

## HOMER B. HICKS ANCESTRY NOTES

Brief Review of Homer's Georgia Life: The parents of Homer B. Hicks (born 1824, Greene Co., GA, died 1886, Los Angeles County, CA) were Thomas Hicks and Elizabeth Collier Sturdivant, according to marriage records, estate records for Thomas Hicks, and approximately 15 years of guardianship appointments and returns spanning from 1827 in Monroe County, GA, to about 1842 in Troup County, GA. The estate records and guardianship records specifically name Homer B. Hicks, Susan J. Hicks and Elizabeth B. Hicks as the orphans of Thomas Hicks "deceased of Greene County, GA". After the death of Thomas Hicks in 1827, the original guardian of Homer and his sisters was William B. Malone, who had married Lucy Hicks in Greene Co., GA, 21 Nov. 1823; according to the estate records, Malone was initially appointed guardian in 1827 in Monroe County, GA, where the Malones moved shortly after the death of Thomas. The Malones then moved to Upson County, GA, where Malone's guardianship was transferred on May 2, 1831. In 1836, guardianship of Homer was transferred for a short time to Isaac W. Hicks of Monroe Co., GA, followed by James R. Stringfellow (married to Homer's older sister, Susan, in Troup Co., GA in 1835); guardianship of Homer was returned to Malone in 1837 due to Stringfellow's insolvency. No return reflecting release of Homer from guardianship has been found, but it is assumed to have occurred in Troup County, GA in about 1842. Homer married his first wife, Nancy "Susan" Brown there on January 11, 1846, certificate recorded on March 10, 1846. Homer's first wife, Susan, and eldest daughter, Elizabeth, apparently died sometime between the 1850 census and 1860 census; the Homer Hicks household disappears in Georgia by 1860 and his youngest daughter, Martha, can be found in the 1860 census living with Susan's sister, Amanda, and Amanda's husband, Dr. William Gauling. Homer is next found in California, where Homer B. Hicks married Mahala Gentry (Mahala Jane Mackey Burns Ellington Gentry) on August 8, 1860. Pursuant to Homer and Mahala's marriage certificate, Homer was 36 years old and his nativity was Georgia. (See the Mahala manuscript for detail and documentation concerning Homer's life in Georgia.)

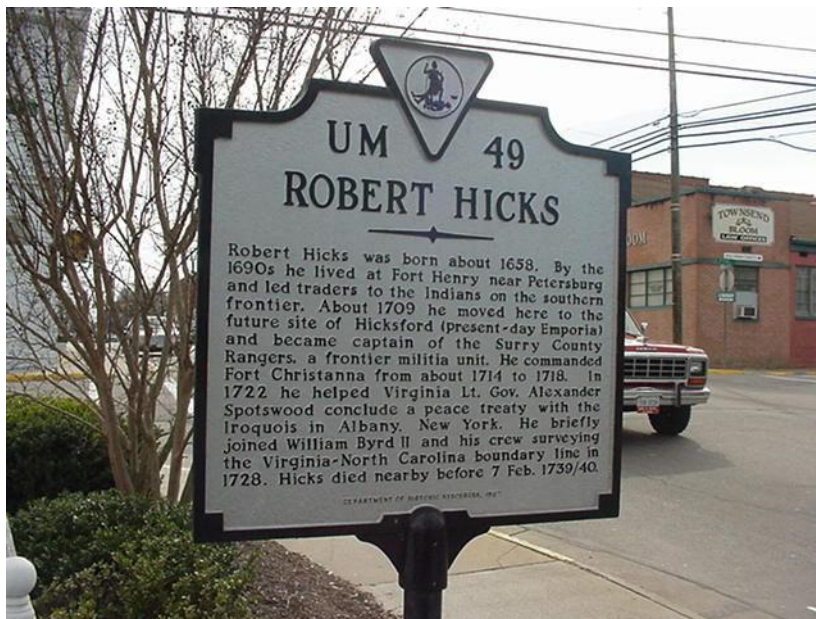
Homer's Ancestry is as follows, based on research provided in the outline in the following pages:

1. **CAPTAIN ROBERT HICKS** born Abt 1658, and died by 1739 (will proved in Court February 07, 1739) in Brunswick County, Virginia. He married (1) WINIFRED EVANS Abt 1690, daughter of John Evans and Mary. He married (2) FRANCES Aft 1690.
2. **GEORGE<sup>2</sup> HICKS** (ROBERT<sup>1</sup>) born Abt 1695, died before will proved in Court May 25, 1762 in Craven County, South Carolina. He married SARAH.
3. **JAMES<sup>3</sup> HICKS, Sr.** (GEORGE<sup>2</sup>, ROBERT<sup>1</sup>) born Abt 1732, died before will proved in Court December 23, 1793 in Brunswick County, Virginia. He married JUDITH COLLIER, daughter of Isaac Collier.
4. **JAMES HICKS, Jr.** (JAMES<sup>3</sup>, GEORGE<sup>2</sup>, ROBERT<sup>1</sup>) born Abt 1750, died before 1817. He married JUDITH COLLIER, daughter of Charles Collier (*M.B. 26 November 1787 - James Hicks and Judith Collier, dau. of Charles Collier. Surety: Isaac Hicks. Married by the Rev. John King, Baptist Minister. Ref: Brunswick County Marriage Records, page 47.*)
5. **THOMAS HICKS** (JAMES<sup>4</sup>, JAMES<sup>3</sup>, GEORGE<sup>2</sup>, ROBERT<sup>1</sup>) born Abt 1788, died in the 4<sup>th</sup> quarter of 1827 in Greene Co., GA. He married Elizabeth Collier Sturdivant, daughter of Charles Collier and Susanna Smith, in August of 1818.

6. **HOMER B. HICKS** (THOMAS<sup>5</sup>, JAMES<sup>4</sup>, JAMES<sup>3</sup>, GEORGE<sup>2</sup>, ROBERT<sup>1</sup>) born 1824 in Greene Co., GA, died in 1886 in Los Angeles County, CA. He married: (1) Nancy Susan Brown, January 11, 1846 in Troup County, GA; (2) Mahala Jane MacKey, August 8, 1860, Los Angeles County, CA.

## 1. CAPTAIN ROBERT HICKS (c. 1658-1739) and (1) Winifred Evans; (2) Frances.

Captain Robert Hicks was a well-documented man of early American history and one of the earliest Hickses in America, resulting in many Hicks lines attempting to claim descendancy from him. Because of DNA evidence and the linking of wills, marriages, tracking of land transfers, etc., it appears our Hickses do, indeed, descend from Captain Robert. His prominence in American history resulted in the Virginia Dept. of Historic Resources providing a Virginia Historical Highway Marker in his name:



A Google search of his name turns up a variety of stories of his history. The one provided here was written by Rocky Strickland, a fellow Hicks researcher and descendant of Captain Robert, and is basically in tune with others I have found:

"The present town of Emporia, Virginia, was once called Hicksford. The name evolved from the spot on the Meherrin River where Capt. Robert Hicks had his trading post. It was at a shallow point that was fordable and became known as Hicks' or Hix's Ford. It is believed that the villages of Hicksford, located on the south side of the river, and Belfield, located on the north side of the river, were combined in the late 1880's to become Emporia. Robert Hicks was captain of the garrison that Governor Spottswood installed at Fort Christianna in Brunswick County in 1714. Captain Hicks went with Governor Spottswood to Albany, New York, in 1722, to negotiate a treaty with the Iroquois Indians. In 1728, he accompanied Colonel William Byrd and the commission that surveyed the boundary line between North Carolina and Virginia. Robert Hicks first appeared in Charles City County (afterwards Prince George) records. In 1690, John Evans, Robert's father-in-law, gave 560 acres adjoining General Wood's land to Robert Hicks and his wife, Winifred Hicks. On April 13, 1693, Robert Hicks appeared in Charles City County Court in a drunken state and was sentenced to the stocks. His father-in-law soon afterward gave him another 1120

acres of land on the south side of the Appomattox, and shortly thereafter, Hicks claimed 600 acres for transporting twelve persons into the colony. He is mentioned numerous times in Brunswick County land records up until the late 1730's..." The will of Robert Hicks, Gentleman, was dated March 6, 1739, and proved February 7, 1740. To his son, Charles Hicks, all my land at the Indian Fort containing 650 acres adjacent to Nathaniel Edwards, and 150 acres lying in the Fork of Reeves. To son, James Hicks, the plantation whereon I now live after the death of wife, whatever is left of patent of 2610 acres. To son, George Hicks, tract of land adjacent to his land. To son-in-law, Richard Ransom, 150 acres lying in the Fork of Reeves. To grandson, Benjamin Hicks (son of Daniel Hicks, deceased son of Robert), 150 acres in Fork of Reeves. Daughters, Martha Beddingfield, Frances Ransom, Elizabeth Hicks, Rachel Hicks, Mary Hicks, and Tabitha Hicks. To grandson, John Beddingfield, all my part of the Mill on Genito's Creek. Wife, Frances Hicks, named as executrix. Witnesses were Ann Poythress, Charles Rose, and John Chapman (Brunswick County, Virginia, Will Book 2, page 4)."

Rocky does not mention the marriage of Captain Robert to his second wife, Frances, however, her existence is known from Captain Robert's will, the will of Frances, and indentures. Captain Robert actually held a total of five original land patents according to the Virginia land patent database:

1. 31 Oct 1716 - 1070 acres on the north side of Maherin River, beginning and extending on the bank of the river. Adjoins land of Kavenaugh.
2. 9 Jul 1724 - 140 acres on the north side of the Myery Branch.
3. 28 Sep 1728 - 580 acres on the north side of Roanoak River.
4. 28 Sep 1730 - 2610 acres on the north side of Meherrin River. Patent to Robert Hix, Gent., dated September 28, 1730, for 2610 acres, old and new land, Surry County; on North side of Maherin River; adjoining Henry Wyche; on the Myery Branch, at mouth of the Meadow Run; William Lucas; Capt. Thomas Goodwin; land formerly Major Charles Goodrich, dec'd; on Reeves' Swamp; near Arthur Kavanaugh's house. 1070 acres part granted said Hix, October 31, 1716; & 140 acres granted him, July 9, 1724, for 7 Lbs. money. Virginia Patent Book 14, page 124, page 125.
5. 2 Jan 1737 - 650 acres on the north side of Maherrin River, and on the south side of the Three Creeks. Beginning and extending on the east side of Reeves' Swamp.

The following is a transcription of the Will of Captain Robert Hicks:

*In the name of God Amen I Robert Hicks, Gentleman of the County of Brunswick in the Colony and dominion of Virginia, Knowing the uncertainty of human life and being now in perfect health and sound and disposing mind and memory do judge this the most proper time to make my Last Will and Testament for the disposing of what Lands Slaves Goods and Chattels I at the present time am owner of which I do in manner and form as followeth. Imprimis I acknowledge the Divine Favor and Mercy of God in so safely conducting and preserving me through all the Dangers to which human Life is exposed to this present time hoping the same Divine Grace may enable me to act to the end of my Life as becomes a follower of our Blessed Saviour Jesus Christ by whose advocacy & mediation with the Father I hope to be admitted to eternal salvation. Item I give and bequeath unto my son Charles Hicks all my land at the Indian Fort below where I know live joining Captain Nathaniel Edwards his lower line and Batts his line containing 650 acres to him and his heirs forever. Item I give and bequeath unto my beloved wife Frances Hicks four slaves name Kate, Martha Alias Hatt, Will and Popper. I also give to my said wife the Bed and Furniture which I now lie in with my will and Six sheep the best that she can choose out of the Flock and 4 cows and calves and also my largest iron Pott. Item I give and bequeath unto my son James Hicks after the decease of my wife the plantation whereon I now live being whatever remains of my patent for 2610 acres after the several tracts hereafter given and taken out of the said patent to him & his heirs forever. I also give unto my said son James one mulatto boy named Peter being now in the possession of the said James Hicks. Item I give and bequeath unto my son-in-law Richard Ransom 150 acres of land lying in the fork of Reeves his swamp being the plantation whereon John Hicks lived unto him and his heirs forever. Item I give and bequeath unto my grandson Benjamin Hicks 150 acres of land lying in the fork of Reeves his swamp above the land I have given to Richard Ransom to him and his heirs forever. Item I give and bequeath unto **my son George Hicks** a certain parcel of land joining to what he has already beginning at the mouth of his pasture branch and running from thence to the persimmon trees that grow by my haystack to him and his heirs forever. Item I give unto my son James Hicks my large oval table. Item I give unto my daughter Frances Ransom two slaves, Jo and Cesar. Item I give unto my daughter Martha*

Beddingfield a negro girl named Hannah. Item I give unto my daughter Elizabeth Hicks two slaves, Will & Amy. Item I give unto my daughter Rachel Hicks two slaves, Dick & Judy. Item I give unto my son Charles Hicks my negro Peter and a bed and furniture and that chest which he now hath. Item I give unto my daughter Elizabeth one bed and furniture. Item I give unto my daughter Rachael one bed and furniture. Item I give and bequeath unto my grandson John Beddingfield all my part of the mill on Genito's creek to him and his heirs forever. Item I give & bequeath unto my beloved wife Frances Hicks all the remainder of my estate horses cattle sheep hogs and household stuff to be entirely at her own disposal. Item I give unto my two daughters Mary & Tabitha to each a common Bible. Lastly I nominate constitute and appoint my beloved wife Frances Hicks full and sole Executrix of this my Last Will and Testament hereby revoking annulling and making void all former and other wills and testaments whatsoever. In Witness Whereof I have hereunto set my hand & seal the 6th day of March Anno Christ 1738/39. Signed by Robert Hicks. Signed and sealed and acknowledged as the Last Will and Testament of Robert Hicks in the presence of Anne Poythress, Charles Ross, and John Chapman. At a court held for Brunswick Co. the 7th day of February, 1739. This will was presented in court by Frances Hicks the Executrix therein named who made oath thereto according to law and the same being proved by the oaths of Ann Poythress, Charles Ross, and John Chapman it is admitted to record. [Will Book 2, page 3, Brunswick County, Virginia]

Captain Robert's second wife, Frances, died by 1744, leaving the following will; based on the naming of her children in this will, it is assumed which children of Captain Robert were from the marriages to first wife Winifred and to second wife Frances:

*In the Name of God Amen, May 7, 1744, I Frances Hicks of Brunswick Co., being sick and weak but in my perfect senses and memory (for which I glorify God) and being willing to settle my affairs and dispose of my estate do make constitute and appoint this to be my Last Will and Testament in manner and form following: Imprimis I commit my body to be decently interred and my soul in the hands of Almighty God hoping for salvation by and through merits of that Immaculate Lamb my Saviour Jesus Christ the Righteous. Item I give to my son **George Hicks** one large iron Pott a currying knife a fleshing knife and two satchels. Item I give to my son John Hicks all my horses and mares. Item I give to my son James Hicks six leather chairs six head of cattle and one large iron Pott. Item I give to my son Charles Hicks my slave Hatt and her child Hamme six head of cattle one bed six pewter plates and on table. Item I give to my daughter Frances Ransom two slaves Will and Kate four silver spoons two pewter dishes one pewter basin and one large table. Item I give to my granddaughter Elizabeth Ransom one girl slave named Susy. Item I give to my granddaughter Tabitha Irby one slave name Pepper four silver spoons two pewter dishes six pewter plates and six head of cattle. Item I give to my daughter Rachael Davis one bed a pair of sheets two blankets a large ragg bolster two pillows bedstead and cord four silver spoons two pewter dishes six pewter plates a firetong and shovel and one pewter bason. Item All my wearing clothes I give to my three daughters Frances, Elizabeth and Rachael to be equally divided. Item All the remainder of my estate after my debts are paid I give to my 3 sons **George Hicks** James Hicks and Charles Hicks to be equally divided between them and I do order that no appraisement to be made of my estate. Item I revoke and make null and void all wills heretofore by me made. Item I constitute and appoint my two sons George Hicks & James Hicks executors of this my Last Will and Testament. In Witness Whereof I have hereunto set my hand and seal the day and year first above written. Signed by Frances Hicks. Signed sealed published and declared in presence of John Wall, Henry Beddingfield, and William Beddingfield. At a court held for Brunswick Co., July 5, 1744, this last Will & Testament of Frances Hicks, widow, deceased was presented in court by James Hicks one of the executors therein named who made oath thereto according to law and the same being proved by the oath of John Wall, Gent., and Henry Beddingfield two of the witnesses thereto and ordered to be recorded on the motion of the said James certificate is granted him for obtaining a probate thereof reserving liberty to George Hicks, Gent., the other executor to join in the executorship if he thinks fit. At a court for Brunswick Co., August 2, 1744, on the motion of George Hicks gent. one of the executors named in the last Will & Testament of Frances Hicks, widow, deceased and his making oath according to law certificate is granted to him for obtaining a probate in conjunction with the said James Hix the other executor in due form. [Will Book 2, page 93, Brunswick County, Virginia]*

The children of Captain Robert Hicks and his wives are believed to be:

With Wife Winifred: Daniel Hicks, Robert Hicks

With Wife Frances: Charles Hicks, **George Hicks**, James Hicks, John Hicks, Frances Hicks, Martha Hicks, Elizabeth Hicks, Rachael Hicks, Mary Hicks, Tabitha Hicks

Captain Robert was a large landholder and transferred much of his property to his sons prior to his death. One of such transfers was to his son George, the son from whom Homer descends:

*Indenture between Robert Hix and George Hix, for natural Love and Affection **unto my son, George Hix**, 500 acres on North side of Maherrin River in Southwark Parish, and being a part of a 2,000 acre tract granted to the said Robert Hix, by Letters of Patent dated August 10, 1720, and adjoining the lands of Robert Hicks, Daniel Hicks and James Wyches. Presented in Court on March 17, 1730. [Deeds, etc. Book 1730-1738, page 84, Surry County, Virginia].<sup>1</sup>*

In 1744, George Hicks acquired from his brother James the land Captain Robert had willed to James:

*Indenture made the 5th day of June, 1744, between James Hicks of Brunswick County, and George Hicks of Brunswick County, Gent., for 150 pounds, conveying 810 acres on North side of Maherrin River, being the plantation whereon Capt. Robert Hicks formerly lived and part of the 1,010 acre of land devised by the Last Will and Testament of Robert Hicks to the said James Hicks. Witnesses were Benjamin Chapman Donaldson, John Wall, Jr., and Henry Beddingfield. Acknowledged in Court on June 7, 1744, at which time, Martha Hicks, wife of the said James Hicks, appeared and relinquished her dower. Deed Book 2, page 474, Brunswick County, Virginia.*

At that point, George Hicks then owned 1,310 acres of the original 2,000 acres patented by his father, Captain Robert Hicks.

## 2. GEORGE HICKS (c.1700 - 1762) and wife, Sarah

In addition to the above-referenced property obtained by George, previously patented by his father, Captain Robert Hicks, George also acquired his own patents, one of which was as follows: *George Hix of Surry County, dated October 31, 1726, for 429 acres, new land, Brunswick County; on South side of Maherin River; above Jeneto Creek; on the Indian line. Virginia Patent Book 13, page 59, page 60.*

In 1747 George Hicks left Virginia and headed for Craven County, South Carolina. This move was signaled by at least two Indentures. The first is one in which he sells the total 1,310 acres he had acquired of Captain Robert's original 2,000 acre patent:

*Indenture made the 15th day of October, 1747, between George Hicks, Gent. and Robert Jones, Jr., of Albemarle Parish, County of Surry, Attorney at Law, for 400 pounds, conveying 1,310 acres on Bank of Maherrin River. Witnesses were Thomas Briggs, Richard Knight, William Gray, Jr., Henry Beddingfield, and Thomas Pennington. Acknowledged in Court at which time Sarah Hicks, wife of the said George Hicks, appeared and relinquished her dower. Deed Book 3, page 385.*

The second is an unusual Indenture in which George leaves his son James Hicks (James Hicks Sr., #3 in Homer's ancestry on page 1) in the care of George's brother James:

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<sup>1</sup> The date of August 10, 1720 is curious; the Virginia land patents reveal no Hicks with a patent of that date. The September 28, 1730 patent for 2610 acres references "old and new land", suggesting there may have been an earlier 1720 patent that is not showing up in the records. It is probable that "old land" refers to land previously granted to someone other than Robert Hicks but, through failure of the previous owner to pay the annual tax or make sufficient improvements, had fallen back under the colonial authority's right to repatent the land to someone else.

*Indenture made the 6th day of October, 1747 George Hicks of St. Andrews Parish, Brunswick County for £100, paid by James Hicks the Elder of same, Gent., Two negro Slaves the one a man Named Brandom &; the other a Boy Named Tom, Also two feather Beds and furniture, provided it is the true intent that whereas a Certain agreement of B&;S hath been formerly concluded between the said George Hicks and the said James Hicks for a tract of land lying on both sides of Jenneto Creek containing 396 acres for the making over &; conveyeing of which the said Land the said George Hicks at the time of the said agreement entered into a Bond with the said James Hicks the Elder in the Penalty of £50 &; whereas the property of the sd. Land was at that time and **still is vested in James Hicks an Infant, son to the said George Hicks**, and as the said George intends shortly to remove out of this Colony &; has a Design to give the above named Slaves Beds &;c to his said son James on Condition that he shall when he arrives at the age of Twenty one Years make over &; convey unto the said James Hicks the Elder a good &; Lawfull Title unto the said Land it is therefore the tru intent of these presnts that the use of the said slaves be reserved unto the said James Hicks the Younger untill he shall arrive at the Age of Twenty One years &; that then &; from that time the sole right Title and property of the said two slaves Beds &; furntirue be and are hereby intirely vested in him the said James Hicks the Younger provided he shall on his arrival at the Age aforesaid or as soon after as he shall be thereunto required by the said James Hicks the Elder make over &; convey the said Land &; premises unto the said James Hicks the Elder. In case the said James Hicks the Younger shall neglect or refuse to Comply with the above Conditions on his part that then &; from the time of such Neglect or Refusal the property of the said slaves and Beds are to be immediately vested in the said Jaems Hicks the Elder, dated 6 October 1747. Signed George Hicks. Witnesses: Richard Ransom, Isaac Collier, Matthias Davis, John Wall, Junr. Court November 5, 1747, Deed proved by the oaths of Richard Ransom and John Wall, Unr., Gent. Deed Book 3, Page 358.*

At that time in Virginia law, an "infant" was anyone under age. In reality, George's son, James, was approximately 14 years old; the Bill of Sale for this transaction was recorded in 1754 and is most likely the year that James had turned 21:

*Bill of Sale dated ?????, between James Hicks and James Hicks, the younger (son of George Hicks) in consideration of 93 pounds paid by James Hicks the younger, conveying 2 negroes, one named Brandon and the other boy named Tom and personal property. Referenced to a Mortgage Deed dated the 6th day of October, 1747, from **George Hicks, father, to James Hicks for the benefit of James Hicks, the younger**. Presented in Court on August 27, 1754. Deed Book 5, page 607.*

The Will of George Hicks was dated November 14, 1761, proved May 25, 1762 in Craven County, South Carolina. The will devises land to his wife, Sarah, and after her death to sons, Robert Hicks and George Hicks, and mentions granddaughter, Elizabeth Hicks and grandson, Benjamin Hicks. Executor: Robert Hicks. Witnesses: Henry Bedingfield, George and Luke Paul. [Will Book QQ, 1760-1767, page 196 (or page 176), Charleston, Craven County, South Carolina]. To date, I have not acquired a copy of the original will. Unfortunately, the will abstracts and, apparently, the will itself do not name our James as a son. It is not unusual for wills in those days to fail to name every child or bequeath items to every child. However, by various indentures, we do know that George did have a son, James, who was his eldest son; we know their relationship from the above Indenture and Bill of Sale. Further, in 1766, after the death of George Hicks, George Hicks Jr. (who also lived in Craven Co., SC) conveys to his brother James Hicks (who had remained in Brunswick Co., VA, after his father George removed to Craven County, SC) land in Craven County that came to James by virtue of being George's eldest son:

*Indenture dated October 29, 1766, from James Hicks Planter of Brunswick County, Virginia, and George Hicks, Planter of Craven County, South Carolina, for £100 current money of South Carolina, conveys 200 acres in Craven County, all sides on vacant land, generally known by the name of the Sand Hill plantation, originally granted January 16, 1761 to George Hicks, Esq. The above sd. 200 acres of land doth revert unto his eldest son the above said James Hicks planter being his heir at law. Witnesses:*

Isaac Collier, Jr., Charles Irbe, Chas. Hicks. Proved Craven County, SA 27 December 1776, recorded 8 June 1773. [Deed Book 4, page 286, Charleston, Craven County, South Carolina].

The children of George Hicks and wife Sarah were:

**James Hicks**

George Hicks

Robert Hicks

Lucy Hicks Seawell<sup>2</sup>

**3. JAMES HICKS SR. (c. 1733 - 1793) and wife, Judith Collier (daughter of Isaac Collier)**

The records concerning James Hickses can be very confusing. During the same period of time, there were five known James Hickses living in Brunswick Co., VA and transacting business, all of them family members - (1) James Hicks (son of Captain Robert, referred to in some of the above records as James Hicks the Elder); (2) James Hicks the Elder's son, James Hicks married to Frances who died in 1776; (3) James Hicks, son of Captain Robert's son, George - our James Sr. who married the first Judith Collier, daughter of Isaac Collier; (4) his son, our James Hicks Jr., who married Judith Collier, daughter of Charles Collier; and (5) James Ransom Hicks, son of Captain Robert's son, John. Distinguishing between them can be even further obfuscated by the use of "Senior" and "Junior" by men who were not father and son; it was common for a younger man sharing the same name with an older man, such as an uncle or cousin or even a non-family member, to be referred to as "Junior" in documents.

Since both James Hicks Sr., son of Captain Robert Hicks, and James Hicks Sr., son of Captain Robert's son George, each had a son named James, some confusion among researchers exists as to which James was married to Judith Collier. An easy distinction exists. James Hicks, Sr. (son of Robert Hicks), whose will was proved in court on Feb. 23, 1761 (*Will Book 3, page 352, Brunswick County, Virginia*) named in his will is wife Fathy and numerous children including James and Benjamin. James Hicks, Jr., son of this James Hicks, died in Pittsylvania Co., VA (*Will of James Hix, dated January 28, 1776, proved on May 23, 1776, Pittsylvania County, Virginia*) and named in his will his wife, Frances, and his brother, Benjamin, as his executor. Our James Hicks, Sr. (son of George Hicks), who married Judith Collier (daughter of Isaac Collier), had no son named Benjamin among those sons named in his will and no son Benjamin appears connected to this James in land records. Thus, the presence of a Benjamin in the lineage of Captain Robert's son, James, distinguishes that line from the Jameses in the line of Captain Robert's son, George.

An effort has been made to find a specific land record whereby George Hicks gave land to his son, James Hicks, which James Hicks and Judith Collier later sold. To date the land transaction which most closely meets this criterion is the following transfer of land by James and Judith in 1786:

*This Indenture made this 24th Day of April 1786 BETWEEN James Hicks and Judith his wife of the County of Brunswick of the one part and William Batte of the County of Greenville of the other part . . . for and in consideration of the sum of four hundred pounds . . . have granted bargained & sold unto the said William Batte one certain tract piece or parcel of land lying in Brunswick County on **both sides of Jenetoe Creek containing three hundred and eighty acres** . . . & bounded as follows, to wit, BEGINNING at a red oak on John Hicks's line thence North fifty four degrees West two hundred and fifty*

<sup>2</sup> The existence of Lucy is known through the March 19, 1769 Will of Sarah Hicks, George's wife, in which she gives numerous items to her "Daughter Lucy Seawell" and appoints her "Son-in-law Benjamin Seawell" as one of her executors.

*two poles to a small hicory thence South forty eight degrees West forty two poles to a scrub oak on William Batte line thence South sixty eight degrees West eighty poles to a read oak thence South nineteen West one hundred and fifty one poles to lveys corner shrub oak thence East fifty four poles to a corner turkey oak thence South twenty nine and a half degrees East sixty three poles to a small white oak thence South seventy three degrees one hundred and eighty six poles to a white oak from thence varyous courses to the BEGINNING . . . Signed by James Hicks Sr. and witnessed by Beverley Brown, Lewis Parham, and R. Watson. Brunswick County Court March 28th 1791. This Indenture of Bargain & Sale was proved according to law by the oaths of Lewis Parham a witness thereto and having been proved on the 26th Day of September 1786 by the oaths of Beverley Brown and Robert Watson also witnesses thereto the same is ordered to be recorded. Deed Book 15, page 58, Brunswick County, Virginia.*

The 380 acres on both sides of Jenetoe Creek appears to resemble the brief description of the 396 acres of land George Hicks gave to "Infant" son James in the 1747 Indenture set forth on page 5. The 16 acre difference may be in a transaction not yet found.

Although no marriage record for James Hicks and Judith Collier has been found, that Judith Collier, daughter of Isaac Collier, is the same Judith Hicks referenced in various land transactions with James and was the Judith referenced as his wife in his 1789 will is proved through three records, (1) the Will of Judith's father Isaac Collier; (2) the testimony of Mrs. Ann Vines Hicks Walker, who was a daughter of James and Judith Collier Hicks, and (3) the will of Thomas Vines, Judith's grandfather. Thomas Vines, in his will proved 15 Aug 1737, names his daughter Anne Collier her husband, Isaac Collier, and their children, one of whom was Judith.<sup>3</sup>

Judith's father, Isaac Collier (married to Anne Vines) removed to Brunswick County, Virginia, where he died in 1771 leaving a will, proved 28 Oct 1771, in which he refers to Judith as Judith "Hicks":

#### *WILL OF ISAAC COLLIER*

*In the name of God Amen, I Isaac Collier of the County o f Brunswick in Virginia, Planter, being of sound mind and memory do make this my last Will and Testament in manner an d form following - first I give my soul to God my maker in hopes of a Joyfull Ressurrection through the Merits of his Son my Saviour, and my Body to be intered in a decent manner at the discretion of my Executors hereafter named, an d for all mu Real and Personal Estate with which it is plea sed Almighty God to bless one with after funeral charges an d just debts are paid then I give in manner and form following*

*ITEM I lend to my loving wife Ann Collier during her life and to my daughter Ann Collier while she lives single my Maner Plantation and to lend any part of my land as they shall think fit*

*ITEM I give to my daughter Ann Collier four Negro's named Phibby and Annshay and Delsey and Pompy, and their Increase s and a feather bed and furniture and four pewter dishes and a dozen of pewter plates and a iron pott and a pan and a case of knives and forks and a box iron and hosters and a good horse and after my wife's death I give to her my das h and riding chair and two cows and calves to her and her heirs forever*

*ITEM I give to my son Myhill Collier two Negro's named James and Daniel two cows and calves and---*

*ITEM I give to my son Vines Collier a Negro Boy named Dave that he is already got to him and his heirs forever.*

*ITEM I give to my daughter Elizabeth Smith a Negro Woman named Emly that she has managed and all her other increases forever*

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<sup>3</sup> The William and Mary Quarterly, Vol. 8, No. 4, page 256, Apr., 1900.

*ITEM I give to my daughter **Judith Hicks** one Negro Girl named Eady and her increases forever*

*ITEM I give to my son Thomas Collier the land I had upon the southeast side of Tuck's branch being about forty five acres more or less and two Cows and Calves to him and his heirs forever*

*ITEM I lend my loving wife Ann Collier six Negro's named Nick and Harry and Frank and Patt and Milly and Daphny and their Increases and all my household goods and stock of all kinds that I have not already disposed of during her natural life*

*ITEM after my wife's death I give the six Negro's lent to my wife named Nick and Harry and Frank and Patt and Milly and Daphny and their Increase to be equally divided between my son Vines Collier and my Son Charles Collier and my son Isaac Collier and my daughter Elizabeth Smith to them and their Heirs forever*

*ITEM and after my wife's death I give all my household goods and stock of all kinds that I have not already disposed of to be equally divided between my Son Vines Collier and my Son Charles Collier and my Son Isaac Collier and my Son Myhill Collier and my daughter Elizabeth Smith*

*ITEM after my wife's death if my Daughter Ann Collier marries or dead I give the land I bought of Harrison to be equally divided between my Son Isaac Collier and my Son Myhill Collier and also the land where I now live that I bought of William Smith and the land I took up on the Norwest side of Tack's branch to be equally divided between them and their Heirs forever in all being six hundred and thirty acres more or less*

*LASTLY I do hereby appoint my Son Vines Collier and my Son Charles Collier and my Son Isaac Collier Executors of thi s my last Will and Testament. IN WITNESS whereof I have hereunto set my hand and Seal this eighth day of July one thou sand seven hundred and seventy one.*

*Isaac Collier (seal)*

*Signed, Sealed published and Delivered to be the last will and testament of the above named Isaac Collier in Presence of us James Trotter William Hamilton James Hamilton*

*At a Court held for Brunswick County the 28th day of Octobe r 1771*

*This will was proved according to law by the Oath's of James Trotter and William Hamilton Witnesses thereto and directed to be recorded, and on the motion of Vines Collier, Charles Collier and Isaac Collier the Executors therein named w ho made oath thereto and together with Benjamin ---, Isham Winfield and Josiah Smith their Securities entered into and acknowledged Bond as the Law directs, Certificate was granted them for obtaining a --- thereof in pure form.*

*According to numerous William and Mary Quarterly 1900 editions, as well as the Genealogy of the Collier Family written by C.I. Collier of Winder, Georgia on 10 June 1928, there is firsthand account by Ann Vines Hicks Walker as follows:*

*MRS. ANN VINES HICKS WALKER... was living during the year 1860 at the age of 94 years near Diamond Grove in Brunswick Co., Va. She was a paternal aunt of R. A. Hardaway of Tuscaloosa, Ala., and the above facts were given out by him in a statement that he made at Tuscaloosa on April 3, 1886. Mr. Hardaway visited her home in Virginia at that time and Mrs. Ann Vine Hicks Walker stated to him that she was the niece of Cornelius Collier of Yorktown, Virginia and that her Mother was Judith Collier and that her two uncles or the two brothers of her mother, Judith Collier, were officers in the regiment of which Lawrence Washington was Captain at Porto Bello dear Darien....."*

*Ann Vines Hicks Walker, daughter of James Hicks Sr. and Judith Collier, had married Dr. William Walker per the following marriage record from Brunswick County, VA: 21 November 1797. William Walker and Nancy V. Hicks. Sur. Edward Walker. Wit. William Walker. It is assumed that Ann's full name was Nancy Ann Vines Hicks; in the will of her father, James Hicks (transcribed below),*

she is referred to as "Nancy Vines Hicks", however, by her own statement in 1860, she went by the name "Ann". The account of Ann was given to R.A. Hardaway, most likely a descendant of the Robert Hardaway who had married Sarah "Salley" Hicks, the daughter of James Hicks, Sr. and Judith Collier Hicks, in Brunswick Co., VA on December 19, 1783.

## WILL OF JAMES HICKS, SR.

*In the Name of God Amen I James Hicks Senr. of Brunswick County being in perfect health sense and memory praise be Almighty God for it, and calling to mind that it is appointed of God for man once to die, do make and ordain this my last Will and Testament: And first of all I give my soul to God that gave it me hoping for the Resurrection to Eternal Life: and my body to the dust from whence it came to be buried in such decent manner as my Extors hereafter named shall think fit: And as for my worldly Estate that God of his infinite Mercy has bestowed on me I give and bequeath as in manner following, Viz. Item My will and desire is that **my beloved wife Judith Hicks** may have the use of my houses and plantation whereon I now live and all the land on the North Side of the Creek also the use of four negroes namely Cyrus, Isbel, Daniel and Tab Also two mairs namely sorrel and Dill six head of cattle two Sows and pigs six Ewes two Beds and Furniture one Cubbard and her equal part of all the other Household Furniture of every sort, kitchen utensils and all, to her during her widow or life but in case of her Death or marriage then to be equally divided among my children then living to them and their heirs forever. Item I give and bequeath unto my **son Charles Hicks** one hundred acres of land joining the land whereon he now lives to him and his heirs forever. Item I give unto **my son John Hicks** one negro fellow named Dick one negro wench named Sari to him and his heirs forever. Item I give and bequeath unto **my son Isaac Hicks** one hundred and twenty pounds instead of a negro fellow named Dick also eight hundred and sixty acres of land more or less lying in Mecklenburg County on Smiths Creek to him and his heirs forever. Item I give and bequeath unto my son George Hicks one half of my Little Creek land to be divided across the land from east to west during his life and after his death to return to **my son Vines Hicks** and his heirs forever. Item I give and bequeath unto **my daughter Salley Hardaway** thirty pounds Current money to her and her heirs forever. Item I give and bequeath unto **my son James Hicks** the plantation whereon he now lives and all my land from Petersons line to the south side of the creek to a branch below my bridge that is over the sd. creek thence up thesd. branch as it meanders to the fork thence west to my upper line. Also all my land below the Road that crosses Jenito Creek and Colliers bridge from Petersons line north as the Road goes to the fork thence along the right hand fork to the old road thence down the old road to my lower line, Also three negroes namely Will now in his possession; likewise Ned and Arthur. Also everything I have given to him and his heirs forever. Item I give and bequeath unto **my son Vines Hicks** the plantation whereon I now live and all the land belonging to the said tract that has not already been mentioned. Also half my little Creek land Also three negroes namely Nero, Aaron, Sampson. Also three cows and calves and two young steers and two Sows and piggies two Ewes and lambs and also one large iron pot and all in his possession that I have given him heretofore to him and his heirs forever. Item I give and bequeath unto my daughter **Nancy Vines Hicks** four negroes and their increase, Joe, Frank, Jerry, Amey, one bed and furniture, one sorrel mair two cows and calves also five pounds Currant money to her and her heirs forever. Item My will and desire is that all my mountain land lying in Henry County may be sold by my Extrs hereafter mentioned in order to pay all my just and lawful debts and all the rest of my whole estate be it of what kind or property soever that has not been mentioned in this will to be sold and the money then left over paying my Debts to be equally divided amongst all my children then living to them and their heirs forever, and lastly I **appoint my three sons, namely Charles, John and Isaac** Extrs of this my last Will and Testament. In witness whereof I have hereunto set my hand and seal this twentieth day March, one thousand seven hundred and eighty nine. Signed by James Hicks and witnessed by Myhill Collier, Zachr. Floyd, and Chisten Curtis. Brunswick County Court December 23, 1793 this last Will and Testament of James Hicks Senr. decd. was proved according to law by oaths of the witnesses thereto and ordered to be recorded, and on the motion of Charles and John Hicks two of the exors therein named who made oath thereto and together with Vines Hicks, Robert Watson, and Robert Hardaway their securities entered into and acknowledged a bond in the penalty of four thousand pounds with condition as the law directs Certificate is granted them for obtaining a probate thereof in due form liberty being reserved for the other executor to join in the said probate when he thinks proper. [Will Book 5, page 518, Brunswick County, Virginia].*

To date, no will for Judith Collier Hicks has been found and her date of death is unknown. Unfortunately some researchers have picked up on a peculiar William and Mary Quarterly reference in a 1900 edition that states: "Judith's will was proved on Aug 15, 1773". Obviously, Judith Collier Hicks was still alive in 1789 when her husband, James, wrote his will, naming her as his wife and bequeathing her the plantation on which they lived. Not a single researcher I contacted had any firsthand knowledge of a will of Judith. A large number of the pertinent Hicks-Collier wills of the period have already been transcribed and are available to researchers and no such will appears to exist and no August 15, 1773 date is attached to any surrounding records. A search of microfilmed Brunswick wills may provide some explanation for this peculiar date.

The children of James Hicks Sr. and Judith Collier were:

Charles Hicks

John Hicks

Isaac Hicks

Vines Hicks

Sarah "Sally" Hicks Hardaway

**James Hicks**

Nancy Vines Hicks Walker aka "Ann Vines Hicks Walker"

As a point of interest, among the many Indentures between James Hicks, Sr. and other parties was the following property purchased by James, which bordered the property of John Sturdivant, the father of Elizabeth Collier Sturdivant, who would marry Thomas Hicks, the grandson of James Hicks, Sr., 27 years after the date of this Indenture:

*This Indenture made this 28th Day of May 1791 BETWEEN Hansford Row of the County of Gloucester of the one part and James Hicks of the County of Brunswick of the other part . . . for and in consideration of the sum of eighty pounds . . . doth grant bargain & sell unto the said James Hicks . . . all that tract or parcel of land and plantation lying and being in the said County of Brunswick on the South side of Little Creek containing two hundred & forty acres . . . and **bounded by the lands of John Sturdivant Theophilus Harrison Edward Love John Love William Shelton [Shetton] and Thomas Stokes . . . Signed by Hansford Row and Mildred Row (her mark) and witnessed by Charles Hicks, Lockey Collier, and Bartley Sadler. Brunswick County Court June 27th 1791. This Indenture of Bargain & Sale between Hansford Row & Mildred his wife of the one part and **James Hicks Senr.** of the other part was proved by the oaths of Charles Hicks, Lockey Collier and Bartley Sadler the witnesses thereto & ordered to be recorded. Deed Book 15, page 99.***

#### **4. JAMES HICKS JR. (c. 1750 - before 1817) and wife, Judith Collier, daughter of Charles Collier (c. 1766 - 1829)**

James and Judith's son, James Hicks, Jr., married Judith's niece, Judith Collier, in Brunswick County, VA in 1787, according to a recorded marriage record: *M.B. 26 November 1787 - James Hicks and Judith Collier, dau. of Charles Collier. Surety: Isaac Hicks. Married by the Rev. John King, Baptist Minister. Ref: Brunswick County Marriage Records, page 47.* It is the marriage record, itself, which identified this Judith as a daughter of Charles Collier; her mother has been documented to have been Susanna Smith (Charles Collier and Susanna Smith were married in Sussex Co., VA January 27, 1759).<sup>4</sup> The Isaac Hicks who was the Surety for the marriage was most likely

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<sup>4</sup> 27 January, 1759, Charles Collier & Susanna Smith, dau. of William Smith. Letter from her brother Josiah Smith, executor of his father, Wm. Smith, stating that his sister Susanna was born in 1737. [//files.usgarchives.net/va/sussex/vitals/marriages/misc0001.txt](http://files.usgarchives.net/va/sussex/vitals/marriages/misc0001.txt)

James' brother, Isaac. Judith's father, Charles Collier, was the son of Isaac Collier and Ann Vines (see the Will of Isaac Collier on page 8). Thus, the two Judiths were aunt and niece, and James Hicks, Jr. and Judith were first cousins, a common occurrence among the marriages of the Hickses and Colliers, as well as many other early American families.

James Jr. had inherited from James Sr., pursuant to the Will of James Hicks, Sr., "the plantation whereon he now lives and all my land from Petersons line to the south side of the creek to a branch below my bridge that is over the sd. creek thence up thesd. branch as it meanders to the fork thence west to my upper line. Also all my land below the Road that crosses Jenito Creek and Colliers bridge from Petersons line north as the Road goes to the fork thence along the right hand fork to the old road thence down the old road to my lower line..."

James Jr. also had at least one land patent that I have found, but not yet transcribed: 261 James Hicks Junr 25 Sep 1762 VPB 35:22 240a Brunswick/ on Lower side the Little Cr.

As mentioned above, the Brunswick Co., VA, records indicate that the Hickses and Colliers, as well as the Sturdivants, had been interacting/intermarrying for many years. The following 1793 document is the equivalent of an early American prenuptial agreement between Elizabeth Collier Sturdivant's parents John Sturdivant and Susanna Collier (daughter of Charles Collier and sister of Judith Collier Hicks, wife of James Hicks, Jr.), which was witnessed by James Hicks, Jr. :

*ARTICLES of Agreement made and entered into this 5th day of April 1793 between John Sturdivant of the one part and Susanna Collier of the other part whereas by the grace of God a marriage is shortly intended to be had and solemnized between the said John Sturdivant and the said Susanna Collier and it is intended covenanted and agreed between the said parties that the said Susanna shall not hereafter at any time whatsoever claim dower of and in any part of the land and other property herein after mentioned (to wit) six hundred acres of land being a part of the land that the said John now lives on one half of which to be taken of at the lower end by a line running due North and South and the other half at the upper end by a line running due North and South and also the following property (to wit) Robin, Ben, Peter, Fanny, Dick, Davie, Jett, Sam, Surry, Tom, Agg, Tilley, Bob, Edenborough, George, & Daniel, and their future increase; also one hundred and fifty pounds cash to be raised out of the estate of the said John not herein mentioned at his death which belong to him the said John Sturdivant before the said intermarriage now these articles witness, and the said John Sturdivant and the said Susanna Collier expressly agree and covenant hereby that in consideration of the premises and of the said intermarriage that the said Susanna Collier is not hereafter at any time to own possess claim or demand any dower in or to the said estate above mentioned or any part thereof or any part of the estate which the said John shall have or hold at the time of his death untill the said sum of one hundred and fifty pounds be first taken therefrom but that the said John Sturdivant shall have hold occupy give or bequeath the same in any manner whatsoever; as he shall think proper and that the said Susanna Collier shall not claim demand or possess dower of or in any part of the aforementioned property but that the same shall be and remain vested in the said John Sturdivant in the same manner as if the said intermarriage had not taken place . . . Signed by John Sturdivant and Susanna Collier and witnessed by Charles Collier, **James Hicks, Jr.**, Zackh. Floyd and John Floyd. Brunswick County Court April 22nd 1793. This Marriage Contract was proved by the oaths of Charles Collier, Zachariah Floyd, & John Floyd three of the witnesses thereto and ordered to be recorded. Deed Book 15, page 390, Brunswick County, VA.*

The following year, James Jr. and Judith sold property to John Sturdivant:

*This Indenture made this 28th day of April 1794 between James Hicks and his wife Judith Hicks of the County of Brunswick of the one part & John Sturdivant of the same County of the other part . . . for and in consideration of the sum of thirty eight pounds eighteen shillings . . . doth grant bargain & sell enfeoff and confirm unto the said John Sturdivant . . . one certain tract or parcel of land lying situate in the said County of Brunswick containing by estimation sixty six & half acres . . . and bounded as follows*

*BEGINNING at a spanish oak where Peterson's line crosses the road thence along his line crossing a branch, thence crossing Curtis's Spring Branch to several trees chopt inwards from thence along Curtis's line crossing his spring branch again to where the said line crosses the said road thence along the said road to a red oak at the mouth of a path thence along & near the said path to the said road thence along the said road to the Beginning . . . Signed by James Hicks and Judith Hicks. Brunswick County Court April 28th 1794. This Indenture of Bargain and Sale between James Hicks and Judith his wife of the one part & James Sturdivant of the other part was acknowledged by the said James & Judith parties thereto to be their & deed & ordered to be recorded. Previous to which acknowledgement the sd. Judith being first privily examined as the Law directs did voluntarily assent thereto. Deed Book 15, page 521.*

In 1805, Charles Hicks, the brother of James Jr., wrote his will. It is believed Charles never married, thus he bequeathed his property to two of his siblings, namely his brothers, John Hicks and James Hicks, Jr. and their wives and children:

*In the name of god amen, I Charles Hicks of Brunswick County being in health Item my will and desire is that my Brother John Hicks may have the use of my houses and plantation on avens creek and the land Bounded as follows during his life viz beginning an Allan Laniers line on the road that leads from Blacks ferry to Gees Bridge thence along the said Laniers line to beech lick creek to William Spains land thence down Beech lick creek to John Longbottoms line thence down the said creek to where the line crosses the creek thence along sd. Longbottoms line to William Walkers line thence along his line to Avens creek thence up the sd. creek to the Bridge on Avens Creek at the road thence up the creek to where the line crosses the Creek thence up the road to the old road thence up the old road to the road thats used now thence up the said road to Allan Laniers to the beging Likewise my will and desire is that the above named John Hicks may have the use of Spring called for fur Spring towards the Indian Branch. Item my will and desire is that **my Brother John Hick's** wife Nancey Hicks may have the use of my houses & plantation & land as is mentioned above during here widowhood. Item my will and desire is that after the death of my Brother John Hicks & his wife Nancey Hick's widowhood Ceases that the above mentioned plantation & above bounded land may sold & the money to be Equally divided between my Brother John Hick's three sons namely Benjamin H. Hicks James Ransom Hicks & Charles Hicks. Item my will and desire is that **my Brother James Hicks may have the use of all the residue of my land lying on Both sides of Avens creek Bounded as follows during his life Viz beginning on the indian Branch on William Walkers line thence down the said Branch to Buckner Overbeys line thence down the said Branch to avens Creek on David Mosses land thence down the said creek to where the line crosses the creek thence along sd. Mosses line to Reuben Malones line thence along his line to William Walkers line at the road & thence along William Walkers to the creek thence up the sd. creek to where the line crosses the creek near the road & thence up the road to the old road thence along the old road to William Walkers Corner on a small stream thence along sd. Walkers line to the Indian Branch to the beginning.** Item my will and desire is that my Brother James Hick's wife Judah Hicks may have the use of the above bounded land during here widowhood. Item my will and desire is that after the death of my Brother James Hick's & his wife Judah Hicks widowhood ceases that the land before mentioned to My Brother James Hicks in this will may be sold and the money Equally divided Between my Brother James Hick's two sons Namly Thomas Hicks & James Hicks and lastly I appoint my two Brothers Namley John Hicks & James Hicks Executors of this my Last will and Testament In witness whereof I have hereunto set my hand & seal this sixth day of September on thousand Eight hundred & five. Signed by Charles Hicks. Witnesses were Edward Winfield, John Saunders, John Saunders, Thos. Winfield, and Frances Winfield. NB likewise my will & desire is that my negro man Samson should be sold & all the residue of my property to pay my Just & Lawful debts. Will partly proved on March 26, 1821, by the oath of Thomas Winfield. "UNRECORDED WILLS OF BRUNSWICK COUNTY," contributed by Susan B. Sheppard, Vol. III, No. 3, pages 110-111, ( The Southside Virginian, April 1, 1985).*

I have not seen a copy of the handwritten version of the above will, so it is very possible that the name of Judith in the original was difficult to read, thus was mistranscribed as "Judah".

Regardless, based on the will of James Hicks, Sr., Charles and James Jr. were brothers, thus the "Brother James" named in Charles' will could be none other than our James Jr. who had married Judith Collier. The land being bequeathed was bounded by the land of William Walker, most likely

the land owned by Dr. William Walker, the husband of Charles and James Jr.'s sister, Nancy "Ann" Vines Hicks. Under the will, it was intended that James and Judith could use the land until both of them were deceased, then the land could be sold and the proceeds divided between James and Judith's two sons, Thomas and James. Based on a consultation with a Hicks researcher who is also an attorney, it would have been possible that, even though the will provided for only the use of this property during James and Judith's lifetimes, James may have had the power to sell it. Further research is needed to find a deed or indenture for the land sold by James referenced in the following document to see how it compares descriptively to the land bequeathed above:

Emigration to Other States from Southside Virginia,  
Volume 1, compiled by Katherine B. Elliott, South Hill, Virginia.  
Page. 33.

"HICKS, Judith - Greene County, GA.

Know all men by these presents that I, **Judith Hicks**, of Green County, State of Georgia, widow of **James Hicks** of the aforesaid county, deceased, do appoint **Thomas Hicks**, of the County of Green, State of Georgia, and **Williamson Smith** of Brunswick County, State of Virginia, my lawful agents, or my attorneys in fact, to demand and recover my dower, or third part, of a tract of land in Brunswick County, Virginia, **on Indian Branch**, it being a tract of land sold by my late husband to **WILLIAM WALKER**, and to which I have not relinquished by dower, and my attorneys are to represent me as if I were there in person. Dated 29 January 1817, Recorded 26 Jan. 1818 Ref: Brunswick County Deed Book 24, page 18

Note, as indicated previously, the above Judith Hicks (wife of James Hicks, Jr.) was the daughter of Susanna Smith and Charles Collier. The Williamson Smith of Brunswick County, VA, in the above record, whom Judith appoints as her agent (along with Thomas), was the son of Isham Smith, who was Susanna Smith's brother, thus Judith and Williamson Smith were cousins.<sup>5</sup>

According to the above *Greene Co., GA* record, James Hicks, Jr. had died by 1817, and Judith was seeking her dower interest in land in Brunswick Co., VA, that her husband, James, had sold to William Walker. It is possible that the land referenced is the same land James' brother, Charles, had bequeathed to James, Judith and their sons, Thomas and James, or it may have been a completely separate piece of land sold to William Walker. The above record does tell us that either James Hicks, Jr. and Judith Collier Hicks had moved to *Greene Co., GA* where James Jr. had died by 1817 or James Jr. had died in Brunswick Co., VA by 1817 and Judith moved with her son, Thomas Hicks, to *Greene Co., GA* after the death of James.

To date, I have found no will or estate records for James Hicks, Jr. in Brunswick County, VA or in *Greene Co., GA*; his proved date of death remains unknown as do the names of his children, beyond the names of sons Thomas and James listed in the will of James Jr.'s brother, Charles. Judith is believed to be the Judith Hicks who died in Monroe County, *GA* c. 1829. After the death of son, Thomas, the Thomas Hicks plantation in *Greene Co., GA* was sold and all household items sold at an estate sale. If Judith had been living with Thomas at the time of his death, as the records in the next section suggest, it is likely she went to live with one of her children in Monroe County. Estate records for Judith Hicks indicate her estate was administered in Monroe County by Thomas Malone, who was a brother of William B. Malone, original guardian of Homer and his sisters. Although the Judith Hicks estate records in Monroe County reveal no direct connection to Thomas Hicks of *Greene County*, a noteholder of the estate was J. M. Tatom, most likely the John M. Tatom who appraised the Thomas Hicks estate<sup>6</sup> and is referenced in the guardianship records of the Hicks

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<sup>5</sup> [http://www.oocities.org/marymar\\_99/Smith1.html](http://www.oocities.org/marymar_99/Smith1.html)

<sup>6</sup> Troup Co., GA, Returns Book B, page 114: "Ordered that Wm. B. Malone be permitted to make a distribution of the personal Estate of Thomas Hicks, decd. Among the Legatees of said Estate, and that Moses Trimble, Noel Pace, **John M. Tatom**, Wm.

orphans. John M. Tatom had married Frances D. Hicks, born VA c. 1801-1806, in Monroe County in 1827, according to the 1868 obituary of John M. Tatom.<sup>7</sup>

Further discussion of Judith Hicks in Georgia is in the section below, as is further discussion of the probable children of James Hicks, Jr. and Judith Collier Hicks. Other than the confirmed names of Thomas and James III, the children are speculative and added because their names surround the Hicks family in Greene Co., GA and they were of an age to have been children of James and Judith:

Thomas Hicks (born c. 1788 VA, d. 1827, Greene Co., GA)

James Hicks III

*(Note: A 13-year gap between Thomas and Francis indicates there were probably other children who may have remained in Brunswick Co., VA or were in other counties of Georgia and have not yet been identified.)*

Frances D. Hicks Tatom (born 1801-1806, VA, d. After 1868)

Dorothy Hicks Boon Bird (b. c. 1801-1806, d. 1842)<sup>8</sup>

Lucy Hicks Malone (b. 1807, died Unknown)<sup>9</sup>

Sarah Hicks Boon (b. 1808?, died c. 1825)<sup>10</sup>

Isaac W. Hicks (b. 1809 VA, died Unknown)<sup>11</sup>

Nathaniel Hicks (b. 1811, died Unknown)<sup>12</sup>

## **5. THOMAS HICKS (c. 1788-1827) and wife, Elizabeth Collier Sturdivant**

Thomas Hicks was born c. 1788, most likely in Brunswick County, VA, the eldest son of James Hicks, Jr. and Judith Collier Hicks, based on the Thomas being named first in the will of James Jr.'s

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Barnes and Simeon Meadows be Appointed appraisers of the aforesaid personal estate to divide same equally among the said Legatees, parties in interest to have notice of the same. Extract from the Minutes. September 7, 1835 ..."

"Georgia Troup County. Received of W. B. Malone as Guardian One Negro Girl by the name of Mellissa appraised to Five Hundred and Fifty Dollars also Two Hundred and Thirteen Dollars and fourteen Cents money arising out of the sale of Land it being my full share or legacy in right of my wife Susan J. Stringfellow formerly Susan Hicks Orphan of Thomas Hicks, late of Greene County deceased. Given under my hand this 7 January 1837. Attest **John M. Tatom** James R. Stringfellow James W. Rose J.P. Recorded 5<sup>th</sup> July 1837 R.F. McGehe Clk"

<sup>7</sup> *Death and Obituary Notices From The Southern Christian Advocate 1867-1878 - Issue of July 17, 1868* "Mr. John M. Tatom, son of Isaac and James [sic - "Jane"]Tatom, was born in Lincoln Co., Ga., on 30th Nov 1804, removed to Monroe co. and married Miss Francis D. Hicks in 1827, from thence removed to Upson, then to Troup co., then to Union co., Arkansas, where he died of typhoid pneumonia in peace on 4th May 1868. His wife still survives him... Abel Tatom"

<sup>8</sup> Per Marriage Records of Greene Co., GA, Hicks, Dorothy married Fay, Frank 25-Jan 1821 According to a Genforum posting (the only reference I can find for Dorothy), she later married Benjamin Boon between 1821-1838 and John Bird 1838, and died in 1842. According to various Ancestry trees, Dr. Frank Fay had died in 1821 of consumption just months after their marriage.

<sup>9</sup> Per Marriage Records of Greene Co., GA, Hicks, Lucy married Malone, William B. 21-Nov 1823. William B. Malone was appointed guardian of the Thomas Hicks orphans in 1831; based on Lucy's age in census records, she was born in Georgia in 1807, although a Virginia birth is more likely.

<sup>10</sup> Per Marriage Records of Greene Co., GA, Hicks, Sarah married Boon, Jesse 5-Apr 1824. In the Thomas Hicks estate accounting, Jesse Boon is listed as having purchased from the estate slaves Mary Ann and her two children on January 6, 1829. It is possible that Sarah died in childbirth in 1825, or at least before 1830, as Jesse has no wife and has only one male under 5 in the household in the Greene Co., GA 1830 census.

<sup>11</sup> According to census records, Isaac W. Hicks (short-term guardian of orphan Homer B. Hicks in 1836) of Monroe Co., GA, Meriwether Co., by 1850 and later Talladega Co., AL, was born in VA in 1809. His children per census records were sons Elijah, Thomas J., John J, Cicero, Headen, and Luce, daughters Mary E., Elcy, Susan F., and Tabitha C.

<sup>12</sup> Nathaniel Hicks had married Sarah Stringfellow in Troup Co., GA on Aug. 6, 1835; Sarah was probably a sister to James R. Stringfellow, who had married Homer's sister, Susan. On April 1, 1840, Nathaniel Hicks and James R. Stringfellow, as Grantors/Sellers, sold land described as Lot 109, District 06 of Troup County, to John Douglas.

brother, Charles, and the 1787 marriage of James and Judith. Sometime after 1811 but by 1817, Thomas moved to Greene Co., Georgia, based on the fact that Thomas had witnessed the Will of Susanna Sturdivant (Elizabeth's mother) on October 15, 1811, in Brunswick County, VA. In August of 1818, Thomas married Elizabeth C. Sturdivant in Greene Co., GA; the exact date of their marriage varies depending upon the record source. Familysearch.org, Georgia Marriages, reflects the marriage of a Thomas Hicks to Elizabeth C. Sturdevant in Greene Co., GA, 01 Aug 1818. This record comes up at Ancestry.com as Thomas "Heck" and Elizabeth C. Sturdivant, marriage date of 27 Aug 1818 and is reflected in "Historical Collections of the Georgia Chapters of the Daughters of the American Revolutions", page 64<sup>13</sup> at Google Books, as Thomas Heck and Elizabeth C. Sturdivant, marriage date of 17 Aug 1818, with a William Cone as surety or witness. In the records of the Estate of Thomas Hicks, William Cone's name appears as a purchaser of a tract of the Thomas Hicks land pursuant to a sale record of January 6, 1829, which states "The Upper Tract Joining Cone & Others to Wm. Cone...\$321.00". Thus, the William Cone of the Thomas Hicks-Elizabeth C. Sturdivant 1818 marriage record was likely a friend of Thomas who owned property bordering the Hicks property.

Elizabeth Collier Sturdivant was the daughter of John Sturdivant and Susanna Collier, per the Will of John Sturdivant and Will of Susanna Sturdivant. John and Susanna had married in Brunswick Co., VA on 05 Apr, 1793; James Hicks, Jr. was the bondsman, pursuant to the Marriage Records of Brunswick County, VA 1730-1852 and was probably acting as bondsman for his wife Judith's sister, Susanna.

Elizabeth Collier Sturdivant's father, John Sturdivant, wrote his will in 1805, naming his wife, Susannah, and daughter, "Betsy Collier" Sturdivant (Elizabeth):

BRUNSWICK COUNTY, VIRGINIA - WILL BOOK 7 1804-1812

In the name of God Amen. I John Sturdivant of Brunswick County being of sound mind & disposing memory for which I thank God, and being desirous to dispose of all such worldly Estate as it hath pleased God to bless me with after my Just debts and Funeral Expenses are paid I give & Bequeath the in manner following, that is to say ~

Item I lend unto my beloved Wife Susannah Sturdivant two hundred and Eighty Eight Acres of land being the middle part of the Tract whereon I now live between the land Called Curtises Tract & the Tract adjoining Benja. Ivey's Mill pond. Also I lend unto her four Negroes by name Jacob, Milley, Dick & Minerva, two Horses by name of Little Davy & Jany Nipper also four Cows & Calves, two Sows & Piggs (sic), half a dozen siting (sic) Chairs, one Bed & Furniture, one Chist (sic). The land and property is lent no longer than her widowhood (sic).

Item I give unto my son Jessee Sturdivant Three hundred & Sixty Acres of land Beginning on my back line Runing (sic) due North & South to Begin on Belling Bottoms lines also Four Negroes by name Sam, Lizzie, Tom & Robin, one Bed & Furniture, one Chest to him & his heirs forever.

Item I give unto my son Lucas Sturdivant Three Hundred & Forty Acres of land Beginning on the back line running due North & South to the Creek, also four Negroes by names Benj., Daniel, Larry & Kizza, one Bed & Furniture, two Horses by Name Hoping Mare & a Boy Colt, one Chist to him & his heirs forever; But should my son Lucas Sturdivant die without Lawful Issue all the Estate I give him to be equally divided among my surviving Children and over Three Grand Children, Namely, Becky Robertson Suggett, Benjamin Suggett & Edgcomb Suggett.

Item I give unto my Daughter Lucy Sturdivant Five Negroes by name Fanny & her Child Amy, Tilly & her Child Rozella & Tony, one Bed & Furniture on Chist, one Dressing Table, also my riding Horse, Bridle & a womans Saddle, one Cow & Calf, six siting Chairs to Her & Her Heirs forever.

Item I give unto my **Daughter Betsy Collier Sturdivant** Four Negroes by names Jacob, (which I have lent to my wife during her widowhood) also Sterling, Hinton & Ginny, one Bed & furniture, one Filley & Chist, one cow & Calf to her & her Heirs forever. But in Case she should die without a lawful Issue, the above mentioned Property to go to my Children Viz Jessee Sturdivant, Lucas Sturdivant, Lucy Sturdivant & my three Grand Children, Becky Robertson Suggett, Benja. Suggett & Edgcomb Suggett.

Item I give unto my grand Daughter Beck Robertson Suggett one Negro Girl Suckey to her & her Heirs forever.

<sup>13</sup> [google.com/books?id=D4ngBel0lh8C&pg=PA64&lpg=PA64&dq=%22Thomas+Heck%22+%22Elizabeth+Sturdivant%22&source=bl&ots=0UWmjF0rJ9&sig=X86kkWD1qkVAp3lXrMKKRVDUsiw&hl=en&sa=X&ei=\\_hXvUJSPDuS9igK5iIHgDg&sqi=2&ved=0CC8Q6AEWAA#v=onepage&q=%22Thomas%20Heck%22%20%22Elizabeth%20Sturdivant%22&f=false](https://books.google.com/books?id=D4ngBel0lh8C&pg=PA64&lpg=PA64&dq=%22Thomas+Heck%22+%22Elizabeth+Sturdivant%22&source=bl&ots=0UWmjF0rJ9&sig=X86kkWD1qkVAp3lXrMKKRVDUsiw&hl=en&sa=X&ei=_hXvUJSPDuS9igK5iIHgDg&sqi=2&ved=0CC8Q6AEWAA#v=onepage&q=%22Thomas%20Heck%22%20%22Elizabeth%20Sturdivant%22&f=false)

Item I give unto my grand Son Benja. Suggett one Negro Girl Becky to him and his heirs forever.

Item I give unto my grand Son Edgcomb Suggett one Negro Boy Peter to him & his heirs forever. But should either of my three grand Children mentioned die without Lawful Issue it shall go to all the surviving ones & in Case all of them shall die without lawful Issue the Estate shall then pass & go to my Children Jessee Sturdivant, Lucas Sturdivant & Lucy Sturdivant.

Item The two Hundred & Eighty Eight Acres of Land which I have lent to my wife should she marry, I wish to be sold & the money Equally divided among my surviving Children.

Item My will & desire is that an old Negro woman Hannah should be well Supported out of my Estate.

Item My desire is that a Negro Woman Judah may be sold and the money arising therefrom to go in discharge of my debts if wanted, otherwise to be Equally divided among my Children then living & my three grand Children above mentioned.

Item I lend unto my wife Susannah Sturdivant during her widdowhood all all (sic) the Residue of my Estate not before mentioned, Then to be Equally divided among my Children then living.

Lastly I do hereby Constitute and appoint my Friends Robert Hardaway, William Walker Junr., Jessee Sturdivant Executors of this my Last Will & Testament.

In Witness whereof I have hereunto set my hand and affixed my seal this  
Eighth day of June in the year 1805 ~-~  
Signed Sealed & published & declar'd  
& for the 1st Will & Testament of the above /s/ John Sturdivant {Seal}  
named Jno. Sturdivant in presence of us ~-~  
Sarah Hardaway  
Patsy Collier  
Polly C. Hicks

**John Sturdivant's wife, Susanna Collier Sturdivant, wrote her will in 1811, also referencng their daughter, Elizabeth:**

BRUNSWICK COUNTY, VIRGINIA - WILL BOOK 7 1804-1812, Page 481 - 482

In the name of God Amen. I Susanna Sturdivant of Brunswick County & State of Virginia being weak in body but of sound disposing mind & memory do hereby ordain this to be my last will & testament in manner & form as followeth ~ Imprimis My desire is that my Just Debts & funeral Expences (sic) first be paid.

Item I lend to my beloved Daughter Elizabeth Sturdivant until (sic) she marries or arrives to the age of Eighteen years the following property to wit: One Negro (wo)man named Maria one girl named Lilley, one ditto named Delilah, one ditto named Luisa, one ditto named Maryann and one ditto named Martha, also my Stock of horses, cattle, Sheep & hogs, household & Kitchen furniture, plantation utensels (sic) &c.

It is my will & desire that whenever my Daughter marries or arrives to the age of Eighteen years that the property above lent, I give & bequeath it unto my said Daughter Elizabeth to her & her heirs forever. It is also my will and desire that in case my Daughter should not marry nor arrive to the age of Eighteen years, that all the property above lent shall be sold by my Executors on twelve months credit and the nett proceeds of such Sale to be equally divided between Dorothy Collier, Lucy Seward, Sally W. Hicks & Louisa C.H. Tatum to them & their heirs forever.

It is my desire that my Executors purchase out of my Estate a Gig for use of my Daughter Elizabeth. I do appoint and constitute Charles Cordle and Christopher Thrower Executors to this my last will & Testament.

In Witness whereof I have hereunto set my hand and affixed my seal fifteenth day of October one thousand eight hundred & Eleven.

Teste  
Jas. H. Hardaway /s/ Susanna Sturdivant {Seal}  
John Hicks  
John Bailey  
Thomas Hicks

(Notice that Thomas Hicks was a witness to Susanna's will, and that Susanna bequeathed to daughter Elizabeth a Negro named "Maryann." Among the bills for payment in the Estate of Thomas Hicks was the billing of Dr. Roger Quarles Dickinson, administrator of the estate and the Hicks family doctor. The billing indicates Dr. Dickinson made many visits to the Hicks household to give

medical attention to a slave named "Mary Ann", who was probably this Mary Ann bequeathed to Elizabeth by Susanna.)

How soon Elizabeth's mother, Susanna, died after signing her will in 1811 is unknown, thus it is unknown where Elizabeth Collier Sturdivant may have been living if Susanna died shortly after writing her will. A Mrs. C.C. Collier with a large household appears in the 1820 census for Greene Co., GA, so it may be that this Mrs. Collier was relative of Elizabeth with whom Elizabeth was living before her marriage to Thomas in 1818. It's also probable that Thomas was making trips from Greene County, GA to Brunswick Co., GA on business, such as the 1817 appointment to represent Judith as her agent with respect to her dower right in the Brunswick property James Jr. had sold; Thomas may have brought Elizabeth to Greene Co., GA from Brunswick on one of those trips.

The Thomas Hicks household was the only Hicks family appearing in the 1820 census in Greene Co., GA; Thomas Hicks was also residing in Greene Co., GA in the 1827 Georgia Lottery. No Hicks household appears in the 1830 census (after the death of Thomas in 1827). Names of probable Household Members have been added in red:

1820	Thomas Ticks (THOMAS HICKS)
Home in 1820 (City, County, State):	Capt Mercers District, Greene, Georgia
Enumeration Date:	August 7, 1820
Free White Persons - Males - 10 thru 15:	1 NATHANIEL HICKS
Free White Persons - Males - 26 thru 44:	1 THOMAS HICKS
Free White Persons - Females - Under 10:	1 SUSAN HICKS
Free White Persons - Females - 16 thru 25:	4 WIFE ELIZABETH, SISTER LUCY, SISTER SARAH, SISTER DOROTHY
Free White Persons - Females - 45 and over :	1 MOTHER JUDITH
Slaves - Males - Under 14:	2
Slaves - Males - 14 thru 25:	2
Slaves - Females - Under 14:	5
Slaves - Females - 14 thru 25:	3
Number of Persons - Engaged in Agriculture:	7
All Other Persons Except Indians not Taxed:	20
Free White Persons - Under 16:	2
Free White Persons - Over 25:	2

Total Free White Persons:	8
Total Slaves:	12
Total All Persons - White, Slaves, Colored, Other:	40

Because the Thomas Hicks household was the only one appearing in the records for *Greene Co., GA* in the pertinent time period, I have assumed that the women marrying in *Greene Co., GA* after the 1820 census (Lucy Hicks, Dorothy Hicks, Sarah Hicks) were sisters of Thomas, daughters of Judith and James Jr., living in the household.

REPRINT of OFFICIAL REGISTER of LAND LOTTERY OF GEORGIA 1827  
16th DAY'S DRAWING-March 24.

**GREENE.**

page 46

Fortunate Drawers: **Thos. Hicks,**

Captains District: Elys

Number: 16

District: 11

County: Troup County

REPRINT of OFFICIAL REGISTER of LAND LOTTERY OF GEORGIA 1827  
67th DAY'S DRAWING-May 23.

**GREENE.**

page 210

Fortunate Drawers: **Thomas Hicks,**

Captains District: Elys

Number: 37

District: 4

County: Coweta County

Also in the 1827 *Georgia Lottery* (from "A List Of Persons Entitled to Draws In The Present Contemplated Land Lottery For Greene County, Sixteenth Regiment General Militia") under *Greene County, Captain Bennet Eley's District* (the same District as Thomas) were:

**Judith Hicks w RS** [widow of a Revolutionary Soldier]

**James Hicks orphans**

The Judith Hicks residing in *Greene Co., GA* for the 1827 lottery was most likely our Judith Collier Hicks who had been married to James Hicks, Jr. The reference to "James Hicks orphans" as being eligible for the lottery raises the question of whether the referral is to the orphans of James Hicks, Jr. Typically, widows and their orphaned children would both participate in the lottery. However, because of Judith's age by 1827 (approximately 61), she would not have had young children. It is possible, but no research has been undertaken, that the brother of Thomas, James III, had died and left orphans, thus it is Judith's son, James, who had orphans in the 1827 lottery. More research is needed.

Thomas Hicks died intestate in 1827. However, based upon a bond filed on January 14, 1828, found among the estate records for Thomas Hicks at familysearch.org (*Georgia, Probate Records, 1742-1975, Greene, Estates 1790-1943 Hester, R. F.-Hill, J. E., Estate of Thomas Hicks, pages 213-475*), Thomas had died during the last quarter of 1827. Administrators appointed for the estate were Micajah Bedell and Roger Q. Dickinson. See bond below.

168.

Thomas Hicks

Georgia. Know all men by these presents that we Micajah Podell Roger Q. Dickinson (3) hold firmly bound unto the Honorable the Justices of the Inferior Court for the County of Greene & State of Georgia in the just (and) full sum of Eight thousand (and) truly to be made me (and) each of us do bind ourselves our heirs Executors (and) Administrators of the Goods Chattels and Credits of Thomas Hicks deceased do make all & singular the Goods Chattels and Credits of the said deceased which have in our possession or Knowledge of the (said) Micajah Podell & Roger Q. Dickinson or in the possession or Knowledge of any other person or persons for them (and) the same so made do exhibit to the (said) Court as required; (and) such goods Chattels and Credits do ordly and truly Administer according to a just and true account of their Actings and doings therein when required by the Justices of the Inferior Court of the County of Greene & State of Georgia in respect of the Goods Chattels and Credits which shall be found remaining upon the Administration, the same being first allowed by the (said) Court shall deliver the same respectively as are entitled to the same by law, and if it shall hereafter appear that any wrong was made by the (said) deceased and the Executors obtain a Certificate of the Justices of the Inferior Court of the County of Greene & State of Georgia that the said Micajah Podell & Roger Q. Dickinson do in such Case if required render & deliver the same to the persons entitled thereto then this obligation to be void else to remain in force power & virtue.

Signed sealed & delivered in the presence of  
 (Obmerq Torrence) CLK

Administrator Roger Q. Dickinson<sup>14</sup> had also been the family doctor; in the Thomas Hicks estate record is a 2-page ledger of Dr. Dickinson's medical visits to the Hicks household and detail of the dates, who was treated and the cost. Included were numerous visits to "wife" and to "mother", indicating that both the wife and the mother of Thomas Hicks were living in the Hicks household

<sup>14</sup> Roger Quarles Dickinson was a Medical Doctor, having graduated in 1826 from the University of Pennsylvania, according to the General Alumni Catalogue of the University of Pennsylvania, 1922, Page 493, found at googlebooks.com.

(see 4<sup>th</sup> line down in the ledger below), which comports with the 1820 census indicating an older woman was living in the household.

	12	"	Visit to Do. 175 drying fan 300 No. 30 Lamb Sal. 50 - - -	5	75-
	15	"	Visit to Do. 175 (20) Do visit to family etc 200 - - -	3	75-
	20	"	Boale opoalaoe 50 Back 12ij 50 1p Sim - - -	1	50
Novr.	5	"	Visit to Attother 175 - purg. 25 Cal. Sp. 25 - pulv. Anulay 50 - - -	2	75-
	6	"	Night visit to Do. 350 Linap. 50 pulv. Anulay 50 - - -	4	50
	9	"	Visit to Do. 175 2 doses purg. chist. 50 pulv. Dov 7.50 - - -	2	75-
	9	"	Visit to Do. 175 pulv. Dov 7.50 - - -	2	25-
	9	"	Night visit to Do. 350 Ep. Sim. 25 C. purg. 50 Linap. 50 - - -	4	75-
	11	"	Visit to Do. 175 - Solut. Sul. Quin. 1/2 p. 150 (12) Visit to Do. 175 - - -	5	50
1827			Amount of Apr in 1826 is - \$ 34.50 cts		\$ 34.50
Jan'y.	29	"	Do prescribing for Mary Ann 100 No. 50 Emetic 25 - - -	1	75-
	31	"	Visit to Mary Ann 175 - pulv. Dov. 25 - Feb. chist. 1/2 p. 50 - - -	2	50
Feb'y.	2	"	Visit to Do. 175 - Linap. 50 pulv. chist. Dov. 7.50 - - -	3	00
	3	"	Visit to Do. 175 - pulv. chist. 7.50 Blig. Plas. 100 Pulv. chist. 1/2 p. 100 - - -	4	25-
	4	"	Visit to Do. 175 - pulv. chist. 7.50 pulv. Dov. 7.50 - - -	2	50
	5	"	Visit to Do. 175 - Caput. chist. 7.50 - - -	2	25-
August	18	"	2 Visits, one attendance to Susan 500 pulv. chist. 1/2 p. 50 - - -	5	50
	19	"	Visit to Do. 175 - Cal. chist. 1/2 p. 50 party 25 - - -	2	50
	20	"	Visit to Do. 175 - purg. 25 (21) Visit 175 - Feb. chist. 1/2 p. 50 - - -	4	25-
	20	"	Visit to Do. 175 - pulv. Soda ij 25 (23) Visit to Do. 175 - - -	3	75-
	23	"	Feb. chist. 1/2 p. 50 Some chist. 25 50 Lump camphor 7.50 - - -	1	50
Sept.	9	"	Visit to Do. 175 - purg. 25 (13) Visit 175 - chist. chist. 7.50 - - -	4	00
Octo.	2	"	Cal. Plt. - Eij. 25 Some materials for Do. 100 - - -	1	25-
	4	"	Visit to wife 175 - pulv. Dov. 7.50 Cal. ij 50 Ep. chist. party 7.50 Cal. 25 100 - - -	3	75-
	5	"	Visit to wife 175 (6) Visit 175 - Feb. chist. 1/2 p. 50 Sim. of 1/2 p. 50 - - -	4	50
	7	"	Night visit to Do. 350 attendance 500 (9) Some chist. for Condit. 7.50 - - -	9	00
	13	"	Visit to Emily 175 - purg. 25 - ol. Ric. 25 (14) Visit 175 - ol. Ric. 7.50 - - -	4	25-
	14	"	Feb. chist. party 7.50 Cal. purg. 50 (15) Visit to Do. 175 - - -	4	75-
			Amount of Apr. previous to Thom. Hicks' death in 1827 is - \$ 63.25 cts		\$ 63.25

As further evidence of Judith Hicks being in the Thomas Hicks household, Judith had made purchases charged to Thomas and paid by the estate administrators as revealed in the accounting:

1826	Judith Hicks Dr. To John S. Roberts	
Jan'y	To 1 pr. Spectacles 75 - - -	75
August 18	" 6 pr. Black Bombazines 62 1/2 @ - - -	375
	" Skin of silk 150 - - -	150
Sept. 7	" 2 pr. Quin paper 182 - - -	182
	" 1 pr. Shoe Broom 50 - - -	50
Oct 27	" 1 pack Ruff 372 - - -	372
		\$ 6.532 = 6 532
Sept 19th 1828	Recd of Thos. Hicks	
	of Thomas Hicks Deceased and Dollars	
	for by Thom & Thos for this entry in	
	full for the above act up to this	
	Date	John S Roberts

The Final Accounting for the Estate of Thomas Hicks was not submitted until 1837, however the accounting of the Estate Sale was submitted to the court on Feb. 26<sup>th</sup> 1828, reflecting the sale of all of the household/plantation items, suggesting that the household was dismantled by that time. No Hicks household appears in Greene Co., GA in the 1830 census. William B. Malone was officially appointed guardian of the orphans in Upson County, GA in 1831, however, a receipt found in the Thomas Hicks estate record indicates that William B. Malone was paying for the care of orphans Homer, Susan and Eliza, perhaps starting very near the date of Thomas' death - the below receipt references the costs of having boarded two of the three orphans from 5th Nov. 1827 to 1<sup>st</sup> January 1829, and the other orphan from 9<sup>th</sup> January 1828 to 1<sup>st</sup> of January 1829:

*Dr. Thos. Hicks' Est. in acc with Wm B. Malone Cr.*

To Board of two of the children of said deceased  
 from the 5<sup>th</sup> Nov. 1827 to 1<sup>st</sup> Jan'y. 1829 being  
 one year fifty six days at forty five dollars  
 each per annum is 103.75 - - - - - } \$103.75

To Board of one of the orphans of said deceased  
 from the 9<sup>th</sup> of Jan'y. 1828 to the 1<sup>st</sup> Jan'y. 1829  
 being eleven months twenty two days at forty  
 five dollars per annum is 43.87 1/2 - - - } \$43.87 1/2

\$147.62 1/2

7<sup>th</sup> January 1829 Received of Micajah Bidell and P. D. Dickinson  
 son Administrators for Thos. Hicks deceased one hundred  
 and forty seven dollars sixty two and half cents in full of the  
 above account.  
 W. B. Malone

The following receipt specifically notes William B. Malone being "of Monroe County, GA" in 1829, suggesting that Monroe County had been the location of the orphans between November of 1827 to January of 1829:

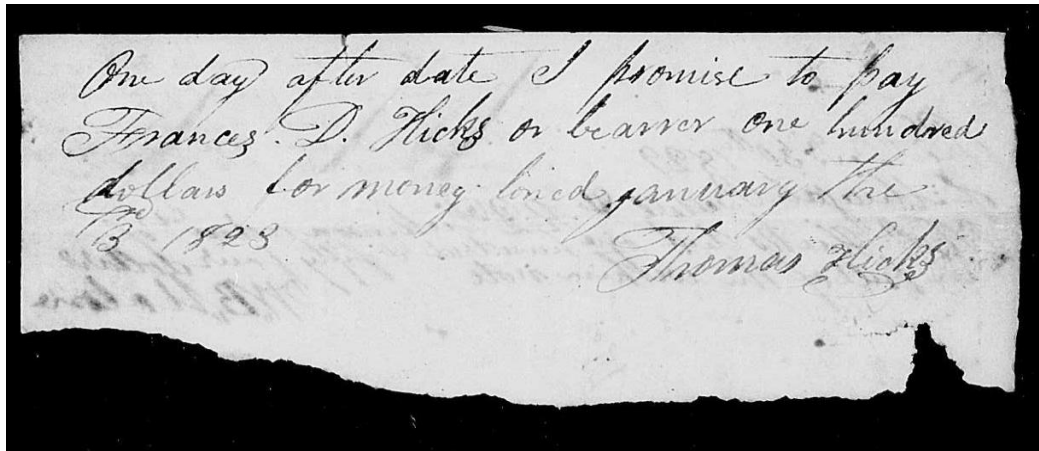
Georgia } Personally appeared before me a Justice of  
 Taliaferro County } the peace for said County Wm. B. Malone of  
 Monroe County who on oath saith that the within amount of  
 two dollars fifty cents is just and true and that the items were  
 for the benefit of Thos. Hicks's orphans. W. B. Malone  
 Sworn to and subscribed before me  
 this 7<sup>th</sup> day of Jan'y. 1829.  
 R. Dickinson J.P.

Hon. Hicks's Est  
 J. H. B. Law.  
 2.50  
 No 24

72.18  
 2.50

No mention of Elizabeth Collier Sturdivant Hicks, the mother of the Thomas Hicks orphans, is mentioned in any of the estate records reviewed to date (there are 260 pages, and not all have been reviewed) and boarding costs of the Hicks orphans were consistently found in the guardianship returns, as if their mother was no longer living. Among the estate records is a note Thomas personally signed for coffins to be made for he and Elizabeth, thus it appears that Thomas (only about 39 years old at the time of his death) and Elizabeth may have had a serious illness and anticipated their deaths.

With the Hicks household dismantled, the mother of Thomas, Judith Collier Hicks, would have had to find other housing arrangements. Records suggest she left Greene Co., GA and moved to Monroe County, GA, possibly with the orphans, but with Malone paying the cost of their care as indicated in the above receipts. We know there is a Hicks family connection to Monroe as previously stated. Frances D. Hicks, a probable sister of Thomas, held a note from Thomas Hicks in the estate papers:



On day after date I promise to pay  
Frances D. Hicks or bearer one hundred  
dollars for money loaned January the  
13 1828  
Thomas Hicks

Frances had married John M. Tatom in Monroe Co. in 1827. From the Georgia Lottery, we know that Isaac W. Hicks, a probable brother of Thomas Hicks, who took over guardianship of Homer from William B. Malone, was also living in Monroe County in 1827.

On May 4, 1829, Thomas Malone and Dolphin Floyd (nephew of Dolphin Ward Floyd, who was killed at the Alamo) signed a bond as administrators of the estate of Judith Hicks, "late of Monroe County." Thomas Malone appears to have been the brother of William B. Malone, guardian of the Thomas Hicks orphans. William B. Malone is believed to have been the son of William Malone, Sr. of Greene County, who had married Mary "Polly" Baxter of Northampton County, North Carolina on August 17, 1795, a daughter of a Nathan Baxter or Nathaniel Baxter. William Malone Sr. had died in 1816 in Greene County, and Mrs. "Polley" Malone can be found as head of a very large household in the 1820 Greene County census. In the William Malone Greene County estate records (source pages not identified in the photocopies I have), a "Division of William Malone Estate" was recorded November 5, 1819, indicating that **William B. Malone** and Mary D. Elliot, formerly Mary D. Malone, received their shares as legatees, "having arrived at full age and the latter having married." Also among those receiving shares of the estate (on differing distribution dates probably due to the year each came of age or married) were **Thomas Malone**, John W. Malone, and Nancy Newsome. Another son, James N. Malone, apparently a young boy at the time of William Malone Sr.'s death, died in Monroe County before he received his share of his father's estate, thus his share was to be distributed among his siblings and his mother per William Malone's will dated 12-23-1815, proved 1-24-1829. This, in fact, occurred in Monroe County, Georgia in 1828; Polly Malone introduced the will of her husband, William Malone, Sr., into the Monroe County records in order to receive distribution of deceased son James' share of the estate (confirmed by Jane Newton, clerk in the Monroe County Clerk's office).

Among the papers of the Monroe Co., GA Estate of Judith Hicks in 1829 is a receipt of a cash payment to J.M. Tatom, who is probably John M. Tatom, husband of Judith Hicks' probable daughter, Frances:

of the Estate of Judith Hix died  
 To Thomas Malone admr.

To Cash paid E. Beale Clerk as per Recd	62 $\frac{1}{2}$
To " " " " " " " " " " " "	1.25
To " " " " " " " " " " " "	4.37 $\frac{1}{2}$
To " " J. M. Sutton " " " " " "	16.00
	<hr/>
	\$ 20.25

Georgia Monroe County } In person come Thomas  
 Malone admr of the Estate of Judith Hix died and  
 made oath that the foregoing Return is correct  
 Sworn to this 4<sup>th</sup> January 1830. Thomas Malone

Elias Beale C. C. O

Recorded 28<sup>th</sup> April 1830

Elias Beale C. C. O

Thomas Malone Admr of the Estate of Judith Hix  
 Deceased,  
 To amount of Sale of the personal property of  
 Said Deceased 59 54 $\frac{1}{4}$   
 To Balance on Three notes on J. M. Sutton 78.50  
 A. Pr. Appraisement \$ 138.04 $\frac{1}{4}$

Thomas Malone Admr of the Estate of Judith Hix  
 Deceased, \$ 34.50

The actual filing for Letters of Administration by Thomas Malone and Dolphin Floyd occurred on May 4, 1829, indicating Judith had probably died shortly before in 1829:

Georgia Monroe County } We know all men by these presents, that  
 we Thomas Malone and Dolphin Floyd  
 Securities are held and firmly bound unto  
 their Honors the Judges of the Court of Ordinary for said County  
 by and their successors in office, in the just and full sum  
 of five hundred dollars for the payment of which sum to  
 the said Court of Judges and their successors in office,  
 we bind ourselves, our heirs, Executors and administrators, in  
 the whole and for the whole sum jointly, and severally,  
 and firmly by these presents, sealed with our seals, and date  
 this 4<sup>th</sup> day May 1829.

The condition of the above obligation is such that if the  
 above bound Thomas Malone administrator of the goods,  
 chattels, and credits of the estate Judith Hix late of Mon-  
 roe County deceased, which have or shall come into the  
 hands, possession or knowledge of the said Thomas Ma-  
 lone or the hands, or possession of any person or persons, for-  
 him and the same, so made do exhibit unto the said  
 Court of Ordinary, when he shall be thereunto required,  
 and such goods, Chattels and credits do well and truly ad-  
 minister according to law; and do make a just and true ac-  
 count of his actings, and doings therein, when he shall there-  
 unto be required by the Court. Shall deliver and pay to such  
 person or persons respectively, as they may be entitled to the  
 same by law. And if it shall hereafter appear, that any  
 last Will and Testament was made by the deceased, and  
 the same be proven before the Court of Ordinary, and Executor  
 obtain a certificate of the probate thereof, and Malone in  
 such case, if required, render and deliver up the said Let-  
 ters of Administration, then this obligation to be void,  
 else to remain in full force.  
 Signed, sealed, and  
 Thomas Malone Seal

Other Hickses in Georgia surrounding the Thomas Hicks family: According to the records of Glynn Gaulding, a descendant of William and Amanda Brown Gaulding (sister of Homer's first wife, Nancy "Susan" Brown), William Gaulding's father, John, had been the appraiser for a William Hicks estate after William Hicks' death in 1847 in Troup County, GA. William Hicks was one of a number of sons and daughters of David Hicks and Mary Johnson Hicks, Virginians who had moved into Elbert County, Georgia by 1780-1790. The living sons at the time of David's death in Elbert County in 1832 were: Harrison Wyatt Hicks, Samuel Hicks, Frederick Hicks, William Hicks, Johnson Hicks, and Jefferson Wyatt Hicks. The David Hicks family was in Elbert County by 1820, where David "Hix" and sons "Johnston Hix" and William "Hix" can be found in the 1820 census. Apparently the Gauldings and these Hickses had ties back in Elbert County.

This David Hicks-Mary Johnson line also leads us to yet another Monroe County, Georgia connection. In the David Hicks will probated in Pike County, David stated that his residence was originally in Monroe County "now Pike County," probably due to a county line change. He is also believed to be the David Hicks who granted son Wyatt Hicks land in Pike County on May 5, 1826, Book A, Page 542. According to descendants of this Hicks line, although David's will was probated in Pike County, the location of his legal residence, David Hicks actually died on August 16, 1832 in Elbert County, Georgia, where he was being cared for at the home of his son, William Hicks (the William for whom John Gaulding would be the estate appraiser in Troup County in 1847). By 1840, the only Hickses who can be found in Pike County are David's son, Jefferson Hicks, and Homer's guardian, Isaac W. Hicks, who had apparently moved into Pike County from Monroe County shortly after relinquishing guardianship of Homer. David Hicks' sons, William Hicks and Johnson Hicks, left Elbert County and moved to Troup County by 1840, where they can be found in the 1840 census.

In the 1860 census, Homer's older sister Susan and husband, James Stringfellow, and children are listed in Troup County in the household directly above the Thomas Timmons household in which Mary Hicks, the widow of the above-referenced William Hicks, was residing, along with her daughter Emily Hicks. William and Mary's daughter, Permelia, had married Thomas Timmons in January 11, 1838 in Troup County.

It could be simply coincidence that the David Hicks family was stomping some of the same ground as the Thomas Hicks family in Monroe/Pike/Troup counties, Georgia, or there may have been a family connection. To date, no record has been found that directly ties that line to our Hickses.

## **SUMMARY**

Our connection to the Captain Robert Hicks tree relies heavily on the evidence of Thomas Hicks being a son of James Hicks, Jr. and Judith Collier Hicks, daughter of Charles Collier, thus hooking us up to James Hicks, Sr., his father, George, and to his father, Captain Robert. AFTER having made the connection, I discovered a Sept. 16, 2004 posting of "Grand Dame" Jane Peyrouse (the year before she died), stating the following:

*Jane Peyrouse 16 Sep 2004*

*Yes, Judith Collier (1730-after 1794) married James Hicks, son of George Hicks. Their son James married another Judith Hicks (about 1760-after Jan 1818), daughter of Charles Collier, the first Judith's brother, and Susannah Smith. The second Judith died in Green County, Georgia.*

Jane had clearly found the *Greene Co., GA* record in which Judith Hicks had appointed Thomas as her agent, which was recorded in January of 1818, thus Jane knew Judith had died after that date. Without the Judith Hicks estate record of *Monroe County, GA*, or the surrounding records of Thomas Hicks, she would not have known that Judith actually died in *Monroe County, GA*, not *Greene County*. More importantly, Jane understood the significance of the agent record - that the Judith Hicks of *Greene Co., GA*, "widow of James Hicks of *Brunswick County, VA*" who had sold property to William Walker in *Brunswick Co., GA*, was indeed Judith Collier Hicks married to James Hicks, Jr. We can more fully support this conclusion with the Thomas Hicks estate record indicating the mother of Thomas was living in his household and that "Judith Hicks" was a purchaser of items on the Thomas Hicks account, the 1820 census record with an elderly woman in the household, and the knowledge of the Elizabeth Collier Sturdivant marriage to Thomas Hicks, further solidifying the relationship of Thomas Hicks of *Greene Co., GA* to the Hickses, Colliers, Smiths, Vines, Walkers and Sturdivants of *Brunswick County, VA*.