THE ANCESTRY OF EDWARD WARDE OF LITTLE WRATTING, SUFFOLK, AND THE PUTATIVE LUKYN ORIGIN OF HIS WIFE JUDITH

By Matthew Hovious

This article examines two different aspects of the family history of Edward Warde (d. 1621) of Little Wrattling, Suffolk. The first part looks at newly-located records that permit identification of Edward’s father and grandfather, and better develop knowledge of his extended family, as well as shedding additional light on Edward’s own movements. The second part examines evidence for the identification of his wife Judith with a member of the Lukyn family shown on the 1612 Visititation of Essex.

The most recent published research mentioning Edward provided a useful overview of Edward’s children and grandchildren. It did not address the issue of the parentage or further connections of Edward or his wife Judith, but noted that certain wills relevant to this family had already been abstracted and published by Henry FitzGilbert Waters over a century ago.

The very first tangential mention of Edward’s background is likely that found in the Essex and Suffolk pedigrees by Rev. Matthias Candler (d. 1663). The sections that pertain to Ward are analyzed in Appendix I of John Ward Dean’s biography of Nathaniel Warde. Candler stated that Rev. John Warde of Haverhill was the son of — Ward of Rivenhall, though no evidence for the statement is given. Candler’s accuracy has previously been impugned, and in his Warde pedigree he evidenced remaining remarkably...


2 Abstracts of the wills of Edward Warde and his daughter, Susan Browne, were printed at Henry F. Waters, “Genealogical gleanings in England,” The New England Historic and Genealogical Register 46 (1892): 314. Abstracts of these two wills were later reprinted in Henry F. Waters, Genealogical gleanings in England, 2 vols. (Boston, 1901), 1:584.

FROM FIFE TO FINNMARK

John Cunningham’s Way to the North

By Liv Helene Willumsen and Diane Baptie

Just after the turn of the seventeenth century, a Scotsman named John Cunningham entered the service of the Danish-Norwegian King Christian IV (1588–1648). This article deals with his remarkable progress from Fife in Scotland through Copenhagen to Vardøhus Castle in the North of Norway. In addition, research in primary sources preserved in Scottish, Danish, and Norwegian archives has resulted in the emergence of further information about his origins and life, enabling several misconceptions which have been written about him in Norway, Denmark, and Great Britain to be corrected.

In Scotland, John Cunningham’s family history is of interest because he is one of a long line of descendants of the Cunningham family of Barns in Fife.1 In Norway, John Cunningham’s family is of interest because of his numerous descendants both in the western and eastern part of the country. Many in West Norway are descended through his son-in-law, Hans Jensen Ørbech, who was married to Cunningham’s daughter Kirsten. They had seven children: Hans, Anna, Ellen, Christine, Maren, Jens, and Otto. In East Norway as well, the descendants of Kirsten and Hans Jensen Ørbech can be traced, and among these are the Bull and Faye families in Tønsberg. Kirsten and Hans Jensen Ørbech’s son Otto Hansen Ørbech married Maren Orloff, and they had thirteen children, among them a daughter Martha who married about 1704 Jacob Jacobsen Bull in Tønsberg.2 From them originated the Bull family in Tønsberg.3 Also, the Norwegian family Munthe descends from John Cunningham’s daughter, Kirsten, and her husband Hans Jensen Ørbech.4 The new family history information presented in this article deals with John Cunningham’s father and closest family, and comes from Scottish primary sources. In addition, the inheritance trial in Denmark after John Cunningham’s death to determine who his rightful heirs were, made it possible to confirm his Scottish origins. This information has not been previously known in Norway. Finally, Danish primary sources have also thrown light on the life of John Cunningham’s son, Jacob Hansen Cunningham.

As a result of the marriage between King James VI (of Scotland) and I (of England) (1566–1624) and Anne, the younger daughter of Frederick II (1559–1588) at the Old Bishop’s Palace in Oslo on 23 November 1589, relations between the two countries, in contrast to earlier times, were friendly. In the 1480s, the Danes had been forced to cede the archipelagoes of Orkney and Shetland to the Scottish crown as pledges of payment of Queen Margaret’s dowry. Margaret, daughter of Christian I of Denmark, married James III, King of Scots. Thereafter, Denmark had on several occasions attempted to get the islands back and it had been hoped that the marriage negotiations between James and Frederick might lead to their return.5 In June 1603, James was invited to celebrate the baptism of King Christian’s newborn son. However, as James was due to be crowned King of England on 25 July 1603 at Westminster Abbey in London, he could not go abroad, but chose to send “from our men of the highest standing someone suitable for this assignment.”6 This representative, William Stuart, a man of knightly rank, brought with him to Denmark a letter, stating the “very close connection which has reached the highest level of goodwill.”7 The tone in this letter is light and cordial. King James mentions the coronation-to-be, when he “shall share the crown and diadem with your sister, our chosen and most gentle wife.” In addition, James’s son had been honored with the title Prince of Wales and would bring “our sweet little daughter” along.8

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3 Martha and Jacob had nineteen children, including Peder Jacobsen Bull, who m. ca. 1734 Elisabeth Markundater Faye, dau. of the minister Markus Davidem Faye and his wife Margrethe Christiansdatter Weinreich. This couple had many children, of whom thirteen are known (Akenboli [supra note 2], 320).

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4 Their son, Jens Hansen Ørbech (1656–1716) had a daughter, Christine (1690–1741), who married Christopher Munthe (1685–1754) (Hurtig Munthe, Efterretninger om familien Munthe i østlige og nyere Tid, 3 pts. [Christiansia, 1883–88], 208, 358-59).
7 Letter from King James VI/I to Christian IV, 4 July 1603, trans. Frank Bigwood (Latin into English), NAD, Tykte Kancelli [supra note 6].
8 Letters from King James VI/I to Christian IV [supra notes 6 and 7].
Little is known about John Cunningham’s early years. He does not appear to have pursued an academic career. It has been suggested that he was a man of the sea, having had experience in arctic waters, before he settled in Denmark. Some of his older relatives may have taken part in early northbound expeditions. There had been no contact between Denmark and the New World from about 1500. In the 1570s, England was the only country to mount expeditions to search for the North West Passage. Thereafter the Danes were naturally eager to secure the services of English and Scottish seamen who might be familiar with the route to Greenland. John Cunningham’s employment in Denmark should possibly be seen in this light.

He was in Denmark by the beginning of the year 1603. On 7 June of that year, he was formally employed by King Christian IV as a naval captain under the name of Hans Kønning. His employment was effective 20 January 1603. According to his letter of employment, he agreed to be used on land as well as at sea, where and when the king needed his service. He promised humbly to be a true servant of the kingdom. This is probably the first time that John Cunningham is mentioned in Scandinavian sources. He had been recommended to Christian, by King James, as one among several others being described as “that noble man, John Cunningham, descended from Scotland, who wished to devote his work to Your Serene Highness.” Five decades filled with adventure lay ahead for John Cunningham.

In Scandinavian records, many variants of John Cunningham’s surname appear, such as Hans Kønning, Hans Køning, Hans Kønigh, Hans Cunningham, Hans Cunninghambi, Hans Cunningham, and even Hans Kymand. As can be seen in a document from 1632, he signed his name as Hans Cunningham. The surname Kønning clearly has associations with the German term for king, König, and may well be seen as a play with the phonetic sounds as well as the semantic meaning of the word.

To have recommended John Cunningham, he must have become known to King James. In a letter to Christian in February 1605, James refers to the fact that he favored John Cunningham and wished him well. The letter appears to have been in response to an apparent controversy which had arisen between Cunningham and King Christian in 1605, about which Cunningham had written to King James, who had then written to Christian to express his hope that he would treat John Cunningham with the same “generous will” as he had been received with initially. The good relationship between Cunningham and Christian IV seems to have recovered, as Cunningham shortly afterwards was appointed admiral of a prestigious expedition to Greenland. Such a position would only be given to a highly respected and experienced seafarer, with leadership qualities. The good relations between him and the king were also demonstrated through Christian’s attendance at Cunningham’s first wedding a couple of years later. John Cunningham was also recognized as a member of the nobility by the Danish-Norwegian king.

In the 1605 expedition, three ships under John Cunningham’s command, were sent out to reach and explore Greenland. They left Denmark in May.

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9 He did not study at the university near Fifo, St. Andrews (University of St. Andrews, Library, Dept. of Special Collections, Acta Rectorum 1578–1738, UY305/3).
10 H. D. Lind, Kong Kristian den første og hans mænd paa Bremerholm (1889; repr. Copenhagen, 1974), 166.
11 The names Thomas Cunningham and John Cunningham are mentioned as sailor and purser on the ship Ayle, taking part in Martin Frobisher’s expedition of 1577 (V. Stenhoff, ed., The Three Voyages of Martin Frobisher in Search of a Passage to Cathay and India by the North-West, A.D. 1576–8. From the original 1578 text of George Best, 2 vols. [London, 1938], 223).
12 The Three Voyages of Martin Frobisher [supra note 11], passim.
14 In Danish his title was “Skibshöfløffmand” (NAD, Danske Kancelli 232, Sjællandske Registrer 1572–1600, Arkiv. B 540, protocol 1596–1604, fol. 405v–406v).
15 In Danish “Vid den temisst aet schulle lade sige bruge thiill Landt och Wand, hour och norh vil hansom behoffter och thilhugendis Worder” (NAD, Danske Kancelli [supra note 14], fol. 405v).
16 There was a Scotsman called Hans Kønning employed as a gardener at Copenhagen Castle one year earlier, but this cannot be the captain John Cunningham (NAD, Danske Kancelli [supra note 14], folo 374v–375v; T. Riis, Should Ask Acquaintance Be Forgot...: Scottish-Danish Relations c. 1450–1707 (Odense, 1988), 1:225, 2:219).
17 Letter from King James VII to Christian IV, 18 Feb. 1605, NAD, Tyske Kancelli [supra note 6]; Ronald M. Mellum, ed., The Royal Correspondence of King of James I of England (II of Scotland) to

His Royal Brother-in-Law, King Christian IV of Denmark, 1603–1625. 11 microchips (Hassocks, West Sussex, 1972), [for the year 1605], 41.
18 C. C. Lyshandt, Den Grønlandske Chronico, 2nd ed. (Copenhagen, 1726), 120. Originally published 1607.
19 NAD, Danske Kancelli, Indlæg til Registre og Tegninger samt henlagte Sager, 21.06.1632.
20 Letter, 18 Feb. 1605, Mellum, Letters of James I to Christian IV [supra note 17], [for the year 1605], 40–41.
21 The wedding was on 7 May 1607, according to an entry in the king’s diary, “Udrag af Christian IV, Skrivekalendere,” ed. E. Melbeck, Notdansk Tidstref (Copenhagen: Den danske historiske forening, 1852), 268; see also Lind, Kong Kristian den første og hans mænd paa Bremerholm [supra note 10], 166.
Cunningham himself was captain of the ship *Trost.* He arrived in Greenland in June, sailed through the Davis Strait and made a landfall in Greenland about 67°N, on the south side of "Cunningham's Mount." An Englishman, James Hall was principal pilot of the *Trost,* and an important document from this expedition is his diary. In it, he portrays Cunningham as a brave person and an "honest Gentleman." On one hazardous occasion "the Captain, my selfe, the Boatswaine with another of our companie, were forced to goe overboard upon an Iland of Ice, to defend it from the ship." Cunningham met with various challenges, owing to which he had been forced to take some difficult, and possibly controversial, decisions. Two troublesome members of the crew were put ashore in Greenland, with "the things necessarie. . . . Thus having committed both the one and the other to God, we set sail homewards." Cunningham's firmness in command "did mitigate the stubbornesse of the people." When returning to Denmark, the ship brought back four natives from Greenland, and because they were troublesome on board, Cunningham shot one of them to make an example of him. The most important result of the expedition was the geographical examination, during which several places in Greenland were put on the map. The expedition also brought home some minerals, which were supposed to contain silver. Because of this, another expedition, consisting of five ships, was sent out in 1606. This time, although Cunningham participated, he was not in charge. To what extent his decisions and actions during the first expedition may have influenced his loss of authority is difficult to say. He did not partake in a third Danish expedition in 1607.

23 The name of the boat means in Danish and Norwegian "Throst."
24 Christen Pignet, *Om dei vigstige reiser . . .* (Copenhagen, 1845), 671-72.
26 "James Hall his Voyage" [supra note 25], 14:334.
27 "James Hall his Voyage" [supra note 25], 14:321.
28 "James Hall his Voyage" [supra note 25], 14:335.
29 "James Hall his Voyage" [supra note 25], 14:325.
30 *Pignet*, *Om dei vigstige reiser* [supra note 26], 686-87.
31 Among them Mount Cunningham, Queen Anne's Cape, and "King Christian's Foor [ford]" ("James Hall his Voyage" [supra note 25], 14:326; Dansk biografisk lexikon, 2nd ed., Copenhagen, 1979; 501: (John Cunningham entry by O. Oestermann).
32 Dansk Biografisk Lexikon, 4, (Copenhagen, 1895), 1:120.
33 Cunningham was captain of the ship Den rode larv [The red lion], with Admiral G. Lindenow as Admiral of the expedition (H. Egede, *Det Gamle Grænlands Nye Periforstration, eller Natur-historie* [Copenhagen, 1741], Dictionary of Canadian Biography [supra note 13], 1:243.
34 Dictionary of Canadian Biography [supra note 13], 1:243.

After the expeditions to Greenland, Cunningham worked until 1618 as a naval captain in the North Sea, mostly in the Baltic [Østersjøen]. He was in charge of several different ships, Møkrenen, Leopard, Jupiter, David, Gabriel, and Marekatten, patrolling the king's territorial waters, partly to prevent ships from other countries sailing illegally in them and also against pirates. Once he managed to seize some ships from Holland attempting to smuggle out oak timber. He also had the special task to control the passage through Øresund, the inlet between Denmark and Sweden. During the Kalmar War (1611–1613) between Denmark-Norway and Sweden, he served in Admiral Mogens Ulfeld's fleet in the Baltic. On 13 February 1611, he and thirteen other captains had been called to go to Copenhagen on 1 March. In June 1611, the only battle during this war took place at Kalmar, and the Swedish army was defeated. Cunningham's career in the Danish navy during the period 1606–1618 seems to have been fairly routine. He was frequently granted sea passports to go out with his ships, and was told not to seek any harbor unless forced by storm. As there was a widespread interest at this time from several European nations to find routes to Russia and the Far East, the royal fleet had an important task to perform. On 26 March 1619, he was installed as district governor of "Vardåhus and Finnmarken Lehn," the northernmost district of Norway. Based at Vardåhus Castle, near the Russian border, his tasks in Finnmark were multiple. The king's ambitions were to strengthen the northern border areas and to introduce a more aggressive fiscal policy with stricter taxation.
Norse Cunningham was supposed to look after the border with Russia and control the inlet of Bussund through which foreign ships attempted to sail without paying the required taxes. He was constantly reminded to collect taxes, and to supply transport for government officials. In 1640, his petition on behalf of the peasants so that they should not contribute to the cost of a proposed fleet of warships was accepted. He was successful in building up governmental administration at the local level in the North. And he also had to deal with the special ethnic situation in Finnmark, where Samis and Norwegians lived side by side. There was on-going conflict between the authorities and the Sami population due to Norwegian territorial expansion. In addition, Cunningham came into conflict with the Bergen merchants living in the Finnmark fishing villages, who controlled all trade with Bergen. They even made special agreements with Samis relating to salmon fishing. At certain times, the situation was tense, as in 1639, when the District Governor of Vardøhus was permitted to call 24 soldiers and employ a gun-man. As for Cunningham’s relations with the common people in Finnmark, he showed several faces. On one hand, he was clearly on the side of the Norwegian fishermen and peasants in questions of taxation. On the other hand, he persecuted suspected witches with a hard hand, certainly creating distress and misery in many families by doing so.

The area round Vardø is the only part of Norway with an arctic climate and Cunningham was met with harsh living conditions. He recognized that his district was a poor one, and pitied the peasants and fiskermen struggling to make a living. In a declaration dated Vardøhus 28 April 1625, he answered a missive from the chancellor, in which the district governors had been asked to compile a cadastre (register) of those persons who were obliged to pay taxes on lands and rights belonging to a manorial estate, stating that as no one in the Vardøhus District and Finnmark possessed such

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47 Norske Rigs-Registerantar, vol. 7 [supra note 44], 227, 251, 295, 386, 756.
48 Norske Rigs-Registerantar, vol. 7 [supra note 44], 762-63.
49 Hagen, “At the Edge of Civilization” [supra note 43], 36.
50 L. H. Willumsen, Trollvinken i nord [Witches of the North] (Tromsø, 1994), 54.
52 Norske Rigs-Registerantar, vol. 7 [supra note 44], 95, 401, 451; Hagen, “At the Edge of Civilization” [supra note 41], 40, 42.
53 Norske Rigs-Registerantar, vol. 7 [supra note 44], 507-8.
land, none were liable for this tax.\textsuperscript{53} The same answer was a few months later given from Hasvåg in West Finnmark, when six sworn men sent a letter to the authorities.\textsuperscript{54} In a petition dated Loppen in West Finnmark 21 June 1632, Cunningham applied for reduced taxes for the people living in the area.\textsuperscript{55} In 1648, he sent a petition on behalf of the peasants, in order to avoid contribution to a proposed fleet of warships. The petition was accepted.\textsuperscript{56} Because Cunningham behaved wisely and showed concern for common Norwegians in his district, he was treated in a respectful way, as the “Keni” version of his surname seemed to indicate.

To the position as district governor of Finnmark, the king, who had been on a voyage north to Kola in 1599, had chosen a man who could deal also with the threat of witches.\textsuperscript{57} The Finnmark witchcraft trials, which lasted from the very beginning of the seventeenth century until 1692, were extremely severe, compared to elsewhere in Norway and Denmark, and the rest of Europe.\textsuperscript{58} During this witch-hunt, 135 persons were accused of witchcraft, of whom 91 were executed, most of them burned alive at the stake.\textsuperscript{59} The frequency of cases varied throughout the period of persecution. Before 1620, the focus was on traditional sorcery, practiced on an individual basis, often with Sami men as suspects. Sami males had a reputation for sorcery throughout Europe at the time.\textsuperscript{60} After Cunningham had been installed, trials took on quite another character, as the learned European doctrine of demonology came to the fore, ideas were taken into the laws in 1617.\textsuperscript{61} The first witchcraft panic in Finnmark took place between 1620 and 1621. Norwegian women became the main target. Accused persons confessed to the Devil’s pact, witches’ gatherings, and collective sorcery operations. Denunciations of other suspects caused a rapid increase in the number of suspects. It seems probable that this change was influenced by John Cunningham, who took part in the interrogation of suspected witches. He must have been familiar with King James’s treatise on witchcraft from 1597, and have known about the early Scottish witch-hunts in the 1590s near his home-place. Transmitted orally to people in the local communities, demonological ideas were spread, not least strengthened by church preaching, and retold as part of accused persons’ confessions before the court, confessions often taking place after severe torture. Parallel linguistic findings in Scottish and Finnmark witchcraft records support this connection.\textsuperscript{62} During Cunningham’s period in office, 41 persons were executed for practicing witchcraft in Finnmark.

Turning to his private life, John Cunningham’s first marriage took place in 1607, although the name of his wife is not known.\textsuperscript{63} In 1625, he married his second wife, Ellen Clausdatter Hundermark of Gjerdrum, a woman belonging to the Danish nobility.\textsuperscript{64} The wedding took place at Bodøgrå in Nordland 4 September 1625.\textsuperscript{65} Ellen Hundermark was the widow of Anders Skram and owned the manor Gjerdrum in Eggerslevmagle parish in South Sjælland, Denmark.\textsuperscript{66} The couple received a carved pulpit for the church in Vardsø, as a wedding present.\textsuperscript{67}

\textsuperscript{53} Missive dated 31 Aug. 1624, related to “ranstjøneste,” originally a duty to furnish horses for military service, in the seventeenth century changed to a tax (NAD, Stattholderarkivet, box D 18, bundle 13, Oddsgjøderheiker fra Trondheim len og nordlandke len 1624–25, “Brev fra lønsmenn i Vardøhus og Finnmark Hans Cunningham.”) The exception was Søren, from where Norway’s chancellor Jens Bjelke was entitled to receive taxes.

\textsuperscript{54} The only exception mentioned was Søren; see previous note (Letter dated 13 June 1625, NAD, Stattholderarkivet, box D 18, bundle 13, Oddsgjøderheiker fra Trondheim len og nordlandke len 1624–25, “Brev fra 6 edsvore menn i Hasvåg tingsted” (“Letter from 6 sworn men in at Hasvåg court district”).

\textsuperscript{55} NAD, Danske Kancelli, Indlæg til Register og Tegnelse samt henlagte sager, DK B 160, 21.06.1812.

\textsuperscript{56} Norske Riks-Registratører, vol. 7 [supra note 44], 762–63.

\textsuperscript{57} E. Nielsen, “Christian 4s Finnmarkskrise i 1599,” Arck for Færingen til norske fortsels- minnemakers bevaring (1988), 34; L. H. Willumsen, Trolleinne i norden [ supra note 48], 57.


\textsuperscript{60} Willumsen, Trolleinne i norden [ supra note 48], 51–52; Claus Magnus [Archbishop of Uppsala, 1490–1557], Historia om de nordiska folkem (Malma, 1829), 159–60; P. C. Frisø, Norges Beskrivelse (Copenhagen, 1632); J. Schefters, Lappen (Frankfurt am Main, 1673).

\textsuperscript{54} A decree issued 1617 defined the “real” witches as those who had attached themselves to the Devil or who consort with him.

\textsuperscript{61} The accused women in Finnmark confessed they participated at witches’ gatherings at “Baldus olden,” denoting a piece of grassland, while in Scotland they met at the Bai Ley for the same purpose. Another language image found in both areas is the one of a woman being “demonized” for the other witches in a group (Willumsen, Seventeenth-Century Witchcraft Trials [supra note 51], 169, 262).


\textsuperscript{63} Danmarks Adels Aarbog [supra note 22], 63 (1946), pt. 2:39–40 (Cunningham), 47 (Hundermark). Ellen died 22 Oct. 1632 (ibid.).

\textsuperscript{64} Dansk biografisk leksikon, 3rd ed. [ supra note 31], 3:501.

\textsuperscript{65} Jesper Paret Trapp: Danmark, 5th ed., 3 (Copenhagen, 1954), 862f. (For Søren Amt); Danmarks Adels Aarbog [supra note 22], 33 (1916): 472 (Skram).

\textsuperscript{66} The pulpit is preserved in the Norwegian University of Technology, Museum of Natural History and Archaeology, Section of Archaeology and Cultural History, Trondheim, Norway. The carved coat of arms of John Cunningham from the pulpit (Arms: A shakefork, in chief a mallet [a star]. Crest: A demi-unicorn. All unincornered) is illustrated below.
Prior to his second marriage, he had fathered a son and a daughter out of wedlock. His son, Jacob Hansen Cunningham, was born in 1619. Jacob took his student examination at Søren school 1637, studied theology, and was ordained as minister on Lolland in 1645. Because he had been born out of wedlock, he applied to Christian IV in 1644 to be able to have a chaplaincy. The king answered, 10 November 1644 that his illegitimacy should not be a hindrance to his appointment as a minister. However in 1651, he accidentally shot and killed a boy and was sentenced to restrain himself from all clerical actions. Not until 1671 was he again allowed to preach sermons in his church, although not on the main holidays. Cunningham’s illegitimate daughter, Kirsten Hansdatter Cunningham, was born in Vardo about 1620. Her mother’s name is not known. Kirsten married Hans Jensen Ørbech, bailiff of Finnmark during the time Cunningham was in office there. To legitimize a child under Danish and Norwegian law, a man had to go to court with that child and have him or her accepted as legitimate. On 28 November 1649, at a local court held at Vardøhus Castle, John Cunningham had his daughter legitimized. While she was legitimized by John Cunningham, he never legitimized his son and no mention of him was made during the court cases which ensued after Cunningham’s death. During his period as district governor, Cunningham was several times given leave to visit Denmark. In 1632, he was granted the Crown’s grain tithe from the district of Egitslev parish in Denmark. The year after a carved coat of arms with the emblem of the Cunningham family was presented to Hasvik church in Finnmark.

He appears to have been a complex character who had a quick temper. Just a month after the battle of Kalmar in June 1611, a complaint against him was reported to the authorities, stating that he had maltreated a person, in the presence of several witnesses. According to a person who had visited Cunningham at Vardøhus, the district governor behaved badly when drunk. However, John Cunningham showed endurance in the arctic climate, and he fulfilled his position there. No other district governor of Finnmark was in office as long as he was. Early in 1651, he moved back to Denmark, as his successor Jørgen Friis was installed on 15 January and the peasants commanded to obey him a month later. Cunningham died in December 1651 and was buried in Eggeslevmagle church.

**His origins**

Printed sources claim that John Cunningham belonged to the Cunningham family of West Barns, an estate which lay close to the burgh of Crail in Fife. According to the *Oxford Dictionary of National Biography*, he had been born about 1575 at Barns and was the second son of Alexander Cunningham, laird of West Barns and Gallowside, and his wife, Christian Wood. Original records tell a different story.

The progenitor of Alexander’s line was William Cunningham, frankenmetar of West Barns. He appears to have been married twice. His first wife was Isobell Morton. His second wife, Beatrice Lawmont, was the sister of M’Allan Lamont, chaplain of the Blessed Virgin Mary in the parish of Crail. Alexander Cunningham was his eldest son and apparent heir.

On 21 January 1561, the Superintendent and ministry of St. Andrews pronounced their verdict on a petition for adherence which had been
brought by Alexander Cunningham styled “fiar of West Barns” against his wife, Christian Wood. She was not present, although she had been at earlier hearings. It emerged that, prior to the Reformation, she had obtained a divorce from her husband “in Papistical maner” and thereafter had lived apart from him for two years. The kirk session determined that the divorce was null and void, having been pronounced in “ane privat and prophane hous” and ordered Christian Wood to return to her husband or face excommunication.84

Two years later, the Lords of Session overturned the church’s sentence and ratified and approved the divorce. Thereafter, a contract was drawn up in Edinburgh on 26 March 1563, between William Cunningham of Barns and Alexander Cunningham, his eldest son and apparent heir and Christian Wood, therein styled “Lady Bakaskey” (Balaskey). For her part, she agreed to resign the 40 acres in the Lordship of Barns in which she had been infert and William Cunningham, for his part, agreed to pay £1,000 Scots to her or to her father, Andrew Wood of Largo or to James Sandilands of St. Monance by 3 May following.85 This agreement suggests that a marriage contract between the couple may have existed, that Christian Wood had been a widow when she married Alexander Cunningham and that their marriage had been short.86

Alexander Cunningham appears to have given his father much concern. On 5 June 1565, he had borrowed 600 merks in gold and silver from John Anstruther of that Ilk, his wife, and his natural son “till do his necessar besinges” and had agreed to infert them in a piece of land lying in the barony of West Barns with pasturage on those lands.87 This had followed on a special licence from the crown, issued at the end of April 1563, granting Alexander fiar of West Barns and Gallowsye and William Cunningham frankenementar of Barns, his father, the right to hold their lands in feu.88 On 23 January 1566, William Cunningham, concerned about the “preservation and weill of the said Leving and hous of West barnis” and fearing that Alexander “micht be caryt away and drevin be perseveris counsallis to dispone delapidat and put away the saidis landis,” forced him to resign and renounce all right and title he had or might have as fiar thereof.89 As a result, Alexander never succeeded to the family’s lands. Instead, they went to his immediate younger brother, John.

Apart from Alexander and John, William Cunningham had four other sons, Allan and Thomas, both burgesses of Crail, and David and James.90 He and Beatrx Lawmont were still alive in April 1572, when his second son, John, received a charter of West Barns.91 John Cunningham also married twice. His first wife was Helen Meldrum. In 1576, her liferent of West Barns was confirmed.92 She had died by 1586, when Euphame Leslie is recorded as John Cunningham’s wife.93 Euphame Leslie was the daughter of George, Earl of Rothes, and widow of George Learmonth of Balcomie, who had died in June 1585.94 According to The Scots Peerage, she herself died in April 1588, leaving no issue of her second marriage.95 She would have been beyond child-bearing age by then, anyhow.96 So John Cunningham’s children would all have been by his first wife, Helen Meldrum. Those children who have been identified were his heir, Alexander Cunningham, and a daughter, Margaret Cunningham, who later married M’ James Ross, minister of Forteviot. John Cunningham died by February 1603.97

From the foregoing, it is seen that John Cunningham, District Governor of Finmark, reputed to have been born about 1575, could not have been the son of Alexander Cunningham and Christian Wood. They had divorced prior to the Reformation and had lived apart for two years thereafter. Had he been their son, he would have been born in the 1550s and would have been close to 100 when he died at the end of 1651. A search of the records produced no sign of a John Cunningham, son of John Cunningham of Barns

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84 Register of... St. Andrews [supra note 82], 4:133.
85 National Archives of Scotland (NAS), Register of Deeds of the Court of Session, 1st series, RD1/6, fol. 133.
86 CC20/11/1, St. Andrews Commissary Court Register of Deeds and Protests, last of April 1570, records Christian Wood as mother of John Strang of Balkaskey and of Isobal Strang (who had married James Sandilands younger of St. Monance).
87 NAS, RD1/7, fol. 187.
88 Registrum Magni Sigilli Regnum Scottorum [supra note 81], vol. 4 (1546–1580), no. 1700 (26 Jan. 1565/6).
89 NAS, CC20/11/1.
90 Thomas’s wife was Janet Ingle (NAS, B10/12, fol. 103 and fol. 85); Allan’s wife was Helen Lawmont (NAS, B10/10, fol. 96, 103); David (NAS, RD1/26, fol. 31, 5 Jan. 1566); James (NAS, RD1/25, fol. 77, 1 Jan. 1566); all recorded as brothers geman to John Cunningham of West Barns; L. H. Willumsen and D. Bapst, “John Cunningham—karriere og bakgrunn” [John Cunningham’s career and background], Norsk skrikistorisk tidskrift, vol. 43, no. 3 (2013), 159–76, at 169.
91 Registrum Secreti Sigilli Regnum Scottorum [supra note 83], vol. 6, no. 1552; Registrum Magni Sigilli Regnum Scottorum [supra note 81], vol. 4 (1546–1580), no. 2038.
92 Registrum Secreti Sigilli Regnum Scottorum [supra note 83], vol. 7, no. 667; NAS, RD1/16, fol. 205.
93 NAS, RD1/25, fol. 77.
94 NAS, CC30/15, Edinburgh Commissary Court Testaments, 1 July 1586.
96 Her eldest son by her first marriage, James Learmonth, the Fife adventure, had fathered a child in 1577 (Register of... St. Andrews [supra note 82], 4:428).
97 NAS, RS30/4, fol. 33, Secretary Register of the County of Fife.
and Helen Meldrum. When their son and heir, Alexander Cunningham and his future spouse were infelt in the conjunct liferent of West Barns in 1596, the only family members who acted as witnesses were his father's two brothers, Thomas and Allan Cunningham.\(^58\) Allan Cunningham did have a son called John, but he married and remained firmly settled in Crail.\(^59\)

It is noted above that John Cunningham's second wife was the noblewoman, Ellen Clausdatter Hundermark, and that through her he had acquired the Gjerdrup estate, that there had been no issue in marriage and that he had fathered two illegitimate children, a son and a daughter. The daughter, Kirsten Hansdatter Kønninghame, had married Hans Jensen Ørbech, bailiff of the Finnmark District. As noted previously, she had been legitimated on 28 November 1649 at a local court held at Vardøhus Castle, at which time John Cunningham acknowledged her as his legal heir and also conveyed to her and her husband and their heirs his town house in Helsingør (Elsinore). This was recorded in a document, signed by a sworn jury of 12 men from the Vardø District and later confirmed by a Court of Appeal Judge, Mandrup Schønnebøl, at Vardøhus Castle on 25 May 1650. However, later at Flakkeberg Herredsting, a local court in Denmark, Kirsten's right to succeed had been declared null and void, as under the law, the natural child of a noble man could not inherit property.\(^100\)

As has been seen, John Cunningham died at Gjerdrup in early December 1651. On 17 November 1652, at the Sjælland Landsting (a Court of Appeal) before Judge Jørgen Seefeldt, Hans Jensen Ørbech, in the name of his wife, had attempted to have the decision by the Vardøhus court upheld, but failed. The judge ruled that inferior courts could not decide in cases involving noble men. What also emerged was that following John Cunningham's death, two Scotsmen had laid claim to his Gjerdrup estate. One of them, David Woluid (Walwood) had lived in Denmark for a number of years and in April 1648 had been given Gjerdrup by John Cunningham. The other man was Laurence Cunningham.

On 23 April 1653, at the Kongens Rettering (the highest court in Denmark) Hans Jensen Ørbech, representing his wife, brought a case against Judge Jørgen Seefeldt to have his ruling at the Sjælland Landsting in 1652 reversed and also to claim her right to inherit the Gjerdrup estate. The process papers run to seventeen pages and include details of the earlier cases.\(^101\)

Hans Jensen Ørbech's representative questioned David Walwood and Laurence Cunningham's claims to John Cunningham's estate, pointing out that they had not proved that they were of noble blood, as required, and that while David Walwood had lived at Helsingør, he did not have Danish citizenship nor had he done any service for the Danish King and country.\(^102\) All Laurence Cunningham had was an unsigned letter purporting to have been written by Charles I in 1648, enquiring as to whether John Cunningham was dead. He also refuted their claim that John Cunningham had been senile when he had appeared at the local court at Vardo and that he had been stripped of his governorship of the Finnmark District for that reason.\(^103\) In addition, according to the law, Hans Jensen Ørbech had already paid some of his father-in-law's debts and had offered to clear those due to the crown and others, but that David Walwood had illegally taken away most of John Cunningham's movable property, which should be returned in order for these outstanding debts to be paid.

David Walwood's procurator, David Melving, argued that under Danish law, an illegitimate child could not inherit and so the estate of a deceased person had to go to the nearest heir. In this case, that heir was David Walwood who was John Cunningham's sister's son and so descended through the female line. Christen Jacobsen, representing Laurence Cunningham, pointed out that his client's father, the deceased John Cunningham of Barns, had been John Cunningham's brother's son and nearest heir on the sword side and so Laurence Cunningham also had a claim, being John Cunningham's grand-nephew.

The outcome of the case was that Judge Seefeldt's original ruling was upheld by the court, despite his having pronounced it in an inferior court, and found that the mansion in Helsingør should remain the property of Kirsten Hansdatter Kønninghame, her husband and heirs, having been given to her when her father had been of sound mind, but that the rest of his estate should go to David Walwood, as the nearest legitimate heir.\(^104\)

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\(^58\) NAS, B101/2, fol. 103.
\(^59\) NAS, R331/6, fol. 96, Register of Saxinos of the County of Fife, 1\(^{st}\) series, 26 May 1626.
\(^60\) Frederik II's Forordning (Decree) of 19 June 1582; Court Records, Kongens Rettering, Hans Jensen Ørbech v. Jørgen Seefeldt, 23 April 1653 [supra note 72], fol. 76v.
\(^100\) Court Records, Kongens Rettering, Hans Jensen Ørbech v. Jørgen Seefeldt, 23 April 1653 [supra note 72], fol. 76v-80v.
\(^101\) Court Records, Kongens Rettering, Hans Jensen Ørbech v. Jørgen Seefeldt, 23 April 1653 [supra note 72], fol. 76r.
\(^102\) Court Records, Kongens Rettering, Hans Jensen Ørbech v. Jørgen Seefeldt, 23 April 1653 [supra note 72], fol. 78r.
\(^103\) Court Records, Kongens Rettering, Hans Jensen Ørbech v. Jørgen Seefeldt, 23 April 1653 [supra note 72], fol. 78v-80v passim.
David Walwood appears to have died shortly after the conclusion of the case. The Gjerdrup estate was sold to Peder Vibe in February 1654 by Laurence Cunningham (styled as Barns in Scotland) and Hans Walwood, David Walwood’s son, indicating that some arrangement must have been reached between the Walwoods and Laurence Cunningham, after the judgment in the Kongens Rettering. Laurence Cunningham died in December 1658. John Cunningham of Barns (father of Laurence Cunningham), nephew and one of the heirs of John Cunningham, District Governor of Finnmark, was the eldest son and heir of Alexander Cunningham of Barns (son and heir of John Cunningham and Helen Meldrum). Alexander Cunningham had married Helen Myreton, daughter of Thomas Myreton of Cambo in 1596. On 14 May thereafter, the couple had been infeft in West Barns, the ensuing sasine rehearsing how John Cunningham had acquired the estate from his wayward brother, Alexander. In addition to their son, they also had a daughter, Euphane. Alexander Cunningham died on 3 January 1636. His heir, John received a charter of confirmation of West Barns on 6 January 1644. He had married Margaret Mercer, eldest daughter of Laurence Mercer of Mekillour. Their marriage contract was drawn up in 1619. He did not own the lands for long, dying in debt in 1648. His eldest son, Laurence Cunningham, was served heir to him in the lands of Barns shortly afterwards. In addition, Laurence also inherited the Isle of May which his grandfather, Alexander Cunningham (d. 1636) had acquired from his brother, Allan Cunningham in 1603. In order to pay off the debts he had inherited, he sold the Isle of May and also alienated West Barns to several of his father’s creditors. The news from Denmark must surely have offered a possible solution to all his problems.

As was recorded in the court case, David Walwood was the nephew of the deceased John Cunningham and had been living in Denmark for a number of years. He appears to have been the eldest son of M’William Walwood, Professor of Law at St. Andrews University, and Christian Cunningham. M’William Walwood, in turn, was the son of Thomas Walwood, citizen of St. Andrews, and Joan Geddie, but had predeceased his father. As a result, in November 1630, David, as heir to his grandfather, had been recognized by Alexander Cunningham of Barns and his son, John, as heir to an annulment to be uplifted out of five acres of their lands of Barns and had then been repaid the original loan plus interest by them. That loan dated back almost 50 years to when David Walwood’s grandparents had lent 400 merks Scots to John Cunningham of West Barns in January 1582. It therefore seems likely that Christian Cunningham, mother of David Walwood, belonged to the Barns family and was the daughter of John Cunningham of West Barns and Helen Meldrum.

As has been seen, Danish records indicate that John Cunningham enlisted as a captain in the Danish navy in January 1603. It is interesting to speculate as to why he had gone to Denmark and why he had been given a naval appointment. Had he been aboard the ship in which James VI had sailed to fetch his bride in 1592? Had members of his family in Crail been engaged in the mercantile trade and owned part shares in ships trading with the Scandinavian countries? Alexander Cunningham of Barns, Laurence Cunningham’s grandfather, certainly had. He owned a share in a ship captained by John Dav which had been impounded in Bordeaux in 1630.

The evidence of the court case of 1653 proves that John Cunningham was a member of the Cunningham of Barns family and a son of John Cunningham of West Barns who had replaced the disinherited Alexander Cunningham fiar of West Barns. Further proof lies in the fact that his coat of arms on the pulpit of Old Varde church is similar to the arms of Alexander Cunningham of Barns dated 1605, which are carved on a wooden panel in the church at Crail.

The following appears in The Register of the Great Seal of Scotland in 1596:

Apud Suiringle 16 Apr.

Rex dedit literas legitimationis JOANNI CUNYNGHAM Hasteardo, filio naturali Joannis C de Bernis xli. 56.

105 Tract, Domark [supra note 66], 3:862-63 (for Sora Arnt).
106 NAS, CCB/6/69/423.
107 NAS, B10/1/2, fol. 103, marriage contract, 6 Feb. 1596.
108 NAS, B10/1/2, fol. 103T.
109 NAS, RS10/5, fol. 158, 10 July 1604.
110 NAS, CC224/99/399, St. Andrews Commissary Court Register of Testaments.
111 Registrum Magni Sigilli Regum Scotorum [supra note 81], vol. 9 (1634-1651), no. 1575.
112 NAS, RS1/22, fol. 735, General Register of Sanities.
113 National Register of Archive Survey (NRAS), 3698.
114 NAS, CCL/224/1/12, 231.
115 NAS, RS1/1/16, fol. 215, 8 Aug. 1648.
116 NAS, RS1/1/16, fol. 267, 22 Dec. 1649; NAS, RS30/4, fol. 214, 4 Sept. 1603.
117 NAS, RS1/29/479, 16 Nov. 1630.
118 NAS, RS31/9, fol. 14, 16, last of Nov. 1630.
120 A shakendell with a mullet (a star) in chief (The Scottish Antiqury 8 (1894): 112). See supra note 67.
121 Registrum Magni Sigilli Regum Scotorum [supra note 81], vol. 6 (1593-1608), no. 430.
St. Andrews Kirk Session minutes record that on the last day of August 1593, Isobell Spens had presented a testimonial from the reader and some of the elders in the parish of Crail, intimating that she had paid a penalty for having had a child in fornication with John Cunningham of West Barns. There is no indication as to the child's sex or whether John Cunningham had actually acknowledged it.122 Even had that child survived and been a boy, he would not even have reached the age of three by April 1596, an unlikely age for a child to have been legitimized. John Cunningham's appointment as a naval captain in 1603 indicates that he must have been a mature young man who had had experience at sea and so could very well have been born about 1575, as printed sources claim. By 1596, he would have reached his majority. We therefore believe that the letters of legitimization by James VI were granted in his favor and that he was the brother consanguine of Alexander Cunningham of Barns.

[Image: Cunningham arms in Vardo Church (Photograph by Per Fredriksen)]

[Image: Cunningham arms in Crail Church (Photograph by Liv Helene Willumsen)]

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Compiled by Jane Fletcher Fiske, F.A.S.G.

Included in this index are names of persons and ships that appear in Volume 28. Married women are indexed under both their married and maiden names, with unknown maiden names indicated thus: (—). Distinguishing titles or qualifications such as “Sir” or “Dr.” appear following a comma after the name (rather than in parentheses or brackets). The reader’s attention is called particularly to “Mr,” a special term of distinction in Scotland: Magister Artium, or Master of Arts (see The Genealogist, 27 [2013]: 28, n. 2, for clarification). Departing from previous practice, the distinction “F.A.S.G.” (Fellow of the American Society of Genealogists) has been added to the terms of distinction. A full list of living Fellows can be found on page 255.

There is an unusually large number of variant spellings in this volume. A few surnames have been standardized, with other spellings cross-referenced. Variants that occur frequently are included in the standardized heading, but occasional eccentric misspellings are not, and in a few cases where variants are especially numerous, the term “& variants” has been used to cover everything. Much effort has gone into the identification of original spellings whenever possible.

A reference to a page number followed by the letter “n” indicates that the name is found only in the footnotes on that page. Authors’ names are indexed at the first citation of a work, where full bibliographic details are given.

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