowdoin, and to his Assigns forever and I likewise give to my said Son John Custis, my biggest Silver Tankard, and likewise my father's picture now standing in my Hall.

ITEM I Give to my Wife Sarah Custis, my next largest Silver Tankard.

ITEM I Give and bequeath unto Elias Taylor of Accomack County five hundred Acres of Land lying and being at Acaconson in the said County to him and his heirs forever. Always provided, and it is my true intent and meaning that the said Taylor pay to my executors hereafter named, the sum of seventy pounds Sterling by good acceptable Bills of exchange, and fifteen thousand pounds of good Tobacco and Cask according to a Verbal agreement made between us which if he refuseth then I do empower my executors hereafter named to make Sale of the said Land for the best advantage they can.

ITEM I Give and bequeath unto Henry Toles of Accomack County and to his heirs and assigns forever five hundred Acres of Land lying and being at Pocomock near Hyleys

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Neck according to an Agreement made between us, and likewise ten thousand Nails, Always provided that he makes over, all his right, title and Interest of five hundred Acres of Land which he lives on: on Jingoague Island, and acknowledge the same in Accomack County Court to those Persons, that I [have] given it to, by Will, and in the same nature.

ITEM My Will is that before — my Estate is divided, these goods hereafter excepted, or the worth of them, be set apart for use of my now Wife, it being to make her part even of what I have given before to my Children, three feather Beds, Bolsters & Pillows, three Rugs, three Blankets, two sute of Curtains and Vallens, ten pair of Sheets, eight pair of pillowbeers, eight Towels, five dozen of Napkins, six Table Cloths, ten pewter dishes, two Basons, three dozen of Plates, one Chamber Pot, two Candlesticks, one chafing dish, two Iron Pots, one Skillet, one pair of brass and- Irons, one pair of fire Tongs, one Shovel, one Iron Spitt, one smoothing Iron and Heater, one dozen of silver Spoons, one Silver Porringer, one large Trunk, covered with Russia Leather one Seal Skin small Trunk marked J. S. C. one Chest that she keeps her Clothes in.

ITEM I Give and Bequeath to my said Wife all her Wearing Apparel both Linen and Woollen of what nature soever they be, and Silks withall her Rings, Jewells, and a Gold chain, or locket — ITEM I likewise give to my said Wife Sarah Custis twenty four head of Cattle, and twenty two Sheep.

ITEM my Will and desire is, that before my Estate is divided, that all my just Debts and Legacies be paid; and that is my desire that my executors make no delay to pay them; All the rest of my Estate I Give and Bequeath unto my loving wife Sarah Custis, Hancock Custis, Henry Custis, Elizabeth Custis, Sorrowful Margaret Kendall to be equally divided amongst them whether they be goods, Chattels, Creatures, Money or Debts, and upon Division if my Wife have a mind of any particular thing to have her first choice. I desire my Good friends Captain William Harmanson, George Harmanson, and Mr. Hilary Stringer to be aiding and assisting my wife and Children to divide my said Estate, I do nominate and appoint my loving wife Sarah Custis, my son Hancock Custis, my son Henry Custis, to

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be my executors of this my last will & Testament & I do make void all former Wills by me made and Deeds of Gifts whatsoever.

ITEM I Give and bequeath unto William Harmanson, Mr. George Harmanson, and Mr. Hilary Stringer each of them a Gold Ring of the Value of fifteen shillings apiece to be sent for by my executors. I Give to my Sister in law Elishe Frank two Cows and Cafs and as much stuff as will [make] her Gown and Petticoat as much new good Linen as will make her three Shifts.

ITEM I Give all my wearing apparel to my two Sons Hancock Custis and Henry Custis, of what nature soever to be equally divided amongst them by my now Wife.

ITEM I Give to Robert Howsen⁴ fifteen Shillings to buy him a Gold ring, to be sent for as aforesaid, and either a young Mare or Horse.

In Testimony that this is my last will & Testament I have hereunto set my hand [and] Seal this third Day of December in the Year of our Lord God, one thousand seven hundred & eight.

Test ROBERT HOWSEN JOHN CUSTIS (L S)

JOHN SATCHELL NORTHAMPTON COUNTY Ss1: March the 10th. 1713/14

SARAH S P PALMER The said Will and Testament of John

ELISHE Signum FRANK Custis Esqr. was presented to Court by

ELIZABETH x her mark ATKINSON his Relict Mrs Sarah Custis, and his two Sons Hancock Custis and Henry Custis his Executors who made Oath thereto, and upon their Motions it is proved in Court by the Oaths of Robert Housen, John Satchell, and Elishe Frank Witnesses thereto is admitted to record, and according to order it is recorded.

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Teste ROBERT HOWSON Recorded Teste ROBERT HOUSEN⁵ C. Cirt. Cot.
Northampton

A Codicil which I Annex to this my last Will & Testament, and I desire that it be truly and punctually performed as any part of my Will whatever. ITEM that whereas I have in my Will given my now dwelling House and Plantation withall the Appurtenances thereto belonging I mean the use of it to my loving wife Sarah Custis during her natural life, Always provided that if she Marries that her husband immediately enter into Bond with good Security as in my said Will is set forth, Now my desire is that if my said Wife should Marry, and her Husband refuse to give Bond with Security to my said Son Hancock Custis or his heirs then it shall be lawful for my said Wife to enjoy her thirds, as the law in such Cases provides.⁶ Whereas I gave a parcel of Land to Yardly Michael containing three hundred Acres whereon he formerly lived, I do revoke that Gift, as if it had never been made, and I do give the said Land withall the advantages thereto belonging with one hundred Acres of Land thereto belonging to the sole use and Benefit of my now dwelling Plantation to be used by them that are the true Possessors of this my now dwelling Plantation for Timber or otherwise forever. Whereas I have given five hundred Acres of Land on Jingoague Island in my Will in common as is there expressed to explain my meaning, my Will and desire is, that my said daughters enjoy the said Land & Negros during their natural lives, and likewise their Husbands, but after their decease, then to go to which Child of their two Bodies lawfully begotten my said two sons in law, and my daughters shall think fit, that is if they are not pleased to give it to the eldest, then to any other which they please, still to be held in common; I mean the Land; but the Negros to be distributed amongst my Grand Children as they shall think fit, and whereas I have given my dear wife liberty of range for twenty head of Cattle, on Pocomock, and Jingoague Island if she is not pleased to accept of that consideration for her thirds on that Land she may refuse, and then her thirds not to be debared her. this I have Writ with my own hand the more to confirm the same.

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Teste JOHN CUSTIS - - - (L S) ROBERT HOWSEN MATTHEW NEWMAN SARAH
CUSTIS x MATTHEWS Signum

And my desire is, and I will and bequeath to my dear wife all the grain of what sort soever shall be found on my Plantation either in Growing in the field or lying in the Houses together withall my Hogs for her support, and my Will and desire is that the Smith Tools I shall be or am Possessed with shall go, and I give them to my daughter Elizabeth Custis, and her heirs forever, and my Will is, that the Male Cattle given to my son John Custis in my Will bars him of any further claim, I owed him of nineteen head, and I owed him for the exchange of his part of Pocomock being I am sensisible many more; and my Will and desire is; that my Girl Abigail that I formerly gave to my daughter Margaret in my Will be and remain withall her increase to my Grandson Custis Kendall and his heirs and Assigns forever: Whereas I am sensible of my interlinings in my Will all that can be thought of my Writing or Mr. Howsons I do confirm, and desire that this part of my Codicil with the rest may be perpetually performed Signed, Sealed and Acknowledged as the part or Codicil Annexed to my Will before JOHN CUSTIS - - (L S) JOHN ATKINSON ELIZABETH FOX ROBERT HOWSEN Witnesses March the 20th 17 11/12

Upon consideration of a late Act of Assembly made at Williamsburg the last Sessions,⁷ my Will and desire is that none of my Estate be appraised as the law set forth, but that my Estate as formerly given in this my Will and Codicil hereto Annexed be divided accordingly, and everyone to enjoy his part in Special. I well hope my Estate will not be in debt, to this I set my hand — the Day and Year above written. The Pistols I design for my son John, I have sent them to him.

JOHN CUSTIS - - (L S) Signed, Sealed & acknowledged as my Act and Deed as a Codicil annexed to my Will amongst the other Codicils before Inserted Nor my executors to give security JOHN CUSTIS - (L. S.) ROBERT HOWSEN Signum PHILIP P. H. HAMMON

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Signum WILLIAM N. BANUM Signum BATT W NOTTINGHAM NORTHAMPTON COUNTY, March the 16th. 17 13/14

The said three Codicils of John Custis Esqr. decd. being annexed to his said last Will and Testament also presented in Court by his said executors with the said Will, and upon their Motions the said three Codicils was likewise proved in Court by the Oaths of Robert Howsen, Sarah Custis Matthews, John Atkinson, Elizabeth Fox, Philip Hammon, Batt Nottingham Witnesses thereto is admitted to record, and according to order, it is recorded.

Teste ROBERT HOWSEN Recorded Teste ROBERT HOWSEN C. Cirt. Cot. Northampton Copies Teste GRIFFIN STITH, CI: N C

1 Son of the Honorable John Custis, of Arlington, born 1652, died January 26, 1713. He married first Margaret, daughter of Mr. John Michael, second Sarah, daughter of Colonel Southey Littleton.

2 Father of Daniel Parke Custis.

3 It is interesting to note that John Custis in disposing of his slaves seems to have desired to prevent the breaking up of families among them.

4 The site of Alexandria was included in a grant of 6000 acres of land fronting the Potomac River, and extending from Hunting Creek to the Little Falls, from Sir William Berkeley, Governor of Virginia, to Robert Howson, in October, 1669. — BROCK.

5 This name in the copy of the will sent to Washington is spelled Housen, Howsen, and Howson. The latter is correct.

6 There is a striking contrast in the affectionate manner in which this John Custis provides for the comfort of his wife and the tombstone of his eldest son, on which is the following inscription: — Beneath this Marble Tomb lies ye body of the Honorable John Custis, Esq., of the City of Williamsburg and Parish of Bruton Formerly of Hungars Parish on the Eastern Shore of Virginia and the County of Northampton the place of his nativity. Aged 71 years and yet lived but seven years Which Which was the space of time he kept A Bachelor's House at Arlington On the Eastern Shore of Virginia. This information put on this tomb was by his own positive order.

7 Hening, vol. iv. p. 72.