

Last will & Testament of Samuel B. Cunningham

I Samuel B. Cunningham of the County of Washington & State of Tennessee, being of sound mind & memory & Judgement, Calling to mind the uncertainty of life, & the certainty of death, do this day make this my last will & Testament in manner & form following.

1. I will that all my just debts & funeral expences be paid, and to this end I lodge a discretionary power with my Executors to decide upon claims presented and when they have satisfactory evidence that they are just & unpaid that they can allow them: Or in accounts on books or otherwise, if satisfactory evidence be afforded that creditors are entitled to credits not given, that they be allowed when in their judgment it wd be just said credits be given: that they also be empowered to decide, of the propriety of bringing suits & when in their judgment the issue would be a useless litigation, they be not required to prosecute such suits, but make such compromises as in their judgment will best comport with the interests of my estate: And I further Ordain that if at any time in their united judgment, the good of my Estate so require. They be invested with full power to sell any portion of my realty in estate except my colored man Barney & Manson, which are hereinafter provided for, & that the proceeds be placed at interest in County Bonds or such other Stocks as will yield a semiannual interest, without the risk of loss, or expense to my estate. The interest above to be used or such portions thereof as may be needed, to carry out the intentions of my will, & the balance to be put at interest. That until such sale or sales, The rent out said property not provided for by my will & use the rents as before specified.

Article 2. I will that my dear wife Ann A. B. Cunningham have retain the possession of the Dwelling & Lots on which we now live (viz) one lot in front on main street bounded by Genl Jackson on the East & by W^m H Maxwell on the west & my back lot on the South: And the adjoining lot on which the house and buildings mainly stand. Bounded by former North Genl Jackson, East by Chestnut Street South & by William H. Fleming in part & in part by crans street on the west & closing in part by W^m H Maxwell on the North West. To be and as she may see fit or other

Saml B. Cunningham's will continued
either to live in or rent as she pleases: Or by concurrence of my Executors to sell it or portions of it to be vested in safe securities as above specified.

And the accruing interest appropriate to her use during her lifetimes: And I further will & ordain that such further sums as may be necessary for her liberal support & maintenance be provided out any other money or means should it be required over & above the proceeds of said rents, or interest on the funds from said as the case may be, that she be provided with at least two good milch Cows & grain & providential feed them & one good horse & feed; that she retain all the household furniture, bedding & bed clothing, kitchen & other utensils, books, & all other household effects, Medical & Shop articles, except to be disposed of by herself alone, that all right that may have accrued to me by reason of our inter marriage, to them colored women, namely Peggy & Hanna & Betty together with all their increase since our marriage (viz) all the interest in said slave & increase except what on settlement with Sarah J Foster & Jane Davis they were entitled to & which was dedicated as so much separate & apart from my wife's interest & to which they have exchanged bills of sale on the 9th Instant, In short all right or claim from whatever source remaining in me to said Negroes, I will to my wife wholly as her own property. It is also my will that she retain our daughter Sophia Mody Cunningham to raise & educate as fully as any of my other daughters & that the necessary means to be furnished out of my estate.

Article 3rd It is my will that Cornelius Eugene have a fair opportunity of a liberal education, should he on an experiment show a disposition to take it: or in the opinion of my Executors it be that advisable to withdraw him from that pursuit; then it is my will that an equivalent of the usual cost of an education at Washington College in this County be given him in money to be vested as directed in Sec. 1. until he becomes of age.

Article 4th It is my will that my two boys Barney and Manson be liberated to go to Liberia, or should any plan safe and advisable offer to my Executors for their liberation that they be authorized to adopt it.

Article 5th It is my wish that the landed property belonging to my first wife be wholly conveyed to her children as the law requires to

Samuel B. Cummings will continued
to be divided.

Article 6th It is my will that Dock Series have all my medical Books, medicines, Instruments and whatever appertains to the Shop.

Article 7th It is my will that when my debts are all paid & the residue is found sufficient for the legacies herein provided for above, my son Samuel have the use of \$3000 without interest until the youngest child comes of age, to be deducted from his portion on final settlement of Estate.

Article 8th It is my will that Sarah Jane Cunningham on her marriage be allowed \$800, or outfit for housekeeping to be accounted for without interest on the settlement of my Estate after the youngest child Sophia Moody becomes of age.

Article 9th I will that my son Cornelius Eugene when he becomes of age if my estate will justify it treated on similar terms of liberality as those provided for my son Samuel A. Cunningham.

Article 10th I will that my daughter Sophia Moody Cunningham have after her education, as before provided for in every respect treated on similar terms of money advanced without interest as long or its equivalent in money, as provided for my daughter Sarah Jane in Article 8th.

Article 11th It is my will that in carrying out these devises of special legacies, they all should take precedence of the provision in Article 1. giving directions as to the leaving the money of my estate, that provision is only to apply to the excess if any, after all the special devises are provided for.

Article 12th It is my will that on my youngest daughter Sophia Moody attaining the lawful age of 21 years & the special legacies all provided for, that the balance of my estate except that provided for & reserved to the maintenance of my dear wife during her lifetime shall be divided equally between all my dear children then living, & at the demise of my wife the remainder be so divided as that all that are living at that time shall share & share alike.

Article 14th For the carrying out and executing this my last will and Testament, I do hereby constitute & ordain

Samuel B. Cummings will continued
my beloved wife Ann A. Cunningham Robt L. Blum and
Thos. S. B. Nelson Esqs. my Executors of this my last will & Testament
Signed sealed & acknowledged as my last will and
Testament this 10th day of July 1856.
Subscribed before signing, Samuel B. Cummings (Seal)

The foregoing will was presented to the Court at the October term thereof 1867 and proven as to the hand writing by the oaths of J. W. Safford, A. C. Colburn, and Samuel A. Cunningham who state that they are familiar with the hand writing of Dr. Samuel B. Cummings the maker of the foregoing will, and that his signature thereto is genuine. Witness my hand at Safford this 10th day of October 1867. J. D. Fresham Clerk

Robert A. Thompsons will

I Robert A. Thompson of the County of Washington and State of Tennessee, considering the uncertainty of life and the certainty of death, and being weak in body, but of sound mind and judgment, doth make this my last will and Testament, (Viz) to wit namely: — Having entered into an agreement with my first wife Hannah B. Thompson, and having made what may be considered a joint will with her, in regard to the division of certain lands inherited by her from her father Robert Williams Jr. by his last will, and certain lands I had purchased adjoining the lands she owned; between my son Josiah B. Thompson and myself. This agreement which was made the 23rd day of Jan 1851. I wish strictly carried out and complied with. It is my will that the lands above specified including a small tract I have purchased since, known as the Long tract, all of which is in the above named County and State and in Civil District No 14 shall be divided between my present wife Louisa B. Thompson, and my son Josiah B. Thompson, so as to be equal in value. The division to be made by two disinterested men, one selected by either party, if they cannot agree the two men may select a third person to decide. It is my will that my beloved wife Louisa B. Thompson shall have that end or portion of the land on which is our present dwelling, with all the other improvements attached or belonging thereto, at my death she