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PLATE 5

Photograph courtesy of Mount Vernon Ladies' Association.



Above (a), snuffbox belonging to Martha Dandridge Custis, c. 1755, engraved with the arms adopted by her husband, Daniel Parke Custis. 19.1mm x 49.2mm x 38.1mm. Mount Vernon Archaeology Collection W-2810. See page 125.



Photograph by courtesy of Virginia Historical Society.

Left (b), arms of Charles-François Custis, as granted in his 1727 imperial patent of ennoblement. From Baron J. S. F. J. L. de Herckenrode, *Complément au Nobiliaire des Pays-Bas et du Comté de Bourgogne* (Ghent 1870), vol. 1, plate facing p. 161. See page 128.

Above (c), detail of bookplate of John Park(e) Custis, apparently showing *gouttes* on the eagle's breast painted onto the original engraving. See page 136.

CHANGES OF ARMS IN COLONIAL NORTH AMERICA: THE STRANGE CASE OF CUSTIS

Joseph McMillan

The first two centuries of British settlement in North America provide a window into the armorial behavior of Englishmen and Scots living beyond the reach of royal heraldic authority. In many obvious respects, such as the ways in which arms were displayed, one finds considerable continuity despite the transatlantic migration. On other levels, however, it appears that the absence of official supervision permitted—or perhaps necessitated—the emergence of a kind of armorial self-help regime. Nowhere is this more clearly visible than in practices regarding changes of names and arms.

An earlier article, ‘The Maryland Name and Arms Acts’, examined the use of private legislation for the formal validation of such changes in the first few decades after American Independence.¹ The present study turns to a quite different and rather curious case involving the Custis family of Gloucestershire, Holland, and Virginia, which for at least three generations (and possibly longer) used a coat of arms rooted in a prior surname, then unexpectedly and without recorded explanation adopted an entirely different coat despite retaining the name of Custis, all without regard to approval by any official authority. Why would they do this, and what could be the rationale for the new arms they adopted? It is possible to attempt answers to these questions by conducting a study of surviving Custis heraldic artifacts from the 17th and 18th centuries, together with references to the arms in family documents; many of these have survived and been published, in part at least because of the family’s later connection to the Washington family. They include legal papers as well as personal and commercial correspondence. We shall also consider whether this family’s heraldic practices might offer any insights into English colonists’ broader heraldic culture.²

¹ Joseph McMillan, ‘The Maryland Name and Arms Acts: heraldic law in the United States’, *CoA* (3rd ser.) 8 (2012), pp. 91-116.

² The three John Custises discussed here are customarily numbered by historians as John Custis II, III, and IV, although none of them used such a designation during his own lifetime. The immigrant is known somewhat illogically as John II because it was once believed that he was the son of yet another John Custis, conventionally numbered I, who is known to have been on Virginia’s Eastern Shore by about 1640. It is now clear that John I was not the immigrant’s father but either an uncle or cousin. However, the numbering convention is now so firmly established that it would be confusing to try to correct it. The most comprehensive study of this family is James B. Lynch, Jr., *The Custis Chronicles* (2 vols., Camden, Maine 1992-97). Family papers are variously at the Massachusetts Historical Society, the Library of Congress, The Fred W. Smith National Library for the Study of George Washington at Mount Vernon, and elsewhere as mentioned.

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Figure 1: seal of John Custis II on a letter dated 4 April 1687. Jeffries Family Papers, Box 3/Vol 3, p. 56, Massachusetts Historical Society.

Image by courtesy of the Virginia Historical Society.

'My Coat of Arms Which Are Three Parrots'

The earliest arms associated with the name of Custis to appear in Virginia, and perhaps anywhere else, are on the seal on a letter from the immigrant John Custis II dated 4 April 1687, a chevron between three birds (see **Figure 1**).³ Although it is unclear what type of bird is represented on the seal—one nineteenth-century blazon speculatively suggested ravens⁴—it is reasonably clear from the carvings of the arms on the tomb of the immigrant himself (see **Figure 2**) and that of his son, John Custis III (see **Figure 3**), that they are meant to be parrots. This identification is confirmed in several written references by John Custis IV, son and grandson of the two earlier men, to 'my coat of arms which are three parrots'.⁵

It may be useful to place this family in historical perspective. John Custis II (c. 1629-1695/96) was one of three siblings to settle on the Eastern Shore of Virginia in the mid-seventeenth century.⁶ He had been born in the Netherlands, the son of a Gloucestershire cloth merchant named Henry Custis who had moved to Rotterdam

³ Letter, John Custis [II] to John Usher, 4 Apr. 1687: Jeffries Family Papers, Box 3/Vol 3, p. 56, Virginia Historical Society.

⁴ Thomas C. Amory et al., 'Seals from the Jeffries Collection of Manuscripts', *NEHGR* 31 (1877), p. 59.

⁵ Will of John Custis [IV], 14 November 1749, proved James City County (Virginia), 9 Apr 1750, Admon granted 9 March 1750/51 (also proved PCC, 19 November 1753, TNA(PRO) PROB11/804/478).

⁶ The Eastern Shore is the portion of Virginia and Maryland lying on the east side of Chesapeake Bay. In both states, the center of population, economy, and government has always been on the western side. In colonial times, and indeed up to the mid-20th century, the Eastern Shore was, for all practical purposes, accessible only by sea, the bay remaining unbridged until 1952. In Virginia, the Eastern Shore consists of a flat peninsula about 15 miles across at its widest point and measuring some 60 miles from Cape Charles at the south end to the Maryland state line at the north.



Figure 2: arms of John Custis II (d. 1696) as shown on his tomb, Northampton County, Virginia: Old Plantation Creek, off Custis Tomb Road (Virginia Hwy 644), two miles west of U.S. Hwy 13.

Photograph by Joseph McMillan.

with one of his brothers in the 1620s.⁷ The immigrant John Custis soon became one of the most prosperous men in Virginia, with landholdings of some 11,000 acres and extensive mercantile connections back to England and Holland. With the proceeds of these enterprises, he built a mansion on the shores of Chesapeake Bay, perhaps the largest house in the British colonies at the time, which he named Arlington.⁸ John Custis of Arlington also occupied a series of increasingly responsible political offices, beginning as sheriff of Northampton County for 1659, followed by election to the House of Burgesses, and culminating in 1677 with an appointment to the Virginia Council of State. Along the way, he was also commissioned major-general of militia.⁹

⁷ Lynch, *op. cit.*, vol. 1, p. 158.

⁸ With three stories and a frontage of 54 feet, Arlington was almost the same size as the governor's palace built in Williamsburg a quarter century later. Nicholas M Lucchetti, Edward A. Chappell, and Beverly A. Straube, *Archaeology at Arlington: Excavations at the Ancestral Custis Plantation, Northampton County, Virginia* (Richmond 1999).

⁹ John Ruston Pagan and the *Dictionary of Virginia Biography*, 'John Custis (ca. 1629-1696)', *Encyclopedia Virginia* (Virginia Foundation for the Humanities, 2013), online at www.EncyclopediaVirginia.org/Custis_John_ca_1629-1696 [accessed 19 July 2015].

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Figure 3: arms of John Custis III (d. 1717), from his tomb, Northampton County, Virginia: Hungar's Creek, off Wilsonia Neck Drive (Virginia Hwy 628), three miles west of U.S. Hwy 13.

Image by courtesy of the Virginia Dept. of Historical Resources.

The immigrant's only surviving son, John Custis III (c. 1654-1717), followed in his father's footsteps in holding a series of local offices, a seat in the House of Burgesses (1685-86 and 1693-99), and finally a place on the Council (1700-13). John Custis IV (1678-1749), eldest son of John Custis III, inherited Arlington and several other properties on the Eastern Shore directly from his grandfather when he was only 18 years old, and had accumulated a net worth of more than £8,800 by the time he was 28.¹⁰ Eleven years later, even with portions of his father's estate having been left to his younger brothers, John IV owned more than 15,000 acres in at least four Virginia counties. As early as 1705 he had already been elected to the House of Burgesses, and in June 1727 King George I approved his appointment to the Council.

As noted above, it is from John Custis IV that we know the birds in the Custis arms unequivocally to be parrots. In addition to the reference in his will, he described the arms as early as 1736 when he ordered a new 'chair', a type of light carriage similar to a chaise, instructing the sea captain carrying the order to England that the vehicle should be 'lined wth A cheap green cloth' and 'have my coat of arms on the Chair if can bee done cheap w^{ch} is three parots.'¹¹ John Custis IV was almost certainly responsible for arranging the armorial carvings on the tombs of his father and

¹⁰ Lynch, op. cit., vol. 1, p. 172.

¹¹ Directions for Captain [Charles] Friend, in Josephine Little Zuppan (ed.), *The Letterbook of John Custis IV of Williamsburg, 1717-1742* (Lanham, Maryland 2005), p. 170.

grandfather,¹² and toward the end of his life gave or lent his mistress, Ann Moody, 'six silver plates engraved with three Parrots on each of them', according to a 1753 deposition made in connection with the probate of his estate.¹³

The Custises' Right to the Chevron and Parrots

In addition to describing the Custis arms as bearing three parrots, John Custis IV offered a revealing opinion on matters heraldic in a 1739 letter to his son, Daniel Parke Custis (1711-1757), which may shed light both on the origin of the arms borne by the family as well as on other issues in the family's subsequent armorial history:

As for what you write about my coat of arms—you are certainly in the right that your sister [Frances] now married has no title to it; but it would do her but little good, or me little injury; coats of arms being now adays not in so great regard as formerly; because every scoundrel that has mony, may go to the heralds office and buy a coat of arms; and if Winch [Frances's husband] has any he has come by it that way for his extraction would never otherwise entitle him to it.¹⁴

Based on his scorn for the vulgar sort of arms that are merely granted by heralds, we may take it that John Custis IV believed his own arms to be of the other kind, those borne by virtue of 'extraction'. Yet no arms for any family named Custis appear in any English record,¹⁵ and the thirty or so years that elapsed between Henry Custis's emigration to Holland and his son's subsequent emigration to Virginia would hardly have been a credible period upon which to claim a prescriptive right to arms of Dutch origin. It is necessary therefore to look further into the Custis genealogy.

The absence of any ancient Custis arms from English heraldic records is unsurprising, for the name itself appears in no surviving record of any kind prior to the baptism of 'John Clift als Custis the sonne of Edmund Clift als Custis' on 1 May 1592 in the parish of Bibury, Gloucestershire. The father, Edmund, was a clothier of Bibury, resident in the neighbouring village of Arlington, who had been born about thirty-five

¹² Lynch, op. cit., vol. 1, p. 157, hypothesizes that John Custis IV's son, Daniel Parke Custis, was responsible for ordering the tombstone of John Custis II, but this seems unlikely on heraldic grounds. Lynch's supposition is based on an error in the date given on the stone for John II's death, 'ye 29th of January, 1696'. John Custis II actually died on 29 Jan. 1695 old style, and Lynch suggests that '1696' implies the stone was carved after the change to the new calendar in 1752. But, as will be discussed below, the arms carved on the tomb of John Custis IV, for which Daniel Parke Custis was certainly responsible, omit the chevron that appears on the two other stones. It seems more likely that the date of death was a simple error than that the same person would have ordered stones for two ancestors, to be placed within a few feet of one another, with different arms on them.

¹³ 'Reply of Moodys to Complaint of Daniel Parke Custis', *Custis v. Moody*, quoted in Lynch, op. cit., vol. 2 p. 112.

¹⁴ Letter, John Custis IV to Daniel Parke Custis, 30 Aug. 1739, in Josephine Little Zuppan, 'Father to son: letters from John Custis IV to Daniel Parke Custis', *Virginia Magazine of History and Biography* 98 (1990), p. 96.

¹⁵ Information from York Herald, who kindly searched the records of the College of Arms for any reference to this surname. In addition, no mention of any family named Custis appears in the published records of the visitations or in any of the standard unofficial armorial references, such as Guillim, Berry, Edmondson, or Burke.

years earlier in the market town of Minchinhampton, seventeen miles to the west. Edmund was one of several presumably related men designated either 'Cliffe *alias* Custis' or 'Custis *alias* Cliffe' that are traceable to an area of less than three square miles in the southern Cotswolds defined by the triangle Minchinhampton-Horsley-Woodchester. All people bearing the name of Custis today are thought to descend from members of this cluster. Edmund Cliffe *alias* Custis was not only the earliest of whom we have a surviving record, but also the first to have completely discarded the name of Cliffe in favor of the sole surname of Custis. He was, as well, the forefather of the Custises of Virginia.¹⁶ Edmund Custis's two eldest sons, 'John Clift als Custis' of the 1592 baptismal record and Henry, baptized at Bibury in 1596, the brothers mentioned above, set up the family business in Rotterdam in the 1620s. The latter was the father of the Custis immigrants to Virginia, including John Custis II.

James B. Lynch, Jr., author of the only comprehensive history of the Custis family, observes that the 'transition in surnames from Cliffe to Custis...may never be fully explicable.'¹⁷ We can however make some educated guesses. Two of the most frequent reasons for adopting an alternative surname in early modern England—illegitimacy and inheritance of property through a female line—cannot reasonably apply in the case of the Cliffe/Custis family, since both presume the prior existence of the alias as a surname in its own right. By process of elimination, then, the most likely explanation is that Custis originated as an occupational designation to differentiate one particular family of Cliffes. As Lynch notes, the Latin *custos* was frequently found in legal documents of the period to refer to a keeper, guardian, warden or steward. An intriguing if inconclusive lead, pointed out to Lynch by Cecil Humphery-Smith, is a series of references in 1586-88 to a John Cliffe, self-described 'servant' of Sir Edward Waterhouse, Chancellor of the Exchequer of Ireland, who is mentioned in a Latin text as 'John Clyff Custos'. Inasmuch as Waterhouse referred to him with the honorific prefix 'Mr.' in a 1586 letter to Sir Francis Walsingham, this John Cliffe was seemingly deemed to be of gentle status, the term *custos* perhaps indicating that he served Waterhouse in the role of steward.¹⁸

There is no hard evidence of a connection between the Gloucestershire Custis group and Sir Edward Waterhouse's *custos*, nor is there any proof of a connection between the Gloucestershire family of Cliffe *alias* Custis and the Essex family of Cliffe of Ingatestone, to whom the arms *Argent a chevron between three popinjays vert beaked and membered gules* were confirmed in 1619.¹⁹ Yet it seems beyond question that these arms of Cliffe are the source of those used by the first three generations of Virginia Custises. This lack of evidence of a relationship led Lynch to assert that the Custises had no right to the arms they used, that they merely 'felt entitled to "borrow" [them] from an unrelated Cliffe family'; but in truth we cannot say categorically that the two families were unrelated.²⁰ The genealogy of the Gloucestershire Cliffes has not been traced any further back than Edmund Cliffe *alias* Custis. Edmund may well

¹⁶ Lynch, op. cit., vol. 1, pp. 13-21.

¹⁷ Ibid., p. 3.

¹⁸ Ibid., pp. 24-5.

¹⁹ Walter C. Metcalfe, ed., *The Visitations of Essex*, part 1 (Harleian Soc. pubns. 13, London 1878), pp. 35, 178, 376.

²⁰ Lynch, op. cit. vol. 2, pp. 18, 276, note 436.

have shared a common ancestry at some point with the Cliffes of Ingatestone, who according to the visitation pedigree were not themselves indigenous to Essex but descended from a John Cliffe of Buckfastleigh, Devon.²¹ The same or similar arms also appear as quarterings representing the name of Cliffe between 1584 and 1642 for families in Yorkshire, Rutland, and Middlesex,²² suggesting that descendants of the original Cliffe lineage were, by that time, scattered from one end of the kingdom to the other. Moreover, the mere fact that Edmund Cliffe *alias* Custis was a clothier in a small rural town does not preclude his having also been a cadet of a landed gentry family. On the other hand, if an armigerous family of Cliffes was indeed present in the Minchinhampton area circa 1600, its members were entirely overlooked by the visiting heralds, even as disclaimers—an omission not without precedent, but also a data point that cannot simply be wished away.

Whether the Custises of Virginia bore the Cliffe arms by inheritance or usurpation, the interesting point is that they obviously treated the arms as attached to the genealogical lineage, not the surname. Perhaps the arms were in use by the Cliffes living in the south Cotswolds before and through the surname transition, with or without entitlement. Or perhaps less explicably, they may have been adopted afterwards in allusion to the now-abandoned previous name. No evidence on the matter has yet been uncovered.²³ Either way, the arms reflect a consciousness of family continuity notwithstanding the change of name.

John Custis IV was obviously attached to the popinjay arms, wherever they came from. This is clear from his will's strident insistence that Daniel Parke Custis, as executor, have 'engraved on [my] tombstone my coat of arms which are three parrots' upon pain of forfeiting his inheritance.²⁴ It is quite surprising, then, to find that

²¹ Metcalfe, *op. cit.*, p. 178. Burke, *GA*, follows Berry's *Encyclopaedia Heraldica* (London 1828) in assigning these arms to Cliffe of Yorkshire and a coat with the three popinjays minus the chevron to the Devonshire/Essex family, but this appears to be an error.

²² As the fourth of fourteen quarters, but with the chevron gules, in the arms of Witham (Yorkshire, 1584); the third of six in Cave of Baroughdon (Rutland, 1619); and the twentieth of twenty on a monument to John Newdegate (d. 1642) at St. Mary's Church, Harefield, Middlesex. Fox-Davies, *AF* (1929), p. 2123; G. J. Armytage (ed.), *Visitation of Rutland, 1618-19* (Harleian Soc. pubns. 3, London 1870), p. 37; Middlesex Heraldry Society, *Heraldry in Middlesex Churches*, online at www.middlesex-heraldry.org.uk/publications/monographs/mdxchurches.pdf [accessed 8 September 2015].

²³ At least one member of the family, John Custis II's brother Edmund, is known from the record copies of documents in Northampton County, Virginia, to have used a seal as early as 1661, nearly three decades before the date of the surviving example on John II's 1687 letter. But as the original sealed document has evidently been lost, it is impossible to know whether this seal was armorial. In any case, this is not early enough to clarify whether the arms were in use by the family before their grandfather abandoned the name of Cliffe.

²⁴ The relevant portion of the will provides that 'if my heir should ingratfully or obstinately refuse or neglect to comply with what relates to my burial in every particular I then barr and cut him off from any part of my estate either real or personal and only give him one shilling sterling and in such case I give my whole estate real and personal to the next heir male of my family named Custis that will religeously and punctually see this my will performed but more especially what related to my burial...'

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Figure 4: arms of John Custis IV, from his tomb, Northampton County, Virginia: Old Plantation Creek, off Custis Tomb Road (Virginia Hwy 644), two miles west of U.S. Hwy 13.

Photograph by Joseph McMillan.

the arms on John IV's tomb (see **Figure 4**) omit the chevron that is present on the three earlier known emblazonments, including his grandfather's slab a mere 15 feet away. Instead, carved on the panel at the foot of the newer tomb is a Chippendale-style escutcheon with three parrots on a plain field. As with many other aspects of the Custises' armorial history, any explanation is necessarily speculative. It seems most likely to have been an error by the London stone carver who produced the elaborate and expensive²⁵ marble monument, assuming that Daniel Parke Custis relayed his father's painstaking instructions verbatim. John Custis IV demanded a coat of arms with three parrots, and that is precisely what he got. The tomb having arrived intact, Daniel was probably not disposed to send it back across the ocean for re-carving, assuming that he even noticed the discrepancy. In any event, *Argent three popinjays vert* is also coincidentally a coat of arms pertaining to the name of Cliffe, albeit one of much earlier origin than the version with the chevron, dating back to a John Cliffe of the Wold, living in the early fourteenth century.²⁶

²⁵ The very first provision of the will was to set aside £100 sterling to pay for the tomb, more than twice the yearly wages of a skilled worker in England at the time.

²⁶ Joseph Foster, *Some Feudal Coats of Arms* (London 1902), p. 55.

Out with the Parrots, in with the Eagle

Given John Custis IV's fondness for his hereditary arms, it comes as a shock to discover that, once his tomb was in place at Arlington, the parrots (with or without the chevron) abruptly disappear from the family's heraldic history, replaced by the unmistakably different coat, *an eagle displayed*, with the crest of *an eagle's head erased* used thereafter by his son Daniel Parke Custis. Indeed, Daniel may have already adopted these new arms while his father was still alive.²⁷ In 1734, when he ordered a dozen silver spoons from London, he instructed his agent to have his crest engraved on them.²⁸ While the order does not describe what this crest was, up to this point there is no example of the Custis arms being accompanied by any crest at all, nor any indication that the arms with the chevron and parrots even had one. There is a crest associated with the chevronless popinjays, but it is not carved on John Custis IV's tomb, the only known use of this version of the arms by the Virginia family. The 1734 order may therefore be the first reference to the eagle's head crest associated with the new arms. We know that the future of the family arms—the issue of who had 'title' to them—was certainly on Daniel's mind by 1739, when he wrote to his father about them, receiving the response cited earlier. A discussion of who, if anyone, had a right to inherit John Custis IV's arms makes sense only if Daniel Parke Custis himself had either already abandoned them or was about to.

Although the date of the armorial transition is uncertain, it had taken place by the mid-1750s, shortly after Daniel's marriage to Martha Dandridge. The earliest known Custis objects bearing the eagle arms or crest are a set of spoons in the collection at Mount Vernon, hallmarked between 1739 and 1755, with the eagle's head crest engraved on the handle, and a silver gilt snuff box (see **Plate 5a**), also at Mount Vernon, with the eagle displayed emblazoned in a lozenge.²⁹ The date of the snuff box is known, as the item can be identified as that mentioned in Daniel Parke Custis's invoice book ('1 handsom Snuff Box for Mrs. Custis') among orders placed with the London firm of Robert Cary & Co. in 1753.³⁰ Although the depiction of the arms on a lozenge is incorrect for a married woman, the arms are certainly intended to be those of Custis. Martha's paternal arms of Dandridge, the only other bearings she might plausibly have used, do not resemble these in the slightest.³¹

Daniel Parke Custis's business records document a number of other armorial purchases during the 1750s. In addition to the pieces of plate already mentioned, these included a coffee pot, a sugar dish, a milk pot, two beakers, two sauce boats, two salvers, and four 'Gentel Silver Candle Sticks' all ordered between 1751 and

²⁷ Lynch, *op. cit.*, vol. 2 p. 276, note 436, asserts that Daniel Parke Custis used the arms with the popinjays but provides nothing to support that statement.

²⁸ D. P. Custis, *An Old Mercantile Order Book, 1733-39*: photocopy at Fred W. Smith National Library.

²⁹ The marks for the specific year of manufacture are reportedly illegible.

³⁰ D. P. Custis, *Invoice Book & a Memorandum of Sundry drafts to Merchts of Great Britain (1749-57)*: photocopy in De Butts-Ely Collection of Lee Family Papers, 1749-1914, MSS 29777, Box 1, Manuscript Division, Library of Congress.

³¹ *Az. a lion's head erased or between three mascles ar.*

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Figure 5: bookplate of John Park(e) Custis. Virginia Historical Society.

Image by courtesy of the Virginia Historical Society.

1754.³² He also purchased a silver seal in 1754.³³ Probably the most impressive item would have been a new two-wheeled ‘chair’ ordered in 1750, the year he and Martha were married, ‘the body lined wth Blew Cloth & painted wth a pleasant stone Culler & heightened gold Shields Arms & Crest’.³⁴ Finally we have this entry in his invoice book, written in someone else’s hand immediately after his death: ‘One handsome tombstone of the best durable marble to cost about £100 with the following inscription and the arms sent in a piece of paper on it’.³⁵ Unfortunately neither the carving nor the drawing has survived.

The eagle displayed continued to be the arms of Custis until John Custis IV’s last male-line descendant died in 1857. As a result of Martha Dandridge Custis’s choice of a second husband following Daniel’s premature death in 1757, the arms eventually became connected with George Washington and his estate at Mount Vernon, where Martha and Daniel’s surviving son and daughter grew up. The son, John (Jacky) Parke Custis was only two years old when his father died and barely four when his mother

³² D. P. Custis, Invoice Book: Bill, J. Payne to Robt. Cary Esqr. & Co, 9 Jan. 1753: photograph at Fred W. Smith National Library.

³³ Bill, Robert Cary with Wm Webster, 12 Dec. 1754: photograph at Fred W. Smith National Library.

³⁴ Invoice of Robert Cary & Co. to D. P. Custis, 5 Feb. 1750/51, quoted in Lynch, op. cit., vol. 2, p. 113.

³⁵ D. P. Custis, Invoice Book.

Figure 6: cast brass harness ornament representing the eagle's head crest of Custis, found at Mount Vernon. Dated c. 1755-90. Dimensions 57.2mm x 54.1mm x 14.2mm.

Mount Vernon Archaeology Collection W-1127. Image by courtesy of the Mount Vernon Ladies' Association. Photograph by Mark Finkstaedt.



remarried in 1759, but over the next two decades we find the new Custis arms, both shield and crest, used more and more extensively. As Jacky reached adolescence, his stepfather ordered two seals for him 'with y^e Custis's arms engraved', the first in 1767 and the second in 1771.³⁶ The complete arms appear on his bookplate (see **Figure 5**), while either the shield alone or the crest alone is engraved on each piece of the extensive silver service ordered for his 1774 wedding. In addition, archaeologists at Mount Vernon have unearthed a brass casting of an eagle's head resting upon a torse, evidently a harness ornament from the Custis equipage (see **Figure 6**).³⁷ The same arms and crest later appear on a bookplate, silver, and seals belonging to John Parke Custis's only son, George Washington Parke Custis.

Because none of the surviving emblazonments of the new Custis arms has any indication of tinctures, there has been considerable debate about the correct colour of the shield and eagle.³⁸ There is good reason to believe, however, that the escutcheon was blue with a silver eagle, or conceivably silver with a blue eagle. In 1761, when Washington ordered a livery suit from London for young Jacky's personal servant, he directed that the colours be 'suited to the arms of the Custis family'.³⁹ Seven

³⁶ George Washington to Robert Cary & Co., 20 June 1767, in John C. Fitzpatrick (ed.), *The Writings of George Washington from the Original Manuscript Sources* (Washington D.C. 1931), vol. 2, p. 464; Washington to Robert Adam, 22 Nov. 1771, Fitzpatrick, op. cit., vol. 3., p. 77.

³⁷ Heretofore misidentified as the Washington crest, *A raven* (but usually blazoned an eagle) *rising from a crest coronet*.

³⁸ Charles Knowles Bolton speculated that they were [*Or*] *an eagle displayed* [*gu.*?] (his brackets), while the pre-eminent 19th-century expert on American bookplates supposed the arms to be *Ar. an eagle displayed proper*, and Edgar de V. Vermont, *Ar. an eagle displayed sa*. See Charles Knowles Bolton, *Bolton's American Armory* (Boston 1927), p. 44; Charles Dexter Allen, *American Book-Plates* (New York 1894), p. 189; [E. de V. Vermont], 'American coats of arms', *The Curio* 1 (1888), p. 203.

³⁹ George Washington to John Didsbury, 12 Oct. 1761: see Fitzpatrick, op. cit., vol. 2, p. 370.

years later, in 1768, he was more specific, stipulating 'a Suit of blew Livery'.⁴⁰ Given that Washington was particular about dressing his own footmen and house slaves in off-white and red, corresponding to the tinctures of the Washington arms,⁴¹ the blue livery for the Custis slaves was presumably intended to correspond with the predominant tincture of the Custis arms.

The question that must be addressed is this: why would an long-established family like the Custises abandon a coat of arms that had been used for three generations or more and in which at least one member took such outspoken pride? And why, having done so, would they replace it with the particular coat of arms they did? These are the issues to which we now turn.

A Flemish Source for the Custis Eagle?

For Lynch, there is no mystery involved in the change of arms. In his view, the Custises simply put aside the Cliffe arms, to which he supposes they had no right, in favour of the coat of arms granted to John Custis IV's second cousin Charles-François Custis when he was ennobled by Emperor Charles VI in 1727.⁴² Charles-François (1704-1752), a lawyer and official in Bruges and later a prolific historian, was a grandson of John Custis II's brother Robert. His father, Edmond, had moved from Rotterdam to Bruges in 1670 at the age of nineteen and subsequently served as British consul there. Charles-François was Edmond's son by his second wife, Marie-Norbertine Arents.

The arms granted in Charles-François Custis's patent of nobility are Quarterly 1 and 4 *Sable a chief gules and over all an eagle displayed argent holding in its beak a laurel branch proper*; 2 and 3 *Azure a chevron argent in base the sinister half of a fleur-de-lis or*. The crest is *A tree vert* (see **Plate 5b**).⁴³ The second and third quarters are the arms of Mayne, the family of the grantee's maternal grandmother, through whom the feudal seigneurie of Calvoorde came into the Custis family. The rationale for the design of the pronominal quarters of the new arms is not known, although it is possible that the principal charge was derived from Charles-François's maternal arms of Arents, *Or an eagle displayed gules*.⁴⁴

It is tempting to ascribe the origins of the revised Custis arms in Virginia to the imperial grant to Charles-François Custis; but Lynch's theory is problematic in both heraldic and evidentiary terms. No Virginia emblazonment of the new arms of Custis has any indication of either a chief or a laurel branch, and the crest of a tree in the arms of the Belgian family could never be mistaken for the eagle's head used by the

⁴⁰ George Washington to Charles Lawrence, 20 June 1768: see Fitzpatrick, *ibid.* p. 493.

⁴¹ George Washington, invoice enclosed in letter to Richard Washington, 6 Dec. 1755: see *Founders Online*, (U.S.) National Archives, online at founders.archives.gov/documents/Washington/02-02-02-0208-0002 [accessed 8 Aug 2015]. Source: W. W. Abbot, ed., *The Papers of George Washington, Colonial Series*, vol. 2 (Charlottesville 1983), pp. 208-9 (14 Aug. 1755-15 Apr. 1756).

⁴² Lynch, *loc. cit.*, apparently not realizing that the Virginia Custises would have had absolutely no entitlement to arms granted to a distant cousin.

⁴³ Baron J. S. F. J. L. de Herckenrode, *Complément au Nobiliaire des Pays-Bas et du Comté de Bourgogne* (Ghent 1870), vol. 1, p. 170.

⁴⁴ Herckenrode, *op. cit.*, plate facing p. 161.

Custises of Virginia. Moreover, if the Virginia Custises' arms had been gules, argent, and sable, as the Flemish family's were, then it would have made no sense for George Washington to order blue livery for Jacky Custis's slave boy as being 'suited to the arms of the Custis family'.

Lynch's case is also undermined by its tacit assumption that the Virginia Custises would somehow have been aware of the imperial grant to their cousin. Yet Lynch himself acknowledges that there is no sign of any correspondence between the Virginia Custises and their cousins in the Low Countries between the late seventeenth century and the 1890s.⁴⁵ John Custis IV's letterbook covering the period from 1717 to 1742 contains no hint of contact with the family in Flanders. The only known 18th century interaction between the Virginia family and their relatives anywhere in Europe came in 1746, when a Samuel Custis of Dublin wrote to John Custis IV asking whether they were related and seeking any information the Virginian might have about his father's kin.⁴⁶

Even if John IV or Daniel Parke Custis had been in regular touch with the English and Anglo-Irish cousins, they could not have found out about the 1727 grant of arms from them, for contact had also been lost between the Custises in Flanders and their relations in the British Isles. As Charles-François Custis stated in a genealogy of his maternal ancestry compiled in 1736, 'I know nothing of my father's family.... They left no documents or writings of any kind'.⁴⁷ He made the same admission in his petition for ennoblement. The statement that he knew 'nothing' was not literally true; his father had obviously told him something of the family background up to the early eighteenth century. But either his father's account or Charles-François's recollection was inexact at best. For example, the patent of ennoblement cites, in support of the Custises' distinguished history, an unnamed paternal great uncle who had been governor of 'an island in Jamaica', a garbled reference to John Custis IV's father-in-law, Colonel Daniel Parke, who was indeed governor of the Leeward Islands but was not Charles-François Custis's great uncle or indeed any near relation at all. Similarly, Charles-François believed that two of his uncles had been post captains (*capitaines de vaisseaux*) in the Royal Navy, 'killed while fighting courageously...in support of the late King Charles II'. In fact, he did have a great uncle, Edmond Custis (1623-c. 1680) who was briefly imprisoned in 1654-55 for plotting on behalf of the exiled Charles II and was later a British intelligence operative in Bruges and Flushing during the 1660s and 1670s, running networks against the Dutch and against anti-Stuart Englishmen who had taken refuge in the Netherlands, but as a merchant, not a naval officer.⁴⁸ The petitioner thus made specific errors; but significantly he also admitted that he had no proof of his claims regarding his Custis lineage, 'his family no longer having any friends or relatives in the said kingdom of England from whom to obtain testimony or evidence'.⁴⁹

⁴⁵ Lynch, op. cit., vol. 2, p. 9.

⁴⁶ Ibid. pp. 99-100.

⁴⁷ Quoted in Lynch, op. cit., vol. 2, p. 108.

⁴⁸ Lynch, op. cit., vol. 1, pp. 55-88. Charles-François did have an uncle who was indeed a British naval officer, although not a captain, and who was killed fighting the French in the 1690s. Lynch, *ibid.*, pp. 105-109.

⁴⁹ Herckenrode, op. cit., p. 169.

Had Charles-François Custis been in communication with his Virginia cousins, or even aware of them, the fact would surely have been reflected in his petition for ennoblement. The extensive landholdings of the Virginia Custises, their intermarriages with other families of distinction, and particularly the string of important offices they held were exactly what the imperial chancery in Vienna would have been looking for as evidence of the Custises' gentle standing within their country of origin. It would have been especially impressive for Charles-François to be able to point to a great uncle and a first cousin once removed who had each been appointed by the British sovereign to the royal council of the colony, one of whom had held a major-general's commission.⁵⁰ Moreover, if the Flanders and Virginia families had been in contact, Charles-François would presumably have known that his cousins already bore a coat of arms. In such a case, the Kings of Arms in the Habsburg-governed Flanders would typically have used the existing coat as the basis for the one granted in the patent of ennoblement.⁵¹ That neither the Virginia cousins nor the existing arms are mentioned in the patent or in Charles-François's subsequent genealogical work is yet another indication that the Flanders and Virginia families were not in correspondence with one another. Thus Daniel Parke Custis was almost certainly unaware of the arms granted to Charles-François Custis, and could not have patterned his own new arms after them.

'Parke of the County of Essex'

The reason for the shift from the three parrots to the eagle must therefore be sought elsewhere. There are few reasons for a mid-18th century gentry family to alter its arms so radically, the most obvious being to comply with the provisions of a will or marriage settlement concerning succession to property. Is that what happened to the Custis parrots? Daniel Parke Custis's maternal ancestry needs therefore to be examined.

The Parke family of Virginia was founded by William Parke, a native of Essex who came to the colony in about 1630 with his wife Sarah and sons William (almost if not already an adult) and Daniel (still an infant, born 1629). Apart from his county of origin, nothing definite seems to be known about the elder William's family background. After he died in 1634, the family returned to England for a time, but both sons were back in Virginia by the early 1650s, when Daniel was appointed one of the justices of York County. He was later sheriff of the county, lieutenant colonel of militia, burgess, and, from 1670 until his death in 1679, a member of the Council. During the last year of his life he was also the colony's secretary of state.

Councillor Parke's will entailed 'all and every my Plantations and Negroes with the appurtenances thereunto belonging scituate in the Colony of Virginia' on his only son, also named Daniel, and 'the heires male of his bodie lawfully to be or begotten, And for want of such heires male, then I give devise and bequeathe the same to the next Heire at Law, Provided they alter those heire's Name, and call them after the

⁵⁰ The third member of the family to serve on the Council would not be appointed to that body until three weeks after Charles-François's ennoblement.

⁵¹ Prof. Luc Duerloo, personal communication.

Name of Parke.⁵² When the will was written in 1677 the chance that the name clause would ever have to be enforced must have seemed remote. Daniel Parke, Jr, was then only about seven years old, and there was every reason to expect that in the fullness of time this 'hopeful progeny'⁵³ would take his place in Virginia society, marry a suitable wife, and father a son to inherit the family estates, something over 9,000 acres.⁵⁴ Thirty years later, the picture would be entirely different.

After being educated in England, the young Daniel Parke returned to Virginia as a teenager, where he soon married the equally young Jane Ludwell. Like the groom, the bride was wealthy and well-connected. Jane's father, Philip Ludwell, and her half-brother, Lewis Burwell, were both members of the Council and two of the richest men in the colony. Her stepmother, Frances, was the daughter of Thomas Culpeper, a favorite of Charles II and one of the original patentees of the five million acre tract between the Potomac and Rappahannock rivers known as the 'Northern Neck' of Virginia. Frances Culpeper's first two husbands had been, respectively, Samuel Stephens (proprietary governor of the British settlements on Albemarle Sound in present-day North Carolina) and Sir William Berkeley, royal governor of Virginia. Thanks to a combination of inheritance, several well-negotiated prenuptial agreements, and her own strong personality, Lady Berkeley, as she continued to be known, was yet a third powerful political force to be reckoned with.

With this combination of wealth and patronage behind him, young Parke rose meteorically in Virginia politics. He was elected to the House of Burgesses at age 19, two years before he was even eligible to vote, and appointed to the Council at 25. Along the way, however, his arrogance, ambition, uncontrolled temper, and flouting of social conventions caused him to alienate not only his wife and her family, but most of the colonial establishment. In 1697 he went back to England to seek his political fortunes on a bigger stage, leaving an estranged wife with two young daughters—but no son. By 1705, the year after he became a celebrity when Marlborough entrusted him with carrying the news of Blenheim back to Queen Anne, it was clear that the marriage was for all practical purposes at an end. The point was emphasized when he refused to stop for a visit in 1706 *en route* to taking up an appointment as royal governor of the Leeward Islands, yet another reward for being Marlborough's messenger. Although fully-fledged divorce was legally unavailable, there would almost certainly be no son and heir born to Daniel and Jane Ludwell Parke. This improbability became an impossibility when Jane died in 1708.⁵⁵

Although he did not visit before leaving for the Caribbean, Colonel Parke did consent to the marriages of his two daughters, promising to provide both of them ample dowries. The elder, Frances, married John Custis IV in April 1706. The younger, Lucy, married William Byrd II of Westover the same day. The Custis-Parke marriage

⁵² TNA (PRO) PROB11/360/606.

⁵³ As he is called on the memorial tablet to his father at Williamsburg's Bruton Parish Church.

⁵⁴ Helen Hill Miller, *Colonel Parke of Virginia: "The Greatest Hector in the Town": a Biography* (Chapel Hill, North Carolina 1989), p. 56.

⁵⁵ Linda Sturtz, *Within Her Power: Propertied Women in Colonial Virginia* (New York 2002), pp. 83-6.

was famously tumultuous but nevertheless fruitful, with four children born in the first four and a half years. The first two, a boy and a girl, died at birth or shortly thereafter, but the third and fourth survived and were christened with names that reflected their status as potential heirs who might someday have to satisfy the requirements of Daniel Parke, Sr.'s, will: Frances Parke Custis (born 1709) and Daniel Parke Custis (born 1710).⁵⁶

In principle, of course, Daniel Parke, Jr., might yet have remarried and fathered a legitimate son (he already had an illegitimate one, grandiosely named Julius Caesar Parke), but that was not to be. His tenure as a governor was predictably disastrous. Apart from policy differences with his subjects, he alienated the upper circles of Antiguan society by debauching or seducing the wives and daughters of many leading men of the island, and publicly humiliating the husbands and fathers who presumed to object. Barely four years after his arrival, his high-handed rule provoked an insurrection at St. John's, in the course of which Parke was dragged from his mansion by the mob, stripped and murdered, his body left lying in the street.

The late governor's will left his property in Virginia and England to his 'daughter Frances Custis...and the heirs of her body, provided they shall call themselves by the name of Parke', substantially the same provision as in his father's will. But to the outrage of Antiguan society and the chagrin of his family in Virginia, he left what was generally believed to be a very sizeable estate in the Caribbean to Lucy, his illegitimate infant daughter by Mrs Katharine Chester, the wife of a prominent member of the island's legislative assembly. The will went on to stipulate that:

... in case the said youngest daughter of the said Mistress Katharine Chester lives to marry and have children, I give the whole to her eldest son, and the heirs male of his body, and for the want of such heirs, to her second son's son, and the heirs of his body, and for want of such, to her next, and so on to her heir, provided still, he that heirs [i.e., inherits] it, calls himself by the name of Parke; and my will is, that the said youngest daughter of Mistress Katharine Chester alter her name, and that she calls herself by the name of Parke, and that whosoever shall marry her, calls himself by the name of Parke, and that she and the heirs of her body, [call] themselves by the name of Parke, and use my coat of arms which is yt of my family of the county of Essex.⁵⁷

It is not clear to what extent the holdings in Virginia were legally affected by Colonel Parke's will, considering that they were already in large measure, if not entirely, entailed under that of his father. In any case, the name clause did not initially create any issues, either because the Virginia courts were prepared to accept Daniel Custis's middle name of 'Parke' as sufficient to satisfy the requirements of the will, or because the only people with apparent standing to challenge his claim—Frances Custis's sister Lucy Byrd and her children—also did not bear the surname of Parke. Lucy and William Byrd's first son, born in 1709, had been christened with the given name of Parke, presumably also in deference to his great-grandfather's will, but died before his first birthday, some three months before the birth of his cousin Daniel Custis and five months before the death of Governor Parke.

⁵⁶ The names of the first two children are not known, but the epitaph on the tomb of John Custis II states that they are buried with him.

⁵⁷ TNA (PRO) PROB11/521/116.

Serious difficulties only arose years later, in 1723, when a man calling himself Dunbar Parke wrote to John Custis IV demanding £10,000 to pay the debts on the late Colonel Parke's estate in the West Indies.⁵⁸ Born Thomas Dunbar, the claimant had married the colonel's illegitimate daughter Lucy—about 12 years old at the time of the wedding—and taken the surname of Parke. His claim was based on a bizarre provision of the late governor's will requiring Colonel Parke's legitimate daughter Frances to cover, out of the property in Virginia and England, all the debts on the West Indies estate that he had left to his illegitimate daughter Lucy Chester, now Lucy Chester Parke. John Custis bluntly refused, and in the course of the ensuing litigation found that Dunbar was making an issue over the name clause. In September 1732, Custis wrote that Dunbar's attorney 'says I have no right to any thing of Coll. Parkes, [even] if Dunbar was not in the way because I have not by act of Assembly Calld my Son by the name of Parke[.] [H]e is Christend Parke wch I hope will do....'⁵⁹

This is not the place to recount the Dickensian twists and turns of the chancery case of *Dunbar Parke v. Custis* from the Virginia and Antigua courts to the Privy Council and back.⁶⁰ Suffice it to say that, in view of the litigation, every Custis child born during the remainder of the eighteenth century was christened with the middle name of Parke, perpetuating John Custis IV's hope that the courts would accept that as sufficing to be 'called after the name of Parke' should one of them succeed to the dwindling Parke legacy. These included Daniel Parke Custis's four children: Daniel Parke Custis, Jr., Frances Parke Custis, John Parke Custis, and Martha Parke Custis, the first two of whom died as young children. It also applied to John Parke Custis's four children: Elizabeth Parke Custis, Martha Parke Custis, Eleanor Parke Custis, and finally George Washington Parke Custis.

One may wonder why one or more of the heirs involved did not simply obtain a private act from the Virginia General Assembly authorizing the change of name, no difficult matter for a family of the Custises' standing. That this did not happen may be attributed to a combination of factors, not least the intense hatred that John Custis IV had developed for the entire Parke family by the time the issue came to a head. John and Frances's marriage was unhappy enough on personal terms alone,⁶¹ but certainly got off on the wrong foot when Frances's father reneged on his prenuptial commitment to provide a dowry of £4,000, half of John's demonstrated net worth. Governor Parke's outrageous will only added fuel to the fire. By 1725, John Custis IV's letters are replete with the sentiment, expressed to several correspondents, 'I wish I had never heard of that famous name of Parke'.⁶² In fact, Custis's own will contains a clear indication that he did not want his estate passing to anyone not named Custis—presumably anyone who might stoop to take the surname of Parke—although it was drafted in such a way that the provision would only take effect if Daniel Parke Custis had failed to comply with his wishes regarding his burial place and tomb.

⁵⁸ Presumably in colonial currency, therefore in the neighbourhood of £7,000 sterling.

⁵⁹ John Custis IV to John Randolph, 5 Sep. 1732: see Zuppan, *Letterbook*, pp. 125-6.

⁶⁰ The most comprehensive and comprehensible account of the case is in Douglas Southall Freeman, *George Washington* (New York 1948), vol. 2, pp. 278-302.

⁶¹ See Lynch, *op. cit.*, vol. 2, pp. 42-56, for the colourful details.

⁶² Zuppan, *Letterbook*, pp. 70 ff.

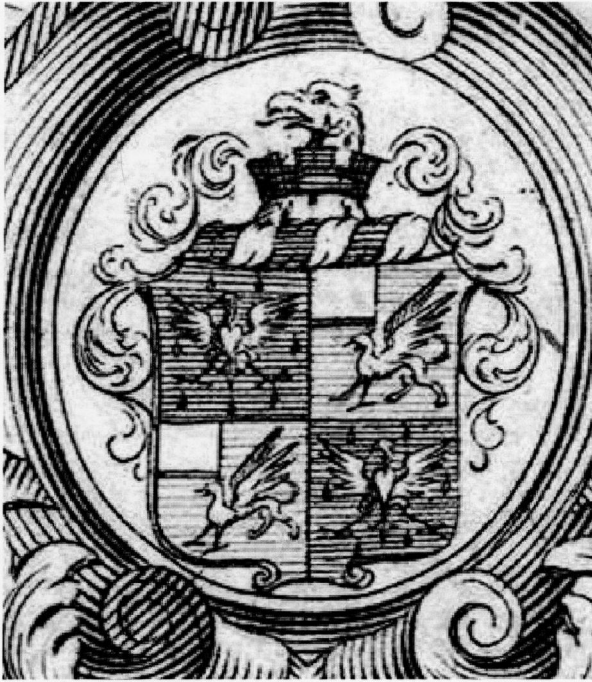


Figure 7: the arms of Daniel Parke, Jr., as shown with his portrait, engraved by George Vertue, in the frontispiece to George French, *The History of Colonel Parke's Administration Whilst He Was Captain-General and Chief Governor of the Leeward Islands* (London 1717).

Image by courtesy of Château de Versailles.

What appears to have happened instead of a change of name was a change of arms. There was no mandate in the will of either the elder or younger Daniel Parke that their Virginia heirs take the arms of Parke; the arms provision in Daniel Parke, Jr.'s, will pertained only to his holdings in the West Indies. Yet it is clear from the timing that the adoption of the new arms must have been connected with the dispute over the inheritance. This connection is supported by the similarity of the new Custis arms to those of Colonel Parke's 'family of the county of Essex'. Indeed, the two are almost identical, if we are correct in surmising that the tinctures of the new Custis arms were azure and argent, as suggested by the liveries subsequently ordered by Washington for his stepson.

The arms borne by Colonel Parke (see **Figure 7**) can be found on a portrait engraved shortly after his murder and printed as the frontispiece of a history of his tenure as governor published in 1717.⁶³ They are quarterly Parke and Evelyn, the Parke quarters being *Azure guty [metal indistinguishable] an eagle displayed argent*.⁶⁴ This coat is not recorded in the visitations of Essex, perhaps because the family to which

⁶³ George French, *The History of Colonel Parke's Administration Whilst He Was Captain-General and Chief Governor of the Leeward Islands* (London 1717).

⁶⁴ The quarters representing the governor's maternal line, Evelyn of Godstone, Surrey, are incorrect; they should show *Az. a griffin passant and a chief or*, not a canton as in the engraving. It should be noted that Parke was not actually entitled to quarter these arms, as his mother was not an heiress.

the governor belonged was already in Virginia by the time the 1634 visitation took place. The only Parke arms recorded from that county are those of Parke of Gestingthorpe, *Azure an eagle argent gutty gules armed and langued or*.⁶⁵ Because the antecedents of Colonel Parke's immigrant grandfather have never been traced, we do not know whether he was related to the Gestingthorpe Parkes or entitled to the same arms.⁶⁶ Yet the coat on the engraving bears an unmistakable family resemblance to the one in the visitation record, the difference being that the droplets in the governor's arms are on the field, not on the eagle. The crests are also similar, that of Parke of Gestingthorpe being *An eagle's head erased or spotted with ermine spots and gorged with a mural crown sable*, that of the governor being the same except for the absence of any *petra sancta* dots indicating gold. This may simply be an artifact of the small scale of the engraving.

When we considered whether the arms of Charles-François Custis could have served as a model for those adopted by Daniel Parke Custis, one of the critical considerations was whether Daniel could reasonably have been aware of the arms he was supposed to have copied. If a similar test is applied to the arms on Colonel Parke's portrait, the result is of interest. Among the books on the shelves of Daniel Parke Custis's library was none other than *Parke's Administration*, the very volume in which the armorial portrait of Colonel Parke appears.⁶⁷ Moreover, it may well be that the omission of the droplets on the field and the ermine spots from the crest on the arms used by the Custises results from their being based on the portrait. The book, printed in duodecimo format, is only some 7½ inches high, with the Custis quarters on the shield barely ¼ inch square. While it is possible to detect the indication of the gutty field under magnification, it is much more difficult with the naked eye. On the other hand, by omitting the droplets from the shield and the mural crown from the crest, Daniel Parke Custis was effectively reverting to a much older form of the Parke arms, *Azure an eagle displayed argent*, borne by William de la Park of Aslacton, Norfolk, circa 1345.⁶⁸ It would appear that both the Gestingthorpe version as well as that on the governor's portrait ultimately derived from this coat, which a London silversmith or engraver may simply have provided as the generic 'arms of the name'.

It is worth noting, however, the curious circumstance that on at least one armorial item belonging to the Virginia Custises, someone seems to have tried to correct the engraver's omission of droplets from the Parke-Custis arms. The bookplate of John Parke Custis, pasted in a book from his library that is now at the Virginia Historical

⁶⁵ Metcalfe (ed.), *Visitations of Essex* (note 19 above), p. 464.

⁶⁶ Two William Parkes are mentioned on the visitation pedigree, but neither could have been the 1630 immigrant to Virginia. On the other hand, the descendants of James Parke of Antigua, either a cousin or nephew of Col Parke, are said to have possessed a salver with the arms of the Gestingthorpe family engraved on it, which may imply a relationship. See Ruth Bourne, 'John Evelyn, the diarist, and his cousin Daniel Parke II', *Virginia Magazine of History and Biography* 78 (1970), p. 31.

⁶⁷ 'Catalogue of the library of Daniel Parke Custis', *Virginia Magazine of History and Biography* 17 (1909), p. 406.

⁶⁸ Alfred Suckling, *History and Antiquities of the County of Suffolk* (Ipswich 1846), vol. 1, p. 114.

Society, shows what appear to be droplets amateurishly painted onto the breast of the eagle (as in the arms of Parke of Gestingthorpe), the brush-strokes clearly visible in a close-up view (see **Plate 5c**). This is the only example, however, in which gouttes have been added; they do not appear on other examples of this bookplate or that of John's son George Washington Parke Custis, struck from the same engraving, nor on various silver items belonging to the latter.

However it was that Daniel Parke Custis settled on the particular variant, it seems certain that he deliberately chose a coat of arms pertaining to the name of Parke, to replace his paternal ancestors' traditional three parrots that originated from the name of Cliffe. This was no doubt done to emphasize his and his heirs' Parke identity in the context of *Dunbar Parke v. Custis*, even though the change was not required by either of the wills involved. The fact that the armorial change took place at the same time that every Custis child began to bear the middle name of Parke, including those with only the remote possibility of ever succeeding to the Parke legacy, would appear to make this conclusion inescapable.

Conclusion

Given the decades of cost and bother caused by the name clauses in their ancestors' wills, one might have thought that the Custises would have had enough of such contrivances; yet the last of the line, George Washington Parke Custis, inserted yet another such testamentary clause, this time expressly referring to both name and arms, in his own will of 1855. The ramifications of that provision are a subject for another time, however.

For the present, the question is what lessons we can take away from the unusual heraldic behavior of the Custis family over a period of about 150 years, from the early 1600s to the mid-1700s. The most obvious to those steeped in the study of English heraldry may be the indifference to English heraldic norms exhibited by this colonial family, first in bearing a coat of arms to which the king's heralds had not certified their entitlement; and then, even more strikingly, discarding these arms and assuming entirely different ones, not only without the heralds' approval but without any clear legal requirement for doing so.

The Cliffe *alias* Custis family were not the only Englishmen in the early seventeenth century to bear arms of questionable authority. The number who continued bearing their old arms after a change of names, however, must be considerably smaller, given that the most common reason for an armorial family to change its surname was to comply with a legal requirement affecting both name and arms. Whether the Custises' use of the popinjay arms of Cliffe reflected continuity across the transition of names or was an illicit post hoc assumption later in the century, what is unmistakable is that by displaying the three parrots the Custises of Virginia were asserting a continuous sense of family identity and pride going back to the days when they bore the name of Cliffe.

To the modern mind, this role as a symbol of collective family identity may seem to be the primary if not the only function of a coat of arms. Seen in that light, for the Custises to change their arms without changing their name, having previously changed their name without changing their arms, might seem an act of mere

cynicism. Daniel Parke Custis and his children and grandchildren certainly had sound reasons for hoping others would perceive them as having embraced enough Parke identity to satisfy the spirit if not the letter of the law. Even if judges were not swayed, there were others whom the Custises needed to persuade of their good faith, particularly the Virginia legislators upon whom they occasionally called for private acts permitting the sale of parts of the entailed Parke properties to pay Colonel Parke's debts and their own legal fees.

But if Daniel Parke Custis had been the hypocrite that this interpretation implies, surely he would have taken the additional and much more legally effective step of getting the General Assembly to change his name to Parke by statute. His declining to do so suggests that the change of arms might be better understood not as an expression of a Parke identity in which he did not believe, but as a symbolic assertion of something he emphatically did believe: that he and his children and grandchildren were the legitimate representatives of the Parke family and thus the sole legitimate claimants to the Parke properties. If this is what he was doing, then Daniel Parke Custis effectively treated the Parke arms as representing a material landed estate rather than a biological lineage, a conception that was not uncommon in the Middle Ages but seems strikingly anachronistic when encountered in the mid-1700s.⁶⁹

It is necessary to consider whether some other colonial deviations from English heraldic norms might be understood in a similar light, rather than dismissed as errors. In the Chesapeake region alone, we find several examples in which the arms of wives who brought substantial property to a marriage were quartered with those of their husbands (not impaled or on an inescutcheon), even though they were not heraldic heiresses. These include the tomb of Daniel Dulany (died 1753) and his wife Rebecca Smith (died 1737), at St. Anne's Church, Annapolis, Maryland; several silver pieces dating to about 1764 belonging to Charles Carroll, Barrister, of Baltimore, and his wife Margaret Tilghman;⁷⁰ and a tray, c. 1750, belonging to Lawrence Butler of Westmoreland County, Virginia, and his wife Mary Beckwith. This last instance is especially noteworthy in that the arms of the wife are placed in the first and fourth quarters, possibly reflecting Mary Beckwith's higher status as the daughter of a baronet. Perhaps the oddest case is that of Abigail Smith Burwell (1656/57-1692) whose tomb at Abingdon Church, Gloucester County, Virginia, is carved with her husband's arms impaling not Abigail's own paternal arms of Smith, but rather those of her maternal uncle, Nathaniel Bacon, Sr., whose sole heiress she was.

A encompassing theory of American colonial heraldic practice cannot be based solely on the Custis-Parke change of arms and these other isolated cases. On the other hand, linguists learned long ago that, by tracing the divergence of numerous grammatical structures from common points of origin, it is eventually possible not only to generalize about how language evolves, but also to gain a deeper understanding of how the language was actually spoken at the point of divergence. Perhaps it is too much to expect that applying the same methodology to coats of arms would offer equally profound results, but comparing changes in how heraldry was used in the

⁶⁹ Maurice Keen, *Origins of the English Gentleman* (Stroud 2002), pp. 38-39.

⁷⁰ McMillan, op. cit. (note 1 above), pp. 97-8.

THE COAT OF ARMS

colonies absent official oversight, with its evolution in the mother country, may nevertheless afford insights into how early modern Englishmen thought about the meaning and nature of arms. This would appear to be an area worthy of further research.⁷¹

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