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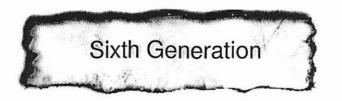
EXCERPT FROM BOOK "THE UPCHURCHES" BY MAE D. COX APREOUS ITEM:

ERACT PRILE: The wydenneter of Vinginia.

Nostra Carolina,

Arkamor, and
Indian 7 emboy: 1624-1925"

> mas D. Cor April 2018



Allen Upchurch COFIED FOK

| 1 Michael Upchurch I 1620 - 1681 | |
|----------------------------------|---|
| 2 Richard Upchurch 1658 - 1700 | 00 |
| 3 John Upchurch I 167 | 78 - 1758 |
| 4 James Upchurch | h III 1724 - 1784 |
| 5 Harmon | Upchurch 1740 - 1815 |
| 6 <u>Al</u> | llen Upchurch ↑ 1779 - 1848 △ +Mary Dudney 1790 - 1850 |
| | 7 Elizabeth Ann Upchurch 1805 - 🛆 |
| | 7 William Allen Upchurch 1808 - 1884 △ |
| | 7 Catherine Upchurch 1810 - △ |
| | 7 Patrick Bogan Upchurch 1816 - 1885 🛆 |
| ••••• | 7 Benjamin Upchurch 1819 - 🗅 |
| | 7 John Dudney Upchurch 1824 - 1857 🛆 |
| | 7 James Upchurch 1828 - △ |

Timeline for Allen Upchurch

| YEAR | APPROX AGE ± | |
|--------------------|-----------------|--|
| 1779 | | Allen Upchurch is born in Brunswick County, Virginia |
| 1805 | 26 | Year Allen possibly left Virginia and arrived in North Carolina |
| 1805-1808 | 26± | Allen marries Mary Dudney, exact date unknown |
| 1805 | 26 | First child is born, Elizabeth Ann, ca 1805 |
| 1808 | 29 | Second child is born, William Allen ca. 1808 |
| May 22, 1810 | 31 | Third child is born, Catherine Upchurch |
| 1810 | 31 | The same of the sa |
| 1816 | 37 | Listed in Montgomery County, North Carolina, census Fourth child is born, Patrick Bogan Upchurch, abt 1816 |
| 1819 | 40 | |
| | | Fifth child is born, Benjamin Upchurch, abt 1819 |
| 1820 | 40 | The 1820 census for Montgomery County was destroyed, no records |
| 1820 | 40 | Listed in Tax Records, Montgomery County, North Carolina |
| May 19, 1822 | 43 | Allen is mentioned In a land warrant as owning adjoining land |
| March 2, 1824 | 45 | Buys 100 acres on Ash Gum fork of David's Creek in Montgomery County |
| June 2, 1824 | 45 | Order is issued to survey tract above mentioned |
| June 21, 1824 | 45 | Survey is recorded for 100 acres purchased March 2, 1824 |
| July 31, 1824 | 45 | Sixth child is born, John Dudney Upchurch |
| 1828 | 49 | Seventh child is born James Upchurch, abt 1828 |
| February 26, 1829 | 50 | Land Warrant 9285 mentions Allen owning adjoining land; David's Creek |
| 1830 | 51 | Allen Listed in Census, Montgomery County, North Carolina |
| October 13, 1831 | 52 | Mentioned in land purchase as owning adjoining land on Ash Gum Creek |
| 1832 | 53 | Land Warrant 8452 mentions Allen Upchurch |
| unk | | Allen's wife Mary inherits father's land left to her mother, then passed to her |
| September 17, 1835 | 56 | Allen and Mary sell her land inheritance |
| 1840 | 61 | Allen listed in Census, Montgomery County, North Carolina |
| 1841 | 62 | Part of Montgomery becomes Stanly County; Allen now in Stanly County |
| 1841 | 62 | Stanly County Property Tax and Poll Record — 200 acs in Ashe Gum Forke |
| 1842 | 62 | Stanly County Property Tax and Poll Record — 200 acs in Ashe Gum Fork |
| 1843 | 62 | Stanly County Property Tax and Poll Record — 200 acs in Ashe Gum |
| 1844 | 62 | Stanly County Property Tax and Poll Record — 200 acs in A. Gum Crk |
| 1845 | 62 | Stanly County Property Tax and Poll Record — 200 acs in Gum |
| 1846 | 62 | Stanly County Property Tax and Poll Record — 200 acs in Ash Gum |
| 1847 | 62 | Stanly County Property Tax and Poll Record — 200 acs in Ash Gum |
| June 21, 1848 | 69 | Allen Upchurch dies, buried in Stanly County, North Carolina |
| June 29, 1848 | | Wife, Mary Dudney Upchurch, dies |
| August 1848 | | Allen Upchurch's Estate probated Stanly County, North Carolina |
| 1848 | | Allen Upchurch Estate listed on Stanly County Property Tax and Poll Record |
| 1849 | | Allen Upchurch Estate listed on Stanly County Property Tax and Poll Record |
| 1850 | | Allen Upchurch Estate listed on Stanly County Property Tax and Poll Record |
| 1851 | | Allen Upchurch Estate listed on Stanly County Property Tax and Poll Record |
| 1852 | | Allen Upchurch Estate listed on Stanly County Property Tax and Poll Record |
| 1853 | | Allen Upchurch Estate listed on Stanly County Property Tax and Poll Record |
| 1854 | | Allen Upchurch Estate listed on Stanly County Property Tax and Poll Record |
| 1855 | | Allen Upchurch Estate listed on Stanly County Property Tax and Poll Record |
| 1856 | | Allen Upchurch Estate listed on Stanly County Property Tax and Poll Record |
| | | |

ALLEN UPCHURCH

BORN CA 1779 BRUNSWICK COUNTY, VIRGINIA

DIED JUNE 21, 1848 STANLY COUNTY, NORTH CAROLINA

BURIAL UPCHURCH BURIAL GROUND, NORWOOD, STANLY COUNTY, NC

MARY DUDNEY

BORN 1779-1790 NORWOOD, MONTGOMERY COUNTY, NORTH CAROLINA MARRIED ABT 1805-1808 NORWOOD, MONTGOMERY CO., NORTH CAROLINA

DIED JUNE 29, 1848 STANLY COUNTY, NORTH CAROLINA
BURIAL NORWOOD, STANLY COUNTY, NORTH CAROLINA

Leaves Virginia

It's not clear just when Allen left Brunswick County, Virginia. His parents made the trek to North Carolina about 1805 when Allen was about twenty-six. It seems reasonable that Allen would have moved at the same time, or shortly thereafter.

Most publications and online sites list Allen and Mary as having married about 1808. That date is inconsistent with the birth years of their first children, so more likely they were wed prior to the births of the first two children, not after. Course the dates listed for the first two births could also be off!

Or there could have been a first wife and Mary was his second! It is possible that the first two named below could have been born to another spouse if indeed Allen was married to Mary as late as 1808.



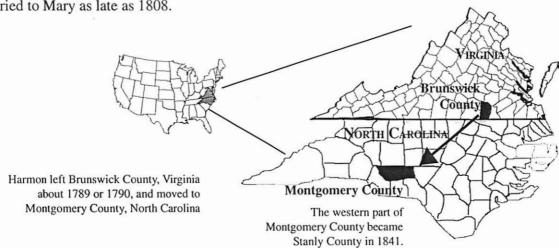
Allen born in

Virginia.

Lived most of

his life in North

Carolina



Children of Allen Upchurch and Mary Dudney

1) Elizabeth Ann Upchurch b. ca 1805* d. Stanly Co NC m. David Smith, 1827

2) William Allen Upchurch b. ca 1808* d. abt 1884 AR m. Elizabeth

3) Catherine Upchurch b. May 22, 1810 NC

4) Patrick Bogan Upchurch b. abt 1816 d. 1885 AR m. Eunice McSwain, 1837

5) Benjamin Upchurch b. ca 1819

6) John Dudney Upchurch b. July 31, 1824* d. March 11, 1857 NC m. July 30, 1844 Elizabeth Schoffner

7) James Upchurch b. ca 1828 NC

* In Montgomery County, North Carolina

In 1810,
Allen was about
31 years old

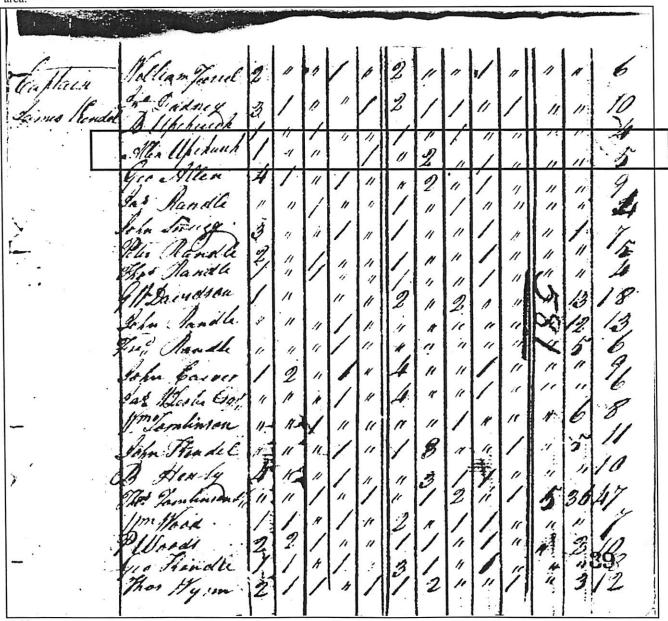
1810 Census, Montgomery County, North Carolina Allen Upchurch is living in Captain James Kendall area, ROSO41

1810 Census Record

The Upchurches are living in Montgomery County, North Carolina. Allen is about thirty-one years of age and head of household. He is enumerated as the male under 26 to 45 years of age. The other male is under ten years old. There are three females, two of which are shown between ten and sixteen years old, and wife Mary would be the female listed under 26-45.

The youngster under ten is likely Allen's son, William Allen. The two young females are puzzling as neither fits the birthyears for Allen's daughters. Could it be that daughter Elizabeth was born before 1805 ... the date most researchers show as her year of birth? And who is the other young girl?

Could it be that Allen was married before he and Mary married about 1805 to 1808? Since Allen was about 29 or 30 years of age, it's possible he had been married earlier... and that the two females were daughters from an earlier marriage. At the time of 1810 census, Mary was only about twenty and couldn't possibly have two daughters over ten years old!



Land Record Contains Mention of Allen Upchurch

May 19, 1822: This land warrant mentions Allen as owning adjoining property:

... Warrant #8452 by D. McRae to Peter J. Randall for 25 ac joins Allen Upchurch and his own line ... R07041b

Allen Buys Land in Montgomery County, North Carolina

On March 2, 1824, Allen is granted 108 acres located

... on waters of Little Ck, adjoining his own lines, on SW side of PDR., on waters of the Ash gum fork of Davids Ck, his [Upchurch] 100 acre tract, Snugs line, David Smith line, Alexander Thomsons line. ... Surveyed June 21, 1824, William Upchurch and Eli H. Wood, chaincarriers ... R07043

After the land record came an order to survey the property

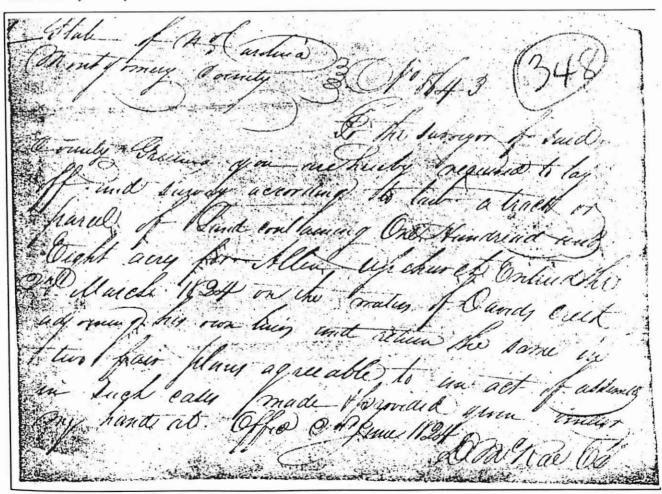
June 21, 1824 Survey Ordered

Notice in the Montgomery County, North Carolina, land purchase record of March 2, 1824, there is a notation that the land was surveyed the following June. An order to survey this property was issued June 2, 1824 with the following order:

Allen buys 108 acres

Allen's land is surveyed

Order to Survey Allen Upchurch's land R07096



State of No Carolina Montgomery County No 8643

To the Surveyor of said County Greeting you are hereby requested to lay off and survey according to law a tract or parcel of land containing One Hundred and Eight acres for Allen Upchurch Entered the 2nd March 1824 on the waters of Davids Creek adjoining his own lines and return the same in two fair plans agreeable to an act of assembly in such cases made & provided given under my hand at office 2nd June 1824

D. McRae Esq

Transcribed by Mae D. Cox

^ June 2, 1824 Order to Survey Allen Upchurch's Land

Survey Recorded > June 21, 1824



For information on Chains and Poles, see page 87

Transcribed by Mae D. Cox

The CC at bottom left beside the names of William Upchurch and Eli Wood in all probably stands for Chain Carriers

1824, Land Surveyed and Recorded

Allen's land was surveyed and recorded. The survey included a hand-drawn map of the 108 acre tract. How wonderful to see just how his land was laid out. It seems like most acreages were in haphazard shapes instead of the nice neat sections, townships and ranges we have today.

Transcription of document at right

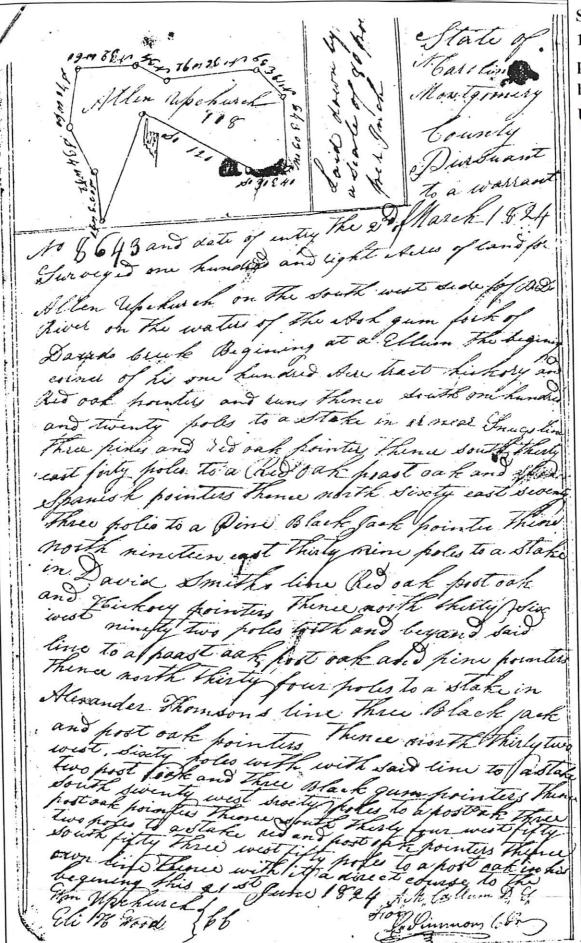
Laid down by a scale of 80 poles per Inch.

[This line was vertical beside the map in left top corner] State of No Carolina Montgomery County Pursuant to a warrant

No 8643 and date of entry the 2nd of March 1824, Surveyed one hundred and eight Acres of land for Allen Upchurch on the South west side of P D River on the waters of the Ash gum fork of David's Creek Beginning at a Ellum the beginning corner of his one hundred Acre tract hickory and Red Oak pointers and run Thence South one hundred and twenty poles to a stake in or near Snugs line Three pines and red oak pointers Thence south thirty east forty poles to a Red Oak poast Oak and said(?) Spanish pointers Thence north Sixty east seventy Three poles to a Pink Black Jack pointes Thence north nineteen east thirty nine poles to a Stake in David Smith's line Red Oak post oak and Hickory pointers Then north thirty Six west ninety two poles with and beyond said line to a poast oak post oak and pine pointers Thence north thirty four poles to a stake in Alexander Thomsons line Three Back Jack and post oak pointers Thence north thirty two west, sixty poles with with [sic] said line to a stake two post oak and three Black gum pointers Thence South seventy west Seventy poles to a post oak three post oak pointers thence south thirty four west fifty two poles to a stake red and post oak pointers Thence south fifty Three west fifty poles to a post oak in his own line Thence with it a direct course to the begining this 21st June 1824.

Wm Upchurch } CC Eli H Wood }

A M Collum D Y (or G)
Tom L. Simmons C___



Survey of 108 acres purchased by Allen Upchurch Allen is mentioned as owning adjoining land

February 26, 1829, Allen mentioned in land record

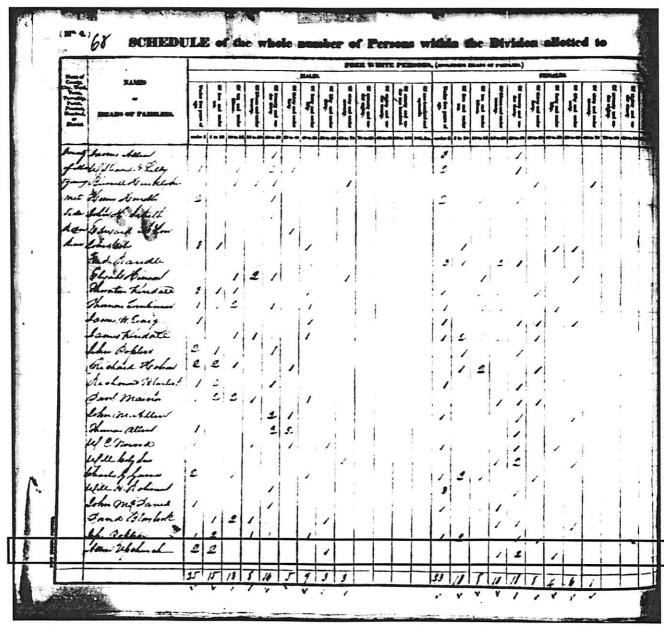
Another entry mentions Allen Upchurch several times,

... Warrant #9285 by D. McRae to David Smith for 37 ac joins his own line and Allen Upchurch; entered November 26, 1828; 37 ac surveyed November 9, 1829 by B.W. Simmons; on SW side of PeeDee River and on waters of Davids Cr; border: begins at his own old corner pine in Allen Upchurch's line and joins his Woods tract; Allen Upchurch and Henry Smith Chain carriers... R07041c

1830 Census Record, Montgomery County, North Carolina

Allen is now about 50 or 51 years of age and is head of household. Living with him are two males under age five, plus two males between five and ten years old.

1830 Census, Montgomery County, North Carolina



Wife, Mary, is shown as being between 50 and 60 years of age, and there are three other females in the household: one between 15 and 20 years of age, and two over 20 but under 30. All total there are nine people in his home.

Of the two males under five, one fits the birthyear for son James. The second one could possibly be a grandson since older daughters are in the household too. The other two male's ages fit sons John Dudney and Benjamin.

It's puzzling that Patrick Bogan doesn't appear to be listed. He would have been about fourteen years of age.

October 13, 1831, Record Mentions Allen Upchurch

This entry was recorded on a warrant issued January 13th,

D. McRae to David Blalock 25 ac joins his own lines and Allen Upchurch; October 13, 1831, 25 ac surveyed October 6, 1832... on waters of Ash Gum Cr, border: begins at Allen Upchurch's corner post oak, crosses a branch, joins Snuffs and a post oak in a meadow being beginning corner of 200 ac owned by said David Blalock... R07041d

1835 Allen's wife inherits Land from her Father; They Sell Land

Allen's wife, Mary Dudney Upchurch, was the daughter of John Dudney, b. 1761 in Dorchester County, Maryland, and Elizabeth Kay. John died in 1809, and his land was bequeathed to wife, Elizabeth, during her natural life. At her death, the land would then go to their four daughters:

Nancy, wife of L.L. Page Mary, wife of Allen Upchurch Elizabeth, wife of Howell Upchurch Sarah, wife of Wiley Ross

It's not certain just what year Elizabeth Dudney died, nor how long the tract of land belonged to the Upchurches. They did, however, sell the land to Wiley Ross (Mary's sister's husband) as shown in the deed recorded September 17, 1835, and shown on the next page.

Allen and Mary Upchurch received \$37.00 for their share of the Montgomery County, North Carolina, acreage lying on

... SW side of PeeDee River and on the south side of Jacobs Creek bounded as follows: on the north by Jacob's Creek, east by Howell Upchurch, south by Levi Shankle, west by George Shankle, Sen'r R07001

The original document and a transcription are shown on the next two pages, and as you can see Allen and Mary both signed with an "X" — their mark. Patrick Bogan doesn't seem to be listed on 1830 census

Allen and Mary
Upchurch
received \$37.00
for their share
of her parents'
acreage





R07102 129/ Whichurch & Wife To This Industrue wade this 17 to day of Softender in the year of our 9 1830 holwan Allen Upahmah & Mary Ukahmak hy wife Wilig Rop of the other part, Witnepeth that for and incomine the sum of thirty swew Dollars, in hand paid at or before the haling of these firments, we the sa Allen and Many Uhaharah by this presents bargain, well, give of alien a certain Track farel of Land to the sa Wily Rof ling of bounder as follows ing in the Coming of Montgoming and State of N. Constina Kying on the South West side of De Du Rion to on the South side Jacobs Cruk bounded as follows on the No by Jacobs cruk Dist by Howell Upchurch, so by Levi Shankle, West by George Tankle In. The above Land being bequeather to Elizabeth Dudny during her her natural life of at her death to Nawby Jage, Mary Upchurch, Elizabeth replaced and Sarah Rof lawful him, of od John Dudny, and the whing undivided, we do harry then prograte, bargain, voll and deline all ofones right to sa land within by will any other wise from ouralors our hims or apagus forces the of Wily Rop his him or apigus former, Is have to it out hands of affects our seals, Signed sealed an theoned the day and date fint alone written in Bruman of Ille + Up church (pe Wywarinjin Many Flipchurch Co De age daw any Up chineil apige only Tommy County Court, April June 1839 Su mas prover in open Court by the outh of waringen I Vage and ordered to be systemed

John M. Martin elk

127

Allen Upchurch & Wife To Wiley Ross

This indenture made this 17th day of September in the year of our Lord 1835 between Allen Upchurch & Mary Upchurch his wife, & Wiley Ross of the other part. Witnesseth that for and in consideration of the sume of thirty seven Dollars in hand paid at or before the sealing of these presents we the said Allen and Mary Upchurch do by these presents bargain, sell, give & alien a certain Tract or parcel of Land to the said Wiley Ross lies & bounded as follows being in the County of Montgomery and State of N° Carolina & lying on the South West side of Pee Dee River & on the South side of Jacobs Creek bounded as follows on the No by Jacobs Creek East by Howell Upchurch, So by Levi Shankle, West by George Shankle Sr., the above Land being bequeathed to Elizabeth Dudney during her her [sic] natural life & at her death to Nancy Page, Mary Upchurch, Elizabeth Upchurch, and Sarah Ross lawful heirs of sd John Dudney, and the same being undivided, we do hereby these presents, bargain, sell and deliver all foresd right to sd land either by will or any other wise from ourselves, our heirs or assigns forever to the sd Wiley Ross his heirs or assigns forever, to have & to hold in simple fee & behoof, wherein to we have this day set our hands & affixed our seals, signed sealed and delivered the day and date first written in Presence of

W. Swarinjen

 $\begin{array}{c} \text{His} \\ X \text{ Upchurch (seal)} \\ \text{Mark} \end{array}$

L. L. Page

Mary X Upchurch (seal)

Mary Upchurch assign only Montgomery County Court, April Term 1839 Then this deed was proven in open Court by the oath of William Swarinjen, L Page and ordered to be registered.

> John B. Martin Clk By N. Knight, DB

Transcribed by Mae D. Cox

Land Owned by Allen Upchurch

By 1841, Allen Upchurch is known to have owned — and was paying taxes on — 200 acres of land. Through the years, all the tax records show he only owned 200 acres though we have documents supporting he owned considerably more land than that.

From his will which is shown at the end of this narrative, we do know that Allen indeed had sizeable holdings. He had accumulated a sizeable estate, including his land, home, personal property, livestock, and some cash.

Allen Upchurch and wife, Mary Dudney, sell her Land Inheritance in 1835

Allen's wife inherited part of her father's land

Land Record
doesn't tell
number of
acres being sold

Allen seems to have been quite affluent

Allen buys
100 acres

January 30, 1839, Allen Granted 100 Acres

Allen received 100 acres from the state of North Carolina, for which he paid five dollars. The tract, in Montgomery County, was recorded on December 18, 1840.

R07067

Allen Upchurch Grant

128

State of North Carolina } No 3252

Know ye that we for and in consideration of the sum of five dollars for every hundred acres hereby granted paid into our treasury by Allen Upchurch hath given and granted and by thee presents do give and grant unto the said Allen Upchurch a tract of land Containing one hundred acres lying and being in the county of Montgomery adjoining his own lines and Henry A. Snuggs on the waters of Davis creek beginning at his own old corner Elm by a hickory and runs with his line South thirty one chains and Seventy Links to a stake thence West four chairs & sixty links to Henry A. Snuggs line thence with it South thirty five East twenty four chains & fifty links to Robert L Allens corner in said line thence with said Allens five North five East seventeen chains and fifty links to his corner fallen down red oak thence North fifty two East eighteen chains to David Smiths line then with it North thirty five West thirty one chains twenty five links to his corner small post oak thence North eight east seven chains and seventy five links to a large post oak by two pines thence West twenty six chains to a stake thence South thirty West ten chains to his old line thence with it East to the beginning Entered the 30th January 1839 in testimony wher of we hav caused these our letters to be made present and our grate seal to be her unto affixed witness Edward B Dudly our governor at Raleigh the 18th day December in the 65th year of our independency and in the year of our Lorde one thousand eight hundred and forty Edward B. Dudley by command W. Hill Secretary of State

Registered 2th May 1843

Samuel F. Morton Reg

HISTORICALTIDBIT

Stanly County Formed in 1841

Montgomery County, North Carolina was formed in 1779 from Anson County, and named in honor of Richard Montgomery, an American Revolutionary War general. On January 11, 1841, that part west of the Pee Dee River split off from Montgomery County to became Stanly County.

STANLY MONTGOMERY COUNTY

NORTH CAROLINA

Stanly County with an area of 406 square miles, was bounded on the south by Rocky River, on the west by Cabarrun County, on the north by Rowan County, and on the east by the Yadkin-Pee Dee River. It was known locally as *the land between the rivers*. Inhabitants of Stanly County were elated to have their own county as crossing the raging water of the Pee Dee River to get to the court house had been quite a dangerous.

The county was named for John Stanly of New Bern who served in the North Carolina House of Commons and United States House of Representatives. Stanly, who practiced law, was well-known as having challenged Governor Richard Dobbs Spaight to a duel in 1802, in which Spaight was killed. As a result of the duel, North Carolina outlawed duelling in the state.

It's interesting that the name Moseley crops up in Stanly County. The Moseleys were closely associated with our John, I, and James III, of Brunswick County, Virginia. Another name of interest is *Snuggs* mentioned in the above land record as owning land bordering Allen Upchurch. I. W. Snuggs became sheriff and, in 1893, was said to have posted a sign in the newly completed second court house warning folks \$5.00 fine for Spitting on the Floor. He lost a leg in the Civil war, and later became the County Treasurer.

P9 13

1840 Census Montgomery County, North Carolina

Though Allen and Mary sold her land inheritance in 1835, they are still living in the West Pee Dee River area of Montgomery County, North Carolina. Allen is now about 61 years old and shows up in the 60-70 column. Mary, the lone female, is about fifty years old and is listed in the 50-60 column. See record at left, bottom.

One male is ten-and-under-fifteen — most likely to be son James. Another male is 15-and-under-20, fitting with age of son John Dudney Upchurch.

A third male is in the 20-and-under-30 bracket, possibly being son Benjamin. Patrick Bogan Upchurch had married and was listed in his own household in 1840.

Allen is now about 61 years old

1841 Allen's Land now in Stanly County

Originally, Allen's holdings were located in Montgomery County, but in 1841, the county was divided, see *Historical Tidbit* at left. The eastern half remained Montgomery County and the western half was named Stanly County. Allen's land and holdings were then in Stanly County.

Stanly County, North Carolina

1840 Census, Montgomery County, North Carolina, West Pee Dee River

| MANUAL STATES AND ASSOCIATION OF THE PROPERTY | | | | | 2502110 | | | | ruki | wii | ITE | PER | BOXE | , txc | LUDI | NO II | ELD | or | TAMI | LIEK | | | | | | | | | | FRE | ce o | CORI | ED PI | CRIO | XE. | |
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Tax Records Include a Heading

At right is the first of the property tax and poll tax records available on microfilm. Additional records, shown on the next several pages, span several years.

Please note that a heading from each year's original first page has been added to the page with our Upchurches. It's important to include these headings as each one describes the taxation method so well. Plus, some records actually show the rate of taxation for taxes and polls. Each one gives additional info for that year.

Headings have been added to pages listing Upchurches

Tax Records Show Ownership, Not Residency

These records are quite valuable to anyone researching the Upchurches. Not only do they show where each Upchurch owned land, they also give an inkling into the financial status of the individual Upchurches.

One thing to note though is that these records don't tell us *where* a particular Upchurch was living. A case in point will be shown in the next section, *Patrick Bogan Upchurch*. Patrick owned land in Stanly County, North Carolina, and was paying taxes each year on that land. In about 1859 he moved his family to Arkansas, yet the records continue to carry him as paying taxes on the North Carolina land for several more years.

This is a good illustration of just why these records don't establish the place of residence for any given Upchurch; merely that that particular Upchurch owned land in the given county.

Tax Records Provide Details of Where Allen Lived Several Years

Reading through the tax records one can pretty much follow Allen's history as a landowner in Stanly County, North Carolina.

These records would have been after he and wife, Mary, sold her land inheritance in 1835, so obviously he had an additional 200 acres — at least during these tax years!

In 1841,
Allen was about
62 years old

Tax and Poll records for Stanly County, North Carolina

A condensed view of Allen Upchurch's property looks like this:

| | No of Acres Si | TUATION OF LAND | VALUE OF LAND | No. of Polls | TOTAL AMT OF TAXES |
|------|-------------------|-----------------|------------------|-----------------|--------------------|
| 1841 | 200 | Ashe Gum Forke | 300 | W <u>a</u> | .81 |
| 1842 | 200 | Ashe Gum Fork | 300 | - | 1.23 |
| 1843 | 200 | Ash Gum | 300 | - ` | 1.08 |
| 1844 | 200 | A. Gum Crk | 300 | -1 | 1.11 |
| 1845 | 200 | A. Gum | 300 | - | 1.05 |
| 1846 | 200 | Ash Gum | 300 | - | 1.20 |
| 1847 | 200 | Ash Gum | 300 | - | .90 |

Note in this heading that the property taxes were 19ϕ for every 100 dollars worth of land, plus 40ϕ for each poll. At the May 1840 session, taxes were assessed for use of common schools at the rate of 10ϕ on the poll, and 8ϕ on every \$100 worth of land.

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A record of the taxable property listed in 1842 and returned by the magistrates appointed to take said lists.

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A record of the taxable property listed in 1843 and returned by the magistrates appointed to take said lists.

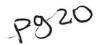
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A record of the taxable property listed in 1844 and returned by the magistrates appointed to take said lists.

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A record of the taxable property listed in 1845 and returned by the magistrates appointed to take said lists.

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A record of taxable property listed in 1846, as returned by the magistrates appointed to take said list.

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A Record of taxable property listed in District No. 1 for the year 1847 as returned by the board of valuation.

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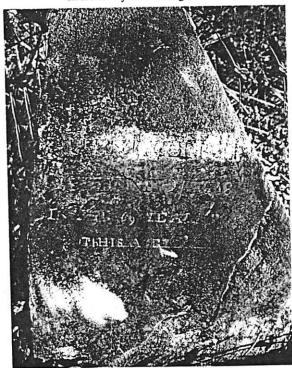
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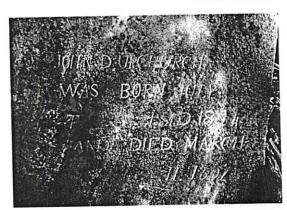
Upchurch Burial Grounds

Latitude N35.27, longitude W80.15 South of Albemarle, Stanly County, North Carolina

This old stone is most difficult to read, but one can make out the name and other information:

Allen Upchurch / died June 21, 1848 / In the 69th year of his age





John D. Upchurch / was born July the 31 AD 1824 / and died March 11, 1857

Franklin Upchurch / was born Nov 23 / 1856 Dec. [deceased] 14 May 1859 / Age 2Y 5M 21D



Allen Dies

In 1848, Allen died, at age 69, in Stanly County, North Carolina. The old *Mortality Schedule* shown following his will noted that he had been ill for five months and his death was attributed to *Dropsy*. ROBS 50

Upchurch Burial Grounds

Allen is buried in an old abandoned cemetery formerly known as the *Old Upchurch Cemetery*, or *Upchurch Burial Grounds*, in Stanly County, North Carolina (below).

The cemetery is south of Albemarle off Highway 52S, just before you get to the town of Norwood. It's located on the south side of Highway 1744 between Highways 52S and #1740,. The cemetery lies in a field amidst a clump of trees off the south side of Snuggs Road.

There are several Upchurches buried in this cemetery. Four headstones can be made out, but others are said to be *too weathered to read*. R07044

Allen Upchurch died June 21, 1848 in the 69th year of his age.

John D. Upchurch was born July the 31 AD 1824 and died March 11, 1857 [son of Allen Upchurch]

W.A. Upchurch [no dates given] *

Franklin Upchurch was born November 23, 1856

Dec . 14, May 1859** at age 2 years, 5 months, and 21 days.

[son of John Dudney Upchurch; Grandson of Allen]

*W A Upchurch. It's not clear or certain just who this WAU is. There was a William A. Upchurch, son of Allen, who moved to Arkansas and died there, so it's likely not him. There are several Williams in Allen's children's families, so perhaps one of those. We don't know who he is for sure.

** The wording on his date of death is tricky: Dec 14 May 1859. The Dec surely stands for deceased and he died on May 14, 1859.

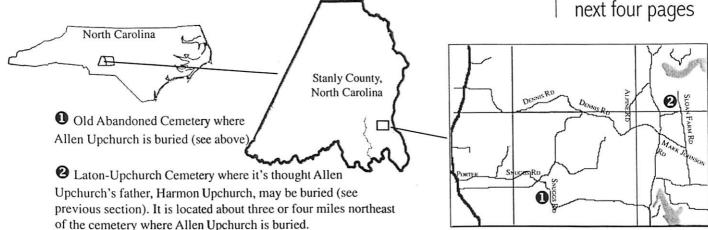
Allen's Estate and Will

The will of Allen Upchurch, filed in Stanly County, North Carolina, and Probated August 1848, is shown on the next pages followed by a transcription.

Allen is buried in and old abandoned cemetery

Latitude N35.27, Longitude W80.15

Allen's Will and Transcription on next four pages



Will of
Allen
Upchurch,
Probated
August
1848

R07039

64 Allenvalfrehunch I Alim Whichwich of the County o a mind and mumor but considering the uncertainty and testament in manner and following that is I yive and bequeath to my beloved wife Marin modelautation and lands on orhiched nort rieddo together with all improvements duing Fur life and let her death to be dirided equally between my Pour in manner herein after give also unto one soits with the exception of this Cohor Consistent, one onso, Cows how which to have during her life timo Tem 3. I gird and device to my loife all my Aruschold and kildhew furniture (with the exception of two less) together with my farming tools and Wag to to have & Time He also deriso to hold during her like that a sufficiency of down, wheat bacon, forder Gray to be give they to her and her family for one me an Itw A. I give and device to my Son Poillian one It plant of land to be lated to as to include house aled plantation on which ho how lines together with my black amith 19 timo J' I giro ded deviso to my on O. B Whohurch one fifth back of my land to include that but Mantation on which he formerly lived. Item 6. I give and devist to mufor James on felt part of only land to be located to as to include the home as which I now like and it is own wish and desire that the remaining two fifth be Louelly diviser between my other two Lords Benjamino

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Allen Upchurch

I Allen Upchurch of The county of Stanly and State of North Carolina being of sound mind and memory but considering the uncertainty of my earthly existence do make and declare this my last will and testament in manner and following that is to say

Item 1st I give and bequeath to my beloved wife Mary my Plantation and lands on which I now reside together with all improvements during her life and at her death to be divided equally between my sons in manner hereinafter named.

Item 2 I give also unto my wife all my stock (with the exception of two cows) consisting one horse, cows hogs, sheep &c to have during her life time

Item 3 I give and devise to my wife all my household and kitchen furniture (with the exception of two beds) together with my farming tools and wagon to have & to hold during her life Time & I also devise that sufficiency of corn, wheat, bacon, fodder hay etc be given her to her and her family for one year

Item 4 I give and devise to my son William one fifth part of land to be laid so as to include the house and plantation on which he now lives together with my black Smith Tools.

Item 5th I give and devise to my son P.B Upchurch one fifth part of my land to include that part plantation on which he formerly lived.

Item 6 I give and devise to my son James one fifth part of my land to be located so as to include the house in which I now live and it is my wish and desire that the remaining two fifths be equally divided between my other two sons Benjamin & John.

Will was recorded in August 1848

Allen Upchurch's Will Transcribed

Probated in August 1848 Transcribed by Mae D. Cox

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Item 7 I give and devise to my son John one cow and one bed and furniture.

Item 8. I also give unto my son James one cow and bed and furniture.

Item 9 I will and devise that the remaining of my estate (if there be any) be sold by my Executors herein after named and further devise that all my just debts be paid as speedily as possible.

10 Item, I further devise that at the death of my wife that my two youngest sons John & James shall each receive fifteen dollars in my money and the remainder of my estate be equally divided among all my children.

Item 11. I do hereby appoint Patrick B. Upchurch and Benjamin Upchurch my Executors of this my last will and testament and desire that they will act according to the true intent and meaning of the same. I do hereby revoke all other wills whatsoever made by me.

In witness whereof I the said Allen Upchurch

have hereunto set my hand and seal
Signed sealed and deliver
in the presence of

his
Richmond G. Snuggs
A. J. Shankle

his
Allen + Upchurch (seal)
mark

North Carolina }
Stanly County } August Sep. 1848

These the foregoing last will and testament of

Allen Upchurch was produced & offered for probate
in open Court

and the signing and sealing thereof duly proven by the oaths of Richmond G. Snuggs &

A. J. Shankle subscribing witnesses thereto, and the Executors P. B. Upchurch & Ben Upchurch qualified according to Law and received letters Testamentary.

D. Hearns, Clk

Discussion of Allen Upchurch Will

It's interesting that this will doesn't show just what date it was written and signed. The only date provided is when, in August 1848, it was recorded in Stanly County, North Carolina records for probate.

Allen's wife, Mary, survived him and he has given her the plantation house, household goods, and lands where they were living, plus he's assigned most of the livestock to her, and enough feed and food for at a year. But then, just a week after Allen's death, Mary died. Allen's will specified that his property went to Mary during her life time, then was to be divided equally between their sons: William, Patrick Bogan, Benjamin, John, and James.

Once again an Upchurch will supplies a wealth of genealogical information. Allen has named his sons and given them quite a nice gift of his land.

Allen's Land Divided Equally

One of the first thoughts that comes to mind when reading this document is that Allen was a wealthy man. He owned a plantation and the expanse of his property also included several houses scattered where his sons were living.

Here is where you'll need to thumb back to the tax lists previously shown. Note that Allen is paying taxes on only 200 acres. That doesn't sound like a very large plantation ... but... also note that his son was paying taxes on an land too.

The wording of the will indicates Allen owned the land where William was living in 1848 — William would have been about 40 years of age at the time. William was paying taxes on 100/130 acres. Was this the 108 acre tract Allen purchased in 1824 — land said to be on the *Ash gum fork of David's Creek*? Note that the tax records say William's land was at *David's Creek* in 1843, and at *Ash Gum* from 1844 and thereafter.

Patrick Bogan, 24 in 1848, had obviously lived on Allen's plantation at one time, but there is nothing to indicate just where he now lived. He only appears on previous tax records as a Poll, and doesn't look to own land. Look again at the tax records in the next section and you'll find that within two years after his father's death, Patrick owned 350 acres (1850). The year after that, he is shown to have 737 acres. He was obviously living somewhere in the area within Stanly County until his move to Arkansas in about 1858 or 1859.

So we know that at least three sons were, or had been, living on Allen's estate: William, Patrick, and James. It's not clear whether Benjamin and John had homes elsewhere, or if they too had residences on the estate. It's unfortunate that Allen's will doesn't spell out just how many acres made up the plantation.

Whether Allen was a farmer or rancher can't be determined by the wording in his will. Did he then raise cows and horses, or was the plantation more geared for farming and raising crops? Most families, regardless of the size farm they had, grew their own food, though some were also into exporting crops like corn, wheat, and hay — crops mentioned in *Item 3*.

At least three of Allen's sons lived on his estate

All through the years Allen paid taxes on only 200 acres

We know that at least three sons were, or had been, living on Allen's estate

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Interesting: The note at the bottom on the adjoining page to this one read, *The putried sore throat was very prevalent and*

was very fatal among children.

164

Allen Upchurch died in June of 1848, however, his property continues to be on the tax and poll records carried as *Allen Upchurch Estate*.

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Wouldn't it be wonderful to know what the house on Allen Upchurch's plantation looked like?

Perhaps it could have been something like this house from the 1800s...

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The heading from the first page of the year's tax record has been added to this page listing our Upchurches. See page 150 for more info.

As you can see, this record is quite wide and takes up two pages... but the valuable information it provides is worth the space it takes up.

Listed in this record is Allen's Estate, along with several other Upchurches: William, R.B. which is likely meant to be P.B. or Patrick Bogan, John D., and William R.

There are several more records in which the Allen Upchurch Estate is listed and those are presented in the next section, *Patrick Bogan Upchurch*.

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1852 Property Tax and Poll Record

Stanly County, North Carolina R07057

These two records are quite wide and have been substantially compressed to fit this page.

Allen's estate is still listed on these tax records.

Allen Upchurch Estate is once again listed this tax year, plus the record includes several of Allen's Children: William Allen, Benjamin, and John D. The William R. Upchurch is likely the son of Howell Upchurch, a brother to Allen.

1853 Property Tax and Poll Record Stanly County, North Carolina R07058

Again in 1853, the record reflects *Allen Upchurch Estate*. This listing shows the same Upchurches as the one above, plus a *Nathan Upchurch*, who would be the son of William Allen Upchurch.

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Tax Records List Allen's Estate for Several Years

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| 1854 | 200 | Ash Gum | 300 | - | 1.20 |
| 1855 | 200 | Ash Gum | 300 | = | 1.05 |
| 1856 | 200 | | 300 | _ | 1.35 |

In 1857, the *Allen Upchurch Estate* is not listed on the tax records. Several of the above-mentioned tax records/documents are in the next section where we pick up the next ancestor, *Patrick Bogan Upchurch*.

Summary on Allen Upchurch

Allen was born in Brunswick County, Virginia somewhere around 1779. He most likely followed his parents into Montgomery County, North Carolina about 1805. After arriving in North Carolina, he married Mary Dudney, daughter of John and Elizabeth Kay Dudney. They had seven known children.

He seemed to acquire a sizeable tract of land during his lifetime. Although the tax records only show him to own 200 acres throughout the years, we do have deed and land records showing he purchased much more than that. Allen's plantation had to be of considerable size since it was the source of livelihood for not only Allen and his wife, but also for his married sons and their families.

Allen died in 1848 at which time he left his estate to Mary, his wife. But then, Mary too died — just a week after Allen's death. His property would then have been equally divided between the five sons, as directed by Allen's will. We've no way to know how long it would have taken to follow through the legal steps necessary to transfer the vast estate into five equal parcels.

It's interesting that in this period, farmers saw to all their needs and necessities. Services and task that today would be relegated to companies or individuals providing those services were then a routine part of farm life. Allen was self sufficient and provided his own resources. For instance, he had his own blacksmith shop as evidenced in his will, *Item 4*.

The 200 acres shown on all the tax records as being owned by Allen Upchurch continue to show up on the tax records for many years after his death. Then the acreage was listed simply as *Allen Upchurch Estate*.

Allen's Estate
was Listed on
Tax records for
several years
following his
death.

1800s Plantation house It's nice to fantasize that Allen Upchurch's family may have had such a handsome manor.

