



Papers of Martha Washington at Tudor Place, Part II
by Tudor Place Archivist Wendy Kail

Legal Aid

As quickly as condolence letters on the death of George Washington poured into Mount Vernon, questions arose from the executors of his estate, which included his “. . . dearly beloved wife Martha Washington, My Nephews William Augustine Washington, Bushrod Washington, George Steptoe Washington, Samuel Washington, & Lawrence Lewis, & my ward George Washington Parke Custis (when he shall have arrived at the age of twenty years) . . .”¹

The Tudor Place Archive holds questions submitted by the executors, and opinions and answers from Washington’s legal advisors. One such advisor was his favorite nephew, Bushrod Washington (1762-1829), the son of Washington’s younger brother John Augustine Washington. Bushrod Washington graduated from William and Mary College in 1778 and then studied law in Philadelphia. A member of the Virginia House of Delegates in 1787, he worked to ratify the United States Constitution. An associate justice of the Supreme Court from 1798-1829, he earned the reputation of a learned and wise jurist.² But while Washington had stipulated in his will, “To my dearly beloved wife Martha Washington I give and bequeath the use, profit and benefit of my whole Estate, real and personal, for the term of her natural life –except such parts thereof as are specifically disposed of hereafter:-- . . .”³ He also requested further that after his wife’s death,

To My Nephew Bushrod Washington and his heirs (partly in consideration of an intimation to his deceased father while we were Bachelors, & he had kindly undertaken to superintend my estate during my Military Services in the former War between Great Britain & France, that if I should fall therein, Mount Vernon [then less extensive in domain than at present] should become his property) . . .⁴

In this manner George Washington ensured that Mount Vernon and four thousand acres of land adjacent to the mansion house would continue to pass into the hands of the Washington family.

The executors came to Bushrod Washington with questions concerning the legal rights of Major Lawrence Lewis. With his wife Eleanor Parke Custis Lewis, a granddaughter of Martha Washington, Lawrence Lewis would one day inherit:

. . . the residue of my Mount Vernon Estate, not already devised to my Nephew Bushrod Washington, --comprehended within the following description. –viz—All the land North of the Road leading from the ford of Dogue run to the Gum spring as described in the devise of the other part of the tract, to Bushrod Washington . . . to which I add all the Land I possess West of the said Dogue run, & Dogue Crk -- bounded Easterly & Southerly thereby; --together with the Mill, Distillery, and all other houses & improvements on the premises . . .⁵

The land Washington willed to Lawrence Lewis and Eleanor Parke Custis Lewis contained about 2,000 acres; the southwest section of the tract was an elevated highland plain with a commanding view of the Potomac River and surrounding country about three miles inland from Mount Vernon.⁶ It was a wedding gift from Washington to them in 1799.

The executors of Washington's will submitted written questions and Bushrod Washington in turn submitted written answers to queries.⁷ [*ca. 1800, place of origin not noted: queries possibly Mount Vernon, Virginia, opinions possibly Richmond, Virginia. Collection of Tudor Place*] They asked if the wheat sown on the [Dogue] farm the autumn before the death of Washington belonged to Lewis or to the executors of Washington's estate, and if the planting of new wheat should be paid for by Lewis or by the executors? Bushrod Washington replied that the wheat belonged to Lewis and he should not have to pay for the planting of new wheat. When the executors asked if Lewis could retain any of the cattle, sheep, and utensils on the property that had been put up for sale, Washington answered that he was of opinion that Lewis could retain any of the stock mentioned before the proposed sale. While Lewis rented the mill and distillery, did he have use of the land upon which these stand? Could he transfer excess cattle, which were currently devouring straw, hay, and litter, to Union Farm? And could Lewis charge the estate for what these cattle had devoured so long as the cattle were still present upon the property? Washington suggested that Lewis be compensated for what the cattle had eaten, but added that some person better acquainted with these subjects must answer the remainder of the questions. A record of Lawrence Lewis' account with Mrs. Martha Washington 1800-1803 is included in the Tudor Place Archive.⁸ [*ca. 1800-1803, place of origin not noted: possibly Virginia. Collection of Tudor Place*]

Another question concerned the rights of Mrs. Washington: could she lease land in Virginia including the small farm near Loudon, the farm in Hampshire near Warm Springs, and part of the lot in Alexandria on Pitt and Cameron Streets? Washington advised that Mrs. Washington had the right to lease the farms and lot, and that no time should be lost in doing so. The executors noted that the crop of corn last year was small and the drought severe, so only 950 bushels of corn were secured. As this crop would soon be exhausted, would it be possible to procure 500 more bushels? Washington answered that 500 bushels of corn had already been purchased, a part of which should be delivered shortly. The executors added that no clearing of the land would be performed on the estate of other than what had been ordered by the General before his death; with an eye to the future as evident in his advance ordering of corn, Washington noted that no more land should be cleared.⁹ [*ca. 1800, place of origin not noted: queries possibly Mount Vernon, Virginia, opinions possibly Richmond, Virginia. Collection of Tudor Place*]

More questions on General Washington's will surfaced, but these were directed to Charles Lee (1758-1815) of "Gordonsdale," Fauquier County, Virginia, the brother of Henry [Lighthorse Harry] Lee. He graduated from the College of New Jersey [Princeton] in 1775 and trained for the law in Philadelphia. He served as a Naval Officer during the Revolutionary War. As a strong Federalist, he attended the Continental Congress and the Virginia Assembly. Lee was an active advocate to ratify the Federal Constitution. During his lifetime he was Washington's good friend and legal advisor; Washington appointed Lee Attorney-General of the United States in 1795, an office he held for the next six years.¹⁰

General Washington had received from Dr. David Stuart (1753-ca. 1814), guardian of Martha Washington's grandson George Washington Parke Custis (1781-1857), 530 pounds per year in lieu of the right of his wife had to dower in lands owned by her first husband, Daniel Parke Custis (1711-1757). The last annuity became payable after the General's death. Were the executors of the General's estate to receive this payment and appropriate it, or was the money Mrs. Washington's? Lee replied that the executors were excluded from the annuity; it was profit arising out of Washington's estate to which his wife was entitled.¹¹ [*February 15, 1800, place of origin not noted: possibly Richmond, Virginia. Collection of Tudor Place*] Would interest on General Washington's public stock and dividends from his bank stock payable after his death belong to Mrs. Washington or the executors? Would interest on debts accruing after the General's death belong to Mrs. Washington or to the executors? Lee countered that the interest of public stock was subject to distribution among residuary legatees, but that dividends of bank stock and interest on debts should go to Mrs. Washington.

When Martha Washington died on May 22, 1802, ". . . newspapers all over the country announced the death of the widow of Washington, and the nation realized that the last living link was severed that had bound it to the family of the General."¹² Now Charles Lee was not only the recipient of questions concerning General Washington's will, but dealt with queries from the executors of her will, her grandson George Washington Parke Custis, her nephews Julius B. Dandridge and Bartholomew Dandridge, and her grandson-in-law Thomas Peter.¹³

Martha Dandridge Custis Washington wrote her will on March 4, 1802. The will submitted in the hand of her granddaughter Eleanor Parke Custis Lewis was drawn up by her attorney Charles Lee, and was witnessed by four persons, including another granddaughter and namesake, Martha Parke Custis Peter.¹⁴ It was filed on June 21, 1802, at the Courthouse in Fairfax County by George Washington Parke Custis and Thomas Peter, two of the named executors. A receipt of June 1802 for recording the will of Martha Washington by George Washington Parke Custis and Thomas Peter is held in the Tudor Place Archive.¹⁵ [*June 1802, March 1804, place of origin not noted: possibly Fairfax County, Virginia. Collection of Tudor Place*]

The executors of Martha Washington's will followed in the footsteps of the General's executors with questions, although they promised: "We agree to abide by and perform the award and decision of Chas. Simms and Charles Lee of Alexandria on all or any of the above questions, as far as we are respectively concerned in the subjects of them individually, or in our capacities of executors."¹⁶ [*ca. 1802, possibly Alexandria, Virginia. Collection of Tudor Place*] Were the executors of Martha Washington entitled to mow the meadows of Mount Vernon and gather fruit from the trees, or did this right belong to Bushrod Washington? Did any portion of the rents paid for Washington's land and the interest of money and stock devised to Martha Washington by her husband go to her executors? Were the executors of Martha Washington or George Washington entitled to the increase of stock on the estate since the death of George Washington; when Martha Washington sold the increase of the stock and cattle on the estate, was the purchaser entitled to the increase of the increase, or did this belong to the executors of George Washington?¹⁷ The executors also posed questions about household goods. Did the bookcases and books in the General's study belong to the estate of Martha Washington under the

jurisdiction of furniture, or did these belong to Bushrod Washington as owner of the estate? And did the two globes in the General's library and loose prints in a portfolio belong to Bushrod Washington or the executors of Martha Washington or the executors of the General?¹⁸ [*ca. 1802, possibly Alexandria, Virginia. Collection of Tudor Place*]

These questions were posed to Charles Lee, who immediately noted that George Washington devised to his wife the increase and benefit of his whole estate real and personal, except when parts were specifically devised otherwise; therefore the usual increase of animals including horses, mules, black cattle, sheep, and hogs must go to George Washington's legatees. Lee also clarified the fact that George Washington Parke Custis, who was promised ". . . his choice of prints" by his grandmother, could select any one print or any one set of prints, and that despite desire to the contrary, he was not promised all the prints in the mansion house.¹⁹ [*July 2, 1802, Alexandria, Virginia. Collection of Tudor Place*]

Yet another technicality arose: Mrs. Washington left to Eleanor Parke Custis Lewis a bequest of a large looking glass in the parlor or another one of her choice. There was a pair of very costly looking glasses fixed in the drawing room wall with mortar. Did the General intend these to go to Mrs. Washington, and if so were these subject to Mrs. Lewis' choice? Lee replied that if General Washington intended this pair to go to Mrs. Washington, it was under the General's will; but if the pair had belonged to Mrs. Washington, it was with all the other glasses in the house subject to Mrs. Lewis' choice. Another question concerned Eleanor Parke Custis Lewis: Mrs. Washington had noted in her will that she bequeathed to Eleanor Lewis ". . . three beds & bedsteads curtains bolsters and pillows for each bed such as she shall choose . . . together with counterpanes [coverlet for a bed] and a pair of blankets for each bed . . ."²⁰ Was Mrs. Lewis entitled to one counterpane for each bed? Lee stated that she was and that she could choose either plain or quilted.²¹ [*July 2, 1802, Alexandria, Virginia. Collection of Tudor Place*]

A problem surfaced over whether Mrs. Washington had had the right to distribute her china verbally. She had asked Mrs. Eleanor Calvert Custis Stuart (ca.1757-1811), her former daughter-in-law, to divide her Sèvres china between her three granddaughters, Eleanor Stuart's daughters. Lee stated that the granddaughters' title to this china indeed rested on the verbal gift of Mrs. Washington in her lifetime and, ". . . the ladies should be satisfied."²² [*July 2, 1802, Alexandria, Virginia. Collection of Tudor Place*]

More questions were posed by the executors of Martha Washington's will after Mount Vernon was inherited by Bushrod Washington, according to George Washington's wishes. But now Charles Lee had formed a partnership with Charles Simms, so both men expressed the accepted legal viewpoint. Charles Simms (1755-1819), born in Prince William County, Virginia, studied law in Fredericksburg. He distinguished himself in the Battle of Point Pleasant in 1774 at the Kanawha River; when war officially began he was appointed aide to General Hugh Mercer. He was a major in the 12th Virginia Regiment in 1776 and lieutenant-colonel of the 6th Virginia Regiment in 1777. He became a prominent lawyer in Alexandria, Virginia, a founder of the Society of the Cincinnati in that state in 1783, a delegate to the Virginia Convention, and was appointed to the committee to accept the Federal Constitution. Captain of a flying military company, Collector of the Port of Alexandria, and eventually mayor of Alexandria 1812-1814, he was a pall bearer at Washington's funeral.²³

Charles Lee and Charles Simms now voiced their opinions on queries that had been posed on July 2, 1802, after “Having maturely considered the several questions submitted to us the subscribed by the executors of Genl. G. Washington of the one part and the executors of Mrs. Martha Washington of another part and Bushrod Washington of the third part . . .”²⁴ [July 17, 1802, Alexandria, Virginia. *Collection of Tudor Place*] Lee and Simms were of the opinion that grass growing in meadows and fruit on the trees on the estate did not belong to the executors of Martha Washington, and that therefore the executors were not entitled to mow the meadows nor gather fruit from the trees, as these now belong to Bushrod Washington. The lawyers were also of the opinion that the rent of lands and the interest or dividend on stock in funds or banks devised to Martha Washington were to be divided between the executors of both the General and Mrs. Washington, referring their decision to the 49th Section of the Act of Assembly of Virginia.²⁵ Regarding Martha Washington’s sale of inventoried stock such as black cattle, she had the power to sell absolutely; since the sale was made absolutely, the purchaser indeed would have good title to the increase of his purchase. In reference to household goods the lawyers observed that the two globes in the General’s library and loose prints in a portfolio found among the books belonged to Bushrod Washington and not to the executors.²⁶ [July 17, 1802, Alexandria, Virginia. *Collection of Tudor Place*]

But Lee and Simms deferred two lingering questions to a third party, Thomas Swann. Thomas Swann (ND) was elected to the Virginia State legislature on April 24, 1799. The *Alexandria Advertiser* of April 14, 1801, noted that Thomas Swann was admitted as an attorney for the circuit court. Swann was one of President Adams’ midnight appointments in a bill signed four days before Adams’ term expired; Adams sent the senate Swann’s name to be attorney for the District of Columbia, but President Jefferson appointed his own nomination instead. Eventually Swann became the United States Attorney, to be succeeded by Francis Scott Key. He welcomed Lafayette on behalf of the citizens of Alexandria on October 8, 1824, when the revolutionary war hero began his tour of return to the United States.²⁷

Lee, Simms, and Swann agreed that the bookcases passed from General Washington to Mrs. Washington and therefore belonged to her executors, but the books belonged to Bushrod Washington.²⁸ [July 17, 1802, Alexandria, Virginia. *Collection of Tudor Place*] Swann, however, differed on the opinion of the increase of stock, and believed that the executors of General Washington were entitled to the increase of stock remaining at the death of Mrs. Washington. How this disagreement was finally settled remains unclear.

After Martha Washington’s death two estate sales were held to earn money to be invested for the education of Martha Washington’s nephews Bartholomew D. Henley (1788-dsp), Samuel Henley (1792-1825), and her grandnephew John Dandridge (1796-ND). Bartholomew D. Henley was born March 14, 1788. He was the son of Elizabeth Dandridge Aylett Henley (1749-ca.1800), a sister of Martha Washington, and Leonard Henley (d. 1798) of James City County, Virginia. He attended the College of William and Mary in 1806. Henley entered the United States Navy but little is recorded of his career; his death date is unknown. Samuel Henley, his brother, was born on February 25, 1792. Like his brother before him, he entered the navy as a midshipman in 1809. He was commissioned a Lieutenant in July 1813; he died at Vera Cruz on July 14, 1825.²⁹

John Dandridge's father, John Dandridge, was born in 1758, the eldest son of Martha Washington's brother Bartholomew Dandridge and Mary Burbridge Dandridge. He attended the College of William and Mary in 1778. He studied law and practiced in New Kent County. He married Rebecca Jones Minge of Charles City County, moved to Brandon, Virginia, in 1797, and died in 1799.³⁰ Their son John Dandridge, grandnephew of Martha Washington who carried his father's name, was born in 1796. After the death of his father in 1799 and presumably after the death of his mother, he became the ward of Burwell Bassett, Jr. As did his father before him, John Dandridge attended the College of William and Mary, and chose law as his profession. His death date is unknown.³¹

The first estate sale in July 1802 was open to relatives of Mrs. Washington. A second sale open to the public was announced in the *Washington Federalist*: "For Sale, At Mount Vernon, On the 20th day of July, and to continue until all is disposed of, the Household & Kitchen Furniture, consisting of almost every description, some valuable Prints and Pictures, Also a Pipe of Choice Old Madera Wine," but a friend who attended the second sale was disappointed to find that the relatives had purchased the cream of the crop.³² Thomas and Martha Peter bought many objects at the first sale, some of which remain today at Tudor Place; two of Thomas Peter's brothers, David Peter and Robert Peter, Jr., made modest purchases. As an executor, Thomas Peter kept a record of the sale.³³ [No Date, ca. 1802, place of origin not noted: possibly City of Washington or Mount Vernon, Virginia. Collection of Tudor Place] A receipt for freight of furniture from Mount Vernon to Tudor Place paid by Thomas Peter may indicate the transfer of goods the Peters purchased at the July sale.³⁴ [August 4, 1802, City of Washington. Collection of Tudor Place] Yet evidently not all the goods at the sale sold, for *The National Intelligencer and Washington Advertiser* advertised on Wednesday, November 24, 1802: "For cash. at the stone hse, prop of Mr Robt Peter, nr the county wharf, kitchen articles, 3 large paintings, remainder of furniture offered at Mt Vernon sale."³⁵

But neither George Washington Parke Custis nor Thomas Peter could have realized that despite the honor of being named executors by Mrs. Washington, eventually they would become defendants in an ongoing court case interpreting the will, for one item would prove particularly troublesome. It was Martha Washington's desire that the residue of her estate,

. . . and that the proceeds thereof together with all the Money of the House and the debts due me . . . shall be Invested by my Executors in Eight p.[er] Cent stock of the funds of the United States . . . and it is my desire that the Interest thereof shall be applied to the proper Education of Bartholomew Henley and Samuel Henley the two youngest sons of my Sister Henley and also to the Education of John Dandridge, son of my deceased Nephew John Dandridge so that they may be severally fitted and accomplished in some useful trade and to each of them who shall have lived to finish his education or to reach the age of Twenty-one years, I give and bequeath one Hundred Pounds to set him up in trade.³⁶

She stated further that any interest from the money invested that remained, should the three young men not reach the age of twenty-one, be divided among her grandniece Anna Maria Washington, John Dandridge the son of her nephew John Dandridge, and her remaining great

grandchildren. A list of the legatees in the hand of Thomas Peter is held in the Tudor Place Archive.³⁷ [*No Date, ca. 1802, place of origin not noted: possibly City of Washington. Collection of Tudor Place*]

By 1804 the phrase “may be severally fitted and accomplished in some useful trade,” was open to interpretation: what was a useful trade? Burwell Bassett, Jr., (1764-1841), the son of George Washington’s close friend Burwell Bassett who had married Martha Washington’s sister Anna Maria Dandridge, heir of *Eltham*, the family estate in New Kent County, Virginia, stood guardian to the three young men Martha Washington had singled out for aid.³⁸ He and Thomas Peter foresaw trouble in the vague terms “proper education” and “useful trade.” They asked Charles Lee to define these terms; a letter from Charles Lee of April 10, 1804 concluded:

The interest of the eight per cent stock directed to be assigned by her executors is made a fund for the proper education of those three boys so that they may be severally completed in some useful trade. . . What is the object and intention when she uses the terms “so that they be generally fitted & accomplished in some useful trade”? I answer she intended to exclude an education proper for the liberal arts or learned profession. A classic education was not meant, which is the most expensive of any, and only proper for those who are to be occupied in the learned professions such as divinity, law, & physics, or in the liberal art & include sculpture, painting, drawing, & music, etc., . . . but an education proper & suited to that useful trade which was to be followed . . .³⁹

It was this opinion of Charles Lee that determined the executor’s actions. The Henley brothers both entered the United States Navy, but John Dandridge decided to study law. Therefore the executors paid for the education of the Henleys, whom they determined had pursued a useful trade, but not the education of John Dandridge, as in Charles Lee’s opinion the law was not a useful trade. Eventually John Dandridge took two of the executors, namely Thomas Peter and George Washington Parke Custis, to court. The records of this case are held today in The Library of Virginia, Richmond, Virginia.⁴⁰

The case did not legally begin until August 3, 1820, when George Washington Parke Custis and Thomas Peter were summoned to Circuit Court of the District of Columbia, County of Alexandria, to answer a bill in Chancery Court petitioned by John Dandridge for back payment for his education. George Washington Parke Custis’ continued unexplained absences throughout the case threw more and more responsibility on the shoulders of his brother-in-law, Thomas Peter. It was not until seven years later, April 19, 1827, that the Court of the City of Alexandria cited that the complaint brought in 1820 by John Dandridge against George Washington Parke Custis and Thomas Peter was dismissed for want of proper parties, the absence of the legatees noted in Martha Washington’s will.⁴¹

Yet not to be outdone, John Dandridge’s lawyer, Benjamin Lincoln Lear (1791-1832), the son of Tobias Lear who had tutored the Custis children and shared with Martha Washington the burden of answering condolence letters, took the matter to the Supreme Court.⁴² The appellant, John Dandridge, filed his bill against Custis and Peter as executors of Mrs. Washington, late of Mount Vernon, and claimed payment of a sum of money due him under the bequest in the will of the testatrix for expenses of his education, and also for a distributive share

of the residuary restate of the deceased in the hands of the executors acting as trustees. The case was brought before the Supreme Court in the January 1829 term, argued for the appellant John Dandridge by Thomas Swann and Benjamin Lincoln Lear, and for the appellees Thomas Peter and George Washington Parke Custis by Robert J. [I.?]Taylor (ND).⁴³

On February 16, 1829, Chief Justice John Marshall reversed the circuit court's dismissal of John Dandridge's complaint, and remanded the case back to the circuit court for further proceedings. He not only reversed the decision of the circuit court, but in doing so overturned the opinion of Charles Lee of 1804 which differentiated trade from profession. According to the custom of the times, negotiations proceeded slowly at the circuit court in Alexandria; on July 30, 1830, Benjamin Lincoln Lear advised the Clerk of the Court of Alexandria that he, John Dandridge, and Thomas Peter had entered into settlement.⁴⁴ But the case did not officially close until October 5, 1831.

The Tudor Place Archive holds several documents relating to this court case: a letter from John Dandridge to Benjamin Lincoln Lear granting him authority act for Dandridge [*January 24, 1826, Richmond, Virginia. Collection of Tudor Place*]; a list of legatees in the hand of Thomas Peter, (*see supra*); a bill and receipt from Robert P. Dunlop, lawyer, to Thomas Peter for taking a deposition for the trial [*September 21, 1827, place of origin not noted. Collection of Tudor Place*]; a receipt for \$180 paid on account of John Dandridge's judgment against Mrs. Washington's executors paid by Thomas Peter to Benjamin Lincoln Lear [*October 27, 1830, Alexandria, Virginia. Collection of Tudor Place*]; a bill for filing answers in the Dandridge court case paid by Thomas Peter [*April 1831, March 16, 1832, place of origination not noted. Collection of Tudor Place*]; and a receipt from R. J. [I.?] Taylor, Thomas Peter's lawyer, for \$20 [*October 29, 1831, place of origin not noted. Collection of Tudor Place*].⁴⁵

Because Thomas Peter was the primary executor, the Archive holds receipts from legatees for money distributed by him over the next several years: to Anna Maria Washington [*September 28, 1802, City of Washington. Collection of Tudor Place*]; to Martha Maria and Frances Dandridge [*March 12, 1803, place of origination not noted. Collection of Tudor Place*] and to F. [J.] D. Henley [*April 1, 1803, place of origin not noted. Collection of Tudor Place*]; to John Parke Custis Peter and America Peter [*February 4, 1826, place of origin not noted. Collection of Tudor Place*]; and to Lawrence Lewis for his daughter Mary Eliza Angela Lewis [*May 13, 1826, place of origin not noted. Collection of Tudor Place*].⁴⁶

In his letter held in the Tudor Place Archive (see *supra*) to Benjamin Lincoln Lear of January 2, 1826, John Dandridge, a lawyer, noted, "I have however had experience enough to know that he who is compelled to enter Chauncery Court in order to obtain his rights, must make up his mind to bear with patience the 'Laws delay.'" His remark proved accurate. Evidently the work of the executors never ceased, for in a letter from Arlington House as late as June 20, 1846, George Washington Parke Custis wrote to his nephew Lorenzo Lewis (1803-1847):

Mr. Peter & myself (sic) were the Executors of Mrs. Washingtons (sic) Estate, Mr. Peter alone acted & settled with the Courts receiving the entire commissions (sic) etc. At his death [in 1834] his son John P. C. Peter took his fathers (sic) place & is now diligently employed in settling up the affairs of Mrs. Washingtons (sic) estate.⁴⁷

¹ Fitzpatrick, Will, 27.

² Appletons', Volume VI, 384.

³ Fitzpatrick, Will, 1.

⁴ Ibid., Will, 19.

⁵ Ibid., Will, 22-23.

⁶ Charles H. Callahan, Washington the Man and the Mason (Washington, D.C.: George Washington Masonic National Memorial Association, 1913, 6th edition), 220-221.

⁷ Tudor Place Archive, Papers of Martha Washington, MS 3, Box 2, Folder 1. The following questions and answers of the executors of George Washington are contained in this single folder unless noted otherwise.

⁸ Ibid., MS 3, Box 2, Folder 2.

⁹ Ibid., MS 3, Box 2, Folder 1.

¹⁰ Fitzpatrick, Diaries, II, 340, FN 1; Fields, 393.

¹¹ Tudor Place Archive, MS 3, Box 2, Folder 3. Both questions of the executors and answers of Charles Lee are contained in this folder.

¹² Anne Hollingsworth Wharton, Martha Washington (New York: Charles Scribner's Sons, 1897), 285.

¹³ Fitzpatrick, Will, 61. Martha Washington mistakenly refers to Thomas Peter as "my son-in-law"; he was in fact her grandson-in-law.

¹⁴ Fitzpatrick, Will, 62, FN 1; 61.

¹⁵ Tudor Place Archive, MS 3, Box 2, Folder 11.

¹⁶ Ibid., Folder 5.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid., Folder 6; Fitzpatrick, Will, 56.

²⁰ Fitzpatrick, Will, 58.

²¹ Tudor Place Archive, MS 3, Box 2, Folder 6.

²² Ibid.

²³ Mary G. Powell, The History of Old Alexandria, Virginia (Richmond, Virginia: The William Byrd Press, Inc., 1928), 259-260.

²⁴ Tudor Place Archive, MS 3, Box 2, Folder 7.

²⁵ Ibid.; this section of the 49th Act of Assembly of Virginia was based on a decision ". . . in Chancery [court] in England founded on principles of equity equally and alike operative in this country . . ."

²⁶ Tudor Place Archive, MS 3, Box 2, Folder 7.

²⁷ Fitzpatrick, Diaries, IV: see entry April 24, 1799, 303; Wilhelmus Bogart Bryan, A History of the National Capital, Volume I 1790-1814 (New York: The MacMillan Company, 1914), 402, 412, 242; F. Regis Noel, "Notable Suits in Early District Courts," Records of the Columbia Historical Society, Washington, D.C. Volume 24 (Washington, D.C.: Published by the Society, 1922), 68; Callahan, 304.

²⁸ Fitzpatrick, Will, 14; Tudor Place Archive, MS 3, Box 2, Folder 7.

²⁹ It should be noted that the middle initial of Bartholomew Henley varies from "D" to "H" on documents consulted. See Wilson Miles Carey, "The Dandridges of Virginia." William and Mary College Quarterly Historical Magazine, Volume V, No. 1 (Richmond, Virginia: Whittet & Shepperson, General Printers, July 1896), 38-39: Bartholomew H. Henley died *dsp* [*decessit sine*

prole: died without issue] which indicates that he was married, although no information on this marriage could be found. Samuel Henley is noted as unmarried. See also Edward W. Callahan, List of Officers of the Navy of the United States and of the Marine Corps from 1775-1900 (New York: L.R. Hamersly & Co., 1901), 260: Samuel Henley is listed, but Bartholomew Henley is omitted.

³⁰ Cary, 36; *A Provisional List of Alumni, Grammar School Students, Members of the Board of Visitors of the College of William and Mary in Virginia from 1693-1888* (Richmond, Virginia: Division of Purchase and Printing, 1941), 15.

³¹ Ibid.

³² *The Mount Vernon Ladies' Association of the Union Annual Report 1959*, "A Sale and A Suit" (Mount Vernon, Virginia: The Mount Ladies' Association of the Union, 1960), 23. According to this report, George Deneale had gone to Mount Vernon to make a purchase for his friend, but he reported "all the furniture worth moving" had been divided among the heirs at appraised prices. Deneale managed to acquire only one painting. Advertisement: *Washington Federalist*, July 12, 1802, Number 339, page 1.

³³ Tudor Place Archive, MS 3, Box 2, Folders 15 & 16, ND.

³⁴ Ibid., Folder 18.

³⁵ Joan M. Dixon, National Intelligencer & Washington Advertiser Newspaper Abstracts 1800-1805 (Bowie, Maryland: Heritage Books, Inc., 1996), 111.

³⁶ Fitzpatrick, Will, 59-60.

³⁷ Tudor Place Archive, MS 3, Box 2, Folder 26: ND, list in the hand of Thomas Peter is titled "13 Legatees"; by inadvertence Peter has noted only twelve legatees and neglected to note his son George Washington Peter, who was also a great grandchild of Martha Washington. Peter also inscribed Anna Maria Washington as "Martha" or "Maria"; the name is overwritten; she was known by her middle name "Maria" and in haste Peter may have written "Martha." According to Peter the legatees included: John Dandridge, the son of Martha Washington's nephew John Dandridge, who was the son of her brother Bartholomew Dandridge; Anna Maria Washington (1788-1814), whose father George Augustine Washington was a nephew of George Washington and her mother Frances Bassett Washington a niece of Martha Washington; Mary Anna Randolph Custis (1808-1873), daughter of Martha Washington's grandson George Washington Parke Custis (1781-1857) and Mary Lee Fitzhugh (1788-1853); Eliza Law (1797-1822, daughter of Martha Washington's granddaughter Elizabeth Parke Custis Law (1776-1831) and Thomas Law (1756-1834); Frances Lewis (1799-1875), Lorenzo Lewis (1803-1847), Agnes Lewis (1805-1820) and Angela Lewis (1813-1839), children of Martha Washington's granddaughter Eleanor Parke Custis Lewis (1779-1852) and Lawrence Lewis (1767-1839), George Washington Peter (1801-1877), John Parke Custis Peter (1799-1848), Columbia Washington Peter (1797-1820); America Pinckney Peter (1803-1842), and Britannia Wellington Peter (1815-1911), children of Martha Washington's granddaughter Martha Parke Custis Peter (1777-1854) and Thomas Peter (1769-1834).

³⁸ Burwell Bassett, Jr., (1764-1841) served for many years in the Virginia general assembly and in the U.S. House of Representatives.

³⁹ The Library of Virginia, Richmond, Virginia, Chancery Court records, Arlington County, Case #1836-001, John Dandridge, Etc. vs. Executor of Martha Washington. These records are held in *Virginia Memory: Digital Collections*.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² For information on the life of Benjamin Lincoln Lear, see Tullock, 7.

⁴³ Powell, 312. Little is known of Robert J. [I.?] Taylor, whose middle initial varies from “J” to “I”. Powell notes only that he was a lawyer, the son of Jesse Taylor, Jr., and had four sons.

⁴⁴ The Library of Virginia, Case #1836-001.

⁴⁵ Tudor Place Archive, MS 3, Box 2, Folder 27: letter of January 2, 1826, from John Dandridge to Benjamin Lincoln Lear; list of legatees in the hand of Thomas Peter, ND, Folder 26; bill and receipt of September 27, 1827, from Robert P. Dunlop, lawyer, to Thomas Peter for taking a deposition for the trial, Folder 31; receipt of October 27, 1830, for \$180 paid on account of John Dandridge’s judgment against Mrs. Washington’s executors paid by Thomas Peter to Benjamin Lincoln Lear, Folder 32; bill of April 1831 for filing answers in the Dandridge court case paid by Thomas Peter on March 16, 1832, Folder 33; receipt of August 29, 1831, from R. J. [I.?] Taylor, Thomas Peter’s lawyer, for \$20, Folder 34.

⁴⁶ Tudor Place Archive, MS 3, Box 2: Anna Maria Washington, September 28, 1802, Folder 20; Martha Maria and Frances Dandridge, March 12, 1803, Folder 22; F. [J.?] D. Henley, April 1, 1803, Folder 23; John Parke Custis Peter, February 4, 1826, Folder 28; America Pinckney Peter, February 4, 1826, Folder 29; Lawrence Lewis for his daughter Mary Eliza Angela Lewis, May 13, 1826, Folder 30.

⁴⁷ *The Mount Vernon Ladies’ Association of the Union Annual Report 1952*, “Manuscripts: Letters” (Mount Vernon, Virginia: Mount Vernon Ladies’ Association of the Union, 1952), 51-52.