**Robert Hudgens and His Children James Hudgens and Rebecca (Hudgens) Fuqua: Ancestors of Some Families Who Lived in**

**Franklin, Williamson, Jackson, Johnson, and Union Counties, Illinois**

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I had long known that there were Hudgens families living in Williamson County in the vicinity of my Jones family. What I did not know was that Great grandmother Nannie Caroline (Rex) Jones was a direct descendant of Robert Hudgens of Virginia through her grandfather, Randolph Simmons. Randolph and a number of men and women who descend from Robert Hudgens settled in Southern Illinois:

Randolph & Mary (Follis) Simmons, Williamson & Franklin Counties.

Felix & Elizabeth (Simmons) Boyt of Johnson County

Possibly James & Nancy (Simmons) Smith of Williamson or Union County

J.J. & Rhoda (Simmons) Connell of Williamson and Jackson Counties

Lucy (Simmons) Hooper, widow of Ennis Hooper, of Union County

Francis Marion Maxey of Williamson County

Amarilla Maxey, wife of Scott Simmons, of Union County

Rachel Maxey, wife of Riley Grimes of Williamson County

William L. & Anna (Durham) Hudgens, Williamson County

John & Nancy (Durham) Hudgens, Williamson County

Frederick & Mary (Fuqua) Gulledge of Williamson County

Josiah & Rebecca (Fuqua) Vick of Saline and Williamson County

The purpose of this paper is to discuss the life and Revolutionary services of Robert Hudgens, his son James Hudgens, his Rebecca, and her husband Joseph Fuqua. An earlier paper will track the lineage from the son and daughter to the Southern Illinois families listed above.[[1]](#footnote-1) It should be noted that the 1850 census lists some Hudgens men and women in Southern Illinois have no obvious connection the Robert Hudgens, especially those born in North Carolina.

Robert Hudgens married Mrs. Martha (Parker) Merrick Hendrick sometime between 20 September 1737, when Martha sold land in Essex County, Virginia (Deed Bk. 21, pp. 324-326), and 1 June 1738 when Robert and Martha were sued regarding the estate of her first husband, James Merritt.[[2]](#footnote-2) Robert served on a grand jury on 16 Nov. 1739 (Amelia Order Bk 1 80), showing he was at least 21 at the time, and tithe list for that year shows he was living above Flat Creek. On 28 November 1748 Martha relinquished her right of dower to land Robert conveyed to Elizabeth Hendrick (Amelia Deed 3, p. 180). In 1750 while residing in Amelia County Robert purchased 400 acres land in Cumberland County (Deed Bk. 1, p. 285a-b). In 1759 Robert “of Cumberland” sold 200 acres of land to William Hudgens, Jr. for £50 (Cumberland Deed 2, pp. 519-521). In 1761 he was apparently in Dinwiddie County when he sold land in Amelia (Deed Bk. 7, pp. 473-474). He was a resident of Cumberland County when he conveyed land to each of Moses, Ambrose, James, Holloway, and John Hudgens in 1759, 1764, 1771, 1772, and 1772 respectively for the nominal price of 5 shillings each, basically a deed of gift (Deed 2, pp. 490-491; Deed 3, pp. 494-495; Deed 4 p. 457; Deed 5 pp. 142-143 & 143-144). This is important evidence for identifying the sons of Robert. Further evidence is found in a Green County, Kentucky Circuit Court lawsuit. William Gibson claimed that John Hudgens left his estate to Salley Cumminger in his Buckingham County will of 3 July 1779.[[3]](#footnote-3) Siblings of John were identified as James Hudgens, Holloway Hudgens[[4]](#footnote-4), Moses Hudgens, Rebeka wife of Joseph Fuqua, Hanna (decd.) wife of Boaz Ford, Delilah (decd.) wife of William Gibson. The lawsuit does not name the father, but in naming four of the five men to whom Robert essentially gave land it is evident that he was the father. Martha filed suit against Robert and he was summoned on 10 April 1770 to appear in chancery court (Cumberland Chancery Case 1770-004). Only the summons is on file (https://www.lva.virginia.gov/chancery/case\_detail.asp?CFN=049-1770-004).

Robert moved to the adjacent county of Buckingham by 1780. He along with his son-in-law Joseph Fuqua were among the inhabitants of Buckingham who signed a petition to the General Assembly received on 7 November 1780. The petitioners observed that protection and allegiance are reciprocal and those who refused allegiance were not entitled to protection of laws. This was a fundamental principle often cited during the Revolution. The petitioners called for several measures to be imposed on those who would not take the oath of allegiance, including a double tax and a prohibition on practicing law or physic. These measures were not unusual and had been enacted in other states.[[5]](#footnote-5) The petition is unusual by the emphasis on taking the oath as a requirement for preaching the Gospel:

Your Memorialists with pain see men professed Enemies to the State, permitted to exercise the holy Function of preachers of the Gospel: as they apprehend that the influence which that sacred Character gives to its possessors will prove dangerous to the Liberty of the Commonwealth. Your Memorialists actuated by the foregoing Considerations Pray, that proper Laws may pass to Silence all nonjuring [those not taking the oath of allegiance] preachers of every Denomination, and deprive of their benefices such as have them;.…[[6]](#footnote-6)

There was indeed a local reason for this emphasis. A Cumberland County petition dated 23 November 1780 opposed the position of an earlier Cumberland petition similar to the Buckingham petition signed by Robert Hudgens and others. It said that advocates of restrictions on nonjuring men were Presbyterian dissenters called “New Lights.”[[7]](#footnote-7) The petitioners went on to say they believed the “sole” intent of the dissenters was to remove the Rev. Christopher McRae from his position and suppress the Church of England. McRae, they said, had not taken the oath as a matter of conscience and had not broken the law. McRae was open in his support of the King and prayed publicly for him. When men started refusing to pay their levies to support the church, he took them to court. A regiment under Col. William Campbell camped in Cumberland County on its way to oppose Cornwallis. McRae came to the camp when Campbell was visiting a friend and endeavored to discourage the men.[[8]](#footnote-8) McRae certainly earned the animus of men who in the area who strongly supported the Revolution.

Robert Hudgens was listed on the Buckingham County Personal Property Tax Lists as an exempt in 1787 and 1788. This is consistent with Robert being old at the time. County courts had the authority to exempt taxpayers on the grounds of age or infirmity.

To summarize, Robert Hudgens was born no later than 1718, having served on a jury in 1739. He married Martha (Parker) Merritt Hendrick, a widow. She was living as late as 1748 when she relinquished to right to dower land. Robert was in Amelia County in the 1730’s when he appears on tithe lists and settled the estate of Martha’s second husband. He purchased land in Cumberland County while still a resident of Amelia and resided in Cumberland as early as 1759. His children were: Moses, Ambrose, James, Holloway, John, Rebecca (wife of Joseph Fuqua), Hanna (wife of Boaz Ford), and Delilah (wife of William Gibson). By 1780 Robert was living in the adjacent county of Buckingham. He signed a petition to silence ministers of the gospel who would not take the oath of allegiance, to prohibit those who would not take the oath from practicing law and physic, and to levy a double tax on those who would not take the oath. In 1787 and 1788 Robert was exempt from the Buckingham Personal Property tax, as one would expect an elderly man to be.

Robert Hudgens had a son named James. During his lifetime James moved through four counties and two states: from Cumberland to adjacent Buckingham County, Virginia, to Davidson County Tennessee and finally to the adjacent Robertson County. Descendants of this James Hudgens who moved to Illinois. He was the elder of two men of the name who resided in Cumberland County, Virginia from the 1760’s until about 1787. Establishing the identity of the James Hudgens in different records is essential.

The younger James Hudgens was the son of John Hudgens, for whose estate Robert was an executor. John Hudgens appears on the same page of the 1739 Amelia tithe list as Robert. He died in Cumberland County about 1753 leaving four minor children: Drury, James, William, and Mary.[[9]](#footnote-9) James chose his guardian in 1760 in Cumberland County, indicating he had reached the age of 14 and was therefore born about 1753 (Order Bk. 1756-1762, pp. 195, 205, 471, 486). He was designated as an orphan in 1765 when Cumberland land was processioned (Vestry Book of Southam Parish, Cumberland County, Virginia, pp. 149, 172-173). An older James Hudgens is named on some of the same pages without being designated as an orphan, indicating that he had attained his majority. The younger man appears on Cumberland County Personal Property Tax Lists from 1782 through 1823. In the 1780’s he was sometimes designated as “Jr” to distinguish him for the other James Hudgens. The younger man signed his will in Cumberland County on 18 October 1822 and it was proved 28 April 1823 (Will Bk. 7, pp. 147-148). He made bequests to sons John and Thomas and grandchildren. There is no evidence connecting James son of John to the Tennessee families whose descendants moved to southern Illinois.

The older James (son of Robert) witnessed a deed in Cumberland County in 1760 (Deed Bk. 2, pp. 524-527). He could have been a minor at this time, but that is unlikely. James, son of Robert, was probably born no later than 1739. James Hudgens was not designated as an orphan in the processioners’ returns. James had attained his majority and his father was still living.

Both James son of Robert and James son of John provided support for the American Revolution. A Cumberland County Court Booklet records that James Hudgens, planter, provided a rifle, powder horn, wiper, and mold for balls on 22 February 1781 for militia ordered to join Gen. Greene. Immediately below is record that James Hudgens, Jr., who provided a gun on the same date for the same purpose. The use of “jun” distinguished the two men from one another. The first entry was for the son of Robert. The petitioners stated that it was difficult and time consuming to travel to the county seat to conduct to the county business.[[10]](#footnote-10) Both James son of Robert and James son of John are on the 1782 and 1783 Personal Property Tax List of Cumberland County as well as the 1783 Land Tax List.[[11]](#footnote-11)

Both the older and the younger James Hudgens signed petitions to the legislature from Cumberland County.[[12]](#footnote-12) Legislative petitions tell us about the concerns and points of view of the subscribers and some are accepted as evidence of Revolutionary service by the Sons and the Daughters of the American Revolution. Which James signed a particular petition can usually be determined in one of three ways. Some petitions were signed by both men. Some names were signed with a suffix designating the subscriber as senior or junior. In some cases the signature is a match for the signature of the older man witnessing an original deed from Edward Hudgens to James Mackse (7 October 1813, Robertson County Tennessee) that is among the Binkley-Hudgens-Durham Papers in the Tennessee State Library and Archives. Signature matching is not always possible. A friend or neighbor would often write a man’s name on a petition for him.

James Hudgens, son of Robert, signed petitions during and after the Revolution. James Hudgens “Senr” along with Moses Hudgens signed a 5 November 1776 petition from the Inhabitants of Cumberland County calling for a division of the county. The petitioners stated the division of the county

…will relieve them from the very heavy Grievances as many of them live 35 miles from the Court House, yr County being near 70 miles in length, when Justice is so far removed from yr petners they are under the necessity of either giving up Small Debts or Expending the greater part of them in Law Suits, nor can they ever obtain a warrant without going a considerable distance from home as no Gentleman will undertake the Office of Justice of the peace, your petnrs beg leave to observe that even our attendance at the General Muster is a grievance to the poorer Sort of people as they are Compell’d to take their Horses from the plough & to be absent for three days together, neither do they fully enjoy their vote at Elections as they cannot attend without injuring their Families, & it is a Certain Fact that the Representatives of this County have not for Several years past had the Voice of more than one half the Freeholders

As noted above, Powhatan County was established the following year. Both men named James subscribed to a Cumberland petition calling for the repeal of a law that specified a method for recruiting Continental soldiers. The Library of Virginia estimates the year of this petition to be about 1780.[[13]](#footnote-13) The petitioners explained that those released for recruiting had not been effective and many of the men recruited subsequently deserted. James Hudgens “Senr” subscribed to a Cumberland County petition of 10 November 1780 opposing a proposal to discontinue the use of paper currency for payment of debts. The petitioners stated,

Your petitioners in obedience of the Laws and conformable to the practice of the friends of the American cause have ever received the money emitted by congress and this state in payments of all debts and contracts in every stage of its depreciation relying on the faith of Government that such money ever would be a proper tender and payment of their own engagements.

They also said, “When your petitioners have sold the produce of their Lands to the publick agents on credit the money has ever been paid without any allowance for depreciations….” Newly emitted paper money was made legal tender that session.[[14]](#footnote-14)

After the Revolution the James Hudgens, son of Robert, continued to sign petitions. Two of those concerned freedom of religion. He signed a 26 October 1785 petition opposing the payment of teachers of the Christian religion with state funds. Baptists strongly opposed paying Christian teachers with state funds. He subscribed to a petition dated 9 November 1786 opposing the incorporation of the Episcopal Church and advocating that land of the Church of England be sold because it had been purchased with tax money. Both James senior and junior signed a 6 November 1787 petition to open Willis’s River to navigation up to Upper Mill.

Both men named “James Hudgens” appear on the Cumberland County Personal Property Tax Lists from 1782 through 1786. In 1787 the Cumberland County Court ordered any three of four men, including “James Hudgens (son of Robert)” view a road “…near the mouth of the said branches and enter the Turkey Cock Church as at within a half a mile of the Creek thence into the road called Horn quarter leading down by Hollands ordinary.” The tract of land which Robert “sold” to James for 5 shillings was in the Horn Quarter in Cumberland County. 1787 also marked the year that James, Sr. was in the process of moving to Buckingham County. He was taxed for 207 acres in Buckingham, but his name is followed with (Cumb.) indicating his residence. He appears on the 1787 Personal Property Tax List of Buckingham taxed for a single slave and no white tithes above 21. He had property in Buckingham but was not yet living there. James Hudgens was listed as “Senr” on the 1787 Land Tax for Cumberland and was taxed for 175 acres; “jr” was taxed for 180 acres in 1787. In 1788 the Buckingham resident was taxed for two white tithes, two slaves, and three horses and there is no notation by his name on for the Land Tax. Only one James Hudgens is on the 1788 Cumberland Personal Property list and he is still listed as “Junr”. James, son of Robert, is the man who moved to Buckingham County.

The Buckingham Personal Property Tax Lists and a deed provide evidence of the identity of the children of James Hudgens, son of Robert. In 1789 next to the column naming the taxpayer was a column for the name and number of white tithes. For most taxpayers, only the numeral “1” was entered, indicating that the taxpayer was a white (male) tithe. Those who were exempt like Robert Hudgens had “(exempt)” and no number in this column. James Hudgens had “James Hudgens 2” in this column, indicating he was responsible for himself and a second white tithable also named James Hudgens. Gabriel is added as a tithe in James household in the first 1791 list and James Hudgens is responsible for 3 white tithes. In 1793 James was responsible for Ed and H[olloway]. James Hudgens “of Buckingham County” sold the land in Cumberland given to him by Robert in 1794, with wife Phebe releasing her dower (Deed 7, 365). The deed was witnessed by Holloway Hudgens, Gabriel Hudgens, and William Gibson. By 1796 James Sr., Gabriel, James Jr., and Edward are all listed as taxpayers responsible for themselves and in 1797 James Sr. was responsible for H. Hudgens (listed as “Hol H” in 1799). Drury Hudgens and William son of Dy appear in 1797 but unlike the others in District 2 rather than District 1. They do not remain on Buckingham lists. Holloway Hudgens is listed as a taxpayer in his own right in 1801 and last appears in 1806. James Sr., James Jr., Gabriel, and Edward last appear on the 1809 list, along with Thomas Miles. None of these men are on the 1810 Buckingham County tax Personal Property Tax List or the 1810 Virginia census.

James Hudgens appears in Tennessee in 1811, signing a release in Davidson County (Deed Bk. H, p. 31). This timing fits well with respect to the departure from Buckingham County. Furthermore, the relinquishment is for the right to the land at issue in the Green County lawsuit mentioned above in which James, Holloway, Moses, and John are identified as brothers. James’ relinquishment is mentioned in that suit. In addition, William, Edward, and James Hudgens along with James Maxey appear of the 1811 lists of inhabitants of Davidson County in the district of Capt. Murphy.[[15]](#footnote-15)

John Nichols sold Edward Hudgens of Davidson County, Tennessee 1,000 acres of land on Spring Creek on the waters of the Sycamore[[16]](#footnote-16) in Robertson County on 13 July 1812 for $1,500 (Deed J, pp. 367-370). Portions of this land were then sold to other relatives as follows[[17]](#footnote-17):

Grantor Grantee Deed Bk. Date Acres Price

Edward Hudgens James Hudgens, Sr. J, 371-373 8 Aug 1812 500 $750

James Hudgens, Sr. James Hudgens, Jr. K, 210-211 13 Aug 1813 100 10

Edward Hudgens Gabriel Hudgens K, 301-302 13 Aug 1813 150 190

James Hudgens, Sr. William Hudgens K, 213-215 20 Aug 1813 116 10

James Hudgens, Sr Thomas Miles[[18]](#footnote-18) K, 204-205 20 Aug 1813 100 20

James Hudgens, Sr Holloway Hudgens K, 212-213 28 Aug 1813 100 10

Edward Hudgens James Mackse [Maxey] K, 201-202[[19]](#footnote-19) 7 Oct 1813 100 150

The discounted prices are an indication of a family relationship, especially the 10 cents per acre price for land purchased at $1.50 per acre. James Maxey did not receive a discount when he purchased land from Edward. In addition to witnessing Hudgens deeds James Maxey had a Hudgens connection that has not been found for Thomas Miles: the bond dated 4 August 1788 for his marriage in Cumberland County is extant. His bride’s name was Phebe Hudgens, the same as first name as the (first) wife of James, Sr. The marriage performed by the Rev. Rene Chastain, a noted Baptist minister, on 12 November 1788.[[20]](#footnote-20) In 1810 James Maxey is listed on the census of Buckingham County. Both James Maxey and the eldest female in the household were over 45, indicating that Phebe’s parents James and Phebe Hudgens were married before 1765. Note that the Hudgens men all appear on Buckingham tax lists. With the exception of William, James Hudgens, Sr. was responsible for the tax on each of those men at some point.

Edward Hudgens was appointed administrator of the estate of James Hudgens, Sr. in Robertson County on 16 November 1814 (Minute Bk, 3, p. 502). Bond was $3,000. James Maxey and William Hudgens were the securities. Dower land of 46 1/3 acres was laid off Susannah Hudgens, widow of James, on 21 April 1815 (Will Bk. 2, p. 214). The account of Edward Hudgens, guardian to Sarah and Rebekah Hudgens, was recorded for 1818 and 1819 (Will Bk. 3, pp. 159 & 160). Those making multiple purchases from James’ estate included Susannah, William, Gabriel, Edward, and James Hudgens, and Thomas Miles, Jacob Moake, William Sanders, and James Maxey (Will, Bk. 2, pp. 282-284). Susannah Hudgens died testate in Robertson County in 1846, leaving her estate to her daughter Sarah Stearns and grandson Clay Webster Stearns (Will Bk 13, p. 15).[[21]](#footnote-21) Susannah was James second wife and younger than Phebe.

To summarize, James Hudgens (Sr.) was the son of Robert Hudgens, born about 1739 after Robert married the widow Martha (Parker) Merritt Hendrick. James married his first wife, Phebe, by 1765. James resided in Cumberland County, removed to Buckingham in 1787 and 1788, on to Davidson County, Tennessee in 1810, and finally to Robertson County by 1812. He married his second wife, Susannah, after 1794. James died in Robertson County, Tennessee in 1814. The appearance of names from Buckingham County tax lists in Robertson County records, including the deeds for parcels of the 1,000-acre tract purchased by Edward, the purchasers from the James Hudgens estate sale, and probate records together provide strong evidence of the identity of James Hudgens’ children and in the case of the daughters, their spouses. They were: Phebe, wife of James Maxey; Edward; James, Jr.; Gabriel; Holloway, Elizabeth, wife of Thomas Miles; Sarah, wife of a Stearns; and Rebecca, who was apparently unmarried.

Although most who moved to Southern Illinois descend from Robert through James Hudgens, Sr., one descends from Rebecca Hudgens.[[22]](#footnote-22) The Green County, Kentucky Circuit Court lawsuit identified Rebecca as a sister of four men to whom Robert Hudgens essentially gave land and names her husband as Joseph Fuqua. The 1810 census of Prince Edward County gives the age of both Joseph and the oldest female in the household as over 45, placing their years of birth prior to 1765. A fire destroyed virtually all Buckingham County records in 1869. State records about Buckingham provide the little information available about the life of Joseph Fuqua as a young man.[[23]](#footnote-23) Joseph was among the Buckingham inhabitants who petitioned the General Assembly (received 18 June 1780) with a grievance about tax collection. The petitioners arrived at a designated place to pay their taxes with paper money, but no official arrived to receive the money. They had kept the money for their taxes, but it subsequently depreciated. They requested that the money be accepted at the value it had when they first arrived to pay. Joseph Fuqua signed a second Buckingham petition that year along with his father-in-law, Robert Hudgens. This petition, of 7 November 1780, was to the General Assembly asking that they silence ministers of the gospel who would not take the oath of allegiance, prohibit those who would not take the oath from practicing law and physic, and levy a double tax on those who would not take the oath (see additional details in the section on Robert Hudgens, above). The Buckingham County Court Booklets recording supplies and services provided to support the Revolution shows that Joseph Fuqua provided 75 lbs. of beef to the post at Pt. Fork[[24]](#footnote-24); 800 lbs. of grass beef for public use. In 1782 Joseph Fuqua listed in both the Personal Property and Land Tax books of Buckingham.[[25]](#footnote-25) In 1783 Joseph is on the Buckingham Personal Property Tax List taken by Henry Bell.

Joseph Fuqua last appears on the Buckingham County Personal Property Tax List of 1800 and was responsible for a second white tithe identified as Wm Fjr. He appears on Prince Edward tax lists starting 1801. He filed a chancery suit against Alexander Trent over an agreement with Trent that was made in 1788.[[26]](#footnote-26) Joseph claimed that Trent had failed to turn over money paid for the delivery of good and had ridden one of the horses so hard that it died. Gabriel Fuqua testified in Buckingham County in 1812 that Trent drove the wagon in Powhatan County for Joseph and other Buckingham resident testified that they had paid Trent for delivering goods.

Joseph Fuqua died intestate in 1814 in Prince Edward County. There were fewer slaves than heirs, so the heirs filed a chancery suit to sell the slaves so they could divide the proceeds fairly. The Buckingham Land Tax records show that land held by Joseph Fuqua remained in his hands after he left the county. The 1815 Buckingham Land Tax List firmly establishes that Joseph of Prince Edward was the same man as the former Buckingham resident. In 1815 an additional column appears: residence. The Joseph Fuqua estate was listed with a residence of Prince Edward. The administrator, Joel Watkins, Jr., presented a list of debts on due the estate on 19 February 1816 (Prince Edward Will Bk. 5, p. 82). First on the list was “Rebekah Fuqua, Money in the house at the death of her husband—30.0.0.” This establishes that Rebecca outlived her husband. A Prince Edward County chancery suit to sell the slaves identifies the heirs.[[27]](#footnote-27) Rebecca Fuqua was named as the widow. The additional heirs at law were Gabriel Fuqua, Hezekiah & Polley Lipscombe, William Fuqua, Robert Fuqua, Philip & Patsy Thomas, James Fuqua, Jno[?] & Delila Forbes, Reuben & Hannah Rowlen, Jno & Betsy Gregory, and an infant Nancy Fuqua by Stephen Fuqua her guardian.

A previous paper traced the lineage of from children of James Hudgens, Sr. and Rebecca (Hudgens) Fuqua to families that settled in Southern Illinois.

1. Sinks, John D., “Descent of Some Southern Illinois Families from James Hudgens, Sr. and Rebecca (Hudgens) Fuqua,” Saga of Southern Illinois, Fall 2019. For the most part, I will use the contemporary spelling of surnames, including Hudgens rather than Hudgins or Hudgings, Maxey instead of Maxy, and Fuqua instead of Fuquay. [↑](#footnote-ref-1)
2. For an account of Martha’s marriages, see Dennstedt, Alberta Marjorie, “The Hendrick Family of Virginia,” ***The Virginia Genealogist***, Vol. 37, #3 (July-September, 1993), pp. 278-280 and Essex County Will Bk. 5 (1730-1735), pp. 193-194. [↑](#footnote-ref-2)
3. Sally Cumminger was a natural born child of John. John subsequently married and had a son, John, who died in childhood, but a land office treasury warrant was issued to the deceased son. John’s brothers and sisters were entitled to the warrant as heirs of the deceased son. The brothers and sisters and in some cases their heirs were asked to relinquish their right to the warrant. Details of the court case are summarized in ***Green County Review***, Vol. XVIV #1 (Fall 1995), pp. 5-9). [↑](#footnote-ref-3)
4. Many posted family trees for subsequent generations, such as James son of Robert, identify the wife of a Hudgens as a Holloway. This is possible, but Holloway son of Robert Hudgens was born before any of those marriages. [↑](#footnote-ref-4)
5. For example, Maryland and North Carolina imposed penalty taxes on those who did not take the oath of allegiance. Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, and Pennsylvania all restricted the practice of law and in some cases other learned professions to those who took the oath of allegiance. Maryland, North Carolina, Pennsylvania, and Virginia imposed a penalty rate at some point on those who did not take the oath. Some states had restrictions on buying and selling land for those who did not take the oath. Although lineage societies requiring Revolutionary service by an ancestor often recognize taking the oath of allegiance as “Patriotic Service,” the penalties for not taking the oath were severe and motivation to take the oath was no doubt often for practical reasons. See Sinks, John D., “Oaths of Allegiance During the American Revolution,” under Genealogy/Publications at [www.dcssar.org](http://www.dcssar.org) . [↑](#footnote-ref-5)
6. Legislative petitions are available on-line at [www.virginiamemory.com/collections/petitions](http://www.virginiamemory.com/collections/petitions) . [↑](#footnote-ref-6)
7. The New Light movement maintained that faith alone was sufficient of sanctification and was influential in Virginia not only among Presbyterians, but also Baptists. Robert Hudgens and his son-in-law, Joseph Fuqua signed a 7 November 1780 Buckingham petition that advocated the dissenter position. James Hudgens, son of John rather than Robert, signed the Cumberland petition defending McRae. [↑](#footnote-ref-7)
8. Hopkins, Garland Evans, The Story of Cumberland County (1942), p.47. John Redd, “Reminiscences of Western Virginia, 1770-1790,” printed in ***Virginia Magazine of History, Vol. 7 #2*** (Oct. 1899), pp. 121-122. Campbell’s regiment encamped in Cumberland County on its way to join the Siege of Yorktown. After returning Campbell summoned McCrae. He told McRae that he deserved corporal punishment but was too old. He ordered McRae to lay down across the road and the men stepped over him as they departed and told McRae that he would treat Cornwallis’s troops the same way. [↑](#footnote-ref-8)
9. This information is from the Cumberland chancery suit Drury Hudgens et al v Executors of John Hudgens, filed in 1763, available on-line at <https://www.virginiamemory.com/collections/chancery/> . Robert was accused of mistreating slaves in his care as executor of John’s estate. [↑](#footnote-ref-9)
10. Powhatan County was created from Cumberland the following year. The Sons of the American Revolution but not the Daughters of the American Revolution accept this petition as evidence of Revolutionary service. The Daughters require an explicit statement supporting the Revolution. Making the local government more efficient, such as facilitating jury service or attending musters is an obvious benefit of dividing the county, but not mentioned in the petition. Two other Cumberland petitions were signed by a James Hudgens during the Revolution, but there is no indication which James Hudgens signed. The signatures are different, but it was not unusual for a neighbor to write the name for a man. [↑](#footnote-ref-10)
11. The Daughters of the American Revolution does not recognize the 1782 Personal Property or Land Tax List as evidence of Revolutionary service but the Sons of the American Revolution does. The original act did not state explicitly that the act was to support the Revolution, but an amendment that was prior to the due date for 1782 did. The amendment began: “Whereas from the late cruel ravages of the enemy and destruction of private property, together with the great burthens already borne by the good people of this state, it is necessary to give them every possible alleviation in payment of taxes required for the support of the war….” (Hening, William Waller.: ***The Statutes at Large; Being a Collection of all the Laws of Virginia, Vol. 11,*** 1823, p. 66). [↑](#footnote-ref-11)
12. For more information about services of James, son of John, the younger of the two men, see Sinks, John D., “James Hudgens, Jr. and James Hudgens, Sr. of Cumberland County, Virginia” in the biography section of the SAR Patriot Research System at [www.sar.org](http://www.sar.org) . [↑](#footnote-ref-12)
13. See Legislative Petitions, Cumberland County at [www.virginiamemory.com](http://www.virginiamemory.com) . [↑](#footnote-ref-13)
14. Hening, ***Vol 10,*** October 1780 session, Ch. 1, pp. 321-322. [↑](#footnote-ref-14)
15. The list is an enumeration of free taxable inhabitants under an act passed 11 November 1811. [↑](#footnote-ref-15)
16. This land was in Robertson County and became part of Cheatham County in 1856 when that county was created. [↑](#footnote-ref-16)
17. The deeds were acknowledged in court by the grantors except for the following: John Nichols to Edward Hudgens, wit. William Hudgens, James Maxey, & James Hudgens, Sr.; Edward Hudgens to Gabriel Hudgens, wit. Thomas Miles & William Hudgens; Edward Hudgens to James Mackse, wit. James Hudgens & William Hudgens. [↑](#footnote-ref-17)
18. Thomas Miles’ wife Elizabeth received a bequest from Patsy Hudgens in 1845 (Robertson Will Bk. 12, p. 310). [↑](#footnote-ref-18)
19. The original deed bearing signatures is found among the Binkley-Hudgens-Durham Papers in the Tennessee State Library and Archives. [↑](#footnote-ref-19)
20. “Marriages Performed, 1786-1793, by the Rev. Rene Chastain Primarily in Buckingham County, Virginia,” by Cameron Allen, in ***Magazine of Virginia Genealogy*, Vol. 30 (1992**), p. 249. The original records are in The Kentucky Historical Society. Although Chastain lived in eastern Buckingham County, surviving marriage bonds show that some of the marriages were performed in Cumberland County. [↑](#footnote-ref-20)
21. Children and spouses of children of James Hudgens, Sr., who died testate in Robertson County, are: Thomas Miles (Bk. 9, pp. 113-114); James Maxey (Will Bk. 9, pp. 328-329), Gabriel Hudgens (Will Bk. 10, pp. 365-366); Edward Hudgens (Will Bk. 10, pp. 590-591). [↑](#footnote-ref-21)
22. I am indebted of Marcy Carter-Lovick, a descendent of Rebecca, for information on this branch of the family. [↑](#footnote-ref-22)
23. There was also at least two men named Joseph Fuqua in Cumberland County, adjacent to Buckingham, during the Revolution. Cumberland records should not be assumed to refer the Joseph of Buckingham. [↑](#footnote-ref-23)
24. The post was presumably the Pt. of Fork arsenal where the Riviana flows into the James River. [↑](#footnote-ref-24)
25. This is recognized by the SAR but not the DAR as evidence of Revolutionary service, as explained in footnote 11. Both organizations recognize the 1783 Personal Property and Land Tax lists as evidence of service. [↑](#footnote-ref-25)
26. Joseph Fuqua v Alexander Trent as <https://www.lva.virginia.gov/chancery/case_detail.asp?CFN=147-1816-012> . [↑](#footnote-ref-26)
27. Gabriel Fuqua et. al v Joel Watkins, adm. at <https://www.lva.virginia.gov/chancery/case_detail.asp?CFN=147-1822-004> . [↑](#footnote-ref-27)