

WAKE CO., NC - SUPERIOR COURT

○ From Book of Maps in Wake Co., NC Court House  
- map of two tracts of land  $40\frac{3}{4}A + 48\frac{1}{4}A = 89A$  acres  
of W. J. RAY land (presumably deceased).

Surveyed per him - MAR 1923 - Land in New Light Township  
H. A. Crappell, Registered Engineer, Wake Forest, NC

Court Ruling - Judge of Wake Superior Court 28 MAY 1924  
Order of Clerk of Court 18 JUN 1924

Divided into 2 lots 2 JUL 1924 by G. N. Bull, W. A. Smith  
and - - JACKSON of Barton Creek Township

Residences on the property:  $\Delta$  W. J. RAY -  $48\frac{1}{4}A$  Tract  
 $\Delta$  J. L. RAY -  $40\frac{3}{4}A$  Tract

Adjoining Land Owners: TO WEST:  $\Delta$  J. A. RAY  
 $\Delta$  ALBERT RAY

TO EAST:  $\Delta$  L. A. HARRISON

TO SOUTH:  $\Delta$  C. F. KESTER (MRS)  
J. L. RAY

Other References  $\Delta$

Road  $\Delta$  - STONEY HILL

Penny & Hester Bridge

$\Delta$  Rocky Branch.

Presence of Nutances

Given for Lots 1 & 2

The map preserved in New Light Township Files

I am unable to link these RAY's to the Buchner Ray  
Family. They probably belong to the "Acres the Rains"  
RAY's. RPH 23 JUN 2012

Wake Co., NC Court House Records - Superior Court



① FROM NOTES OF RPU/SSU TRIP TO NC/SC MAY/JUN 2012  
 on 29 MAY and 4 JUN RPU spent a total of about 6 hours trying to see what family history information might be obtained from the Wake CO, NC Court House - more specifically from WAKE CO. NC SUPERIOR Court (which see for a full set of my notes & records collected). - I was especially interested in the court case about 1939 re centric on the will of my GF EUGENE D. CROSS. I was directed to the CIVIL DIVISION on the 11th floor. No info on EDC found on 11th floor. There are a host of books - mainly INDEXES but actual records appear to be at the N. C. Archives. The 11th floor is organized mainly to help current issue clients. The indexes for older records are scrambled as to subject, etc - hard to understand. I had copied 21 pages of an index for Upchurch Defendants wherein the dates are scrambled but ranging from 1920-1966. - see file for the 21 pages - Also see a separate extract for interesting names I selected. It would be useful to have a similar index for Upchurch Plaintiffs but it was not found. Also, it would be useful to have earlier indexes if they exist.

The helpers tried to help me on the 11th floor but were not trained to deal with historical records. Re EDC they did suggest I look on the 12th floor which I did

On the 12th floor I again found the staff focused on current clients dealing with current issues. Again older records have different labels for different eras - with detailed records preserved at N. C. Archives. See the file for the will of EDC which I already had.

There was a book of maps (Two Volumes) falling apart. I had one map copied & name extracted it. My copy is preserved in WC, NC - Superior Court Records



② 29 MAY 2012 - TUE

SSU in room all day -

went by mami to pick up stuff I left in his vehicle. Arrived at Wake Co. Court House 9:20 AM

- to look for the 1938-1940 Court action concerning the will of Eugene P. Cross. - was directed to the 11th floor and the CIVIL DIVISION of the Court. There I found several stations staffed for different purposes. When I explained my quest they looked puzzled but arranged for GEORGE to help me. He was friendly but churlish. We found huge index books on judgments in Civil Actions (PLAINTIFFS & DEFENDANTS)
- As we looked under CROSS & UPCHURCH the appropriate reference was not found. - Finally it was concluded I should inquire on 12th floor where ESTATE records are kept -

Before leaving I had George copy several pages of cases indexed for Upchurch Defendants covering approximately 1920-1968 (Need to arrange)

- However, I need to go back to see if I can locate some of the cases indexed

Also, time permitting would like to get a comparable set of sheets for Upchurch Plaintiffs and - for earlier decades.

Going to the 12th floor I found not only Estate Records but records for Deceit Appeals, Guardianship, Insane/Incompetent records & possible Quarter Pleas & Sessions - I need to go back to explore these. There was one staff person who was minimally helpful.

A big problem is that over the decades the record keeping changed & users scramble the various books.

In the various books I did find interesting cases where the Commonwealth divided Tracts & gave maps - citing Townships - but can these pages be copied or must I make a written extract - very interesting.

② 2.9 MAY 2012 - TUE - CONTINUED

C

RECORDS FOR EUGENE D. CROSS

I found his will (which I have) - submitted to WC Superior Court for Probate - Proved by M. J. CARLTON & FARMER S. SMITH on 22 JUN 1939. In the next document Bessie Upchurch signed a paper re Real & Personal Property of the deceased - Clerk of Court W. H. SAWYER processed the paper. The will was signed 5 OCT 1938

At the end of this set of papers reference was made to a presumed related document with the cryptic entry "Case entered & docketed 23 JUN 1939" } I looked for C.I.D. No C-1662 "U" Page 248 } I could not find them I tried to find a trail leading to the actual court case but could not.

went to a General Index of Special Proceedings - Plaintiffs CROSS - PG 117 - Found several CROSS LISTINGS (many of interest) but not what I sought.

EXAMPLES

PLAINTIFFS - CROSS	DEFENDANTS	COURT	SP CASE NO	S T	BK / PG	CROSS / DECREE B/P	JUDGEMENT DOCKETED 13 P
C.M., L.N., RICHARD		COURT	1167	18 AUG 1904	D/86	15 501	11-81
E.D., LAUREA		"	1167	"	"	"	"
E.D.		"	6486	23 NOV 1938	N/18		

FD 25 SEP 1937 - 25 JAN 1938

I could not find the actual documents for these items

ORDERS & DECREES BK 35 1948-1950 ERA - Re Betty U + BK 8, 7 Linda Frank supports Betty in getting a car

③ 4 JUN 2012 - MON

Spent 2 hours on the 11th & 12th floors of Wake County Court House.

The detailed notes taken appear on Pages (38) & (39) However, I will record my conclusions here

As a general rule the books dealing with records prior to about 1940 are of



④ 4 JUN 2012 - MON - CONTINUED

D

some value to family historians 'as they provide indexes to records of potential interest. Even these indexes are scrambled and format changed over the years. There is no barrier to access. The staff is there to help present day litigators but really to help historians - but are not organized that way and mostly don't have a clue.

In the end they reveal that the older records are kept at the State Archives

These are two Map Books on the 22<sup>nd</sup> Floor - The maps are posted in but not coming loose. I looked at all pages - found no Supt Creek Township Maps. Found one RAT Map described as follows:

GENERAL REVIEW OF  
WAKE CO, NC COURT

11TH FLOOR

DOCS - CO. COURT HOUSE - RPH - CIVIL CASES

4 JUN 2012 - MONDAY

BK 29 - GEN CT of JUSTICE DOCKET - ABSTRACTS OF JUDGMENTS  
LIENS, LIS PENDENS, ETC

START 20 FEB 1974 → 25 OCT 1974 Same dates 1973

mostly small liens - some large

Not much family history here

Skip to BK 84 - same title

This Book is 1980's

Conclude - BK 29 & above not rich in family info

All these Books on North Wall -

Underneath North Table Top File - Index Defendants 1968 →

Conferred with staff - They say no records in this room before about 1940 - They do not know where such records are.

④ 4 JUN 2012 - MON - CONT.

E

12TH FLOOR

ESTATE RECORDS

NORTH WALL - GEN INDEX TO SPECIAL PROCEEDINGS - 15 BKS

A BOOK - T-U-V

↳ PLAINTIFFS

PG 25 - 3 pages of Upchurch Listings - RW 150 entire  
from 18 DEC 1899 - 30 MAY 1966

More books in name area - DEFENDANTS

A BOOK T-U-V

PG 27 5 1/2 pages of Upchurch

FROM PLAINTIFFS

Eleanor M. U vs M. P. Norris, et al

SP. Case 751 commenced 17 MAR 1896

BK C PG 122 / Order/Decree G-488 / promulgated DEC 8/1895

\* turning out from 1940 on back these records would be at State Archiver

Looked through 2 Books of Maps  
Had 1 Ray Map Copied

On opposite wall - OTHER BOOKS

Order + Decree - Books 8

U = Margaret C. U. - pgs 305 + 517 only U's listed  
- null Support Court 13 SEP 1954

L. Wray + Inheritance A-2 Gen Index

21 U's 29 APR 1901 - 17 JUL 1963

Incl 4 Inheritments

Wm A U - To Roanoke 10 DEC 1940 pg 34

Ray Cleveland U To Raleigh 3 MAR 1959 pg 539

" " Do. Do. - 20 MAR 1961 pg 160

" " " " 17 JUL 1963 pg 18

L. Wray

Wesley L. U - Raleigh 5 NOV 1959 pg 508

Left Wake County Courthouse about 4:15 pm



UPCHURCH DEFENDANTS IN WAKE  
CO., NC SUPERIOR COURT - JUDGEMENTS  
21 Pages - Judgement Dates run from 1920  
- 1966 but this list is not complete  
for that date range - A partial extract  
list made for the 21 pages.  
obtained by RPH 29 MAY 2012

SELECTED EXTRACT OF UPKNURCHES AS DEFENDANTS  
 IN WAKE CO., NC. SUPERIOR COURT JUDGEMENTS - SEE  
 WC SUPERIOR COURT FILE FOR FULL 20 PAGE LIST.  
 OBTAINED BY RPA 29 MAY 2012 - DATES RANGED  
 FROM 1920-1966.

JUDGEMENT DATE	PLAINTIFFS	DEFENDANTS	RPA COMMENT
27 JUL 1940	△ MILLARD D. NEIL MD	JEFF U MRS JEFF U	△ ROBT JEFFERSON U △ BESSIE ELWORA EDWARDS
6 JUN 1941	P. B. PERRY	NEIRSON △ GEORGE MALCOLM U	△ PERCY BARRETT PERRY
22 JAN 1936	△ W. A. MYATT INC	W. L. U	△ WILSONSEN LAMAR U
25 JAN 1929	△ R. A. BURT	REX U	△ REX EDGAR U
12 OCT 1932	△ ATLANTIC JOINT STOCKLAND BANK	△ B. C. U JOINT W U R. J. U.	
14 DEC 1935	△ SHERWOOD BRANTLEY et. al.	6 CHILDREN OF B. J. U	ROBT JEFFERSON U REX, MAUDE, W. L. PATRICE, G. H., LENA
28 JUN 1922	W. A. MYATT	R. J. U.	ROBT JEFFERSON U
7 JUN 1922	"	"	"
11 DEC 1925	R. N. FREEMAN M.D.	"	"
28 MAY 1927	△ S. W. BREWER & SON	REX U	REX EDGAR U
19 SEP 1927	△ J. S. FULGUM, REC	W. I. U	△ WILSONSEN L. U
23 APR 1928	△ CARLEIGH PINDSPATE WORKS	R. J. U	ROBT JEFFERSON U
2 JAN 1927	△ A. M. BONNER	"	"
8 MAR 1926	JOHN W. U [JOHN WILLIAM U, SR]	"	"
8 DEC 1926	LUTA B. HARDEN, ADMR II △ [HER HUS = GEORGE M. HARDEN]	"	" [LUTA BELL]
2 MAY 1927	△ N.C. AGRIC. CREDIT ASSN	R. J. U, PAU ROBT. JEFFERSON U	△ ?? [RPA]



DEFENDANTS				PLAINTIFFS		CASE NO.	DATE OF JUDGMENT			JUDGMENT DOCKET		CAN-CELED			
SURNAMES	Given Names A B C D E F G H			Given Names I J K L M N O			Given Names P Q R S T U V W X Y Z			MONTH	DAY		YEAR	BOOK	PAGE
UPCHURCH		H	G				RICHMOND GUANO COMPANY		15141	MAY	17	1940	48	136	
"							PATSY GODFREY	ALENE GODFREY UPCHURCH	ADMR	6724SP	MAY	6	1940	48	138
"	ET AL	BESSIE J					CLYDE C UPCHURCH JR	BY GEN GDN	C-1861	JUN	17	1940	48	171	
"		CLYDE C					CLYDE C UPCHURCH JR	BY GEN GDN	C-1861	JUN	17	1940	48	171	
"	ET AL	BERNICE													
"							W E JR	J W GILL		15213	JUN	8	1940	48	173
"	ET AL					JEFF JEFF (Mrs)	M D HILL (DR)		15240	JUL	27	1940	48	187	
"	ET AL	GEORGE E					SIR WALTER LODGE No 411 100F		C-1796	SEP	16	1940	48	231	
"	MINOR						PATSY GODFREY	ALENE GODFREY UPCHURCH	ADMR	SP6791	NOV	16	1940	48	269
"	ET AL TR/AS						WILLIAM	JAMES ASHE JR	BY N F	C-2291	FEB	10	1941	49	52
"		D	P				W T ROUNDY		15520	JAN	21	1941	49	55	
"	ET AL COMRS	ET AL	GEORGE E				S G HAWFIELDS ET AL		C-2234	MAY	12	1941	49	128	
"	ET AL	BESSIE CRATON					RUTH SIMPKINS	P B PERRY	ADMR	6869SP	JUN	6	1941	49	150
"	ET AL	FRANK J					WISCONSIN L	P B PERRY	ADMR	6869SP	JUN	6	1941	49	150
"	ET AL	EDNA WOODCOCK) LENA													
"		E REX					R JEFF	P B PERRY	ADMR	6869SP	JUN	6	1941	49	150
"	ET AL	GETTIS H	MAUDE												
"	COMR	ET AL	GEORGE				A T WYATT (DR)	ET AL		C-2499	OCT	13	1941	49	246
"						LOVIE W (Mrs)	REX HOSPITAL INCORPORATED		15844	OCT	28	1941	49	250	
"		H	G				R J HOLT		15883	DEC	9	1940	49	274	
"	SURETY						PEARSON	ELTA GOVE WALKER	ET AL	9242SD	DEC	31	1941	50	30
"		CHARLES B					WADE H UPCHURCH	ET AL EXRS		15967	FEB	2	1942	50	60
"						R C	H J LEE		16178	JAN	10	1942	50	179	

"	ET AL	GEORGE E		SIR WALTER LODGE No 411 100F	C-1796	SEP 16 1940	48 231	
"	MINOR		PATSY GODFREY	ALENE GODFREY UPCHURCH ADMR	SP6791	Nov 16 1940	48 269	
"	ET AL TR/AS		WILLIAM	JAMES ASHE JR BY N F	C-2291	FEB 10 1941	49 52	
"		D P		W T ROUNDY	15520	JAN 21 1941	49 55	
"	ET AL COMRS ET AL	GEORGE E		S G HAWFIELDS ET AL	C-2234	MAY 12 1941	49 128	
"	ET AL	BESSIE CRATON	RUTH SIMPKINS	P B PERRY ADMR	6869SP	JUN 6 1941	49 150	
"	ET AL	FRANK J EDNA WOODCOCK) LENA E REX	WISCONSIN L	P B PERRY ADMR	6869SP	JUN 6 1941	49 150	
"	ET AL	GETTIS H MAUDE	R JEFF	P B PERRY ADMR	6869SP	JUN 6 1941	49 150	
"	COMR ET AL	GEORGE		A T WYATT (DR) ET AL	C-2499	OCT 13 1941	49 246	
"		LOVIE W (Mrs)		REX HOSPITAL INCORPORATED	15844	OCT 28 1941	49 250	
"		H G		R J HOLT	15883	DEC 9 1940	49 274	
"	SURETY		PEARSON	ELTA GOVE WALKER ET AL	9242SD	DEC 31 1941	50 30	
"		CHARLES B		WADE H UPCHURCH ET AL EXRS	15967	FEB 2 1942	50 60	
"			R C	H J LEE	16178	JAN 10 1942	50 179	
"	ALIAS		RUTH	H J LEE	16178	JAN 10 1942	50 179	
"	ADMR	JESSIE W		JESSIE W UPCHURCH (Mrs)	16285	Nov 9 1942	50 249	
"		LOTTIE		J R FREEMAN	C-3422	MAR 19 1943	51 38	
"		JAMES L		BILLIE V UPCHURCH	C-3384	APR 12 1943	51 51	
"	ET AL	EUGENE BETSY	JUNNIE MELBA	ROSA	RUBY PEARL FISHER ADMR	6751SP	FEB 17 1941	52 9
"	ET AL	HOWARD DELANO	NICK	PATTIE	RUBY PEARL FISHER ADMR	6751SP	FEB 17 1941	52 9
"	ET AL	BROWARD	OTHO		RUBY PEARL FISHER ADMR	6751SP	FEB 17 1941	52 9
"	ET AL	DON			RUBY PEARL FISHER ADMR	6751SP	FEB 17 1941	52 9
"	EST OF ET AL	NANCY ANNIE			RUBY PEARL FISHER ADMR	6751SP	FEB 17 1941	52 9
"	ET AL	CLYDE C JR			BESSIE JORDAN UPCHURCH	C-4055	Nov 20 1944	52 103
"		BESSIE JORDAN			GUARANTY BANK & TR Co GDN ETAL	C-4055	Nov 20 1944	52 103



# General Index to JUDGMENTS IN CIVIL ACTIONS, SUPERIOR COURT—Wake County, N. C.—DEFENDANTS

\* LOCATE NAME BY REFERENCE TO KEYTABLE IN FRONT OF THIS SECTION.



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DEFENDANTS				PLAINTIFFS		CASE NO.	DATE OF JUDGMENT			JUDGMENT BOOKLET		CAN-CELED
SURNAMERS	Given Names A B C D E F G H		Given Names I J K L M N O		Given Names P Q R S T U V W X Y Z		MONTH	DAY	YEAR	BOOK	PAGE	
UPCHURCH				W L	W A MYATT COMPANY INC	13335	JAN	22	1936	43	86	
"			JOHN	THERON	GURNEY P HOOD COMR	B-6134	MAR	9	1936	43	172	
"		E E		THURSTON	GURNEY P HOOD COMR	B-6134	MAR	9	1936	43	172	
"		F P		THAD	GURNEY P HOOD COMR	B-6134	MAR	9	1936	43	172	
"		G E		JONAS	URA & JONAS UPCHURCH	B-5761	MAR	23	1936	43	218	
"				URA	MILLARD D HILL (DR)	13519	APR	28	1936	44	16	
"		G M			RICHMOND HARDWARE COMPANY	13834	JUN	14	1937	44	79	
"		D P		J L (Mrs)	W C ASHWORTH (DR) TR/AS	13688	OCT	16	1936	44	210	
"				JOE M	LESSIE UPCHURCH	C-246	NOV	30	1925	44	213	
"				ET AL ADDIE YATES	T LACY WILLIAMS ADMR	C-397	DEC	6	1935	44	282	
"				ET AL	W A (Mrs)	B-9724	MAR	1	1937	44	289	
"				COMR ET AL GEORGE E	STELLA K BARBEE ET AL	B-9724	MAR	1	1937	44	289	
"				LONNIE	MARY UPCHURCH	B-8261	MAR	8	1937	44	300	
"				M G	L A BAKER	B-9878	OCT	4	1937	45	181	
"				JOHN W	GRACE UPCHURCH	C-814	OCT	25	1937	45	197	
"				ADMR FANNIE	FANNIE UPCHURCH	14010	JAN	7	1938	45	265	
"				DECD	FANNIE UPCHURCH	14010	JAN	7	1938	45	265	
"				R JEFF	MILLARD D HILL (DR)	14063	MAR	10	1938	46	26	
"				R JEFF (Mrs)								
"				ROBERT C	RUTH PARTRIDGE UPCHURCH	C-1078	MAY	23	1938	46	97	
"				WADE H	A M BONNER	14292	AUG	22	1938	46	194	

"	D P			RICHMOND HARDWARE COMPANY	13834	JUN 14 1937	44 79
"		J L (Mrs)		W C ASHWORTH (DR) TR/AS	13688	OCT 16 1936	44 210
"		JOE M		LESSIE UPCHURCH	C-246	NOV 30 1925	44 213
"	ET AL ADDIE YATES			T LACY WILLIAMS ADMR	C-397	DEC 6 1935	44 282
"	ET AL		W A (Mrs)	STELLA K BARBEE ET AL	B-9724	MAR 1 1937	44 289
"	COMR ET AL GEORGE E			STELLA K BARBEE ET AL	B-9724	MAR 1 1937	44 289
"		LONNIE		MARY UPCHURCH	B-8261	MAR 8 1937	44 300
"		M G		L A BAKER	B-9878	OCT 4 1937	45 181
"		JOHN W		GRACE UPCHURCH	C-814	OCT 25 1937	45 197
"	ADMR FANNIE			FANNIE UPCHURCH	14010	JAN 7 1938	45 265
"	DECD	J D		FANNIE UPCHURCH	14010	JAN 7 1938	45 265
"			R JEFF R JEFF (Mrs)	MILLARD D HILL (DR)	14063	MAR 10 1938	46 26
"			ROBERT C	RUTH PARTRIDGE UPCHURCH	C-1078	MAY 23 1938	46 97
"			WADE H	A M BONNER	14292	AUG 22 1938	46 194
"	ET AL F P	MOLLIE	TOY	M R UPCHURCH ET AL EXR	6507SP	DEC 20 1938	46 284
"	G W	I P					
"	ET AL AGNES	MARY	T I	M R UPCHURCH ET AL EXR	6507SP	DEC 20 1938	46 284
"	ADMR ET AL ALLENE GODFREY)			ALLENE GODFREY UPCHURCH ET AL	14426	JAN 10 1939	46 296
"	ET AL		W H	ALLENE GODFREY UPCHURCH ET AL	14426	JAN 10 1939	46 296
"	GDN A L ET AL		R PEARSON	WILLIE SANDERS ADMR ET AL	C-971	JAN 9 1939	46 297
"		J SHERWOOD		J W BUNN REC	14504	MAR 8 1939	47 46
"	MINOR		PATSY GODFREY	ALENE GODFREY UPCHURCH ADMR	6534SP	MAR 20 1939	47 55
"	ET AL		W A	TOWN OF ZEBULON (THE)	C-1132	MAR 13 1939	47 60
"			THOMAS J	LILLIAN UPCHURCH (Mrs)	14530	MAR 29 1939	47 67
"	ET AL		W J W E (Mrs)	UNIVERSAL CHEVROLET COMPANY	15027	FEB 28 1940	48 56
"	ET AL GEORGE E			SIR WALTER LODGE No 411 100F	C-1796	FEB 12 1940	48 65



DEFENDANTS				PLAINTIFFS	CASE NO.	DATE OF JUDGMENT			JUDGMENT DOCKET		CAN-CELLED
SURNAMES	Given Names A B C D E F G H		Given Names I J K L M N O			Given Names P Q R S T U V W X Y Z	MONTH	DAY	YEAR	BOOK	
UPCHURCH	ET AL		J M (MRS) J M	CAPITAL CITY LAUNDRY A CORP	C-6010	FEB	18	1952	59	38	
"	ET AL		MARY MAGALENE	C A HAYWOOD EXTR	7961SP	MAR	14	1952	59	54	
"	ET AL		JOHN C	"	7961SP	MAR	14	1952	59	54	
"			J SHERWOOD	W T FOSTER	C-6616	MAY	14	1951	58	182	
"		ELIZABETH		E F BAKER	C-7443	MAY	12	1952	59	116	
"			OWEN	O S MOODY	C-8138	SEP	15	1952	59	214	
"			THELMA THOMAS RAY	L A COATES ET AL	C-8322	JUN	15	1953	60	163	
"		GERTRUDE MCGEE)		COMMISSIONER OF REVENUE	19935	OCT	20	1953	60	291	
"		ELAN H (MRS)		POWELL & JONES HARDWARE	20040	DEC	11	1953	61	30	
"			WILLIAM F (JR)	LUTHER DEANS	20408	APR	6	1954	61	229	
"			WALTER	CRUSER MOTOR Co	20637	JUN	30	1954	62	13	
"			OTHO	RALEIGH TRACTOR & TRUCK Co	20913	AUG	23	1954	62	161	
"			PRIOR F	BERTHA M UPCHURCH	C-9436	NOV	15	1954	62	175	
"			OTHO	R E STROTHMAN TR/AS	21517	JUN	17	1955	63	209	
"		AVA	LOUIS G	SEARS ROEBUCK & Co	81368C	AUG	10	1955	63	210	
"		EUGENE C		MELBA B UPCHURCH	C-6496	DEC	12	1955	64	87	
"		BILLIE S		PEARL B UPCHURCH	C-3915	DEC	12	1955	64	71	
"			LUCY V	LUCY V UPCHURCH ADMRX	21858	JAN	9	1956	64	138	
"	EST OF	ERVIN L		"	21858	JAN	9	1956	64	138	
"			LATTIE M	RUBY S UPCHURCH	C-4838	JAN	16	1956	64	151	

"		THOMAS RAY	L A COATES ET AL	0-8522	JUN 15 1953	00 163
"		GERTRUDE MCGEE)	COMMISSIONER OF REVENUE	19935	OCT 20 1953	60 291
"		ELAN H (MRS)	POWELL & JONES HARDWARE	20040	DEC 11 1953	61 30
"		WILLIAM F (JR)	LUTHER DEANS	20408	APR 6 1954	61 229
"		WALTER	CRUSER MOTOR CO	20637	JUN 30 1954	62 13
"		OTHO	RALEIGH TRACTOR & TRUCK Co	20913	AUG 23 1954	62 161
"		PRIOR F	BERTHA M UPCHURCH	C-9436	NOV 15 1954	62 175
"		OTHO	R E STROTHMAN TR/AS	21517	JUN 17 1955	63 209
"		AVA	LOUIS G SEARS ROEBUCK & Co	8136SC	AUG 10 1955	63 210
"		EUGENE C	MELBA B UPCHURCH	C-6496	DEC 12 1955	64 87
"		BILLIE S	PEARL B UPCHURCH	C-3915	DEC 12 1955	64 71
"		LUCY V	LUCY V UPCHURCH ADMRX	21858	JAN 9 1956	64 138
"		EST OF ERVIN L	"	21858	JAN 9 1956	64 138
"		LATTIE M	RUBY S UPCHURCH	C-4838	JAN 16 1956	64 151
"		J B	WAKE OIL COMPANY	21941	JAN 31 1956	64 193
"		LEONARD LEROY	JAMES P WEAVER	D-99	APR 23 1956	65 6
"		ET AL	RICHARD HOOD SYSTEM INDUSTRIAL BANK	22287	JUN 27 1956	65 135
"		CHARLIE	MARGARET UPCHURCH	D-813	SEP 3 1956	65 220
"		C S	CIRCLE OIL COMPANY ET AL	22445	SEP 5 1956	65 236
"		SAM	JAMES D ADAMS ET AL TR/AS	22487	SEP 29 1956	65 266
"		OTHO	W P WRENN TR/AS	22572	NOV 8 1956	65 319
"		ET AL	K T SANDERS MOTOR COMPANY	D-454	FEB 4 1957	66 135
"		ELEANOR T	R P UPCHURCH	D-1263	MAR 11 1957	66 171
"		B M (MR AND MRS)	APEX FURNITURE COMPANY	23014	APR 15 1957	66 246

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DEFENDANTS				PLAINTIFFS		CASE NO.	DATE OF JUDGMENT			JUDGMENT DOCKET	CAN-CELED	
SURNAMES	Given Names		Given Names	Given Names			MONTH	DAY	YEAR	BOOK		PAGE
		ABCDEFGHIJ	KLMNO	PQRSTU	VWXYZ							
UPCHURCH	ET AL		ODELL LUCY M		JOSEPH ROBERTSON	ET AL	7280SP	NOV	14	1945	52	288
"	ET AL	CLYDE C (JR)			BESSIE JORDAN	UPCHURCH	7295SP	FEB	11	1946	53	4
"		BEATRICE	WALDRUP)		JOHN W	UPCHURCH	C-4688	JUN	17	1946	53	85
"		C D			C M	DUPREE	16870	MAR	13	1946	53	107
"	ET AL	HERBERT	LILLA W		ELLA W	NASH	C-4757	DEC	16	1946	53	217
"	ET AL	ALLIE	LETTIE	SION	W A HILLIARD	ADMR ET AL	7492SP	DEC	31	1946	53	232
"			MYRTLE	PATSY GODFREY	W A HILLIARD	ADMR ET AL	7492SP	DEC	31	1946	53	232
"			J SHERWOOD		THE OBSERVER CO	A CORP	17109	NOV	3	1947	54	108
"	ET AL		J S MARY R	THELMA K W W	T B	UPCHURCH (JR) ET AL	2104SP	JAN	10	1948	54	125
"		CHARLES C			MARGARET ROSS	UPCHURCH BY N F	C-5850	MAR	15	1948	54	175
"	EXTRX	ET AL		ROSALIE COATS	CAPITAL CITY LAUNDRY	A CORP	C-6010	SEP	20	1948	54	320
"	EST OF	ET AL	J M		"		C-6010	SEP	20	1948	54	320
"	ET AL		J M (MRS)		"		C-6010	SEP	20	1948	54	320
"		EUGENE C			MELBA BATCHELOR	UPCHURCH	C-6496	FEB	21	1949	55	145
"	ET AL	CLARENCE			J SHERWOOD	UPCHURCH ET AL	7736SP	FEB	16	1949	55	146
"	ET AL			R A	FARMERS COOPERATIVE EXCHANGE	INC A CORP	17631	JUN	9	1949	55	248
"				ROBERT	J W	MCGINNIS	17671	APR	22	1949	55	273
"			J SHERWOOD		ESSO STANDARD OIL CO		17676	JUN	28	1949	55	278
"	ET AL	C M			N C STATE HIGHWAY & PUBLIC WORKS	COMM	7806SP	DEC	12	1949	56	163
"				ROBERT	READY MIXED CONCRETE CO		17909	NOV	25	1949	56	175

"		MYRTLE	PATSY GODFREY	W A HILLIARD ADMR ET AL	7492SP	DEC 31 1946	53	232
"		J SHERWOOD		THE OBSERVER Co A CORP	17109	NOV 3 1947	54	108
"	ET AL	J S MARY R	THELMA K W W	T B UPCHURCH (JR) ET AL	2104SD	JAN 10 1948	54	125
"		CHARLES C		MARGARET ROSS UPCHURCH BY N F	C-5850	MAR 15 1948	54	175
"	EXTRX ET AL		ROSALIE COATS	CAPITAL CITY LAUNDRY A CORP	C-6010	SEP 20 1948	54	320
"	EST OF ET AL	J M		"	C-6010	SEP 20 1948	54	320
"	ET AL	J M (Mrs)		"	C-6010	SEP 20 1948	54	320
"		EUGENE C		MELBA BATCHELOR UPCHURCH	C-6496	FEB 21 1949	55	145
"	ET AL CLARENCE			J SHERWOOD UPCHURCH ET AL	7736SP	FEB 16 1949	55	146
"	ET AL		R A	FARMERS COOPERATIVE EXCHANGE INC A CORP	17631	JUN 9 1949	55	248
"			ROBERT	J W MCGINNIS	17671	APR 22 1949	55	273
"		J SHERWOOD		ESSO STANDARD OIL Co	17676	JUN 28 1949	55	278
"	ET AL C M			N C STATE HIGHWAY & PUBLIC WORKS COMM	7806SP	DEC 12 1949	56	163
"			ROBERT	READY MIXED CONCRETE Co	17909	NOV 25 1949	56	175
"		O H		TILLEY MATTHEWS & MEDLIN	18049	MAR 17 1950	56	268
"	D/B/A ET AL	O C		N C STATE HIGHWAY & PUBLIC WKS COMM	C-7119	MAY 15 1950	57	4
"			WILLIAM F (JR)	J A HOUSE	4215SD	OCT 14 1950	57	142
"			WILLIAM F (JR)	"	C-7480	NOV 13 1950	57	182
"		B M		T O SEWELL	18504	FEB 24 1951	57	275
"		EUGENE C		MELBA B UPCHURCH	C-7657	MAY 14 1951	58	32
"	ET AL		R F	FIRST CITIZENS BK & TR Co	4948SD	OCT 8 1951	58	232
"		NAOMI HAYNES		WILLIAM DURWOOD UPCHURCH	C-7684	SEP 17 1951	58	203
"	ET AL	JOHN LOLA		EFFIE CRABTREE ET AL	7984SP	SEP 22 1951	58	231
"	ET AL EST OF	KEARNEY		"	7984SP	SEP 22 1951	58	231

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DEFENDANTS				PLAINTIFFS	CASE NO.	DATE OF JUDGMENT			JUDGMENT DOCKET		CAN-CELED
SURNAMERS	Given Names A B C D E F G H	Given Names I J K L M N O	Given Names P Q R S T U V W X Y Z			MONTH	DAY	YEAR	BOOK	PAGE	
UPCHURCH	ET AL		ODELL LUCY M	JOSEPH ROBERTSON ET AL	7280SP	Nov	14	1945	52	288	
"	ET AL	CLYDE C (JR)		BESSIE JORDAN UPCHURCH	7295SP	FEB	11	1946	53	4	
"		BEATRICE WALDRUP)		JOHN W UPCHURCH	C-4688	JUN	17	1946	53	85	
"		C D		C M DUPREE	16870	MAR	13	1946	53	107	
"	ET AL	HERBERT	LILLA W	ELLA W NASH	C-4757	DEC	16	1946	53	217	
"	ET AL	ALLIE	LETTIE	SION	W A HILLIARD ADMR ET AL	7492SP	DEC	31	1946	53	232
"			MYRTLE	PATSY GODFREY	W A HILLIARD ADMR ET AL	7492SP	DEC	31	1946	53	232
"			J SHERWOOD	THE OBSERVER CO A CORP	17109	Nov	3	1947	54	108	
"	ET AL		J S MARY R	THELMA K W W	T B UPCHURCH (JR) ET AL	2104SD	JAN	10	1948	54	125
"		CHARLES C		MARGARET ROSS UPCHURCH BY N F	C-5850	MAR	15	1948	54	175	
"	EXTRX	ET AL		ROSALIE COATS	CAPITAL CITY LAUNDRY A CORP	C-6010	SEP	20	1948	54	320
"	EST OF	ET AL	J M	"	"	C-6010	SEP	20	1948	54	320
"	ET AL		J M (MRS)	"	"	C-6010	SEP	20	1948	54	320
"		EUGENE C		MELBA BATCHELOR UPCHURCH	C-6496	FEB	21	1949	55	145	
"	ET AL	CLARENCE		J SHERWOOD UPCHURCH ET AL	7736SP	FEB	16	1949	55	146	
"	ET AL			R A	FARMERS COOPERATIVE EXCHANGE INC A CORP	17631	JUN	9	1949	55	248
"				ROBERT	J W MCGINNIS	17671	APR	22	1949	55	273
"			J SHERWOOD	ESSO STANDARD OIL CO	17676	JUN	28	1949	55	278	
"	ET AL	C M		COMM N C STATE HIGHWAY & PUBLIC WORKS	7806SP	DEC	12	1949	56	163	
"				ROBERT	READY MIXED CONCRETE CO	17909	Nov	25	1949	56	175

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DEFENDANTS				PLAINTIFFS	CASE NO.	DATE OF JUDGMENT			JUDGMENT DOCKET		CAN-CELLED
SURNAMES	Given Names					MONTH	DAY	YEAR	BOOK	PAGE	
	A B C D E F G H	I J K L M N O	P Q R S T U V W X Y Z								
UPCHURCH	ET AL	BOB HOWARD	OSCAR BRYANT	LOUISE PITTMAN UPCHURCH	13794SD	DEC	29	1960	74	181	
"	TR/AS	C S		EMPLOYMENT SECURITY COM OF N C	26581	MAR	17	1961	75	16	
"	ET AL	C A (JR)	JOHN C	PATRICIA A BADDERS BY N F	D-2901	SEP	4	1961	76	18	
"		EARL		F L HOOD ET AL	27297	DEC	2	1961	76	215	
"			LOUISE (MRS)	GEORGE P ROSE D/B/A	28008	JUL	16	1962	78	105	
* " PRIN	ET AL		WILLIAM HENRY	STATE OF NORTH CAROLINA	8112CD	SEP	5	1963	80	58	
* " " " "		HUGH (MR & MRS)		NORWOOD OIL COMPANY	28689	APR	1	1963	79	153	
" " " "			ROBERT HUGH	GUARANTY STATE BANK	29143	NOV	6	1963	80	186	
" " " "	TR/AS		LOUIS	INC DRAINAGE & SANITATION SUPPLY CO	19478SC	OCT	2	1964	82	247	
" " " "			LOUIS G	ELECTRICAL WHOLESALERS INC	19435SD	OCT.	2	1964	82	248	
" " " "		HUGH		KILLO EXTERMINATING COMPANY	29928	SEP	30	1964	82	263	
" " " "		BLANCHE V		STATE HIGHWAY COMMISSION	D-5554	OCT	14	1964	82	274	
" " " "			LOGAN (MR & MRS)	J T BLACKARD ESTATE	29982	NOV	6	1964	82	319	
" " " "			JOHN CALVIN	CAROLYN C UPCHURCH	20002SD	NOV	23	1964	83	34	
" " " "	ET AL	FURMAN M	MARY B	ESSIE B WILSON EXTRX	9475SP	NOV	17	1964	83	58	
" " " "	ADMRX ET AL		MARY B	"	9475SP	NOV	17	1964	83	58	
" " " "	ET AL		ROY CURTIS	GRACE A PAGE	D-5809	JAN	8	1965	83	130	
" " " "		FLETCHER	MARY E	WILLIAM L MCLAURIN TR/AS	30383	APR	21	1965	84	16	
" " " "		AVERY C		MARILYN MORRISETTE UPCHURCH	D-7135	MAY	10	1965	84	60	
" " " "			LEROY	BEATRIX C UPCHURCH	D-7594	NOV	29	1965	85	215	

"		HUGH (MR & MRS)		NORWOOD OIL COMPANY	28689	APR 1 1965	79 155
"			ROBERT HUGH	GUARANTY STATE BANK	29143	NOV 6 1963	80 186
"	TR/AS	LOUIS		DRAINAGE & SANITATION SUPPLY Co <sup>INC</sup>	19478SC	OCT 2 1964	82 247
"		LOUIS G		ELECTRICAL WHOLESALERS INC	19435SD	OCT 2 1964	82 248
"		HUGH		KILLO EXTERMINATING COMPANY	29928	SEP 30 1964	82 263
"		BLANCHE V		STATE HIGHWAY COMMISSION	D-5554	OCT 14 1964	82 274
"		LOGAN (MR & MRS)		J T BLACKARD ESTATE	29982	NOV 6 1964	82 319
"		JOHN CALVIN		CAROLYN C UPCHURCH	20002SD	NOV 23 1964	83 34
"	ET AL	FURMAN M	MARY B	ESSIE B WILSON EXTRX	9475SP	NOV 17 1964	83 58
"	ADMRX ET AL		MARY B	"	9475SP	NOV 17 1964	83 58
"	ET AL		ROY CURTIS	GRACE A PAGE	D-5809	JAN 8 1965	83 130
"		FLETCHER	MARY E	WILLIAM L MCLAURIN TR/AS	30383	APR 21 1965	84 16
"		AVERY C		MARILYN MORRISETTE UPCHURCH	D-7135	MAY 10 1965	84 60
"		LEROY		BEATRIX C UPCHURCH	D-7594	NOV 29 1965	85 215
"		EARL (MR & MRS)		NORWOOD OIL COMPANY	31074	FEB 24 1966	86 232
"		CAROLYN COATS		CENTRAL CAROLINA BK & TR Co	22388SC	MAR 23 1966	86 235
"		JOHN CALVIN		CENTRAL CAROLINA BK & TR Co	22388SC	MAR 23 1966	86 235
"	ET AL	ALVIN A	TRUBY K	TRUBY K UPCHURCH ET AL EXTR	D-7790	APR 1 1966	86 260
"	ET AL	CHARLES E		TRUBY K UPCHURCH ET AL EXTR	D-7790	APR 1 1966	86 260
"	ET AL	CLIFFORD D	I CAREY (JR)	TRUBY K UPCHURCH ET AL EXTR	D-7790	APR 1 1966	86 260
"	ET AL	DANIEL WAYNE		TRUBY K UPCHURCH ET AL EXTR	D-7790	APR 1 1966	86 260
"			(JR) WILLIAM FLOYD	JEWELL F KING BY N F	22884SD	MAY 26 1966	87 55
"			R P	DOUGLAS M HOBBS	31330	JUL 16 1966	87 207
"		HUGH		ATKINS MOTORS INC	31372	AUG 15 1966	87 286

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SURNAMERS	DEFENDANTS												PLAINTIFFS	CASE NO.	DATE OF JUDGMENT			JUDGMENT DOCKET		CAN-CELLED												
	Given Names				Given Names				Given Names						MONTH	DAY	YEAR	BOOK	PAGE													
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z						
UPCHURCH	DOROTHY L												HOOD SYSTEM INDUSTRIAL BANK	23307	AUG	5	1957	67	93													
"													VIOLA SHAW	LEROY UPCHURCH	D-1624	OCT	7	1957	67	147												
"	HARRY E												EFFIE N UPCHURCH	C-8078	DEC	2	1957	67	260													
"													SAM K	CAPITOL CITY LUMBER CO.	23586	DEC	6	1957	67	312												
"													REBECCA J	"	23586	DEC	6	1957	67	312												
"													LONIE	RALEIGH INDUSTRIAL LOAN CORP INC	11041C <sup>S</sup>	APR	1	1958	68	193												
"													LUENELL	"	11041C <sup>S</sup>	APR	1	1958	68	193												
"													SAM K	BRAXTON WHITAKER TR/AS	9295SC	MAY	19	1958	68	274												
"													(REBECCA JOHNSON	"	9295SC	MAY	19	1958	68	274												
"	LITEM GDN AD													PEARSON	WILLIE SANDERS ADM	C-971	JUL	17	1958	69	43											
"													RUBY SCARBOROUGH)	LOTTIE MAURICE UPCHURCH	C-4838	JUN	16	1958	69	90												
"													LOTTIE MAURICE)	RUBY SCARBOROUGH	C-4838	JUN	16	1958	69	90												
"	TR/AS	C	S											EMPLOYMENT SECURITY COM OF NC	24266	SEP	19	1958	69	300												
"													T G	ELSIE H UPCHURCH	D-2279	NOV	3	1958	70	54												
"													PEARL B	BILLIE S UPCHURCH	C-3915	DEC	12	1955	64	71												
"													MELBA B	EUGENE C UPCHURCH	C-6496	DEC	12	1955	64	87												
"	EFFIE N												HARRY E UPCHURCH	C-8078	DEC	2	1957	67	260													
"													J W, (MRS)	RUBY (MRS)	DR PAUL FITZGERALD JR	24612	DEC	15	1958	70	178											
"													NATHANIEL	WILLIAM L DAWKINS TR	11958C <sup>S</sup>	FEB	11	1959	70	238												
"	ET AL													SAM K	B C HODGE ET AL D/B/A	9314SC	JAN	26	1959	70	224											



		LURELL			110410	APR	1	1958	08	195
"		SAM K	BRAXTON WHITAKER	TR/AS	9295SC	MAY	19	1958	68	274
"		(REBECCA JOHNSON	"		9295SC	MAY	19	1958	68	274
"	LITEM GDN AD	PEARSON	WILLIE SANDERS	ADM	C-971	JUL	17	1958	69	43
"		RUBY SCARBOROUGH)	LOTTIE MAURICE	UPCHURCH	C-4838	JUN	16	1958	69	90
"		LOTTIE MAURICE)	RUBY SCARBOROUGH		C-4838	JUN	16	1958	69	90
"	TR/AS	C S		EMPLOYMENT SECURITY COM OF NC	24266	SEP	19	1958	69	300
"		T G	ELSIE H UPCHURCH		D-2279	NOV	3	1958	70	54
"		PEARL B	BILLIE S UPCHURCH		C-3915	DEC	12	1955	64	71
"		MELBA B	EUGENE C UPCHURCH		C-6496	DEC	12	1955	64	87
"		EFFIE N	HARRY E UPCHURCH		C-8078	DEC	2	1957	67	260
"		J W. (MRS)	RUBY (MRS)	DR PAUL FITZGERALD JR	24612	DEC	15	1956	70	178
"		NATHANIEL	WILLIAM L DAWKINS	TR	11958 <sup>S</sup> <sub>C</sub>	FEB	11	1959	70	238
"	ET AL	SAM K	B C HODGE ET AL	D/B/A	9314SC	JAN	26	1959	70	224
"		WILLIE	J WESLEY PERRY		25032	APR	29	1959	71	145
"	TR/AS	C S		EMPLOYMENT SECURITY COM OF N C	25055	JUL	15	1959	71	157
"		THELMA S	COMMISSIONER OF REVENUE		25296	OCT	5	1959	71	308
"		RALPH D	"		25296	OCT	5	1959	71	308
"		C S		EMPLOYMENT SECURITY COM OF N C	25499	JAN	8	1960	72	172
"		J N	JOHN SUSTARE	INC	25668	DEC	23	1959	72	281
"		MARY LOUISE	JOHN SUSTARE	INC	25668	DEC	23	1959	72	281
"		T G	ELSIE H UPCHURCH		13032SD	MAR	28	1960	73	17
"		OTHA	MITCHELL CHEVROLET	Co	25794	SEP	28	1959	73	84
"		ANNIE (MRS	MARY FRANCES	THE SCOTTISH BANK OF RALEIGH	26244	MAY	27	1960	74	54

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"	ALBERT RUFUS	B G MATTOX	8006	APR 8 1929	33 77
"	J B (Mrs)	GEORGE M GLENN ET AL	B-3038	APR 8 1929	33 79
"	R PEARSON	D H POPE TR/AS	8112	JUL 13 1929	33 128
"	S R	I P UPCHURCH	B-3633	DEC 19 1929	33 300
"	L R	D H & H H FISH ADMR	B-3664	JAN 13 1930	34 31
"	JOHN W (Mrs)	PARKER-HUNTER REALTY Co (THE)	8886	MAY 10 1930	34 197
"	ET AL	W A (Mrs)	LORD & BURNHAM COMPANY	B-4011	MAY 9 1930 34 201
"	LEE R	J E HOWARD	9369	Nov 20 1930	35 125
"	LEE R	T G STEVENS	9380	DEC 13 1930	35 128
"	J W	R E PRICE (Mrs) ET AL	9421	DEC 30 1930	35 148
"	C A	W A MYATT COMPANY	9462	JAN 10 1931	35 163
"		W A	CORPORATION COMMISSION	9650	FEB 14 1931 35 241
"	C C	MILLS TIRE COMPANY	9685	MAY 15 1930	35 252
"	BERNICE	CLYDE C UPCHURCH	B-2922	MAR 2 1931	35 296
"	ET AL G H	ATLANTA UTILITIES WORKS	A-7036	MAR 9 1931	36 165
"	C F	CHARLES W HORNE ET AL	10031	AUG 7 1931	36 210
"	C F	CHARLES W HORNE ET AL	10032	AUG 7 1931	36 210
"	C F	CHARLES W HORNE ET AL	10033	AUG 7 1931	36 210
"		W D	B H LITTLE	10096	AUG 24 1931 36 229
"		W D	J ROY PEARSON	10097	AUG 24 1931 36 229
"	LEE R	PROCTOR-BARBOUR COMPANY	10303	MAR 13 1931	37 11
"	J SHERWOOD	BAGWELL & BAGWELL	10428	DEC 8 1931	37 63
"	LEE	BALLENTINE'S SERVICE STATION	10441	DEC 4 1931	37 69
"		W F	ERNEST C BROWN (DR)	10608	JAN 27 1932 37 148
"	IVAN C MARIE M	J J HENDERSON	B-5625	MAR 7 1932	37 201

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DEFENDANTS			PLAINTIFFS	CASE NO.	DATE OF JUDGMENT			JUDGMENT DOCKET		CANCELLED
SURNAMES	Given Names A B C D E F G H	Given Names I J K L M N O			Given Names P Q R S T U V W X Y Z	MONTH	DAY	YEAR	BOOK	
UPCHURCH	ET AL	M C	DIXIE OIL & FUEL COMPANY	B-530	MAR	28	1932	37	238	
"		J SHERWOOD	GURNEY P HOOD COMR BKS	B-6150	SEP	12	1932	38	155	
"			R PEARSON HORTON MOTOR COMPANY	B-921	OCT	5	1932	38	185	
"	TR/AS B C	JOHN W	R J ATLANTIC JOINT STOCK LAND BK	B-6200	OCT	17	1932	38	192	
"			R PEARSON MOTOR SERVICE COMPANY INC	B-1677	JUN	13	1932	38	207	
"	REGISTRAR	JOSEPH (Mrs)	MAURICE CURTIS	B-6257	JUN	26	1932	38	207	
"		J M	JACKSON & DAVIS	11392	OCT	17	1932	38	299	
"		FLOSSIE	L R AETNA INSURANCE COMPANY	B-5393	APR	17	1933	39	112	
"	ET AL C A		GURNEY P HOOD COMR	11706	FEB	28	1933	39	175	
"	ET AL C A		GURNEY P HOOD COMR	11707	APR	20	1933	39	175	
"		C A C A JR	DENMARK LOAN FUND	12062	OCT	12	1933	40	38	
"	ET AL		W A (Mrs) SOUTHERN SCHOOL SUPPLY Co	B-4978	OCT	23	1933	40	91	
"	ET AL H G		GURNEY P HOOD COMR	12383	FEB	5	1934	40	180	
"	SURETY D P		BANKS CRAVEN	B-6654	FEB	12	1934	40	201	
"		D P	I P GURNEY P HOOD COMR	12590	APR	25	1934	40	287	
"	ET AL ADELAIDE		GURNEY P HOOD COMR	12591	APR	25	1934	40	288	
"		D P	I P GURNEY P HOOD COMR	12773	JUL	20	1934	41	87	
"			JOHN MOLLIE DAVIS (Mrs)	B-4292	OCT	15	1934	41	172	
"		E C	MOLLIE DAVIS (Mrs)	B-4324	OCT	15	1934	41	172	
"		C A JR	COMMISSIONER OF REVENUE	12893	OCT	19	1934	41	175	

"		J M	JACKSON & DAVIS	11392	OCT 17 1932	38 299		
"	FLOSSIE	L R	AETNA INSURANCE COMPANY	B-5393	APR 17 1933	39 112		
"	ET AL	C A	GURNEY P HOOD COMR	11706	FEB 28 1933	39 175		
"	ET AL	C A	GURNEY P HOOD COMR	11707	APR 20 1933	39 175		
"		C A C A JR	DENMARK LOAN FUND	12062	OCT 12 1933	40 38		
"	ET AL	W A (MRS)	SOUTHERN SCHOOL SUPPLY Co	B-4978	OCT 23 1933	40 91		
"	ET AL	H G	GURNEY P HOOD COMR	12383	FEB 5 1934	40 180		
"	SURETY	D P	BANKS CRAVEN	B-6654	FEB 12 1934	40 201		
"		D P	I P	GURNEY P HOOD COMR	12590	APR 25 1934	40 287	
"	ET AL	ADELAIDE	GURNEY P HOOD COMR	12591	APR 25 1934	40 288		
"		D P	I P	GURNEY P HOOD COMR	12773	JUL 20 1934	41 87	
"		JOHN	MOLLIE DAVIS (MRS)	B-4292	OCT 15 1934	41 172		
"		E C	MOLLIE DAVIS (MRS)	B-4324	OCT 15 1934	41 172		
"		C A JR	COMMISSIONER OF REVENUE	12893	OCT 19 1934	41 175		
"	ET AL	F P	GURNEY P HOOD COMR	B-6697	NOV 26 1934	41 243		
"	ET AL	GEORGE E	TILGHMAN MOTORS INC	B-8454	FEB 11 1934	42 43		
"	ET AL	GEORGE E	W REID MARTIN CITIZEN ET AL	B-8680	APR 8 1935	42 132		
"		BARBEE	LUCY W	W C MILLS EXR	B-8763	DEC 19 1934	42 152	
"			R F	ANDREW WILLIAMS	B-8611	MAY 30 1935	42 183	
"	ET AL		R C	NICK NICHOLS	B-9036	AUG 1 1935	42 231	
"			J W	LAWRENCE BROTHERS Co AGT	13225	NOV 1 1935	42 301	
"			W H	G H ABDONEY	B-9266	NOV 19 1935	43 18	
"	E REX	MAUDE	PATTIE	SHERWOOD BRANTLEY ET AL	13273	DEC 14 1935	43 32	
"		G H	LENA	W L	SHERWOOD BRANTLEY ET AL	13273	DEC 14 1935	43 32
"		H G ELLA H		O E FINCH (DR)	13293	JAN 6 1936	43 56	



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# General Index to JUDGMENTS IN CIVIL ACTIONS, SUPERIOR COURT—Wake County, N. C.—DEFENDANTS 25

LOCATE NAME BY REFERENCE TO LETTABLE IN FRONT OF THIS SECTION.

642. Permaflex Index No. 3. Made by Hall & McChesney Inc, Syracuse, N. Y.

DEFENDANTS			PLAINTIFFS	CASE NO.	DATE OF JUDGMENT			JUDGMENT DOCKET		CAN-CELLED
SURNAMES	Given Names A B C D E F G H	Given Names I J K L M N O			Given Names P Q R S T U V W X Y Z	MONTH	DAY	YEAR	BOOK	
UPCHURCH			S A	FARMERS SUPPLY COMPANY	80	MAY	17	1920	19	64
"	C G (DR)			FRED W BYNUM REG	127	JUL	12	1920	19	89
"	H A			ZEBULON SUPPLY COMPANY	513	FEB	22	1921	19	245
"	H A			M D BISSETT	1110	OCT	8	1921	20	184
"	H A			W R NOWELL	1198	NOV	9	1921	20	217
"	H A			E T SCAROBORO ADMR	A-6364	NOV	17	1921	20	231
"	(NEE) ALLIE			HELLER BROTHERS	1305	DEC	12	1921	20	256
"	HENRY A.			B G MATTOX TR/AS	1524	DEC	1	1921	21	34
"		J M LUCINDA		MASSEY BROTHERS	1644	MAR	24	1922	21	91
"			R J	W A MYATT	1826	JUN	7	1922	21	173
"			R J	W A MYATT	1877	JUN	28	1922	21	196
"		J SHERWOOD		J WEBB GRIFFITH (DR)	2234	DEC	9	1922	22	74
"			W A	J M PACE MULE COMPANY	A-7343	FEB	12	1922	22	254
"	ELIZA COURTNEY			S V & BEULAH MANN	A-7446	FEB	12	1922	22	285
"	ET AL		W D	M B LEATHERS	A-7515	FEB	12	1923	23	7
"	C W			TOBACCO GROWERS CO-OPERATIVE	A-7833	JUN	15	1923	23	154
"		J SHERWOOD		GEORGE L WOMBLE ET AL	11108	APR	21	1913	23	232
"	FERNIE	JENNIE		J S VAUGHAN ADMR	A-8292	SEP	15	1923	24	66
"	ANNIE E	MARY D	WILLIAM A	ANNIE G UPCHURCH	A-8362	NOV	12	1923	24	121
"		LOIS B JOSEPH B		ANNIE G UPCHURCH	A-8362	NOV	12	1923	24	121

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"	(NEE) ALLIE			HELLER BROTHERS	1305	DEC	12	1921	20	256
"	HENRY A			B G MATTOX TR/AS	1524	DEC	1	1921	21	34
"		J M		MASSEY BROTHERS	1644	MAR	24	1922	21	91
"		LUCINDA								
"			R J	W A MYATT	1826	JUN	7	1922	21	173
"			R J	W A MYATT	1877	JUN	28	1922	21	196
"		J SHERWOOD		J WEBB GRIFFITH (DR)	2234	DEC	9	1922	22	74
"			W A	J M PACE MULE COMPANY	A-7343	FEB	12	1922	22	254
"	ELIZA			S V & BEULAH MANN	A-7446	FEB	12	1922	22	285
"	COURTNEY									
"	ET AL		W D	M B LEATHERS	A-7515	FEB	12	1923	23	7
"										
"	C W			TOBACCO GROWERS CO-OPERATIVE	A-7833	JUN	15	1923	23	154
"										
"		J SHERWOOD		GEORGE L WOMBLE ET AL	11108	APR	21	1913	23	232
"	FERNIE	JENNIE		J S VAUGHAN ADMR	A-8292	SEP	15	1923	24	66
"	ANNIE E	MARY D	WILLIAM A	ANNIE G UPCHURCH	A-8362	NOV	12	1923	24	121
"		LOIS B		ANNIE G UPCHURCH	A-8362	NOV	12	1923	24	121
"		JOSEPH B								
"		LYDA C		ANNIE G UPCHURCH	A-8362	NOV	12	1923	24	121
"	A P			A J MCKINNON COMPANY	A-3005	NOV	26	1923	24	170
"			W A	R B WHITLEY ET AL	3165	FEB	1	1924	24	234
"	E D			DURHAM PROVISION COMPANY	3404	JUN	2	1924	25	114
"		J SHERWOOD		J S WYNNE	11623	APR	21	1913	25	146
"			T B	W W STANCILL	3559	JUL	14	1924	25	194
"		LEE		SIDDIE A McLEOD ET AL	A-9271	JAN	14	1924	25	276
"		NANCY								
"			S A	W R JOHNSON	4033	FEB	23	1925	26	102
"		J SHERWOOD		RALEIGH TIMES (THE)	4129	FEB	27	1925	26	147
"			T B	C R BOONE	4158	APR	18	1925	26	164
"			R J	R H FREEMAN (DR)	4815	DEC	11	1925	27	132

"		JOE		RALEIGH TIMES (THE)	5630	SEP	11	1926	28	233
"	ET AL	E R		RALEIGH BANKING & TRUST Co	5709	OCT	26	1926	28	262
"			R J	LUTA B HARDEN ADMR	5783	DEC	8	1926	28	293
"		JOHN W		J G BALL COMPANY	5971	JAN	3	1927	29	70
"		J M		J J FALLON	6067	DEC	11	1926	29	130
"	TR/AS	J M		STEPHENS & WOESTE	6082	MAR	8	1927	29	140
"		J M		L B WOESTE	6644	MAR	30	1927	29	186
"			P A							
"			R J	N C AGRICULTURAL CREDIT CORP	B-1192	MAY	2	1927	29	251
"			REX	S W BREWER & SON	6766	MAY	28	1927	29	272
"			W I	J S FULGHUM REC	A-6062	SEP	19	1927	30	141
"	TR/AS	BOB		CITIZENS NATIONAL BANK	B-1628	NOV	28	1927	30	240
"		J SHERWOOD		RALEIGH TIMES (THE)	6220	JUL	27	1927	30	105
"		E D		G C OLIVER	6425	DEC	7	1927	30	242
"		E D		ARMOUR & COMPANY	6473	APR	23	1927	30	278
"	TR/AS	A P		RALEIGH TIMES (THE)	6480	JAN	5	1928	30	283
"		J W		SWIFT & COMPANY	6956	FEB	3	1928	31	77
"		A P		OZARK PENCIL COMPANY	7003	APR	4	1928	31	132
"		CHARLIE		ROBERT GLENN ROSS	B-1666	MAR	26	1928	31	151
"			R J	CARALEIGH PHOSPHATE WORKS	7029	APR	23	1928	31	159
"		H A		ZEBULON SUPPLY COMPANY	B-2148	APR	30	1928	31	181
"	TR/AS	A P		MOORE & JOHNSON Co	7063	MAY	1	1928	31	201
"		L R		TAR HEEL INSURANCE COMPANY	7079	FEB	21	1928	31	211
"		J SHERWOOD		V S CAVINESS	7439	NOV	5	1928	32	112
"		A P JR		MARY SULLIVAN UPCHURCH (MRS)	B-2643	JAN	14	1929	32	176
"			R J	A M BONNER	7599	JAN	2	1927	32	183

SEE LOCATE NAME BY REFERENCE TO KEYTABLE IN FRONT OF THIS SECTION.

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SURNAMES	DEFENDANTS			PLAINTIFFS	CASE NO.	DATE OF JUDGMENT			JUDGMENT DOCKET		CAN-CELED
	Given Names ABCDEFGHIJ	Given Names KLMNO	Given Names PQRSTUVWXYZ			MONTH	DAY	YEAR	BOOK	PAGE	
UPCHURCH			R J	JOHN W UPCHURCH	A-9544	MAR	8	1926	27	237	
"		J SHERWOOD		BLACKWOOD TIRE SALES COMPANY	5204	MAY	3	1926	28	28	
"		J SHERWOOD		R E QUINN & COMPANY	5344	JUL	9	1926	28	102	
"		J W		J S SILER COMPANY INC	5491	AUG	20	1926	28	162	
"			WILLIAM A	FRANK M HARPER	5520	SEP	13	1926	28	173	
"	ALBERT			C R BOONE	5554	OCT	4	1926	28	192	
"		JOE		RALEIGH TIMES (THE)	5630	SEP	11	1926	28	233	
"	ET AL	E R		RALEIGH BANKING & TRUST CO	5709	OCT	26	1926	28	262	
"			R J	LUTA B HARDEN ADMR	5783	DEC	8	1926	28	293	
"		JOHN W		J G BALL COMPANY	5971	JAN	3	1927	29	70	
"		J M		J J FALLON	6067	DEC	11	1926	29	130	
"	TR/AS	J M		STEPHENS & WOESTE	6082	MAR	8	1927	29	140	
"		J M		L B WOESTE	6644	MAR	30	1927	29	186	
"			P A	N C AGRICULTURAL CREDIT CORP	B-1192	MAY	2	1927	29	251	
"			R J								
"			REX	S W BREWER & SON	6766	MAY	28	1927	29	272	
"			W I	J S FULGHUM REC	A-6062	SEP	19	1927	30	141	
"	TR/AS	BOB		CITIZENS NATIONAL BANK	B-1628	NOV	28	1927	30	240	
"		J SHERWOOD		RALEIGH TIMES (THE)	6220	JUL	27	1927	30	105	
"		E D		G C OLIVER	6425	DEC	7	1927	30	242	
"		E D		ARMOUR & COMPANY	6473	APR	23	1927	30	278	

# General Index to JUDGMENTS IN CIVIL ACTIONS, SUPERIOR COURT—Wake County, N. C.—DEFENDANTS

SEE LOCATE NAME BY REFERENCE TO KEYTABLE IN FRONT OF THIS SECTION.



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7684. Permaflex Index No. 3. Made by Hall & McChesney Inc, Syracuse, N. Y.

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SURNAMERS	DEFENDANTS			PLAINTIFFS	CASE NO.	DATE OF JUDGMENT			JUDGMENT DOCKET		CAN-CELLED
	Given Names A B C D E F G H	Given Names I J K L M N O	Given Names P Q R S T U V W X Y Z			MONTH	DAY	YEAR	BOOK	PAGE	
UPCHURCH	DANIEL WAYNE			TRUBY K UPCHURCH ET AL	9763SP	SEP	20	1966	88	1	
"	RANDOLPH LEE RAY			MARY LOU C UPCHURCH	D-8847	OCT	14	1966	88	68	
"	RUFUS PEARSON			MYRTLE GRETCHEN JENKINS UPCHURCH	D-9011	JAN	11	1967	88	230	
"	ET AL	CARY		NORTH CAROLINA EQUIPMENT CO	19673SC	FEB	3	1967	88	307	
"		CAROLYN	JOHN CALVIN	COMMERCIAL CREDIT CORP	24491SD	JUN	7	1967	89	321	
"		HELEN W	J B	W CAREY PARKER ET AL TR/AS	32054	JUN	28	1967	90	70	
"		CICERO		MARION GULBREATH	20816SC	AUG	18	1967	90	173	
"		FLETCHER		MARY S UPCHURCH	D-9644	AUG	18	1967	90	172	
"			WALTER	BETTYE J UPCHURCH	D-7140	SEP	7	1967	90	258	
"			JOHN CALVIN	CAROLYN COATS UPCHURCH	D-9670	OCT	11	1967	91	14	
"			RANDOLPH LURAY	MARY LOU C UPCHURCH	D-9901	NOV	16	1967	91	112	
"		HAZEL PARTIN		OTHA HAROLD UPCHURCH	D-10025	DEC	13	1967	91	183	
"	(HEIRS OF)	E J		CARRIE UPCHURCH	8457SP	DEC	28	1967	91	213	
"			(RANDOLPH LURAY	MARY LOU C UPCHURCH (NOW JOHNSON)	D-9901	MAR	12	1968	92	59	
"		GEORGE		WOMACK ELECTRONICS SUPPLY Co	32526	MAR	28	1968	92	157	
"	TRUSTEE		T A	HARLEE H JOBE ET UX	D-9155	MAY	27	1968	92	238	
"		GARY H		PATRICIA SMITH UPCHURCH	D-10672	AUG.	15	1968	93	85	



N.C. SUPREME COURT CASE # 16484  
FROM WAKE CO, NC

21 OCT 1889

VENUE & TITLE. STATE OF NORTH CAROLINA

REC'D  
1 FEB 1983  
BY RPU  
FROM  
GRACE  
WILLIAMSON

- At: a Superior Court, begun and held for the County of Wake, at: the  
- Court: house, in the City of Raleigh, on the Seventh Monday after the  
- First: Monday, of September, 1889, it: being on the 21st, day of October  
- A. D. 1889, and known as the October Term, of said Superior Court; before  
- the Honorable R. F. Armfield, Judge Presiding,

[NOTE: THE  
PRELIMES  
ARE NEGRO  
- RPU]

- BE: IT: REMEMBERED, that: heretofore, to wit, on the 5th, day of March, A. D.  
- 1888, A Summons was: sued out: in the office of the Clerk of the super-  
- ior Court: of Wake County, in Special Proceedings, before said Clerk,  
- by Amos Lassiter, Administrator of George Fuller, deceased, against:  
- Sam Upchurch, Peter Olive, and others, in words following, to-wit: :

Wake County... In the Superior  
Court,...

PLAINTIFF

Summons  
Δ + Δ

Amos Lassiter, Admr: of George  
Fuller, Dec'd,  
Against:

Summons for Relief.

Δ + Δ Sam Upchurch, Peter Olive, and others)

DEFENDANTS

THE STATE OF NORTH CAROLINA,

To The Sneriff of Wake County-- Greeting :



21 OCT 1889

VENUE & TITLE. STATE OF NORTH CAROLINA

REC'D  
1 FEB 1983  
BY RPU  
FROM  
GRACE  
WILLIAMSON

[NOTE: THE  
PRELIMINARIES  
ARE NEGRO  
-RPU]

Summons  
Δ + Δ

Δ + Δ + Δ  
Δ + Δ + Δ + Δ  
Δ + Δ + Δ + Δ

At a Superior Court, begun and held for the County of Wake, at the Court-house, in the City of Raleigh, on the Seventh Monday after the First Monday, of September, 1889, it being on the 21st, day of October A. D. 1889, and known as the October Term, of said Superior Court, before the Honorable R. F. Armfield, Judge Presiding,

BE IT REMEMBERED, that heretofore, to wit, on the 5th, day of March, A. D. 1888, a Summons was sued out in the office of the Clerk of the Superior Court of Wake County, in Special Proceedings, before said Clerk, by Amos Lassiter, Administrator of George Fuller, deceased, against Sam Upchurch, Peter Olive, and others, in words following, to-wit:

Wake County... In the Superior Court,...

PLAINTIFF

Amos Lassiter, Admr of George Fuller, Dec'd,

Against:

Summons for Relief.

Sam Upchurch, Peter Olive, and others

DEFENDANTS

THE STATE OF NORTH CAROLINA,

To The Sheriff of Wake County--Greeting:

You are hereby commanded to summon Sam Upchurch, Peter Olive, Stephen Pearson, Milly Pearson, Mary Pearson, Aley Pearson, George Pearson, Sherman Olive, Henrietta Olive, Kirke Olive, Julia Ann Olive, and George Olive the defendants above named, if they be found within your County, to appear at the Office of the Clerk of the Superior Court for the county of Wake, at the Court-House in the City of Raleigh, on the 1st, day of April 1888, and answer the Complaint, a copy of which will be deposited in the office of the Clerk of the Superior Court of said county, within ten days from the date of this summons, and let them take notice that if they fail to answer the said complaint within that time, the Plaintiff will apply to the Court for the relief demanded in the complaint.

Hereof fail not, and of this summons make due return.

Given under my hand and seal of said Court, this 5th, day of March, 1888.

Chas. D. Upchurch,  
Clerk Superior Court.

And on the return day thereof, to-wit: on the 1st, day of April, 1888, the Sheriff of Wake County, comes and makes due return of said Summons, with

*Endorsement of Summons*

the following endorsement, thereon, to-wit: .:

" Received March, 1st, 1888": Served March 12th 1888, by reading  
 " the within to all the Defendants, and leaving copies of same  
 " with Julia Ann Olive, Geo Olive, Kirke Olive, Geo Pearson, and  
 " Aley Pearson, infants under 14, years of age,"  
 " J. R. Rogers, Sheriff of Wake County"

And thereafter upon application an order was made, appointing D. R. Upchurch, Guardian Ad Litem of said infant Defendants, and on the 2nd day of April, 1888, An alias Summons was issued for the said D. R. Upchurch Guardian Ad Litem, and the same is returned into Court, with the following endorsement: to-wit:

" Service accepted, with copy of complaint, April, 2nd, 1888:"  
 " D. R. Upchurch, Guardian ad Litem"

And thereupon, the said Plaintiff, by his Attorney R. W. York, comes and complains as follows, to-wit: :

*Complainant*

Amos Lassiter, Administrator,  
 of Geo. Fuller, decd'  
 vs.  
 Sam Upchurch, and others,

The Plaintiff alleges: :

- i. That: he has duly qualified as Administrator of George Fuller, deceased in the Probate court of the County of Wake-
- ii. That: there is no personal estate whatever of the said decedent-
- iii. That: there is a debt due to Mary Barbee for the sum of \$71.80, and the costs of the Administration-
- iv. That: the intestate George Fuller died seized and possessed of a certain tract of land lying in Wake County, adjoining G. A. Upchurch, W. M. Yates, Hilliard Rogers, and the White Oak Church lot, containing about 40 Acres-
- v. That: said lands descended to Sam Upchurch, Peter Olive, and Juda Lassiter, wife of the Plaintiff, and to Stephen Pearson, Milly Pearson, Mary Pearson, Aley Pearson, and George Pearson, Children of Harriet Pearson and Henderson Pearson, both dead, and are infants under the age of 21, years, without Guardian, and Henretta Oliv, Kirke Olive, Julia Ann Olive, Sherman Olive, and George Olive, Children of George Olive, decd', and infants without Guardian, there being five shares-
- vi. That: it is necessary to sell said lands to make assets for the due administration of the said Estate, and also to make partition of the same equitably-

Wherefore Plaintiff demands judgment of the Defendants-

- 1. For a Decree and Order for the sale of said lands, to make



[ 3 ]

assets for due Administration-

11. For such other and further relief &c:

R. W. York.

Plaintiffs Atty:

The Plaintiff Amos Lassiter, being duly sworn, says: that the facts set forth in the above Complaint as of his own knowledge, are true, and those otherwise set forth, he verily believes to be true-

Sworn & Subscribed, before me Feby 27th, 1888.

D. R. Upchurch,

Dep. Clerk.

Amos Lassiter.

*his mark*

*Appointments of M. B. Barbee Guard ad-litem*

*Answers of Guard Ad-litem*

*Answers of P. Olive & Sam. Upchurch*

And upon application of Plaintiffs, that Stephen Pearson, Milly Pearson, (NEE HARRIET W) son, Alsey Pearson, George Pearson, Children of Harriet Pearson, are infants without Guardian, and that Henrietta Olive, Kirke Olive, Julia Ann Olive, and George Olive, Children of George Olive, decd, are infants without Guardian- M. B. Barbee, was duly appointed by the Court: Guardian ad-litem, for said infant defendants - *in place of D. R. Upchurch, who as the Order stated, had become non-Compro* And the said Guardian Ad-litem, files his Answer, in words as follows, to-wit:

Amos Lassiter, Admr:

Vs.

Sam Upchurch, and others

M. B. Barbee, Guardian Ad litem, answering the

Complaint: says:

1. That allegation one of the Complaint is true.
2. That allegation two of the Complaint, is true.
3. That allegation three of the Complaint is true.
4. That allegation four of the Complaint is true.
5. That allegation ~~of~~ five of the Complaint is true.
6. That allegation sixth of the Complaint is true, and the Guardian ad-litem assents to the sale of the land to make assets-

J. C. L. Harris.

Atty for M. B. Barbee-

And thereupon comes the Defendants by their ATTORNEYS, Messrs. Peele & Maynard, and file their Answer the Complaint: of Plaintiff, as follows:

In the Superior Court: Before Chas. D. Upchurch, C. S. G.

Amos Lassiter, Admr, of Geo. Fuller, Decd:

Vs.

Sam Upchurch, Peter Olive, and others.

Answer.

Δ + Δ

The Defendants Peter Olive and Sam Upchurch answering to the Petition of the Plaintiffs, say :

1. That as to allegation 1. of the Complaint: they have no knowledge or information sufficient to form a belief.-'

ii. That the Defendants are informed and believe, that Geo Fuller did have personal estate at the time of his death, and they therefore deny Par'ii of the Complaint.-'

iii. That said Defendants are informed and believes their is no debt due Mary Garbee, and they therefore deny Par'iii, of the Complaint:

iv. That the facts set forth in Par, iv, are admitted and for greater certainty reference is herein made to the original deed [or a copy thereof ]: from Wiley fuller to Geo Fuller, for more perfect description and for number of acres contained in said tract.-'

Δ + Δ

v. That the facts set forth in Par'v. of the Complaint: are true, according to the best information of these defendants, except that Sherman Olive is also entitled to share in said land.-'

vi. That they believe that it is not necessary to sell the lands of said decedent, to pay his debts, and charges of Administration, and they therefore deny Par'vi. of the complaint.-'

vii. That these defendants further say, that there is property now no Guardian ad-litem named in the complaint, and that have not been served with summons in the above entitled action.-'

viii. That they are informed and believe, that Gould Upchurch has or had in his hands some moneys and property belonging to the estate of the decedent.-'

Wherefore defendants ask, that the plaintiff be held to ~~prove~~ <sup>show</sup> the truth of the matter set forth in his complaint, or that judgment be pronounced against him on his complaint, and for such & further relief as he may be entitled to according to law.-'

Peele & Maynard,  
Attys &c,

Peter Olive, being duly sworn, deposes and says, that the matters and facts above set forth are true to his knowledge except such as are stated upon information and belief, and as to those he believes the same to be true.-' *his*

Peter<sup>x</sup> Olive  
*mark*

Gnas. B. Upchurch, C. S. G.

Transmitted-  
To  
Supr Court

Order of  
C. S. G.

Δ + Δ

And thereupon this Proceeding is transmitted to the Superior Court of Wake County, by the Clerk of said Superior Court, upon the following order made by him. -to-wit: :

AMOS ~~Sassiter~~ Admr of Geo Fuller,

Vs.

Before the Clerk.

Sam Upchurch, Peter Olive, et als.

This cause coming on to be heard by me upon the pleadings and evidence- It was adjudged that the defendants had not tendered any issue of law or fact, which was not concluded against them by the records of the case- the issue of fraud having been distinctly declared



by the defendants not to be involve-

Chas. H. Upchurch,  
Clerk.

And on the 3rd of September, A. D. 1888, the cause on motion of Counsel for Defendants was docketed in the Superior Court of Wake County for trial-

*Trial Jury*

And now in the Superior Court of Wake County, this Cause is continued from Term to Term, until now at the aforesaid October Term A. D. 1889, of said Superior Court, before the Honorable R. F. Armfield, Judge Presiding, this cause coming on to be tried, the following Jury, viz-J. G. Langston, Harris Honeycutt, E. W. Scarborough, T. C. Powell, A. M. Jackson, J. P. Ed-  
dins, R. N. Griffin, E. M. Yarboro, A. D. Mickle, W. H. Pollard, M. W. Womble, and D. Rosenthal, are sworn and empanelled to try the issues joined between the parties-

And thereupon the said jury, upon the issues submitted to them find the same as follows, to-wit:

*Issues Verdict*

- 1. Did the decedent owe the debt alleged, to Mary Barbee?  
Answer, Yes.
- 11. Were there personal assets, which the Administrator received, ap-  
or ought to have received, applicable to said debt, and if so, what amount?  
Answer, None.

And thereupon the following Judgment is rendered by the Court:-

Amos Lassiter, Admr' of Geo Fuller, decd' }  
Against:  
Sam Upchurch, Peter Olive, et als.

This cause coming on to be heard, and all issues being found in favor of the Plaintiff, -It is ordered and adjudged, that the Clerk of the Superior Court of Wake County proceed to give Judgment, in this cause for the sale of said lands mentioned in the pleadings, and recover Costs of the defendants Peter Olive & Sam Upchurch, to be taxed by the Clerk-

R. F. Armfield, J. S. C.  
R. W. York,  
Plaintiffs, Atty,

From which Judgment, the Defendants Peter Olive & Sam Upchurch, appeal to the Supreme Court of North Carolina-Notice of Appeal waived-Bond fixed at: \$50,

And thereafter the defendants Counsel filed the following affidavit & Certificate, for Appeal in Forma Pauperis, to-wit:-

Amos Lassiter, Admr &c,  
vs. Sam Upchurch, et: al,

Peter Olive & Sam Upchurch, defendants in the above entitled action desire an appeal from the Judgment therein, and being duly sworn say they are unable by reason of their poverty to make deposit or give the security required by law for said appeal, and that they the said parties are advised by Counsel learned in the law, that there is error in matter of law in the decision of the Superior Court, in said action Sworn & Subscribed, before me this

Nov: 7, th 1889  
Chas. D. Upchurch, C. S. C.

Peter Olive  
Sam Upchurch

W. J. Peele, practising Attorney of said Superior Court for Wake County says that he has examined applicants case, and that he is of the opinion, that the decision of the Superior Court in said action is contrary to law-

W. J. Peele.

And thereupon the following Order, is made by the said Court, to-wit:

Upon the foregoing affidavits and certificate of Counsel, It is ordered that Peter Olive and Sam Upchurch, be and the same are hereby allowed to appeal from the judgment in the above entitled action to the Supreme Court, as in other cases of appeal, without giving security therefor-

R. F. Armfield  
J. S. C.

STATEMENT OF CASE ON APPEAL,  
as Settled by the Court:

.....

North Carolina } Superior Court.  
Wake County, } October Term, 1889.

Amos Lassiter, Admr of Geo Fuller, decd  
Vs.  
Samuel Upchurch, Peter Olive, et: al, next of kin, and heirs at law of George Fuller, decd:

This was a Special Proceeding commenced before the Clerk of Wake Superior Court, and brought up on issues of fact joined before him to be tried in the Superior Court, and tried by R. F. Armfield,



Judge, at: October Term, 1889 of Wake Superior Court: -'

To: prove the alleged indebtedness of the estate of intestate, Plain-  
tiff put: in evidence the agreement: to refer, marked " A ", and the fin-  
ding of the Referees marked Exhibit: " B ", both of which are made a part:  
of this case

The Defendants objected to this evidence-The Court: admitted it,  
and the Defendants excepted- Plaintiff testified as a witness, that no:  
personal estate of intestate came to his hands, except: what: was laid  
off to the widow of intestate as her years support; and that: there was:  
a large deficiency of the personal estate charged against: him & he  
exhibited the record of the years support: in endorsation of his state-  
ment- He testified, that: he had no knowledge of any other personal  
property, estate or effects: belonging to his intestate- Plaintiff  
rested his case- Defendants then offered evidence tending to show that:  
the debt: allowed by the referees against: the plaintiff as Administra-  
tor was in fact: not: a valid debt: against: the estate of his testator  
The plaintiff objected, and the Court: held that: unless the defendant:  
had some evidence tending to show fraud or collusion between the plain-  
tiff and the referees, or some fraud on the part: of Plaintiff in re-  
gard to the debt, that: this evidence would be incompetent, and defen-  
dants admitting that: they had no such evidence-The court: excluded the  
evidence, and the defendants excepted, under the direction of the Court:  
there was a verdict: for the plaintiff, Judgment: for Plaintiff, and the  
defendants appealed to the Supreme Court-'

The Counsel for Plaintiff and Defendants having failed to agree on a  
case for the Supreme Court, & referred the matter to me, after due notice  
to them, and hearing them, I settle the above as the case-'

R. W. Armfield, B. S. C.



SUPERIOR COURT - WAKE CO, NC

(A) 10 DEC 2001 (MON) - RPU spent a couple of hours inspecting records kept in the Superior Court Public Records Room on the 12<sup>th</sup> Floor of the Wake Co, NC Court House in Raleigh, NC. The title of the unit is Clerk of Court Room 1206. Hours are 8:30 - 5:00 PM M-F (SAT = ?). They charge for copies \$1.00 for 1<sup>st</sup> page and 25¢/page thereafter. You can order documents but must pay in advance. One can call (919) 755-4116 and they will look up the document and tell you how much to send. Here is a receipt I got for a page copied:

AOC-A2 REV. 11/99		<b>CLERK OF SUPERIOR COURT</b>		RECEIPT NO. <b>G- 988003</b>			
Dec 10, 2001		Wake (COUNTY)					
Received of <u>Robert P. Upchurch</u>		Cash <input type="checkbox"/> Check <input type="checkbox"/> M.O. <input type="checkbox"/>					
For <u>copy</u>							
File # <u>Index</u>		vs. _____					
General Court Fee:	Facility Fee-Co	\$ _____	Partial Pay	\$ _____			
Superior Court	Facility Fee-Mun	\$ _____	Judgment	\$ _____			
Criminal \$ _____	Officer Fee-Co.	\$ _____	Cash Bond	\$ _____			
Civil \$ _____	Officer Fee-Mun	\$ _____	Trust	\$ _____			
Spec Proc \$ _____	Jail Fee-Co	\$ _____	Alim & Supp	\$ _____			
Estates \$ _____	Jail Fee-Mun	\$ _____					
District Court	LEOB & RF	\$ _____	<table border="1"> <tr> <td>Total Received</td> <td>\$ 1<sup>00</sup></td> </tr> </table>			Total Received	\$ 1 <sup>00</sup>
Total Received	\$ 1 <sup>00</sup>						
Criminal \$ _____	Fine	\$ _____					
Civil \$ _____	Other \$ 1.00	Des _____					
Magistrate-S.F.		\$ _____					
Misc-Fees & Comm \$ _____		\$ _____					
PAYOR		By <u>Jeanne M. Penland</u> CLERK OF SUPERIOR COURT/MAGISTRATE					

RPU General Observations - The Public Room of the Superior Court is a very busy, confusing place. See next page for types of documents available to public. The one clerk on duty is hard pressed to help all who have need. Many lawyers use the facilities.

10 DEC 2001 (MON) - CONTINUED

HOLDINGS OF CLERK OF SUPERIOR COURT

1. There are computers in the Public Room but I did not learn their functions or who has access to them.
2. There are big rooms to either side of the "Public Room" but I did not learn of the contents, purpose or accessibility of these rooms.
3. Contents of the "Public Room"

a. WILLS

- i. General Index to wills, Dawson, Superior Court. 1770 - 4 DEC 1968 (Copied by church Dawson)
  - ii. Actual wills - 10 big books with actual wills - Each book indexed in front. Copied some items.
- SEE RPH WILL FILE FOR ITEMS COPIED

b. ESTATES

- i. Index to Estates - No 1 5 DEC 1960 } Probably 50  
→ —. 4 books A-D, EK, L-R, S-Z } Unpublished references
  - ii. Records of Estates Vol 1 → 48 on wall locked at some. Need to study - Actual wills + processing of estates involved
- SEE (E)

- c. Book of Maps - Books A & B - Misc Surveys - Some dated
  - d. Record of Adoptions - 11 Books - 1 item copied } SEE BIT OF EDITH ROSE U  
+ 1 book - Index to adoptions 1 U shown
- OTHER SIDE OF ROOM:

- e. Inheritance Tax 8 Books
- f. Guardian & Trustee 18 Books
- g. Guardian Bonds - 8 Books
- h. Devorce books - 3 Books
- i. Administrators Bonds - 18 Books
- j. Wills - 5 Books
- k. Special Proceedings Def. / Plaintiff
- l. Order & Decree
- m. Partition of Lands
- n. Foreclosure
- o. Inequality of Power
- p. Lunacy
- q. Court of Appeals Reports

(C) ADOPTION RECORDS FOR UPCHURCH NAMES  
 - WAKE CO, NC - ON 10 DEC 2001 RPU spent  
 a few minutes inspecting the Adoption Records  
 in the Wake Co, NC Court House - Superior Court.  
 There is an Index & 11 books. The material below  
 is thought to represent the total of all U entries  
 but a more careful study may be needed.

General Index refers to an Upchurch - Book 6 Pg 64  
 which upon inspection revealed:

- Δ CHILD: EDITH ROSE U, Her Mother & Father  
 Δ + Δ who are JOFFRE LEE U & wife nee LOUISE  
 - PITTMAN, agree to adoption - of Garner, NC  
 - order dated 28 OCT 1952. Parents were  
 - the Petitioners.  
 - Another entry (connected to above ??)
- Δ + Δ JOSEPH H. U & NORMA EVELYN U  
 Δ adopted JAMES FELTON HAMILTON - 1947

(D) WILL REFERENCES EXTRACTED - 10 DEC 2001 - CONT.  
 Copied Upchurch Dinsdor Index & inspected 10 will  
 books - see will file for details copied.

(E) RE ESTATES:

I sampled the 48 Volumes of Estate Records.

- #48 - No Index, 1st entry = Inventory of  
 Claude L. Robertson, Sr. Executor appointed 5 JUL 1966
- #20 - No Index, 1st entry Lilly E. Mitchell  
 d 6 MAR 1959 - Inventory

ALSO SEE {
 

- #33 (This Vol recently laminated) 1863-1866 1-294, 295-522
- Several Upchurches in Index. see Parker U
- Keagle for substance extracted & Bartlett U
- X27 - 588

(F) See Pg 44 of RPU Vint 10 DEC 2001 (MON) & the Superior Court of Wake Co, NC. There are 48 Vols of Records of Estates. (abstract from will).  
 Two illustrative cases were taken from Vol 33 1836-1866 1-275 Index 275-572 - one of which was:

△ MARK U 375

△ CORINA U 375

Page 375. Mrs R. J. U [nee Rebecca Jane Whitaker - widow of △ Bartlett U] Guardian of △ Corina M. U [△ Corinna Morehead U] & △ Mark A. U from the estate of △ Bartlett U, decedent.

Accounting:

Cash forward from FEB Term 1864		<u>Expenses</u>
1864 =	\$787.42	Bury Laura 95.00
SLAVES ?-RPU	+ Hire of girl LAURA 40.00	Shoe forward 225.00
	+ Hire of woman EDY 25.00	Board forward 240.00
	+ Hire of Bob Billy 25.00	Tuckson do } 25.00
Int on 787.42	47.23	△ E. B. THOMAS } 2.00
	<u>924.65</u>	Free
		<u>587.00</u>
337.65 - forward		
FEB TERM 1865		

(G) See Pg 44 of RPA Visit 10 DEC 2001 (MON) to the Superior Court of Wake Co, NC. There are 48 Volumes on Records of Estates (Distinct from wills). Two illustrative cases were taken from Vol 33 - one of which was:

Vol 33 1863-1866 1-274 - Index 275-572

Died in  
Civil  
War

← Parker U 282 - 283 / s/o Hubbard U, G/D Nathan U, I-Hood of clan

Esther U 284, 390-393 - nee <sup>Δ</sup> ESTHER BYRD MOT OF PARKER

Mrs H. H. U 343. She got } nee <sup>Δ</sup> HARRIET  
214 Acres from Parker U } HAWKINS BROADWELL,  
WIDOW OF PARKER U

North Carolina.

In the Supreme Court, WAKE CO

Wake County.

Fall Term, 1900.

1 FEB 1983  
BY RPL  
FROM  
GRACE  
WILLIAMSON

Δ James W. Upchurch *→ [SON OF KEARNEY U OF RICHARD III / JAMES U SUBCLAN]*  
vs  
Δ George Robertson.

Whereas at April Term, 1900, of the Superior Court of  
Δ Wake County, James W. Upchurch recovered judgment against  
Δ George Robertson for the sum of One Hundred Dollars and the  
costs of the suit;

Δ And whereas the said George Robertson intends to appeal  
from said judgment to the Supreme Court:

Δ + Δ Now, therefore, we, George Robertson and Chas E Crawford  
Crawford, both of the County of Wake and State aforesaid,  
undertake, pursuant to the statute that the said appellant  
shall pay all costs and damages that may be awarded against  
him on such appeal, not exceeding twenty-five dollars.

Δ G. E. Robertson (Seal).

*Witness:*  
R. H. [unclear]

Δ Chas E Crawford (Seal).

Δ Chas E Crawford Crawford, above-named, being duly sworn,  
says that he is a resident of the State of North Carolina  
and worth double the sum specified in the above undertaking  
over all his debts and liabilities and exclusive of property  
exempt from execution.

Δ Chas E Crawford

Subscribed and sworn to before me this the 8<sup>th</sup> day of  
October, 1900.



*Wm Douglas  
CSC*

W. C. Douglas

Notary Public.

Oct 13 1900



No. . .

UPCHURCH }  
v. FROM WAKE.  
ROBERTSON. }

△ Before HOKE, J. Defendant appealed.

VENIRE AND TITLE.

At a Superior Court begun and held for the county of Wake at the court-house in the city of Raleigh, on the first Monday before the first Monday in March, A. D. 1900, it being the February Term, 1900, before the

△ Honorable W. A. Hoke, Judge presiding:

△ Be it remembered, that heretofore, to-wit, on the seventh day of August, A. D. 1897, the plaintiff, James W. Upchurch, sued and prosecuted out of the office of the Clerk of the Superior Court of Wake County against George Robertson a summons in the words and figures following, to-wit:

SUMMONS FOR RELIEF.

WAKE COUNTY—In the Superior Court.

△ James W. Upchurch  
against  
△ George Robertson.

The State of North Carolina—to the Sheriff of  
Wake County—Greeting:

△ You are hereby commanded to summon George Robertson, the defendant above named, if he be found within your county, to be and appear before the Judge

of our Superior Court, at a court to be held for the County of Wake, at the court-house in Raleigh, N. C., on the seventh Monday after the first Monday in September, 1897, it being the 25th day of October, 1897, and answer the complaint which will be deposited in the office of the Clerk of the Superior Court of said county, within the first three days of said term; and let the said defendant take notice, that if he fail to answer the said complaint within the time required by law, the plaintiff will apply to the Court for the relief demanded in the complaint.

Hereof fail not, and of this summons make due return.

Given under my hand and seal of said Court, this 7th day of August, 1897.

△ D. H. YOUNG,  
Clerk Superior Court Wake County.

△ We acknowledge ourselves bound unto George Robertson, the defendant in this action, in the sum of two hundred dollars, to be void, however, if the plaintiff, James W. Upchurch, shall pay to the defendant all such costs as the defendant may recover of the plaintiff in this action.

Witness our hands and seals, this 7th day of August, 1897.

△	J. W. UPCHURCH.	[Seal.]
△	JOHN L (his X mark) WATKINS.	[Seal.]
△	J. R. WATKINS.	[Seal.]
△	F. S. GARRETT.	[Seal.]

RETURN AND ENDORSEMENT ON SUMMONS.

And thereafter, to-wit, on the return day of said summons, the sheriff of Wake County returns said summons, endorsed as follows:

Received August 7, 1897.

Served August 26, 1897, by reading the within summons to the defendant named therein.

HAM. T. JONES,  
 Sheriff of Wake County.  
 C. R. TODD, D. S.

#### TIME TO FILE PLEADINGS.

October Term, 1897—Before Hon. W. S. O'B. Robinson, Judge presiding.

The plaintiff allowed thirty days to file complaint. Defendant allowed thirty days thereafter to file answer.

And thereafter, to-wit, on the 10th day of December, A. D. 1897, the plaintiff, by his attorneys, S. G. Ryan, Esq., and Messrs. Jones and Boykin, comes and complains as follows, to-wit:

#### COMPLAINT.

NORTH CAROLINA—Wake County.  
 In the Superior Court—October Term, 1897.

J. W. Upchurch  
 against  
 George Robertson.

The plaintiff, complaining of the defendant, alleges:

1st. That said above-named defendant, George Robertson, on or about the 17th day of June, 1897, at and in the county of Wake, said State, and in the presence and hearing of divers good and lawful citizens of said State and county, wickedly intending and contriving to injure and defame the plaintiff and bring him in disrepute among the said good and lawful citizens of said State, and destroy his credit and standing in the community, falsely and maliciously spoke and published of

and concerning the plaintiff the following false and scandalous and malicious and defamatory words, that is to say: "He (meaning the plaintiff) stole a half bushel of my corn (meaning defendant's corn)."

2d. That by reason of said false, scandalous, malicious and defamatory language so spoken as aforesaid by the said defendant the said plaintiff has been endamaged five thousand dollars

Wherefore, plaintiff demands judgment against the defendant for five thousand dollars damages and for costs.

S. G. RYAN,  
 JONES & BOYKIN,  
 Attorneys for Plaintiff.

J. W. Upchurch, being duly sworn, says that the foregoing complaint is true of his own knowledge, except as to such matters as are therein stated upon information and belief, and as to these he believes it to be true.

J. W. UPCHURCH.

Sworn and subscribed before me this 10th day of December, 1897.

D. H. YOUNG,  
 Clerk Superior Court.

And thereafter, to-wit, on the 3d day of January, 1898, the defendant, by his attorneys, Messrs. Douglas & Simms, comes and answers as follows, to-wit:

#### ANSWER.

STATE OF NORTH CAROLINA—Wake County.  
 In the Superior Court—October Term, 1897.

J. W. Upchurch  
 against  
 George Robertson.

The defendant, answering the complaint of the plaintiff, says:



1. That the allegations contained in Article 1 of the plaintiff's complaint are untrue.

2. That the allegations contained in Article 2 of plaintiff's complaint are untrue.

Wherefore, the defendant prays that he go without day, and recover his costs of the plaintiff.

DOUGLASS & SIMMS,  
Attorneys for Defendant.

△ George Robertson, the defendant, being duly sworn, says: That he has heard the foregoing answer read and knows the contents thereof; that the same is true of his own knowledge, except as to such facts as are therein alleged upon information and belief, and as to these he believes it to be true.

△ G. E. ROBERTSON

△ Sworn to and subscribed before me, this January 3, 1898.

GEO. L. TONNOFFSKI,  
Deputy C. S. C.

#### TRIAL—JURY.

And this cause is continued from term to term, until, Now, at a Superior Court begun and held for the county of Wake, at the court-house in Raleigh, on the first Monday before the first Monday in March, 1900, it being the February Term, A. D. 1900, the Honorable

△ W. A. Hoke, Judge presiding, this cause coming on for  
△ trial, the following jurors, to-wit, J. D. Ballentine, B.  
△ B. Fish, J. N. Carlton, W. F. Stroud, W. G. Norwood,  
△ T. S. Sears, D. T. Adams, N. C. Dunston, J. L. Penny,  
△ J. R. Worrell, C. H. Fowler and James Cooper are  
chosen, tried and sworn to try the issues joined between  
the parties.

Whereupon, after argument of counsel and the charge

of the Court, the said jurors for their verdict find the issues submitted to them as follows, to-wit:

#### ISSUES AND VERDICT.

1. Did defendant wrongfully utter of and concerning plaintiff the defamatory words that "he (plaintiff) stole half bushel my (defendant's) corn," as alleged in complaint?

Answer: Yes.

2. What damage has plaintiff sustained by reason of the said wrong and injury?

Answer: One hundred dollars.

#### MOTION FOR NEW TRIAL OVERRULED.

Motion for new trial. Motion overruled. Exception.

And thereupon judgment is rendered by the Court and entered in said cause in the words and figures as follows, to-wit:

#### JUDGMENT.

NORTH CAROLINA—Wake County.

In the Superior Court—February Term, 1900.

△ James W. Upchurch  
against  
△ George Robertson.

This cause coming on to be tried at this term of the court by the Court and a jury, and the jury having found all of the issues in favor of the plaintiff and assessed his damages at the sum of one hundred dollars:

It is now ordered and adjudged by the Court that the plaintiff recover of the defendant the sum of one hun-



dred dollars, with interest thereon from the first day of this term, which began on the 26th day of February, 1900, until paid, together with the cost of this action, to be taxed by the Clerk.

W. A. HOKE,  
Judge Presiding.

Appeal by defendant in open court to the Supreme Court. Notice waived. Undertaking on appeal fixed at \$25.00. Bond to stay execution fixed at \$200.00. By consent, sixty days allowed defendant to serve his case on appeal, and sixty days thereafter to serve exceptions on counter case.

*Oct 13. 1900 Undertaking on appeal filed and sent herewith*

STATEMENT OF CASE.

NORTH CAROLINA—Wake County.

J. W. Upchurch  
against  
George Robertson.

This was civil action for damages, tried by his Honor Judge Hoke and a jury at February Term, 1900, of Wake Superior Court.

△ CHARLES ELLIS, witness for plaintiff, testified:

That he heard the defendant say "Plaintiff would be called upon by him (the defendant) to prove what he done with his corn"; and the defendant further said "that plaintiff had stolen his corn, and he could prove it on him."

△ BENJ. WEATHERS, a witness for plaintiff, testified to the same effect:

That he was present at the time of conversation of

△ defendant with Chas. Ellis, and heard the defendant say Upchurch had stolen half bushel of his, the defendant's, corn, and he could prove it on him.

MRS. PRIDGEN, witness for the plaintiff, testified:

That the defendant told her in May or June, 1897, that plaintiff stole goods when he was a boy, and he could prove it on him.

(Defendant objects. Objection overruled. Exception.)

△ EDGAR JONES, for plaintiff, testified:

That defendant told him in May, 1897, that he carried two sacks of corn to Upchurch's, plaintiff's mill, and that one sack was half bushel short, and he intended to make him show what became of this half bushel.

△ T. H. MASSEY, for plaintiff, testified:

Defendant told him about the last of May, 1897, that he carried corn to Upchurch's mill and it came up short.

△ J. W. UPCHURCH, plaintiff, testified:

I have never taken more toll from defendant than the law allows. I never took or stole any of his corn. I forgot to take out the roll of cotton belonging to Andrew Watkins. He talked about it, and I offered him fifty cents to stop talking about it. I didn't sue him for slander. He didn't tell me I stole it. I took a drink with George Robertson at a bar in Raleigh after this suit was commenced. I am sixty years old. All of my property is in my wife's name. I am not worth five cents. I have not accumulated any thing. I can not say how defendant has damaged me at all. The prop-



erty that I turned over to my wife came from my father. I turned over my property to wife in 1883. Was a deputy sheriff, and was afraid that I would do something and somebody could reach it. I was turned out of church on account of women about twenty years ago. I think the Watkins women were turned out of the church about me about two years ago. Pat. Peebles did not charge me with taking too much toll. Haywood Horton did not accuse me with taking too much of his cotton.

△ WAYLAND UPCHURCH, a witness for the plaintiff, testified:

△ I suppose I am the son of the plaintiff. Robertson passed my house at breakneck speed in May or June, 1897. Said his crop was under arrest and Jim Upchurch was the cause of it all, and he had several charges against him. My wife, my brothers and sisters and myself visit Robertson.

△ J. D. PEEBLES, a witness for plaintiff, testified as follows:

Character of Upchurch is good as far as I know. I am kin to him by marriage. I hadn't heard these rumors before. Robertson's character is good.

△ JOHN WATKINS, a witness for the plaintiff, testified:

Upchurch's character is good as far as I know, but I have heard rumors that it was bad.  
Plaintiff here closed his case.

△ The defendant, GEORGE ROBERTSON, in his own behalf, testified:

I keep a store; kept one in 1897. I had a great deal of corn ground by the plaintiff. It kept coming up

short. I decided to go to the mill in person and see what the reason was. I weighed two sacks of corn and took them to the mill of Upchurch. He was there, and no one else was. He asked me to go and open the water gate; I refused to do it. He went and did it. I watched him grind the first sack of corn, and that came out all right. While the second one was being ground he went out and came back after a little while and told me that mule was loose, and I had better go and catch him. I went. When I came back I found him in a suspicious position, taking some of the meal out of the meal chest and putting it in a flour sack. When he saw me coming he quit and began putting it in my sack. I started to raise a row with him about it, and then I thought that that would do no good, and that I would just quit his mill. The second sack turned out was short. When I got back home I weighed it. The first sack was all right and the second one was short. I have never been back to Upchurch's mill since that time. I didn't talk about it. I never have said that Upchurch stole my corn. I had heard rumors about these other people missing too much at his mill and gin, but I didn't say anything about my experience until Upchurch kept bothering me about the lawsuit of Tom Hester, and then I said if he didn't quit bothering me about my hands, I would make him show what became of that corn of mine when he went on the stand.

△ (The defendant introduced a witness by the name of Haywood Horton, and proposed to prove by said witness that he accused the plaintiff to his face of taking too much toll out of some cotton at his gin. The plaintiff objected. Objection sustained. Defendant excepted. The defendant further offered to prove by this witness that the plaintiff approached the witness since the suit began and asked him what he intended to

swear on trial. To this the plaintiff objected. Objection sustained. Defendant excepted. It was not stated what answer was made to such suggested question, or that any was made.)

△ (The defendant offered to prove by a witness, Patrick Peebles, that the witness Peebles, on one occasion prior to this controversy, accused the plaintiff to his face of taking too much toll corn from him, and that plaintiff had told him that if he didn't keep his mouth shut, [he] would put him through. There was no suggestion or testimony that the threat had any reference to the present controversy, or that it occurred since this controversy began. Plaintiff objected. Objection sustained. Defendant Excepted.)

(Defendant further offered to show that plaintiff did, in fact, take too much corn from this witness Peebles as toll. Plaintiff objected. Objection sustained. Defendant excepted.)

△ (Defendant offered to show by a witness, A. J. Watkins, that the plaintiff took too much toll cotton from him, and that the witness had told Upchurch so, and that said Upchurch had offered him fifty cents to stop talking about it. The plaintiff objected. Objection sustained, and defendant excepted.)

There was no suggestion or offer to prove that plaintiff knew of these different occurrences, and they were ruled out because specific acts to be mitigating circumstances should be set up as such in pleadings.

Defendant introduced the following witnesses:

□ + △ + △ + △ Dr. Marshburn, Patrick Massey, J. D. Dodd, Ros. Parish, who testified that the plaintiff's character was bad and the defendant's character good.

His Honor submitted to the jury the issues set out in the record.

Among other things, his Honor charged the jury as follows:

If the jury are satisfied by the greater weight of the evidence that the defendant uttered the words set out in the complaint, or words which by common intent signified that to the reasonable apprehension of a person who heard them, they should answer the first issue "Yes."

(To this the defendant excepted.)

In no part of his Honor's charge did he instruct the jury that if the words alleged to have been spoken by the defendant were true the plaintiff could not recover, but left the jury to determine as an answer to the first issue whether or not the defendant in fact uttered the alleged slanderous words, or such as by common intent signified that to the reasonable apprehension of a person who heard them.

(To this the defendant excepted.)

The defendant, in apt time, asked for the following specific instruction:

There is no evidence in the case of any actual damages to the plaintiff by alleged slander, and therefore if jury believes the evidence they will answer the second issue: "None."

His Honor declined to give such instruction, but charged the jury that when the words spoken by the defendant amount to indictable felony, nominal damages at least were recoverable.

(Defendant excepted.)

Defendant requested, second: There is no evidence of actual damage to plaintiff by alleged slander, and therefore jury can not award to plaintiff vindictive damages.

(Court declined to give this instruction, and defendant excepted.)

Court also charged the jury: That the damages were

very much in discretion of jury. If the first issue was answered "Yes," they could award plaintiff what, in their judgment, was a full compensation for injury, and, if satisfied by greater weight of evidence that charge was made by defendant from personal malice, with a design and purpose to injure plaintiff, or if, in judgment of jury, charge was made in such manner that it showed a reckless and wanton disregard for plaintiff's rights, jury might increase amount awarded in compensation by exemplary or punitive damages.

The Court adverted fully to evidence in case and position of parties thereon, but only so much charge is set out as is deemed necessary to include defendant's exceptions.

There was a verdict for plaintiff, as set out.

Motion for new trial by defendant for errors and rulings of Court in questions of evidence, and for error in refusing to give special instructions as prayed by defendant.

(Motion overruled, and defendant again excepts.)

Judgment on verdict for plaintiff. Appeal taken by defendant.

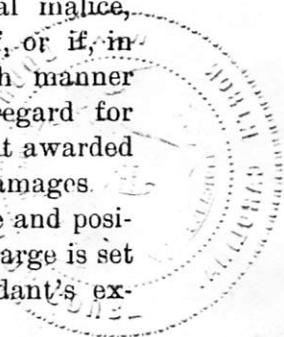
Notice waived, and appeal bond given.

Above is settled as case on appeal by Judge, attorneys having disagreed and been duly notified.

W. A. HOKE,  
Judge Presiding.

CERTIFICATE OF CLERK.  
NORTH CAROLINA—Wake County.

I, Wm. Russ, Clerk of the Superior Court in and for the county of Wake, State aforesaid, hereby certify that the foregoing is a true, full and perfect copy of the record in the case of James W. Upchurch against George Robertson.



△

△

△

△

To be kept in  
the office of the  
Clerk of the Superior Court  
of Wake County, North Carolina

State of North Carolina,  
Wake County )

N.C. SUPREME  
COURT CASE #  
10964

REC'D  
1 FEB 1983  
BY RPA  
FROM  
GRACE  
WILLIAMSON

Be it remembered, that at a Superior Court of Law held for the County of Wake, at the Court House in Raleigh, on the first Monday of January, it being the fourth day of January, in the year of our Lord, One thousand eight hundred and seventy five, before the Honorable Samuel W. Watts, Judge, upon the Oath of O. R. Rand, Wiley Lynn, Waywood Horton, Curtis Johnson, W. J. Jones, William Carpenter W. H. Holland, William Johnson, B. H. Marcum, Pinckney Parrish, L. H. Perry, Simon Hobbs, James Holloway, W. M. Snellings, C. H. Gove, D. C. Adams, E. H. Housketh and J. T. Davis, good and lawful Men of the County aforesaid, duly summoned,



State of North Carolina )  
Wake County )

N.C. SUPREME  
COURT CASE #  
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Be it remembered, that at a Superior Court of Law held for the County of Wake, at the Court House in Raleigh, on the first Monday of January, it being the fourth day of January, in the year of our Lord One thousand eight hundred and seventy five, before the Honorable Samuel W. Watts, Judge, upon the Oath of O. R. Rand, Wiley Lynn, Haywood Horton, Curtis Johnson, W. J. Jones, William Carpenter W. H. Holland, William Johnson, B. H. Marcum, Pinckney Parrish, L. H. Perry, Simon Hobbs, James Holloway, W. M. Snellings, C. H. Goveh, D. C. Adams, E. H. Nouseketh and J. T. Davis, good and lawful Men of the County aforesaid, duly summoned, drawn, sworn and charged, to inquire for the State, of and concerning all Crimes and offences committed within the said County, it is presented in manner and form following, that is to say,

North Carolina )

Wake County ) Superior Court

January Term 1875

The Jurors for the State upon their Oath Present, That Charles D. Upchurch late

of Wake County, on the first day of April,  
in the year of our Lord, one thousand  
eight hundred and Seventy-Three at and  
in Said County of Wake, was a male  
inhabitant of the State of North Carolina  
over twenty one, and under fifty years  
of Age; and was then and there a  
resident of and in Raleigh Township,  
in the County aforesaid; and was then  
and there, subject and liable, under  
the Constitution and laws of the State,  
to a Capitation tax, of one dollar and  
five cents, for the year of our Lord  
One thousand eight hundred and  
Seventy Three, to be paid by the said  
Charles D. Ufchurch, to the State of  
North Carolina aforesaid.

And the Jurors aforesaid, upon  
their Oath aforesaid, do further present  
That the said Charles D. Ufchurch  
on the said first day of April, A. D.  
1873, and on each and every day, be-  
tween the said first day of April, and  
the seventh day of July, A. D. 1873, the  
same being the first Monday in  
said Month, and on the said seventh  
day of July, A. D. 1873, in the County aforesaid,  
did unlawfully and willfully, omit,  
neglect refuse and fail to give himself

"in and list his poll for taxation, either  
"to or before the Township Board of Trus-  
"tees of Said Township, or to and before  
"the Board of Commissioners of Said  
"County of Wake; Contrary to the form  
"of Statute in such case made and  
"provided, and against the peace and  
"dignity of the State

J. C. L. Harris

Solicitor

And at this term of Said Court to wit  
January Term A.D. 1875, the Said  
C. D. Dupchuck having been commanded  
to come and answer: at this term  
of Said Court: And this Cause coming  
on for trial, And the Said C. D. Dupchuck  
appearing in his proper person. There-  
fore let a jury come of good and lawful  
men, by whom the truth of the matter  
may be better known, And thereupon  
the following jurors, to wit: Henry  
Hoigh, Henry Utley, Mathew Sorrell  
J. W. Ferrell, Allen Sturdivant, Anderson  
Ferguson M. S. Thompson, J. W. Crady  
Lawrance Fort, P. McEowan, W. H.  
Hoicks and C. B. Fowler, being chosen,  
tried and sworn to speak the truth  
of and concerning the premises, in

the said indictment specified,

whereupon by consent, a verdict of Guilty was entered -

And the Counsel for the Defendant

Moved ~~for~~ <sup>in</sup> Arrest of Judgment, for want of jurisdiction in the Superior Court -

And his Honor reserved his decision, until Thursday the Seventh day of January 1875, when the following was rendered: to wit

State

vs

Chas D. Ufochurek

} Indict - Misdemeanor

Verdict of Guilty by

Consent. Entered

Motion in Arrest of Judgment, for want of jurisdiction in the Superior Court,

Upon the hearing, the Court is of opinion that the judgment must be arrested

S. W. Watts

Judge to the Jud Dist

From which decision of his Honor, arresting the judgment, herein, Mr Solicitor J. C. L. Harris on behalf of the State craves an appeal to the Supreme Court, which is allowed him,

State of North Carolina

I, John W. Bunting, Clerk of the Superior Court of Law of the County of Wake, do hereby Certify that the foregoing contained a full, true and perfect transcript of the record of said Court, in the Case of the State against C. D. Upchurch,

In testimony whereof, I hereunto  
Subscribe my name, and  
Affix the Seal of said Court  
at office in Raleigh, this 8<sup>th</sup>  
day of January, A.D. 1875

J. W. Bunting  
Clerk Superior Court



Whitney Upchurch

WAKE CO

CHATHAM CO

Asa Wilson

In Equity - Make

[NOTE: THESE ARE 4 SHEETS. MANY NOT COPIED]

Be it remembered that heretofore to wit, 20<sup>th</sup> day of February 1845 the complainant Whitney Upchurch filed in the office of our Board of Equity for Wake his bill of Complaint against Asa Wilson; & thereupon Copies of the same & Subpoenas & Writ of Injunction were issued to Chatham County, & returned Executed.

Be it further remembered, that at the Spring Term of 1845 of our said Court the Defendant filed his Answer to said bill, and then on the hearing of the Bill & Answer, it was ordered "that the Injunction be dissolved, with costs, & that Defendant have leave to proceed to the Collection of the bonds referred to in the Bill; & judgment was granted against the Complainant & his sureties on the Injunction bond. And it was further ordered that leave be given to the Complainant to hold over his bill as an original bill. The Complainant then also took application to the Answer & Cross-petition, and was ordered to give to the parties, to take testimony.

Under which orders the Cause was continued, until the Spring Term 1848 of our said Court, when it was ordered

▷ that Alby Hunter County Surveyor, be  
directed to survey the land mentioned in  
the pleadings.

At Fall Term 1848 the said Sur-  
veyor returned his survey into Court  
& the cause was ~~continued~~ then set  
for hearing with leave to either party  
to take testimony; and continued  
thence regularly from term to term un-  
til the Fall Term 1850, when it was  
by the Court "Ordered that the Plaintiff  
have leave to amend" - The cause was  
thence continued from term to term un-  
til the Fall Term 1852, when by consent  
of the parties, ~~that it was ordered to be~~  
~~transferred to the Supreme Court,~~  
leave to either party to take depositions.

Woburn County - J. P. Busbee Clk.  
& Master in Equity for New So. Certify that  
the foregoing transcript contains the  
orders & proceedings had in the cause a-  
bove stated in our said Court, & that the  
papers herewith sent up to the Supreme  
Court and the originals, filed in my  
Office.

Witness my hand & the seal of my  
Office at Woburn, 1<sup>st</sup> Mon-  
day after 4<sup>th</sup> Monday of September 1852

[I. P. BUSBEE]

J. P. Busbee  
Clk.

Know all men by these presents that  
 Mr Whitney, Upchurch and Sims Up-  
 church are held and firmly bound unto  
 Asa Wilson in the sum of Two hundred  
 and fifty Dollars, to the payment of which  
 we and truly to be made we bind our  
 selves our heirs Executors & Administrators  
 by these presents. Witness our hands and  
 seals July. 20<sup>th</sup> 1845.

The condition of the above obliga-  
 tion is such, that whereas the above bound  
 Whitney Upchurch hath filed his Bill of  
 Injunction in the office of the Master in Equi-  
 ty for Dicks, against the said Asa Wil-  
 son to restrain him the said Wilson from  
 providing farther than to judgment on  
 certain notes in the hands of him the said  
 Asa Wilson, given for the purchase of land,  
 the said Whitney Upchurch -  
 now of the said Whitney Upchurch shall  
 well and truly prosecute his said Bill for  
 Injunction, or on default thereof shall  
 satisfy & pay the said Wilson the amount  
 of the notes aforesaid, then the above obli-  
 gation to be of no effect & null; -  
 otherwise to remain in full force.

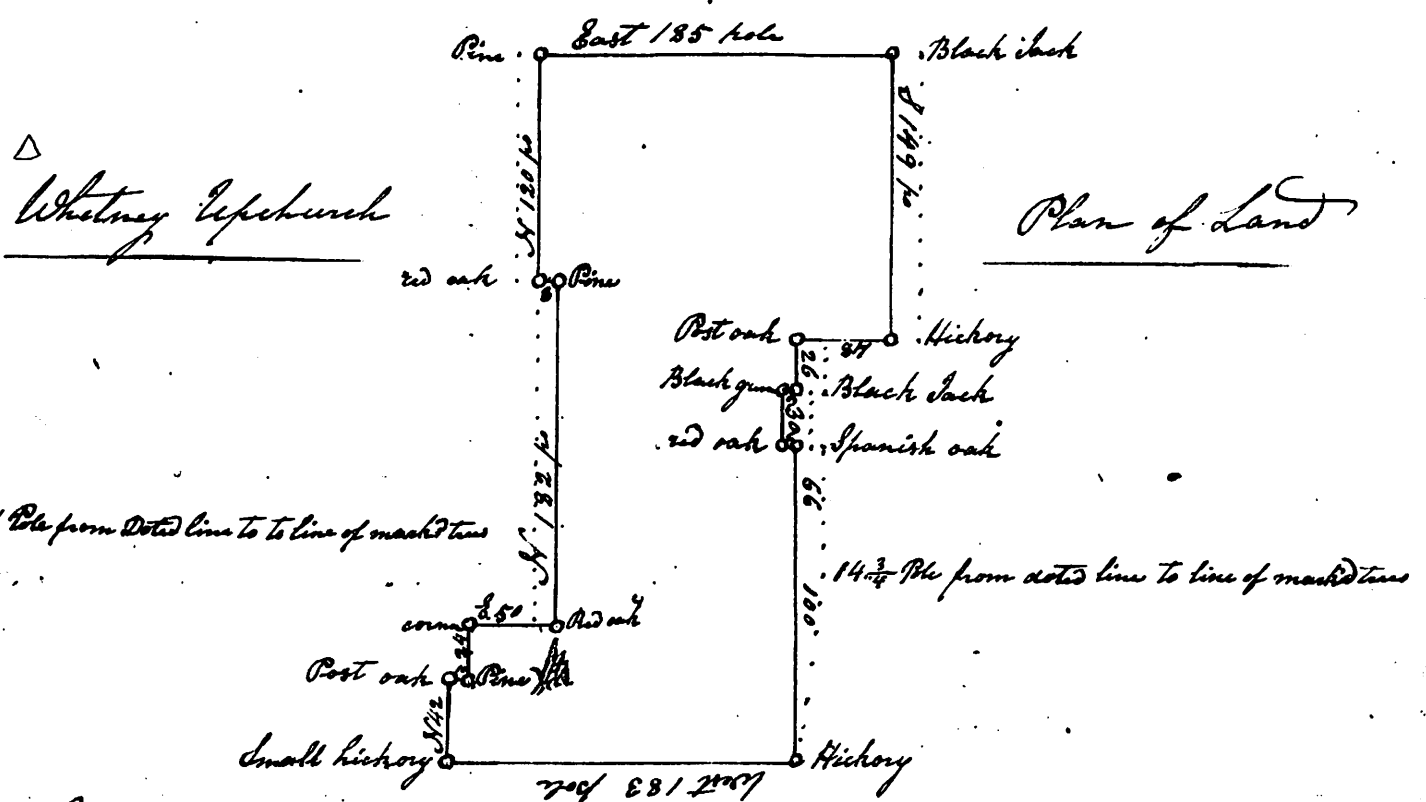
Whitney Upchurch Seal  
 [WITNESSES]  
 J. P. Busbee  
 Sims Upchurch Seal



March the 11<sup>th</sup> day

South

Ann<sup>o</sup> Domini 1847



Whitney Leitchurch

Plan of Land

Scale 100 pole per inch

The above plan represents a tract of land sold by the  
 section of Chatham County to Whitney Leitchurch of Wake County adjoining the lands  
 of Arthur Branch & others Beginning at a red oak Running North 182 pole to a Pine, Thence west  
 8 pole to a red oak, thence North 120 pole to a pine, thence East 185 pole to a Black oak, thence  
 South 149 pole to a Hickory, thence west 48 pole to a Post oak, thence South 26 pole to a Black  
 oak, thence west 6 pole to a Black gum, thence south 30 pole to a Red oak, thence East 6  
 pole to a Spanish oak, then south 166 pole to a Hickory, thence west 183 pole to a small  
 Hickory, thence North 42 pole to a Post oak, thence East 10 pole to a pine, thence  
 North 24 pole to a corner thence East to the first station.

Containing by Woodson Clemons' Calculation 363 Acres  
 50 Acres & 56 pole Between the Dotted lines and marked trees

PERFORMANCE OF  
CHARLES D. U.

North Carolina }  
Wake County }

Be it remembered, that on the  
1st day of December 1890, The State of North Carolina  
on the relation of J. H. Boothe, died and prosecuted out  
of the office of the clerk of the Superior Court of Wake County  
against Chas D Upchurch, Alfred Upchurch, Will W. Jones  
W. C. Upchurch, A. W. Shaffer, J. C. Brewster, W. B. Jordan  
R. B. Ellis, John Upchurch and L. D. Stephenson a Summons  
in the words and figures following, to wit:

Wake County: - In the Superior Court.

The State on the relation  
of J. H. Boothe, Plaintiff

Against

Chas D Upchurch, Alfred Upchurch  
Will W. Jones, W. C. Upchurch, A. W.  
Shaffer, J. C. Brewster, W. B. Jordan  
R. B. Ellis, John Upchurch and  
L. D. Stephenson Defendants

Summons

for  
Relief

The State of North Carolina,

To the Sheriff of Wake County: - Greeting

You are hereby Comanded, To Summon Chas D Upchurch,  
Alfred Upchurch, John Upchurch, W. C. Upchurch, A. W.  
Shaffer, L. D. Stephenson, W. B. Jordan, R. B. Ellis,  
Williard W. Jones, J. C. Brewster the Defendants above  
named, if they be found within your County, to be and appear

sheet out  
of 40 in the  
file

TO RPA FROM  
GRACE WILLIAMSON  
1 FEB 1983

Plaintiff

Δ

Δ+Δ+Δ

Δ+Δ+Δ+Δ

Δ+Δ+Δ

Summons

Δ+Δ

Δ+Δ+Δ

Δ+Δ

Δ+Δ

Δ

Δ+Δ+Δ+Δ

Δ+Δ+Δ

Δ+Δ

before the Judge of our Superior Court, at a Court to be held for the County of Wake, at the Court House in Raleigh on the First Monday before the 1<sup>st</sup> Monday in March. being the 23 day of Feby 1891, and answer the Complaint which will be deposited in the office of the Clerk of the Superior Court of said County, within the first three days of the term, and let the Defendants take notice that if they fail to answer the said Complaint within that time, the Plaintiff will apply to the Court for the relief demanded in the Complaint.

None of fail nat, and of this Summons make due return.  
Given under my hand and seal of said Court, this 1<sup>st</sup> day of December 1890

Jos. W. Thompson  
Clerk Superior Court Wake County

Return of  
Summons

And on the return day of said Summons, to wit, on the First Monday before the first Monday in March 1891, it being the 23<sup>d</sup> day of February 1891, at the Court in the City of Raleigh, before the honorable R. W. Winston Judge presiding, M. W. Page returns said Summons endorsed as follows, to wit:

Endorsement  
on Summons

" Received December 4. 1890  
Service accepted this 3<sup>rd</sup> day of December 1890  
(Sgd) Chas D Upchurch

Served the within by reading the same to Alfred Upchurch, W. C. Upchurch, J. C. Brewster + R. B. Ellis December 4<sup>th</sup> 1890  
C. M. Walters Dist. Shff.  
Served on A. W. Shaffer Dec 9<sup>th</sup> 1890 by reading the within

Summons

- Δ (P. M. Walters, Dep. Shff.
- Δ Served the within by reading the Summons to Hail. W. Jones
- Δ and H. B. Jordan Dec 6th 1890 & Dec 8th 1890 (Dec 8th
- Δ on H. B. Jordan)
- Δ M. W. Page, Shff
- Δ W. F. Jones D.S.
- Δ Served the within Summons by reading the same to John
- Upchurch Dec 11. 1890
- Δ By W. J. Sears D.S.
- Δ Served the within by reading the same to L. D. Stephenson /
- Dec 12th 1890
- Δ M. W. Page Shff"

And thereupon, to wit, on the 25th day of February A. D. 1891, the plaintiff by his Attorney Messrs Peeler & Maynard Comes and Complain as follows, to wit.

North Carolina } Superior Court  
 Wake County } Feb'y Term 1891

The State of North Carolina on  
 Δ relation of J. H. Boothe - plaintiff.  
 Complaint vs Complaint  
 Δ+Δ Chas D. Upchurch, Alfred Upchurch,  
 Δ+Δ+Δ Hail W. Jones, W. C. Upchurch, A. W.  
 Δ+Δ Shaffer, J. C. Brewster, H. B. Jordan  
 Δ+Δ+Δ R. B. Ellis, John Upchurch L. D. Stephenson  
 Defendants  
 The Plaintiff Complain

I That on or about the day of November A.D. 1886  
the defendant lehas D Upchurch was duly elected Clerk of  
the Superior Court for Wake County - and thereupon to wit,  
on or about the day of A.D. 1886 was duly  
qualified and entered upon his duties as such and in  
the discharge of his office

III That on the day of A.D. 1886 the said  
defendant lehas D Upchurch and Alfred Upchurch, W. C.  
Upchurch, A. W. Shaffer, J. C. Brewster his Sureties a  
part of the defendants herein made and executed his official  
bond as Clerk of the Superior Court, Conditioned for the  
faithful performance of duties as such and in words  
and figures following to wit:

Complaint  
Continued

State of North Carolina  
Wake County, Clerk's Bond

I Know all men by these presents:

That we the undersigned lehas D Upchurch, as principal  
and William le. Upchurch, Alfred Upchurch, A. W.  
Shaffer and John le. Brewster are held and firmly  
bound unto the State of North Carolina in the Sum of  
Fifteen Thousand Dollars to the payment whereof we  
bind ourselves and heirs, Executors and administrators  
jointly and severally firmly by these presents

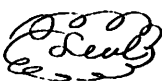



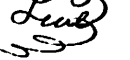
Signed and Sealed this the 6th day of December 1886.

The Condition of the above obligation is such that whereas  
the said lehas D Upchurch has been duly elected Clerk of  
the Superior Court in and for four years from and after  
the first Monday in December 1886 for said County:

Δ

Now if the said Chas D Upchurch shall during his continuance in office well and truly execute and discharge the duties thereof and shall well and truly account for and pay over according to law all moneys and effects which may come into his hands by virtue of his office and shall preserve and take care of all books records papers and property which may come into his possession by virtue of his possession then and in that case the above obligation to be void otherwise to remain in full force and effect.

Complaint Continued

- Δ Chas D Upchurch 
- Δ William <sup>his</sup> L<sup>x</sup> Upchurch 
- Δ Alfred <sup>his</sup> <sup>mark</sup> Upchurch 
- Δ A. W. Shaffer 
- Δ J. C. Brewster 

Signed Sealed in the presence of

And the same was duly registered in the office of Register of Deeds for Wake County in Book B Registry of Official Bonds page 36 Dec 23. 1886 which for greater certainty is herein referred to and made a part hereof.

That thereafter to wit, on or about the 5<sup>th</sup> day of December 1887 the said defendant Chas D. Upchurch as principal and William L. Upchurch, A. W. Shaffer, Alfred Upchurch and John Upchurch his Sureties made and executed a bond payable to the State of North Carolina in the sum of Fifteen Thousand

Δ  
Δ + Δ  
Δ + Δ

"Dollars Conditioned to be Void upon the faithful discharge of his duties as such Clerk of the Superior Court and his faithfully accounting for and turning over according to law all moneys effects and property which should come into his hands by virtue of or under Color of his office, and otherwise in words and figures as set out in the bond herein before set forth, and for greater Certainty reference is here made to the Registry of Official Bonds Book B page 88 Office Register Deeds for Wake County where the same is recorded.

Complaint  $\Delta$  IV That thereafter to wit on the 3<sup>rd</sup> day of December A.D. 1888 the said defendant Chas D Upchurch as Continued  $\Delta+\Delta$  principal and W.C. Upchurch, Alfred Upchurch, R. B.  $\Delta$  Ellis and L.D. Stephenson as sureties made and executed a bond payable to the State of North Carolina in the sum of Fifteen Thousand Dollars, Conditioned to be Void upon the faithful discharge (of) his duties as Clerk of the Superior Court and his faithfully accounting for and turning over according to law all moneys effects and property which should come into his hands by virtue of or under Color of his office, or under an order or decree of a judge and otherwise as set out in the bond above set out in full, but for greater Certainty reference is here made to the Registry of official bonds Book B page 88 office Register Deeds for Wake County where the same is recorded, which as there recorded is made a part hereof

V That thereafter to wit on on about the 2<sup>nd</sup> day



7

of December A. D 1889 the Said Defendant Chas D.  
 Δ+Δ Upchurch as principal and Alfred Upchurch, Hil. W.  
 Δ+Δ Jones, W. C. Upchurch and H. B. Jordan as Sureties  
 made and executed a bond payable to the State of  
 North Carolina in the Sum of Fifteen Thousand  
Dollars Conditioned to be void upon the faithful  
 discharge of his duties as such Clerk of the Superior  
 Court and his faithfully accounting for and  
 turning over according to law all moneys effects  
 and property which may or should come into his  
 hands by virtue of or under Color of his office or  
 under an order or decree of a Judge and other-  
 wise in words and figures as is set out in the  
 bond hereinbefore set forth in full and for greater  
 certainty reference is here made to the Registry of  
 Official Bonds Book - pages 176 & 177 office  
 Register Deeds for Wake County where the same is  
 recorded which as there recorded is made a part  
 hereof

Complaint  
Continued

VII That in and by the bonds so executed, and de-  
 livered to the County Commissioners and approved by  
 them, and under the law of North Carolina, it was the duty  
 Δ of said defendant Chas D Upchurch to account for and  
 pay over according to law all moneys and effects  
 which have come or which come into his hands by  
 virtue of or under Color of his office, or under an  
 order or decree of a Judge even though such order  
 or decree was void for want of jurisdiction, and to  
 perform his duties as Clerk of the Superior Court as

8 prescribed and required in section 72 of The Code and that he has failed neglected and refused to perform his duties of office and to pay plaintiff relation money & property received by virtue and under color of his office and under a decree of the Superior Court and to perform the duties prescribed and required in said section of the Code

VIII That on the day of \_\_\_\_\_ A.D. 1888 the defendant

△ C. D. Upchurch by virtue of and under color of his office and under a judgment and Decree of the Superior Court received into his hands the sum of nine hundred and sixty eight  $74/100$  (\$968.74) Dollars and converted the same to his own use and benefit

Complaint  
Continued

VIII. That it was his duty to pay over this sum of money so received to J. H. Bonthe or to some person for him immediately upon the receipt of the same or as soon thereafter as a guardian could be appointed and this he failed neglected and refused to do so.

△ IX That the said J. H. Bonthe relation herein arrived at the age of twenty-one years on or about the 18<sup>th</sup> day of September A.D. 1890 and shortly thereafter to wit on or about the 18<sup>th</sup> day of September A.D. 1890 he demand-

△ ed his money so due him from the said C. D. Upchurch and demanded an account and settlement for all the money he had received for him the relation, and the said

△ C. D. Upchurch failed neglected and refused to settle on account with the relation or to pay any part of the money so due and payable to him and still fails and neglects so to do though often thereto requested

X That by such conversion of the money so received

and by his failure to pay over to the relator the money  
 Δ so received and due him, he, the said C. D. Upchurch defen-  
 dant herein has made a breach in each and every of his  
 official bonds herein before referred to and defendants are  
 indebted to relator in the sum demanded

Wherefore the plaintiff demands judgment against  
 the defendants for the sum of Fifteen thousand dollars to  
 be discharged upon the payment of Nine hundred and Sixty  
 eight 74/100 (\$968 <sup>74</sup>/<sub>100</sub>) Dollars and interest thereon from the  
 15th day of January A.D. 1889 at the rate of Six per  
 cent per annum; for his costs in this action and for such  
 other and further relief as he may be entitled to according  
 to law

Peele & Maynard  
 Atty for Plaintiff

Δ J. H. Bonthe being duly sworn deposes and says that  
 the facts set forth in the foregoing Complaint are true  
 except such as are stated upon information & belief and as  
 to them he believes them to be true

Δ Sworn and subscribed before } J. H. Bonthe  
 me this Feby 25th 1891 }  
 Δ Geo W. Thompson (clerk)

Time allowed Δ And at the said February Term 1891, before the Honorable  
 to answer R. W. Winston, Judge presiding Defendants are allowed  
 30 days to answer, and the Cause is Continued.

And thereafter, to wit, on the 18th day of March 1891

10    Δ+Δ    " the Defendants A. W. Shaffer and H. W. Jones by their attorney  
Δ    J. R. Purnell, Come and file their joint answer in the  
words and figures following, to wit:

North Carolina } In the Superior Court  
Wake County }

Joint answer  
of Shaffer & Δ  
Jones }         No  
                  Chas D. Upchurch et al }

Δ+Δ    The Defendants A. W. Shaffer and H. W. Jones answering the  
Complaint filed herein, say:

I    That as to the allegations contained in paragraph VI  
these Defendants have no knowledge or information sufficient  
to form a belief.

III    That as to the allegations set forth in paragraph VIII  
these Defendants have no knowledge or information suf-  
ficient to form a belief and therefore deny the same.

IV    That as to the allegations set forth in paragraph VIIII  
these Defendants have no knowledge or information sufficient  
to form a belief and therefore deny the same.

VI    That as to the allegations set out in paragraph IX  
these Defendants have no knowledge or information sufficient  
to form a belief and therefore deny the same.

V    That as to the allegations set forth in paragraph X  
these Defendants have no knowledge or information sufficient  
to form a belief and therefore deny the same.

Wherefore Defendants demand that this action be