

Linda Hansen

<http://freepages.genealogy.rootsweb.ancestry.com/~bakerfamilylines/cunningham/Cunningham1.html>

3. JAMES CUNNINGHAM (ALEXANDER<sup>2</sup>, DAVID<sup>1</sup>) was born 1685 in Ireland, and died probably 17 Jul 1763 Kerrs Creek, in Rockbridge Co., VA. He married MARGARET. She died probably 17 Jul 1763 Kerrs Creek, in Rockbridge Co., VA.

Notes for JAMES CUNNINGHAM:

Kerrs Creek is found in the James River Basin, Rockbridge Co., Va

#### LAST WILL AND TESTAMENT

No Will Book # given p. 382

AUGUSTA CO., Will, 1760:

wr. 16 Jan. 1761 pro. 19 March 1765

*In the name of God amen this the sixteenth Day of January one thousand Seven Hundred and Sixty and in the Thirty Third year of his majesties Reign I James Cunningham of Augusta County Collony and Dominion of Virginia Being in an ordinary State of health praise to God But calling to mind the mortality of my Body and know that it is appointed for all men once to die first of all I recomand my Soul to be Buried in Earth at the Descretion of my Executors and After all my Just & lawful Debts being paid I Shall Dispose of my rail & Personal estate in manner and form as followeth.*

*Item I give and bequeath unto my will beloved wife all my rail & personal Estate during her natural Life or widowhood and my Son Moses to Live with her During life or widowhood & if my Son Moses should maray he's to have the plantation and his mother Dowe's not Like to live in the house with him he shall build or cause to be built a comoduis house with all Necessary convenances thereunto Belonging where She pleaseth upon the plantation and Likewise to find her a Suffecencey of flower meat malt & Salt to her Satisfaction and to cut and Lay firewood convenient to her Door and Likewise to keep two cows for her & one horse and if my son Moses should Die before he comes to maturity all is to remain at the Disposile of my Margaret. I give and bequeath to Hugh Cunningham on English Shilling and likewise to my daughter Elizabeth and also to James Cunningham Son to my Son Jacob as also to John Cunningham Son to my Son Isaac as also to my Daughter Mary and Likewise to my Daughter Anne Each and Every of of them to have on English Shilling & I nominate constitute and appoint my wife and my Son Moses Cunningham to be executors of this my last will and test. I Doe hereby Revolke Disalow & Disannull all other wills and Test & testaments any where of I have hereunto Set my hand & Sale this Day and year first above written.*

*N:B: The word underlined before Signing he is to have the plantation.*

*Signed Sealed & Delivered*

*In presents of*

*Malcom Alen*

*James Cunningham [his mark]*

*Robert Bowen [his mark]*

*Sally Bowen [her mark]*

*at a court held for Augusta County March the 19<sup>th</sup> 1765*

*This Last Will & Testament of James Cunningham deceased was proved by the oath of Malcolm Alen & Sally (Lilly?) Bowen two of the \_\_\_\_\_ thereto & ordered to be recorded and on the \_\_\_\_\_ of Moses Cunningham one of the Executors and Margaret Cunningham the Executor therein named being dead therein named who made oath*

*according to Law Certificates granted him for obtaining a probate thereof in due form they having with Inventory Entered into and Acknowledged their bond according to Law.*

*Test*

*Know all men by these presents that we Moses Cunningham Hugh Cunningham Geo Daugherty are held & formally bound unto Alexander of Sayers Arch Alexander Saml Mc Dor \_\_\_\_\_ Abraham Smigh \_\_\_\_\_ the commission of the peace for Augusta County for and in behalf of the justices and their successors to which payment will & truly to made all bind ourselves and each of us one & every of our \_\_\_\_\_ Exedl & Administrations jointlyly & Severally firmly by these \_\_\_\_\_ Seated with our Seals & Dated this 19 day of March 1765.*

*The condition of this obligation is Such what if the above bound Moses Cunningham Executor of the Said Will and Testament of James Cunningham deceased do make or cause to be made a true and perfect Inventory of all and Singular the goods chattels & credits of the said Deceased which have or Shall come to the hands Possession \_\_\_\_\_ know \_\_\_\_\_ of the said Moses Cunningham or into the hands of possession of any \_ Person or person for (him and the same do make \_\_\_\_\_ in the county court of August at such a time as he Shall be \_\_\_\_\_ required by the said court and the same good chattels & credits and all other the goods chattels & credits of the said deceased at anytime after Shall come to the hands & possession or knowledge of this Moses hands & possession of any other person or persons a just & true account of his \_\_\_\_\_ & doings therein when \_ & required by the said court and also Shall will and truly pay & deliver all \_\_\_\_\_ and Specified in this Testament (as) far as the goods chattels and credits will \_\_\_\_\_ and th law Shall charge than this obligation \_ (behavior) and \_\_\_\_\_ effect or \_\_\_\_\_ to remain in fullforce and \_\_\_\_\_ Sealed and Delivered Moses Cunningham*

*in presence of Hugh Cunningham*

*George Daughtery*

*At a court held for Augusta county March the 19<sup>th</sup> 1765*

*Moses Cunningham with Hugh Cunningham and George Daughtery his Declaration Enclosed unto and acknowledged this their bond according to Law.*

### Inventory

	£	S	d
To one Ball Fac'd Bay horse	7.		
To one white cow	2.	10.	
To one Brindl'd cow	2.		
To one Black and white heifer	2.	10.	
To one Little cow & calf	2.	10.	
To one plow Irons & Taklings	1.		
To ^ ax & Sheers & hammer	5.	6	
To ^ pair of __ cart wheels & __	2.		
To ^ old _____		7.	
To ^ Iron pot _____		5.	
To ^ half Bushell		2.	
To ^ Tub		3.	
To 2 poles & 3 _____		2.	6
To ^ Bushell & _____		2.	6
To ^ old churns		2.	
To old Dishes		1.	8
To ^ old putter Dish & 6 plates & 6 Spoons		1.	
To 2 candlestick & old pan		2.	6
To 2 Iron potts & 2 (pr) of pott hooks		15.	
To 2 Drawing knives & 2 _____ & crow		7.	3
To ^ (pr) of maul rings & 2 old ager		2.	
To ^ Spinning wheel		13.	
To ^ old womans Saddle			10.
To (pr) of old cards & __ pair of Shews		2.	
To ^ shall & old hood & old (pr) of gloves		11.	6
To ^ apron & haderkercheif		1.	3
To ^ waomans caps		1.	2
To 2 Rugs & 1 Blankets & 1 shall Bagg		3.	1
To 2 old Bolsters & __ pillow		5.	
To cash	9.		

*May the 15<sup>th</sup> 1765*

*At court of \_\_\_\_\_ held for Augusta county May      John McKee*

*The 23<sup>rd</sup> 1765      John Gillmer*

*This appraisement of the Estate of James      Robert \_\_\_\_\_*

*Cunningham Deced being returned into court is \_\_\_\_\_ to be recorded*

*Proved by Malcolm Allen, Lilly Bowen. Margaret is dead. Moses qualifies with Hugh Cunningham, George Dougherty.*

*Source: AUGUSTA COUNTY COURT RECORDS, ORDER BOOK No. IX*