

CARTER

LAKE ST. LOUIS, MISSOURI 63367-2240

[illegible]

7 FEB 2000

GREENVILLE, NC 27858-5212

Dear June,

I appreciate the items provided in your letter of 31 JAN 2000 and have now fully provided them.

A copy of the abstract of your paragraph on the Lewis / Cole families is provided herewith. A copy has been placed in the Briefs of each person mentioned.

The paragraph about Madison Johnson caused me to do a little digging. It happens that I bought some back issues of the NC GSS which have not been processed (shame on me). Anyway, it turns out that the first line on Pg 33 you sent should not be read as Thomas Colby Upchurch - but rather this is part of the name of two people. Thomas Colby and Bartlett Upchurch. See Pages 32 & 33 enclosed. The William & Bartlett mentioned are well known to me. They are brothers, two of 4 brothers. Their father Bartlett was born, raised & died in the Green Level Area of Western Wake Co, NC.


My COLE Profile system shows MONTE HART is the authority on the Cole Family. Let me know if you need more.

Re the clut of Magdalene Lee & from the New & Observer - I had a copy from the Zelander Record but your item had some extra details I needed. You call the N & O "The old Reliable". We also called it the "News & Disturber". This brings back memories of long ago. In my childhood I can recall that we had little money and sometimes could not afford the N & O. My parents would make subscribing a priority and both enjoyed the paper. In his later years Josephus Daniels often penned an article on the editorial page entitled "The Ramcatt Roaster" - of special interest to me as I lived in "Ramcatt" - a mysterious community. I have looked on or about Josephus & his son fanathans. Josephus was Sec of Navy under President Wilson & Ambassador to Mexico under President Franklin Roosevelt - But I digress.

Our new house contract has been completed - including selection of light fixtures, colour, floor covering, etc. Next comes the sale of our present home in April or May (we hope).

With my projected free time I hope for more trips to NC and to give special attention to family history in western Wake Co, NC. Just how that will unfold remain to be seen.

With appreciation for your help & interest.

Sincerely yours
 Phil Upchurch
 [ROBERT PHILIP UPCHURCH]

JUNE

CARTER

①

R.P. Upchurch
6 Eagles Way Lane
Lake St Charles
Lake St Louis, MO 63367-2240

REC'D
3 FEB 2000

Jun 31, 2000

Dear Phil,

I assume you did not make it to the Raleigh area in November. You had a lot going on in your life. I checked on the Dodds-Hinsdale Restaurant. I am afraid it is out of my league. I want to bring a couple of items to your attention before they get buried someplace.

△ In the 1829 Tax list it was Benjamin Lewis with 50 acres in the White Oak District. Presumable
△+△ this is the 50 acres that his wife Cynthia Cole received from Shadrach Cole's estate. The marriage
△+△+△ records says Berryman Lewis married Cynthia 14 Dec 1827 Cole, also spelled Berriman.. So was
△+△+△+△ he Benjamin or Berryman Lewis? Samuel H. Cole should probably be Lemuel H. Cole and he
△ received 40 acres. The total land area was 530 area. Alfred Lewis appears with 217 acres in
△+△ 1830 and this is presumably the land assigned to Mary Ann Cole, some of Shadrach Coles' 530
△+△+△ acres. Maybe she got parts that were to go to Edmond Cole and Henry Cole. I will keep the
△+△ Branches and Goodlows in mind.

SEE
ATTACHED
ABSTRACT

In the court minutes of the Superior Court of Wake County about 1841 there is an Alfred Lewis on the jury of the State versus Madison Johnson, copy enclosed. He is probably the Alfred Lewis I am seeking but I can't be sure. Anyway a Thomas Cobb Upchurch was bonded for his appearance to give evidence against the defendant.

WRONG - SEE NCGS VOL 4 PG 32,33 - RRM

And third is an obituary of a Magdalene Lee Upchurch that I happened to notice in the old Reliable. My goodness they are everywhere. I hope I haven't confused you on the Cole distribution. Your map was helpful.

- ALREADY ON BUT
THIS VERSION
SLIGHTLY DIFFERENT
PLACED IN BIOFILE
OF MAGDALENE LEE

Sincerely,

June Cottrell
June Cottrell

June C. Cottrell
3009 South Elm Street
Greenville, NC 27858-5212

○ See pg 31 JAN 2000 June Carter to RPA ②

The excerpt from this letter shown below returns to the issue of land ownership in western Wake Co, NC treated in earlier letters from June

In the 1829 Tax list it was Benjamin Lewis with 50 acres in the White Oak District. Presumably this is the 50 acres that his wife Cynthia Cole received from Shadrach Cole's estate. The marriage records says Berryman Lewis married Cynthia 14 Dec 1827 Cole, also spelled Berriman. So was he Benjamin or Berryman Lewis? Samuel H. Cole should probably be Lemuel H. Cole and he received 40 acres. The total land area was 530 area. Alfred Lewis appears with 217 acres in 1830 and this is presumably the land assigned to Mary Ann Cole, some of Shadrach Coles' 530 acres. Maybe she got parts that were to go to Edmond Cole and Henry Cole.

CYNTHIA COLE (HEIR OF SHADRACK COLE) MD 14 DEC 1827

BERRYMAN LEWIS (VS BENJAMIN LEWIS VS BERRIMAN LEWIS; ALSO INTERPRETED BY RPA (INCORRECTLY?) AS LEWIS BERRYMAN IN EARLIER EXTRACT)

SAMUEL H COLE VS LEMUEL H. COLE

ALFRED LEWIS; MARY ANN COLE; EDMOND COLE;
HENRY COLE

NOT TOMAS COBBS BUT
BANTLETT & THOMAS COBBS

Vol 4 NCGS p 33

(3)

Superior Ct minutes
1845-1852
7581-5731

UPCHURCH, Thomas COBBS and Jordan WOMBLE were bonded at \$500 each for their appearance at the next Wake County Superior Court "to give evidence against the Defendant" in the case of the State vs. Madison JOHNSON. The authorities at that time had not been able to locate the missing John O'BRIAN, whom JOHNSON expected would support a self defense story by proving "that the deceased first assaulted him, dragged him downstairs, threw him out of the shop door and kicked him, and that at the time he made the said assault and Battery on him he had a knife drawn in his hands."

1841

On 31 March, the "prisoner being brought to the bar of the Court in the Custody of the Sheriff...saith that he is not Guilty and for good and for evil he puts himself upon God and his Country, and John R. J. DANIEL who prosecutes for the State in this behalf does the like." Although the Sheriff was directed on 7 October to have the jurors ready at 10:00 a.m. the following morninh, so many lawyers, suitors and witnesses were at the Whig Convention that the trial did not begin until Friday morning, with Judge Edward HALL on the bench; and "because of the difficulty of obtaining a Jury, it was not impannelled until Saturday noon," consisting of Jeremiah HOLLOMON, Green B. FRANKLIN, George POOL, Alfred LEWIS, James WOODARD, William POOL, Samuel WHITAKER, Jr., Samuel MERRITT, Joseph JORDAN, Joseph BEVERS, Herod STANLY and Caleb PENNY.

They did not reach a verdict until 11:00 p.m. Saturday night, 10 October, when they declared that the "said Madison JOHNSON is guilty of the said felony and murder in manner and form as he stands charged in the Bill of Indictment." On the morning of 12 October, Judge HALL ordered that the prisoner "be taken hence to the jail of Wake County, and there securely kept without bail or main prize until Friday the 20th day of November next; and be taken from thence to the Place of Publick execution and be there hanged by the neck until he be dead. It is ordered by the Court that the Sheriff of the said County of Wake carry the foregoing sentence into execution between the hours of 12 O'Clock M. and 4 O'Clock P.M."

The lawyers for the defense, Richard C. BADGER and George W. HAYWOOD, were naturally "dissatisfied" with the verdict and appealed immediately to the North Carolina Supreme Court scheduled for the last Monday in December. Judge HALL agreed to the appeal after "the said Madison JOHNSON having entered into bond with Aaron JOHNSON and John BUFFALOW (securities approved by the Court for the prosecution of said Appeal) according to the statute in such case provided."⁶ Judge William GASTON presided over the session of the Supreme Court convened on 21 December and upheld the verdict of the lower court on the ground that the threat uttered by JOHNSON earlier on the day of the murder presumed a deadly malice leading to a premeditated murder.

On Saturday, 3 April 1841, Madison JOHNSON was again brought before the Wake County Superior Court, which decreed that he be "held in Close Custody until Friday the 30th of April, and that the said Prisoner be thence taken to the place of Common Execution, and between the hours of 10 O'Clock A.M. and 4 O'Clock P.M. of said Day, be then and there hanged by the neck until he be dead and that the Sheriff of the said County Carry this Judgment into effect."⁷

⁶Ibid, p. 39.

⁷Ibid, p. 56.

CARTER

R. P. UPCHURCH

6 EAGLES WAY LANE

LAKE ST. LOUIS, MISSOURI 63367-2240

[illegible]

17 JAN 2000

3009 SOUTH ELM STREET

GREENVILLE, NC 27858-5212

Dear June,

Dear Jane,
Your letter of 11 NOV 1999 arrived 18 NOV and as
the farmers say - "has lain fallow" since that
time. The holidays, a cold, birthday celebrations,
farming, contracting for a new home all get
in the way. In any case I am now back in
harvest and want to thank you for your input
which interests me considerably. I have now
completed processing what you supplied and want
to comment step-by-step. You can disregard all
that is of no interest to you but we can pursue
more whatever seems to be of mutual interest.

First I transferred all of the data you supplied into two sheets (A + B) copies enclosed. A copy of these sheets has been placed in the Briefcase of each individual mentioned. I will comment on what I found as I filed these sheets. My comments:

#1 I am confused about the location of the land of Shadrach Cole, Jr. It was said to be on the headwaters of Sunpt Creek [Red area on enclosed sheet C"] and yet the descriptions of the partitioned parcels show them

to be on Beaver Creek [Green Area]. These are separate watersheds. [I was born on Swift Creek watershed "X" as was my father (Y). My GF Bartley Jepperson was born 1841 at (Z)]. The Lynchs were certainly on Beaver Creek watershed in the 1800's but more so on White Oak Creek watershed.

#2. The Lynch Tax listings are new to me and are valuable. I was especially excited to see Winston G. U on the 1835 list. He is a grandson of Nathan U, I do whom Nathan U, I gave the land in 1816. The 1835 listing is one of the few times I have seen him cited.

#3. The writing re the COLE land seems to indicate it adjoined land of "GOV" Branch [Gov = Governor]. It seems quite possible that GOV Branch could have been JOHN Branch - see profile enclosed - also profile of Arthur Branch, copy enclosed, shows the Branch family was in the area.

#4. Re GOODLOW Family - This is the first I have of them in western Wake Co, NC. I have some in Franklin Co, NC in the early 1800's.

#5. As I file the sheets I am encountering some of the specific individuals already in my files in some cases and almost always the family in western Wake Co, NC. will not comment on each one unless something special appears. Feel free to ask about any of them that interest you.

We are rearranging our obligations so that later in the year 2000 we will have more flexibility in our lives. In a way I hope this means I can spend more time on family history but with more of a focus of my own choosing. The focus will be more on Richard U, II (who came to Franklin Co, Va about 1755) and his 11 children - two of whom moved to the Chattahoochee/Wake border about 1802. Over time I should come upon more details that will be of mutual interest.

With Appreciation.

Sincerely yours
Ⓢ Phil Upchurch
[ROBERT PHILIP UPCHURCH]

See Pg 11 NOV 1999 June (later) Ed RPA - R. COLE, U & OTHER WAKE CO, NC FOLKS
TAX RECORDS FOR WHITE OAK TOWNSHIP - WESTERN WAKE CO, NC - 19CRES

	1827	1828	1829	1830	1831	(FAMT) 1832	
SHADRACK COLE, JR	88 3/4	4?	170?	0	-	-	↑ TUS ALEXANDER SMITH?
SHADRACK COLE, JR ^{II}	135 3/4	2??	224(?)	204	160	-	[1] FOR R. SMITH NEARS
SHADRACK COLE, JR ^{III}	-	-	67 1/2	83	83	-	[2] FOR HAPPY COLE
SHADRACK COLE, SR	125	-	-	-	-	-	
GEORGE COLE ⁶	72	70 1/2	-	-	-	-	
HENRY H. COLE, II	-	125	125(?)	125	125 1/2	-	
LEMOUEL COLE ³	-	X ³	-	-	-	-	[3] SAMUEL COLE X = DID NOT PRENT
JOSEPH LEWIS	-	-	100	-	-	-	[5] 1829 wife of George
LEWIS BERRYMAN	-	-	50	-	-	-	Cole Name 2 Sister
HENRY CASTLEBERRY	-	-	-	-	-	-	MARY ANN COLE MD
DAVID CASTLEBERRY	-	-	-	-	-	-	GEORGE WOOD;
ALFRED LEWIS	-	-	-	487	-	-	THELZA COLE and
	-	-	-	217	217	217	-- BAUFEN - lived
							in Christmas Purchase
							(TN?) - AT Estate
							Sale - JOSEPH LEWIS
							& ALFRED LEWIS BOT

FOR 1833 (LABELED 1834), 1834 & 1835:

HUBBARD U - 1833 = 96 A ; 1834 = 165 1/2 A; 1835 = 165 1/2 A
BURLIF U [BURTIS U] - 1833 = 162 1/2 A; 1834 = 206 A
NATHAN U [I] - 1833 = 666 A; 1834 = 626 A
WILITNEY U 1833 = 165 1/2 A
GILBERT U⁴ 1833 = 126 1/2 A; 1834 = 127 A; 1835 = 127 A
ADEN U [ACHEL U] - , - , -
MR PASSMORE 1834 = 213 A
MR PASSMORE FOR WILLIAM PASSMORE - , - , -
JOSEF PASSMORE - , - , -
BREWINGTON PASSMORE 1835 = 213 A
WINSTON G U 1835 = 120 A
BUCKS U⁵ 1835 = 204 A
ABLE U [ABEL U, SON OF BURTIS U] - , - , -

[4] THIS COULD BE
GILBERT U, SON
OF NATHAN U, I
OR GILBERT
BURTIS U, SON
OF BURTIS U - RPA

[5] NOT CERTAIN WHAT
THIS IS - COULD B
BARTLETT U, SON
OF BURTIS U - RPA

ALSO IN WHITE OAK TSP:
- - VAUGHN - LISTED LAND FOR
NEARS OF ALLEN LEWIS - 75A
GILFORD LEWIS
RUFFEN LEWIS

RE: ALFRED LEWIS¹ - apprais 2nd. - St Marie Dist [St Mary's TSP?] - 1834 - 475 A
which he sells to BENTON WELLES (Purchased = Charles Panch, BIL of John Leach
Appraised wife = nee Sarah Sims, dau of Joel Sims - QUE. why did Alfred hold
217 acrl from estate of Shadrach Cole [I] & what happened to the 217 A
who was MARY ANN COLE, and she perhaps marry 1829 (TN) Wm Ferguson?
ALL BEFORE 1827; #1 Shadrach Cole [I] and 10 FEB 1824 (Wake Co, NC) Elizabeth Smith;
Gambusman EDMOND COLE. #2 Shadrach Cole [I] vs GDN [Court order book MAY 1825]
of Bunnet Smith, Esther Smith, Alex (Osley?) Smith, Julia Smith, Ann Smith Simon
Smith, Catherine Smith - orphans of Alexander Smith, Decd. 2nd. CATY MARTEN
and Alexander Smith marry Elizabeth; and Elizabeth marry Shadrach Cole, for 217
Elizabeth Cole deeded land to WILLIAM H. COLE (Court order Bk 1833) - Prawd by WELLS NICHOLS

JUNE

CARTER

See It 11 NOV 1999 June Carter & RPU - R. COLE, U & OTHER WAKE CO, NC FOLKS
TAX RECORDS FOR WHITE OAK TOWNSHIP - WESTERN WAKE CO, NC - 19CRES

	1827	1828	1829	1830	1831	(FAWOT) 1832	
SHADRACK COLE, JR	88 3/4	4?	170?	0	-	-	↑ JVS ALEXANDER SMITH?
SHADRACK COLE, JR ¹	135 3/4	2??	224(?)	204	160	-	[1] FOR R. SMITH HEIRS
SHADRACK COLE, JR ²	-	-	67 1/2	83	83	-	[2] FOR HAPPY COLE
SHADRACK COLE, SR	125	-	-	-	-	-	
GEORGE COLE ⁶	72	70 1/2	-	-	-	-	
HENRY H. COLE, II	-	125	125(?)	125	125 1/2	-	
LEMUEL COLE ³	-	X ³	-	-	-	-	[3] SAMUEL COLE X = DID NOT PRENT
JOSEPH LEWIS	-	-	100	-	-	-	
LEWIS BERRYMAN	-	-	50	-	-	-	[4] 1829 will of George Cole Name 2 Sides MARY ANN COLE MD GEORGE WOOD; THIRZA COLE and -- BAUFEN - lived in Christmas Purchase (TN?). At Estate Sale - JOSEPH LEWIS & ALFRED LEWIS BOT
HENRY CASTLEBERRY	-	-	-	-	-	-	
DAVID CASTLEBERRY	-	-	-	487	-	-	
ALFRED LEWIS	-	-	-	217	217	217	

FOR 1833 (LABELED 1834), 1834 & 1835:

HUBBARD U - 1833 = 96 A; 1834 = 165 1/2 A; 1835 = 165 1/2 A

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ADEN U [ACKEL U] - , - , -

MR PASSMORE 1834 = 213 A

MR PASSMORE FOR WILLIAM PASSMORE - , - , -

JOSEPH PASSMORE - , - , -

BREWINGTON PASSMORE 1835 = 213 A

WINSTON G U 1835 = 120 A

BUCKS U⁵ 1835 = 204 A

ABLE U [ABEL U, SON OF BURTIS U] - , - , -

[4] THIS COULD BE
GILBERT U, SON
OF NATHAN U, I
OR GILBERT
BURTIS U, SON
OF BURTIS U - RPU

[5] NOT CERTAIN WHY
THIS IS - COULD BE
BARTLETT U, SON
OF BURTIS U - RPU

ALSO IN WHITE OAK TSP:

- - VAUGHN - LISTED LAND FOR
HEIRS OF ALLEN LEWIS - 75 A
GILFORD LEWIS
RUFFEN LEWIS

RE: ALFRED LEWIS - appearance - St Marie Dist [St Mary's TSP?] - 1834 - 475 A
which he sells to BENTON WELLS [Associated = Charles Parish, BIL of John Feashy
Alfred's wife = nee Sarah Sims, dau of Joel Sims - QUE. why did Alfred hold
217 acres from estate of Shadrack Cole, [6] & what happened to the 217 A
who was MARY ANN COLE, and she perhaps marry 1829 (TN) Wm Ferguson?
ALL BEFORE 1829; #1 Shadrack Cole [JR] and 10 FEB 1824 (Wake Co, NC) Elizabeth Smith;
Gentleman EDMOND COLE, #2 Shadrack Cole [JR] vs GDN [Court Order Book MAY 1825]
of Burchett Smith, Esther Smith, Aloy (Osley?) Smith, Julia Smith, Ann Smith Simon
Smith, Catherine Smith - orphans of Alexander Smith, Decd. 2nd DAVID HOLLAND
and Alexander Smith marry Elizabeth; Did Elizabeth marry Shadrack Cole, for 215
Elizabeth Cole deeded land to WILLIAM H. COLE (Court Order Bk 1833) - Prowd by WELLS NICHOLS

JUNE

CARTER

○ See It 11 NOV 1999 June Carter & RPU - Re 3 Court Documents from Western Wake Co, NC - Summarized Below

#1 FEB 1828 COURT - WAKE CO, NC - Shadrach Cole [SR] & intestate 1827 owning 530 acres of land - headwaters of Swift Creek by Goodlow & Branch, et al. Item (below) petition a division

SAMUEL H COLE

SHADRACK COLE [JR]

HAPPY COLE

EDMOND COLE

CYNTHIA COLE

MARY COLE

{EDMOND COLE}

MD BERRYMAN

{MARY ANN COLE}

HENRY COLE

LEWIS

SALLY H. COLE MD

MAGULLA COLE

#2 FEB 1828 COURT TERM

WESLEY YATES

{AQUILLA COLE ?}

Committee of 4 appointed
to lay out land of
SHADRACK COLE [SR], Dec'd

JOHN BABB

LOT HOWARD (?)

JAMES WOOD

WOODROW CLEMENTS

HEIRS LISTED:

SAMUEL H. COLE

SHADRACK COLE [JR]

HAPPY COLE

EDMOND COLE

SALLY H. COLE

MARY COLE {MARY ANN COLE}

HENRY COLE

AGATHA COLE

AQUILLA COLE

{CYNTHIA COLE ?}

{VS MAGULLA COLE}

#3 4 MAR 1828 - REPORT

OF THE COMMITTEE - WITH PLOT - Committee as in #2 + JOHN WILLS

PARCEL 1 - GOODLOW LINE - 82 A → SALLY COLE

PARCEL 2 - GOV(?) BRANCH LINE, WATKINS(?) OLD LINE, WOOTENS CORNER - 75 A → SHADRACK COLE [JR]

PARCEL 3 - WOOTENS OLD LINE, GOODLOW LINE - 50 A → CYNTHIA COLE

PARCEL 4 - GOODLOW LINE, WOOTENS OLD LINE - 21 A → MARY ANN COLE

PARCEL 5 - GOODLOW LINE, BEAVER CREEK, THOMAS WARD LINE - 40 A → SAMUEL H. COLE

PARCEL 6 - GOODLOW LINE - BEAVER CREEK, WARD'S LINE 47 A → MACULA COLE

PARCEL 7 - GOODLOW LINE, BEAVER CREEK 73 A → HAPPY COLE

[NOTE: PARCELS 1-7 = 584 A; No Parcel assigned to Edmond Cole or Henry Cole - Page 338 Edmond Cole deeded land to William Anderson - named by James Manning, Sr

JUNE

CARTER

①

3009 S. Elm Street
Greenville, NC 27858
November 11, 1999

REC'D
18 NOV 1999

June C. Cottrell
3009 South Elm Street
Greenville, NC 27858-5212

↑

□ Dear Philip,

□+□ I have looked this up and before I forget it again,

△△ □ Shadrack Cole married Elizabeth Smith in Wake County 10 Feb 1824 with Edmond Cole bondsman.

△+△ In the Court Order Book of May 1825, Shadrach Cole is appointed guardian to Burket Smith,

△△△△△△ Esther Smith, Alsy or Osley Smith, Julia Smith, Ann Smith, Simon Smith, Catherine Smith, orphans of Alexander Smith deceased, bond \$250.00 with Cathy Martin and David Holland seconds.

△△△ △ Was Elizabeth Smith a wife of Alexander Smith? Did she marry Shadrack Cole ?, Jr or Senoir?

△+△ Court Order Book pg 337 a deed from Elizabeth Cole to William H. Cole was proved by Willie Nichols.

△+△+△ On pg 338 a deed from Edmond Cole to William Anderson was proved by James Moring Sr..

△ All of the above before 1827 and I may have missed something pertinent. but I want to send you

△+△ the papers of Shadrack Coles estate for I can't make heads or tails of it.. Shadrack died about 1827.

△+△+△ In estate sale of George Cole, Josiah Lewis and Alfred Lewis bought some small items from his

△+△+△ estate sale. George named two sisters in his will of 1829.. Mary Ann Wood, wife of George Wood, and Thirza Brutin living in Chicksau purchase, *which I assume was in Tennessee.*

— Tax records for White Oak District:

— 1827

△ Cole, Shadrack Jun. 88 1/4

△+△ do for heirs of R. Smith 135 3/4 (Maybe this is Alexander Smith)

△ Cole, Shadrack Sen 125

△ Cole, George 72

— 1828

△ Cole, George 70 1/2

△ Cole, Henry H. 125

△ Cole, Shadrack Jr 4?

△ Ditto for heirs of R. Smith dec. 2??

△ Cole, Lemuel Didn't printt

— 1829

△ Cole, Henry 125 (maybe)

△ Cole, Shadrack 170 (maybe)

↑

△ do for heirs of R. Smith	224 (maybe)
△ do for Happa Cole	67 1/2
△ Lewis, Josiah	100
△ Lewis Berryman	50

—
—
—

— 1830	
△ Cole, Shadrack (no acreage)	
△ ditto for R Smith heirs	204
△ ditto for Happy Cole	83
△ Cole, Henry II	125
△ Castleberry, Henry
△ Castleberry, David	487
△ Lewis, Alfred	217

—

— 1831	
△ Cole, Henry	125 1/2
△ Cole, Shadrack	160
△ Do for Happa Cole	83
△ Castleberry, Henry
△ Lewis, Alfred.	217

△ + △ Passmore, Marcula wife of Brewington 47 1/2

△ + △ Married on 31 March 1829 as McCuley Cole, Jno Babb, Bondsman

—

△ There was a 1832 tax list but my copy is very faint although Alfred Lewis appears
 — with the 217 acres. There doesn't seem to be an 1833 tax list but one which reads
 — 1834 and yet there is an 1834 in the right place on the reel. On neither of these list
 △ does Alfred Lewis appear.

—

— 1833 labeled 1834	
△ Upchurch, Hubbard	96
△ Upchurch, Burlip	162 1/2
△ Upchurch, Nathan	666
△ Upchurch, Whiting	165 1/2
△ Upchurch, Gilbert	126 1/2
△ Upchurch, Aden	-----

7

↑

— 1834	
△ Upchurch, Burlip	206
△ Upchurch, Hubbard	165 1/2
△ Upchurch, Gilbert	127
△ Upchurch, Nathan	626
□ Passmore	213
△ Do for William Passmore	
△ Passmore, Joseph	---

—

— 1835	
△ Passmore, Brewington	213
△ for William	
△ for Joseph	
△ Upchurch, Gilbert	127
△ Upchurch, Winston G	120
△ Upchurch, Bucks	204
△ Upchurch, Hubard	165 1/2
△ Upchurch, Able	---

—

△+△ Maybe you have some different names for these Upchurches. There was a man named Vaughan with land for the heirs of Allen Lewis of 75 acres and a Gilford Lewis and a Ruffin Lewis in White Oak District.

—

△+△ Alfred Lewis appears one time in St Marie District in 1834 with 475 acres which he sells to Benton Williams. (I think it was with Charles Parish's brother-in-law, John Leach). Charles left him and another man the use of a stud ? horse for one year. Alfred had other land which he buys and sell in other districts but his wife does not appear on any of the deeds, although she was Sarah Sims, dau of Joel Sims. My main concern at this time is how he appears to hold 217 acres from estate of Shadrack Cole and what happened to that land. Who was Mary Ann Cole and did she marry perhaps a William Ferguson in Tennessee in 1829? Maybe you will have some help here If not, then maybe some other help. It has been a long and arduous journey.

—

△+△ I hope you made it to N.C. and got a chance to see or talk to Anne Lydia Olive and Jerry Lewis

↓

Sincerely,

State of North Carolina } February 4
Wake County } Court for 1828

The petition of Samuel H. Cole, Edm-
und Cole, Henry Cole, Shadrack Cole, Cynthia Cole
who intermarried with Bertram ^{Lewis} Cole, Sally
W. Cole who intermarried with ^{deputy} Charles Yates,
Happley Cole, Mary Cole & Maguffin Cole, an
infant under the age of twenty one who
petition by her next friend Samuel H. Cole
respectfully represents that they are the
heirs next of kin of Shadrack Cole decd
who departed this life some time in the
month of in the year 1827 intestate
seized & possessed of about five hundred and
thirty acres of land lying in Wake County
on the head waters of Swift Creek and
Mound fall adjoining the land of Gov.
Branch & others, - that they humbly pray
your worship to appoint five or more
good freeholders of this County to go upon
the premises & lay off & allot to each of
Y^{ts} petitioners one ninth part of the
said land according to the acts of the
General Assembly in such case, made
& provided that they make return of
their proceedings to the next term of
this Worshipful Court - And your
petitioners as in duty bound will ever
pray &c

W. K. Miller att

⑤.

Ac County

Aug. 2nd 1828

Let Maria

Ordered that John B. By ^{2nd} ~~John B. By~~, ^{James Wood}, and ^{James Wood} be appointed ^{with} the Surveyor to lay off and divide ^{the} land belonging to Phadreck Hole de. here and ^{next} ^{count}.

Saml H. Cole, Edmund Cole
Henry Cole, Thomas Cole
Benjamin Cole who intermarried with

and Mrs. Sally H. Cole who married
Mr. Apple, Happy Cole, Mary Cole,
Squella Cole by her name.

215-20000

Thence East 75 pole to a red Oak Thence South to the
Beginning Containing 217 Acres which is consigned to
Mary Ann Cole her heirs and assigns forever.

No. 5. Beginning at a Stake in Goodboy line running N. 10
with his line 36 pole to a Black Oak Thence West or by
Bear Creek to a post Oak in Thomas Wards line Thence South
23 degrees West to a pine his corner Thence East to the beginning
Containing Forty Acres which is consigned to Lemuel A Cole
his heirs and assigns forever.

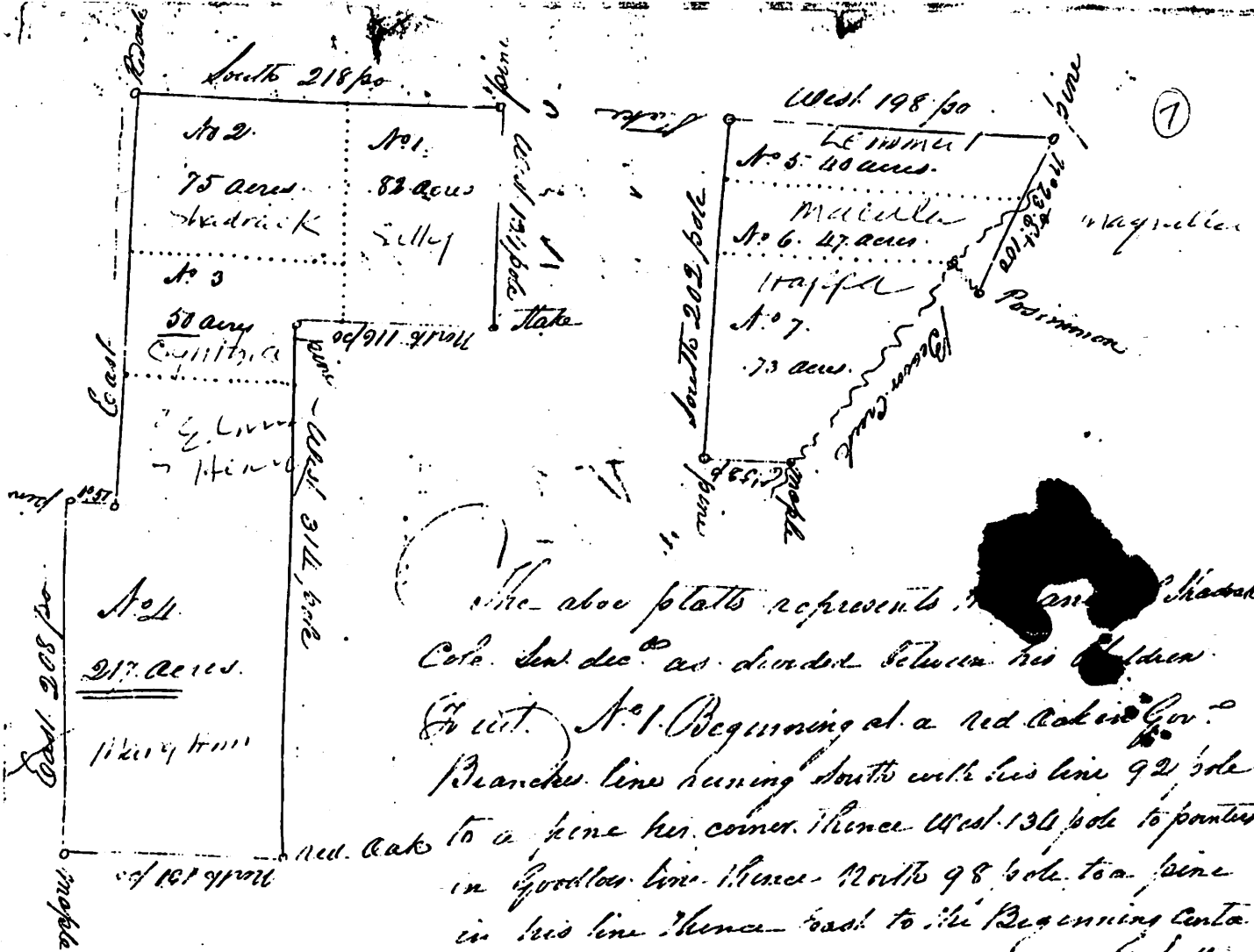
No. 6. Beginning at a Black Oak in Goodboy line 2^d Corner
of Lott No. 5. running West crossing Bear Creek to a post Oak
in Wards line Thence North 23 degrees East 64 pole to a p. simon
in a Branch said Wards corner Thence down the Branch
22 pole to two Poles on the Bank of Bear Creek Thence East
135 pole to a Stake in Goodboy line Thence with his line South
to the Beginning. Containing Forty Seven Acres which is consigned
to Macula Cole her heirs and assigns forever.

No. 7. Beginning at a Stake in Goodboy line running West 135
pole to two Poles on the Bank of Bear Creek Thence up the
Wardens Course of said Creek to a Maple Thence East 12 pole
to a pine in Youngs old line Thence South to the Beginning
Containing Seventy three Acres which is consigned to
Hakpy Cole her heirs and assigns forever.

North Carolina } Pursuant to an order from the honorable Court for
Wake County } the County of Wake, February Term 1828, appears in the
undersigned, Commissioners to divide the lands of Shadrach Cole dec'd
dec'd between his Legacies Report that we have performed said duty
assigned us. And that the above plans and Regulations is a true
representation thereof.

1828

Given under our hands this 11th day of March
S. T. Stover
John Clements
John Babb
John Willoughby
James Wood



The above plat represents the land of Shadrack Cole. See dec^o as divided between his children & wit. No. 1. Beginning at a red Oak in Cor. Branches line running South with his line 92 pole to a pine his corner. Thence West 130 pole to pines in Goodloe's line. Thence North 98 pole to a pine in his line. Thence East to the Beginning containing 82 acres which is consigned to Sally Cole her heirs and assigns forever.

No. 2. Beginning at a red Oak in Cor. Branches line first corner of Lot No. 1. running West 97 pole to a red Oak. Thence North 125 pole to a red Oak in Wooten's old line. Thence East 77 pole to a red Oak. Thence South 125 pole to the Beginning. Containing twenty five acres which is consigned to Shadrack Cole his heirs and assigns forever.

No. 3. Beginning at a red Oak 2^d corner of Lot No. 2 running North 125 pole to a red Oak in Wooten's old line. Thence South 100 pole to a red Oak said Wooten's line. Thence South 100 pole to a black gum in Goodloe's line. Thence East 37 pole to a stake his corner. Thence South 18 pole to a pine. Thence East 34 pole to the Beginning. Containing 50 acres which is consigned to Cynthia Cole her heirs and assigns forever.

No. 4. Beginning at a black gum in Goodloe's line. Thence West 277 pole to a red Oak Goodloe's corner. Thence North 131 pole to a maple in a Branch. Thence East 208 pole to a pine in a Branch. Thence South 51 pole to a red Oak his corner.

①

[illegible]

3009 SOUTH ELM STREET
GREENVILLE, NC 27858-5212

your letter of 15 OCT 1999 concerning Moche
Upchurch quickened my pulse. She was a sister
of my Great grandfather and thus my Greatgreat
Aunt. I knew nothing of any children she may
have had and have always been alert to any
item that might provide a clue.

In any case a copy of my 2 Page 8 Item
 Biofile for her is enclosed. It does not seem
 to provide a lead for you on the question
 you posed. Enclosed with a red asterisk is
 the sheet I prepared from your letter to place
 in the Biobios of all of those mentioned. In the
 course of filing these I encountered the Biobios
 for Shadrach Cole, Sr, copy enclosed. This does
 not match exactly with what you sent
 but the same family must be involved.
 Please let me know if you have questions or

2.

if there is some way I can be of help. ②

If you have any idea as to how I can learn more about the children of Mashey & Edmund, it would be most welcome news.

Jerry Lewis and I have mutual interests as our ancestors lived very close to each other in western Wake Co, NC in the 1800's. He has been very helpful to me. When I was last in Raleigh he & I talked by phone & I hope we can meet in due course.

With All Best Wishes.

Sincerely Yours

☺ Phil Upchurch

{ ROBERT PHILIP UPCHURCH }

JUNE

CARTER

REC'D
19 OCT 1999

3009 Elm St.
Greenville, NC 27858
October 15, 1999

June C. Cottrell
3009 South Elm Street
Greenville, NC 27858-5212

Dear Phil,

~~Will try to get my email addresses to my old correspondants and to a man named or called~~

Δ+Δ+Δ Drewco I realized an Upchurch connection. Edmond Cole married Mackey Upchurch, 9 Aug
Δ+Δ+Δ 1816. Bondsman was Nathan Almond but Drewco says her father was Nathan Upchurch.

Δ Do you have any information on this marriage that might be helpful in determining why Alfred W.

Δ+Δ Lewis paid taxes on land belonging to Happy Cole from about 1830 until 1846 or 47. Happy and

Δ+Δ+Δ Edmond Cole and Cynthia and others were children of Shadrack Cole b. about 1766 and maybe

Δ+Δ+Δ HE married Elizabeth Smith in 1824. It may have been Shadrack, Jr.

Δ+Δ Alfred had 217 acres of land that had belonged to Shadrack Cole and paid taxes in 1830, 1831,

Δ+Δ 1832 and possibly 1833. In 1834 he married Martha Sims, g granddaughter of Issac Hunter.

Δ+Δ+Δ This is how I contacted Jerry Lewis, who gave me your address. Berryman Lewis married Cynthia

Δ Cole on 14 Dec. 1827. I believe Jerry indicated they went to Tennessee. In Drewco's book he is

Δ also confused about Cynthia Cole.

I appreciate the Medlin material but haven't connected then to any of mine. Perhaps I will eventually. I am still debating on whether to attend NC Genealogical Conference in November.

It is 2 days and probably not too relevant since my folks stayed in the Raleigh area. I am glad you have contacted Anne Lydia. She has a wealth of information on the Olives and other families

Δ Perhaps you have something tucked away on Mackey Upchurch that might help me..

Sincerely,

June
June Cottrell

example, in the single relevant profile sheet I found on JOHN ROSE. There were 9 other individuals for which I found one or more profile sheets. They were:

Joseph Norris	John Alford	Thomas Gay
Robert Norris	Julius Alford	William Johnson
James Alford	John Gay	William Miller

If you want copies of the profile sheets for any/all of these individuals, please let me know. To elaborate some - Upchurch families started arriving in NC from VA around 1740-1750. Some of them came to Granville Co, NC which as you know was quite large at that time. Some of them moved on to other parts of NC and in due course to other states. However, several Upchurch groups remained active for a long time in Granville/Bute/Warren/Franklin. In the process they interacted with many of the families mentioned in your summary for Nathaniel Carter. If you care to study this whole matter further, I am sure you will discover/uncover/highlight some interactions that touch upon my specific interests. Let me know if there is a need to proceed.

Enclosed in a copy of Anne Sydnai's ^② letter
of 26 SEP 1999 to me and a copy of my letter
of 6 OCT 1999 to her. She must be a very
lovely lady. With any luck I will get
to meet her in due course.

With All Best Wishes.

Sincerely yours
② Phil Upchurch

{ROBERT PHILIP UPCHURCH}

JUNE

CARTER

REC'D
4 OCT 1999

June C. Cottrell
3009 South Elm Street
Greenville, NC 27858-5212

Dear Phil,

September 28, 1999

I am very much interested in Nathaniel Carter as in the Medlin papers of 1994 that you sent to me. Δ + Δ

This is what I know about him. Δ + Δ

He first appears on the road orders of Brunswick County, Va in 1736. He is in minor court cases in the court order books with John Vinson as his security. He is in in the Parish Book of St Andrews, Va where he is paid for keeping his mother who is unnamed, 1745 to 1752. (It's possible that she was Frances, widow of Thomas Carter who died about 1748 or before). He receives two patents, one in 1746 and one in 1756. He and Elendor sell these two patent in 1761 to William Renn and they moves to North Carolina. He has land in Granville County which probably became Bute County. (Some notes I have I am including). On Ratcliff's tax list 2 in 1766 in Bute County is Nathaniel Carter and Abraham Carter. Δ + Δ

Nathaniel and Nelly Carter buy 120 acres of land from John Nall in Cumberland Count in 1767 which they sell to Drury Smith in 1779 and move on to Chatham County. Samuel Northington, a relative of mine, is a witness to this deed. Nathaniel dies in Chatham County in 1782. He leaves a wife unnamed, a son Vinson and two daughters Molly and Lusey. I would like to think he is father to Abraham Carter of Cumberland County but I can't prove that. Δ + Δ + Δ

I would be interested in the Medlin material. One of Mark Williams⁽²⁾ daughters, Arabella Caroline Williams married a W.Q. Rayl in 1865, who was probably from outside of Raleigh. She was back in the City in 1871 when she testified on Mark's claim for property seized in 1865.

I had meant for you to keep the Carter book done by Anne Lydia Olive which you may have done. It seems that there was something else I wished to comment on but can't think what it was. Anyway I have gotten this Nathaniel put into someone else's hands. Miheepa Harb Jones a descendant of Abraham Carter also thinks Nathaniel was an ancestor. She says he first went to Orange County but she may be a bit confused on this Nathaniel. It is so easy to get confused.

Til next time and thanks for the outline of the Carters. I really appreciate this.

June Cottrell

3009 S. Elm St

Greenville, Nc 27858

Copy to Anne Lydia Olive

I upgraded my computer and am having troubles with the upgrade. There may be some more on the Medlins when I have the time.

I am descended from Daniel Carter of Powhatan County, who died in 1797 in that County (VA). He is obviously descended from Giles Carter who married Mary Dorall. The name a son Porall Carter. John Carter also from Powhatan Co moved to Kentucky. He has a son Porall Carter also. Just seeking a connection to Giles Carter and Mary Porall Carter

Bute County

ABSTRACTS OF DEED BOOK 1

(2)

DB-1, page 75. 1765. WILLIAM WILDER, Planter, of Johnston Co. to GEORGE MARTIN, Planter, of Bute Co. 10 Pds. Procl. money for 200 A. in Bute Co., on NS Flat(t) Rock Creek, adj. JULIUS ALFORD & GIBSON MARTIN, par of a tract granted by LORD CARTERET, EARL GRANVILLE 28 July 1761. Wit: JACOB HEARTFIELD, J. ALLFORD. Proved by JAMES ALFORD, Bute January Court 1766, BEN McCULLOCH, C.C. Reg: 4 Nov. 1766, by WILLM. JOHNSON, P.R.

DB-1, page 77. 24 May 1765. NATHANIEL CARTER, Planter, to FRANCIS BRADLEY both of Bute Co. 23 Pds. Va. money for 481 A. in Bute Co. on SS Crooked Creek, adj. BRADLEY, NORRIS & PERRY, a grant from LORD CARTERET, EARL GRANVILLE, dated 1 August 1762; Wit: PENALPY NUNRY, JAMES PACE, J. ALLFORD. Proved by JAMES ALFORD, Bute January Court 1766, BEN McCULLOCH, C.C. Reg: 5 November 1766, by WILLM. JOHNSON, P.R.

*Crooked Creek
near Wake Co Line*

ABSTRACTS OF DEED BOOK 2

DB-2, page 69. 29 September 1767. JOHN HAWKINS & MARY, his wife, to WILLIAM LUCAS, all of Saint Johns Parish, Bute Co. 60 Pds. Va. money for 160 A. on NS Smith Creek to Curld Head Branch to Deep Creek, shown Deep Creek to Smiths Creek. Wit: BENNET WOOD, WILLIAM WRIGHT, CHARLES LUCAS. Ack: by JOHN HAWKINS, Bute May Court 1768, BEN McCULLOCH, C.C. Reg: 7 September 1768, by WILLIAM JOHNSON, P.R.

DB-2, page 71. 7 May 1768. WILLIAM DICKERSON to WILLIAM MOORE, both of Bute Co. 20 Pds. Va. money (& payment of Quit Rents) for 240 A. in Bute Co. on SS Thos. Martins Creek. Wit: THOS. MACHEN. Ack: by WILLIAM DICKERSON, Bute May Court 1768, BEN McCULLOCH, C.C. Reg: 8 Sept. 1768, by WILLIAM JOHNSON, P. Marginal notation: Deld to you the 9th Sepr 1768 per me W.J. PR

DB-2, page 72. 14 April 1767. WILLIAM MASSEY to PATEWILLS (PATE WILLS) MILN both of Bute Co. 200 Pds. Procl. money for 627 A. in Bute Co. on NES Tar River adj. JOHN CLARKE, CHRISTOPHER CLARKE, PERSON & BIRD on Fox Swamp, to line of SHERROD, HEZEKIAH MASSEY, PERSON RACKLEY & JOHN MASSEY, to the Riv. at mouth of Fox Swamp & along the River. Wit: JOHN MASSEY, JOHN GOLDIN, WM. WRYHT. Proved by JOHN MASSEY, Bute May Court 1768, BEN McCULLOCH, C.C. Reg: 20 September 1768, by WILLIAM JOHNSON, P.R.

DB-2, page 73. 22 August 1767. NATHANIEL CARTER, Planter, of Bute Co., JOHN HUNICUT (HUNNUCUT), of Cumberland Co., N.C. 80 Pds. Procl. money for 300 A. in Bute Co. on SS Flatt Rock Creek, adj. WILLIAM MANNER - he to pay Quit Rents. Wit: JAMES ALFORD, JOHN FRANKLAND, JOHN ROSE. Proved by JAMES ALFORD, Bute May Court 1768, BEN McCULLOCH, C.C. Reg: 20 September 1768, by WILLIAM JOHNSON, P.R. Marginal notation: Deld to JAS. ALFORD, Esq. the 15th. Feby 1769

DB-2, page 75. 28 February 1767. JOHN FERRIL, Gentleman, to JOSEPH BRI both of Bute Co. 10 Pds. Procl. money for 160 A. in Bute Co. on WS Tarr River & BS Crooked Creek. Wit: JAMES ALFORD, WILLIAM FISH. Proved by JAMES ALFORD, Bute May Court 1768, BEN McCULLOCH, C.C. Reg: 27 September 1768, by WILLIAM JOHNSON, P.R. Marginal notation: Deld to JAMES ALFORD, Esq. the 15th Feby 1769

DB-2, page 77. 25 August 1767. NATHIN (NATHAN) HALL, Planter, to CHARL both of Bute Co. 18 Pds. Va. money for 100 A. in Bute Co. on SS WILLIAM SMITH, part of a grant

My notes J.S. Carter Cottrell

Nathaniel Carter -patent 1 Aug 1762, sold to Francis Bradley 24 May 1765-SS of Crooked Creek, adj Bradley, Norriss, & Perry
Reg by James Alford 5 November 1766

20 June 1766 Francis Bradley sold 100 acres to Joseph Nonis(?Norriss) adj plantation where Edward Hatheach once lived, bought from Nathaniel Carter 24 May 1764, part of a grant to him August 1 1762. Wit James Alford and B. Perry

*How did Timothy Ryal Medlin obtain 100 acres of land that had belonged to Nathaniel Carter, who sold to Francis Bradley, which he Medlin sold to John Gay Oct 29 1779.
Wit: Robert Norris and Julius Alford--When did Julius die and did he have a son Julius as well as one named John--see John Alford to Charles Amos*

John Gay to Abraham Rogers 100 acres--3/18/1780--wit. Thos. Jones, Thos. Gay, James Lassiter

Granville Deeds Jan 15, 1763 William Wilder of Johnston County, N.C. to Nathaniel Carter for 18pds, 300 acres on S side of Flat Rock Creek in William Mainer's line. Wts William Owen Medlin Jan 24, 1763

Jan 24, 1763 William Wilder of Johnston County, N.C. to Williamson Medlin of Granville Co., N.C., for 7 pds, 100 acres on N. Side of Flat Rock Creek in William Mainer's line in Granville Co., N.C., Wits: Nathaniel Carter, William Mainer.

Nathaniel Carter, planter of Bute Co., to John Hunicut (Hunnucut) of Cumberland Co., N.C. 80 Pds proclamation money for 300 A in Bute Co on SS Flat Rock Creek, adj. William Manner - he to pay Quit Rents. Wit James Alford, John Frankland, John Rose. Proved by James Alford, Bute May Court 1768 Ben McCulloch, C.C.
Reg 27 Sept 1768, by William Johnson, P.R.
Marginal notation: Deld to James Alford, Esq. the 15th of February 1769.

Who was James Alford. Why were so many of these ?deeds deld to him????
Look for will of Julius Alford*****father of John and ? Julius

William Utley, wit to deed of Willam Carter son of George, to Joseph Lane in 1749. Turners???

1752 Joseph Bradley to James Bradley of Charles City, 440 acres on little Northumberland and the river, joining Robert Reynard. Wit: Robert Reynard, Robert Carter his mark, Benjamin Bradley

0

[illegible]

GREENVILLE, NC 27858

your letter of 8 AUG 1999 and the copy of Anne Lydia's book was most welcome. I have found it to be fascinating and most valuable. Thank you for getting me linked to this informative volume. You did not say to return your copy but I am doing so herewith. As you suggested I have written a letter of thanks to Anne Lydia, copy enclosed along with a duplicate of the packet I sent to her (5 items). Please let me know if there are questions.

About Irene O. Kittinger - yes we are in contact - from time to time. She attended my Upchurch lecture in Raleigh in the 1980's. There were several Oline-Upchurch managers & they got into the Oline Book she is writing. I am anxious to see a copy.

June, I am most grateful for our exchange. From my standpoint they have been very productive. This supports my conviction that family history buffs who track families that lived in the same area over the last 2-3 Hundred years can often help each other even if they are not blood kin.

We continue to hear about the flooding in eastern NC. It really sounds bad. Hope you have escaped the damage. My wife has a sister & brother-in-law that live & farm at Pellohswill (near Newbern). They seem to be ok.

If there are loose ends, questions, etc, etc, just let me know.

Our Best

Sincerely yours
 (C) Phil Upchurch

{ROBERT PHILIP UPCHURCH}

JUNE

CARTER

3009 S. Elm St
Greenville NC
27858

Aug 8, 1999

June C. Cottrell
3009 South Elm St.
Greenville, NC 27858

REC'D 11 SEP 1999

Dear Phil,

I am enclosing Anne Lydia's book on the Carter family and their connections. The soap there are errors as in any compilation. Of course it probably needs updating. Miss Anne Lydia Oline
1408 Glenwood Ave
Raleigh, NC 27605-1210

- you might drop her a note and thank her for this work.

I think it will clear up the fact there was
no Joseph Randall Carter, Jr.

- my grandfather was Joseph Randall Carter
- my father Felix A. Carter
- my uncle was Bruce Carter & Helma Draper
- my uncle Sam Hunter Carter and his wife lives in Cary.
- my uncle Sam Hunter Carter and his wife lives in Cary.
- in Raleigh near her daughter Honore in Cary.
- Sam Hunter m a sister of Helma Draper
- named Ismay. She is still alive and plays the piano for the senior citizens in Raleigh
- she is about 99 years young

- I do have some entry from the Court Order Books on Mark Williams and will put it in a letter later.

- Irene D. Kittinger does the Wake County Cemetery Listings - Do you have her on your list of correspondents?
- Claude Long m. Carrie Winder and later they lived in Richmond Va - They had two children Charles Long and Gladys Long Bundy (Robert Bundy)
- the more I write the more questions you have. Pretty soon you will have everybody -
- Right!

June

5) Did Ismay Doper marry Sam Hunter or Sam Hunter Carter and how does he fit into the picture?

You put a lot of information in your letter and I have it all straight except for the above. This material may not be critical for my Upchurch line but since a lot of it traces back to the Wake/Chatham Area you never know when a new relationship may be uncovered. I already have tons of information about the area but it never hurts to have more.

I have heard from Fenton Wicker and he & I behold he and I are cousins in the cross line. I have ordered his book and have offered to cooperate in whatever way suits him.

I would very much like to have a copy of the 80 page[±] compilation of the Carter/Navis/Witkey/Person families if it is OK with Aunt Sylvia.

We will have to be alert to see if more appears on Mark M. Williams and, as you say, his saga.

I checked my files for Claude Long and did not find him.

Thanks again for your continued cooperation. It is nice to be able to help each other.

Sincerely yours
 ☺ Phil Upchurch
 [ROBERT PHILIP UPCHURCH]

JUNE

CARTER

①

Subject: Mark William
 Date: Wed, 18 Aug 1999 16:36:41 -0700
 From: Alfred Cottrell <cottrell@greenvillenc.com>
 To: Juanita Upchurch Edmonds <Jedmo68631@aol.com>

REC'D
 23 AUG 1999

June C. Cottrell
 3009 South Elm St.
 Greenville, NC 27858

Dear Phil and Juanita,

I want to send this to both of you so I don't have to type it over again,

First of all Percy Johnson Olive was born on February 27, 1875. He married Grace Mac Carter on November 12, 1913. He died June 18, 1931.

They lived in Apex until 1926 when they moved to Raleigh.

- 1- Henry Calvin Olive b. Oct 28, 1914 d. May 24, 1926
- 2- Anne Lydia Olive b. Aug 8, 1916
- 3. Minnie Grace Olive b. Oct 8, 1918 m George Edwin Wingo of East Point, Ga. Two children
- 4. Percy Johnson Olive, Jr b. Nov 10, 1919. Two children, Edith Anne Olive and Percy Johnson Olive, Jr. [D]

I saw a typewritten copy of the newspaper on Apex done by Anne Lydia Olive in the State Archives. Thank you for your pages. As for me I think you know about my mother's family.

My father was Felix Alexander Carter a younger brother to Grace Olive. He and my mother Louise Virginia Wicker Carter had four daughters, me, Felicia Codwin Carter Goodman lives in Raleigh, Helen Louise Carter who died in Gastonia in 1992 and Gail Norris Carter Johnson who lives in Pamlico County.

I think Paul Conway Carter was the oldest son of Joseph Randall Carter and he lived in Madison, NC. He was a doctor and in the first WW. Three children,

Grace then Felix and Rufus Roy an attorney in Raleigh. Uncle Roy married Mildred Fleming and her family goes back to Isaac Hunter as does mine. One daughter.

Sam Hunter who married Ismay Draper and Ismay is moved back Raleigh from somewhere Cheverly Md, I think and plays the piano for the senior citizens. Two daughters

Bruce Carter married Thelma Thomas Draper sister to Ismay. Both are deceased and they had Diantha who has never married and lives in Raleigh.

These are the children of Joseph Randall Carter and Annie Norris Carter. Joseph had brothers and two sisters.. I will just list them.

- 1. Junius Franklin Carter [JULY 05]
- 2. Paschal Andrew Carter-Uncle P.A. Carter was in business in Raleigh before New York It was Carter, Norris or vice versa
- 3. Joseph Randall Carter
- 4. Clement Wiloy Carter
- 5. Alice Idabelle Carter
- 6. John Allen Carter
- 7. Rufus Henry Carter
- 8. George Edward Carter

9. Flora Alice Carter was adopted by Eli Carter and Edith Ann Carter.

The children of Eli and Edith Ann Mathews who were in Hector's Creek in Harnett County after it was formed from Cumberland County.

If you want this compilation of the Carter, Norris, Utleys, Pearson families I will copy it for you. I don't think Anne Lydia would mind but I should ask first. It is about 80 pages long and has more details that I have left out.

But I want to get back to the Mark M. Williams saga The first instance

- which I have found notes him as leading the mob which destroyed the
- State Journal was in a book published in Raleigh. It was in Tropical
- Raleigh and published in 1913. It reads as follows

(2)

Mark William ☐

Page 140. About 9 o'clock in the morning the town bell was heard to ring vigorously, as if for an alarm fire. Of course, a great crowd gathered, as usual, at the market house. On the south side of this near where Wilson apartment house is now situated, was the office of the State Journal, a violent "secession" (or war) newspaper. Before the bell had ceased ringing, it was observed that a scene similar to the one above described was again being enacted in this office-not by soldiers this time but by "Union men" (or "red strings", as they were sometimes called), and supporters of the Standard's peace policy. The leader of the crowd was Mark Williams, a man of great determination, who declared his intention of lending his aid toward meting out to the Journal the same fate as had been suffered by The Standard the night before. No less than 40 people, mostly young men joined in the work of the destruction, and but a few minutes were required to show how intense had been their spirit of retaliation."

In a recollection of C.B. Edwards published in the N&O in on June 6, 1907 he recalls it this way. It was a tall familiar figure with a beaver hat in one hand and a red bandanna in the other but no names. I haven't found where the story started. I am inclined to believe it was our Mark Williams because of the following.

This is an article in the weekly Standard in May 18, 1864. It was an account of a Conservative meeting in Raleigh. Lynn Adams. Esq was elected chairman. David A. Wicker and John N. Bunting were appointed secretaries. The chairman appointed to draft resolutions for the action of the meeting. Messrs A.L. Lougee, Thos.H Sledge, H.T. Clawson, N.S. Harp and Mark Williams.

During the absence of the committee, the meeting was agreeably entertained by able and instructive addresses by Messrs J.L. Pennington W.R. Richardson. D.A. Wicker and John N. Bunting. One of the resolutions was to draft Holden for Governor. Although he lost in the next election he was appointed Governor after the conflict ended and was elected in Governor later but he was the only Governor to be impeached. He may have appointed David Wicker chief marshall of the Supreme Court in 1869. Somebody did.

I am inclined to believe it was Mark Williams who led the mob. His red bandanna may have been in place of a red string but who knows?

In the same article a committee of five was appointed to to make arrangements for a mass meeting to be held at the next May County. The members were Col. W.H. Harrison, William C. Upchurch, J. W. Harrison, Joshua Andrews, and J.J. Overby

I think I will discontinue the search for the origin of the Mark Williams story and accept it. My friend who is a NC historian at EC University says I may never find it but....

I didn't find David Wicker as having been to marriage & Dallas Upchurch but no original records. Several.

*Tell next time,
Gene*

*Oh yes, I also sent copies of the Wickers to Fenton. I haven't heard back. Have another one that in his book.
(over)*

you wouldn't have a ~~Frank~~ ^{Claude} Long in your file?
He married Carrie Wicker and they moved to ②
Richmond VA. He was a printer as was
the Robert Wicker and his sons. His name
Cropped up ^{as} the ~~Union~~ editor of the Union
Herald about 1922.

called in
Ltr 26 AUG
1999 RPH
8 June

LAKE ST. LOUIS, MISSOURI 63367-2240

I am aware of the relationship of your Great Uncle
P. A. Carter to the Upchurch Family. Enclosed is a copy
of my 1-Page, 6-Item Profile for him and also the
1-Page Master Outline sheet for he & his wife. Please
let me know if you have any corrections or
additions. Let me know if you need more
on Betty's siblings. I am well acquainted with
that part of the family. Her sister Roxannah
and W. H. Dodd, the Mayor of Raleigh. They had the
now historic Dodd/Musdale House built in
Raleigh. It has now been restored and there
is an upscale restaurant there. You must
go for lunch on one of your trips to Raleigh.

It's great to hear about Anne Lydia Oline. My G. Great Uncle Ariel Upchurch and one of the Oline girls in Apex in the 1830's. Enclosed is a copy of my 1-Page-30 Item Profile on Perry J. Oline.

Billy Upchurch was no doubt Mrs H. O. Kelly, (nee Adelia Jane Upchurch) 1893-1985. She was a fantastic lady - lived in the Apex area. I got to know her in the 1980's and on my regular runs to NC to see my mother would visit Billy in her home. She had a keen interest in family history and an exceptional memory. I treasure the relationship we established.

I think it quite likely you and I will continue to find ways to help each other. Could you let me have your full maiden name (I file that way), the full name of your father and his parents. With this information added to my Profile System the stage could be set for something of mutual interest to be uncovered. I have Harnett Co, NC Heritage Book - but could not find your carters in it.

All the Best!

Severely yours
 ☺ Phil Upchurch

[ROBERT PHILLIP UPCHURCH]

JUNE

CARTER

REC'D
3 AUG 1999

Phil Upchurch
6 Eagles Way Lane
Lake St Louis
Missouri, 63367-2240

Dear Phil,

The reference to Mark Williams is hard to come by. It is in two history books that I have found, City of Oaks and The Civil War in NC by John G. Barrett published in 1963 and 1975. I am going to the State Archives this week to try to find where it came from. It wasn't in the newspapers accounts. Barrett must have found it somewhere.

*copied
for her
Biophile
with a
man*

The Wicker obits I am sending to R.F. Wicker who wrote a book on the Wickers. His address is Wicker Publishing Company, 5136 Violet Bank Drive, Virginia Beach, Va 23464-5643. He may have some ideas.

Juanita Edmonds has information on the Upchurches that she is imparting for which I am thankful.

- △ + Now my great uncle P.A. Carter married a Bettie Upchurch. Any ideas on her. They had no children so there is nothing to follow.
- △ He was from Harnett County but worked in New York until about 1930 when his wife may have died. Then he lived in Raleigh with a nephew R.R. Carter and then in Winston Salem with a Campbell neice.

*copied
for
Biophile
of
Anne
Lydia
Cottrell*

- △ + Anne Lydia Olive and her mother was a Grace (Carter) Olive who + married Percy J. Olive of Apex in June 19, 1931. She mentioned + knowing someone named Dilly Upchurch but I don't know about that. + After Percy died they lived next to Pearson Upchurch and Anne Lydia + still lives in the same house. She is about 80 years old and has - never married.

The reference to Mrs Emma J. Wicker in 1905 was probably the widow of David A. Wicker another thing to check on.

Joseph B. Upchurch with a wife Lydia C in the Raleigh City Santation Inspector and W.G. Floyd mgr probably meant the he Flood was the supervisor or manager.

I think this covers all that you asked about. Maybe some more questions later.

Sincerely,

June Cottrell
June Cottrell
3009 S. Elm Street
Greenville NC 27858

July 30, 1999

You asked about my reference for Mark M. Williams and the Civil War incident. The reference was #37 - which is the book Raleigh City of Oaks. Copies of the grant cover & pg 50 are enclosed. Vickers does not give the source of this information.

You asked for more details on the descendants of John Rufus W. Continuation sections 9-15 are enclosed. This fits with the 2-page Master outline I sent you earlier. It would be nice to have more complete details.

In filing the sheets created from your letter I encountered the Biofile of William Spright, Sr, 1 copy enclosed, which may or may not be of interest.

Also enclosed are 7 Newspaper Clippings from Wake Co, NC newspapers of the last several years. These WICKER Biobios may or may not be of interest.

I continue to feel that you and I have much common interest in family history of Central NC and I hope we can continue to help each other.

Sincerely yours
 © Phil Upchurch
 [ROBERT PHILLIP UPCHURCH]

JUNE

CARTER

①

REC'D
10 JUL 1999

June C. Cottrell
3009 South Elm St.
Greenville, NC 27858

Subject: Some information

Date: Tue, 06 Jul 1999 18:50:47 -0700

From: Alfred Cottrell <cottrell@greenvillenc.com>

To: Juanita Upchurch Edmonds <Jedmo68631@aol.com>

11 JUL 1999

SSC

list Mrs
JUNE CARTER
COTTRELL
as contributors
to upchurch
Research Fund
she is not
a relative

RD4

RF.P.1 1999

Dear Phil and Juanita,

I will write to both of you and some of what I say will be redundant for you Juanita. Phil please accept my thanks for putting me in touch with Juanita. I am working with Jerry Lewis off and on as I think we are related. Jerry is probably related to the Upchurches also

I am still looking for Alfred Lewis who was in Wake County about 1842 until 1843 or so and probably later. His wife, Sarah in 1850, is living with her father Joel Sims and her Lewis children but I don't know what happened to Alfred Lewis. Maybe someday I will.

David A. Wicker is in the Wicker book so that side of the family is well flushed out at least as far as Robert D. Wicker and his descendants.. Still some work to do here on David's other descendants but perhaps Juanita can help.

David Wicker married Emma J. Williams. Emma was a daughter of Mark M. Williams and Maria McGuffie. Maria McGuffie was a daughter of Hardy McGuffie and Edith Hunter. Edith Hunter was a daughter of Reuben Hunter, d.1794, and his wife Sarah Speight who died in 1809. Sarah (Speight) Hunter was a daughter of William Speight who died 1774 and Abigail Speight who died in 1781.

But back to Mark M. Williams. You cited two newspaper references that I haven't been able to track down. Two articles on the newspaper destruction in 1863 contain no reference to Mark Williams, Perhaps if you can give me the reference again I can find it. You stated it was The Standard I believe. The articles on his death in July 1880 in two newspapers do not state that he was born in Franklin County. I would like to confirm this and any other facts of where he came from and if he had brothers and sisters.

I have a paper from the Bible records of the children of Mark Williams. I don't know where I found it but it looks authentic.

Mark and Maria's children. This is from Mrs. Lucille Wear Wilson

Evergreen

4620

Arthur, Texas 77640

Port.

(Maybe a

great grand daughter)

Mark M. Williams

Feb 18, 1796

married Nov. 18, 1818

Maria Burkett McGuffee

July 21, 1802

Joseph John

Williams

August 28, 1819

23

Sept 1819

Benjamin Mack or Mark Williams

August 28, 1820

29 Nov 1886

Martina A.	"	Ap 24, 1822
Nov. 4, 1822		
James Hardy	"	Ap 7, 1827
Emma Jane	"	12 Oct 1829
William Henry	"	4 May 1831
Margaret A.	"	16 March 1835
Maria		6 June
1835	29 July 1839 (I think it was she who died)	
Sarah Elizabeth		18 May 1837
Laura Louise		29 Nov. 1838
Edward Addison		7 Dec. 1840
Arabella Caroline		19 Nov 1842
Rebecca Perry Yarrell		17 Aug 1845

②

②

Some information

>From family Bible Anna Lou Williams Wear
 John Porter Wear
 Property of Lucille Wear Wilson
 4620 Evergreen Drive
 Port Arthur Texas 77642-2048

I tried to call this family in Port Arthur, Texas about 3 or 4 years ago. I got nowhere with this approach. Perhaps I gave up too soon. Some of the children are entered in the IGI 3.05 and 4.00 indicating more than a single entry for the family but the later children are not in the IGI. I do believe this record because it dovetails what I know of the family except some minor name changes like Mariah McGuffy. Since Benjamin went to Texas as a retired Methodist minister it could be some of his descendants or those of William H or James Hardy or Edward Addison since I don't know what happened to these individuals.

If you have any additional information on these Williams please remember to send it to me.

* THIS DETAIL ON THE FAMILY OF MARK WILLIAMS GOES BEYOND MY PRESENT NEEDS AND IS NOT EXTRACTED - RPH

Δ+Δ+Δ I am descended through David A. Wicker and Emma Jane Williams. David was in Arkansas for a few years but returned to Raleigh. His son Robert D. Wicker was my great granddad. He married Alice Godwin and they had three children. They were Edgar John Wicker, Robert D. Wicker and no descendants, and Carrie Wicker Long who lived in Richmond and died there. She had two children and there are descendants that I have lost track of. Edgar John Wicker, my grandfather married twice. Once in Richmond to Nettie Watson Spencer. Netto died of T.B. in 1906 leaving two young children Louise Virginia Wicker and Raymond Spencer Wicker both now deceased. Edjar J. Wicker came back to Raleigh and married again about 1909. He had 3 more children by Mary Jones. One Elbe, died an infant and Edgar Jones Wicker lived and died in Dallas Texas. He was married to Dottie White who may still be living They had 3 sons and a daughter. Harold Lee Wicker the other son had one son and later lived and died in Norfolk, Va.

I checked some City Directories of Raleigh.
 1896-1897
 Δ+Δ Emma N wife of John R Upchurch
 Δ John R Constable res 319 Cabarrus Street
 Δ+Δ Hallie E dau of John R dressmaker
 Δ+Δ Nannie J. dau of John R student
 Δ+Δ Ira G son of John R. student
 Δ+Δ Ada C dau of John R.

1901
 Δ+Δ John R (Emma) const h 205 S Swain
 Δ Ira G cigarmaker Norwood Cigar
 1910 205 S Swain St
 Δ John R. J.P. 6 Pullen Bldg.
 Δ+Δ Thomas E app Edwards and Broughton

1915 205 S Swain

③
Δ+Δ Emma W. Widow of John R.
Δ Lydia C. Miss
Δ T Everett printer
= 1918-205 S Swain
Δ+Δ Emma N widow of John R.
Δ Joseph B. trav salesman
Δ T Everett USA
= 1920 205 S. Swain
Δ+Δ Emma W. Wid or John R.
Δ Joseph B. trav salesman
Δ R. Pearson elevator oper
Δ Thomas E. fireman
= 1931 205 S Swain
Δ+Δ Emma W. (wid of John R)

2 of 3
Some information

07/06/99 18:53:57

Δ+Δ Joseph B. (Lydia C) Ral City Sanitary Insp. and W.G. Flood, mgr.
Δ+Δ R Pearson (Georgette) Lawyer 239 Fayetteville Rd. H 725 W Morgam
= 1940 R Pearson Upchurch (Eleanor T.) Lawyer, 239 Fayetteville Rd
H. 1410 Glenwood Ave.
Δ+Δ+Δ He lived next door to my cousin Anne Lydia Olice. She said he wasn't
Δ very nice to Eleanor or the three sons. Eleanor was from Mississippi and
Δ sang or was choir director at the Episcopal Church. There were three
Δ+Δ sons but I am not sure which wife was the mother. There were as Anne
Δ+Δ Lydia recalls Donny, Bill, and a son who was a hippie in California.
Δ+Δ I skipped some city directories. They also may be useful to your study.
Δ In 1880 Mark M Williams was listed at Blount 2S Davie the same address
Δ as A.L. Woodall his son-in law.
Δ+Δ In 1905 Mrs Emma J Wicker, wid was housekeeper for JR Upchurch and
Δ lived with them. Would love some dates on these people.
Δ+Δ I think I will sign off for now.

Sincerely,

June C. Cottrell
June C. Cottrell

Phil,

Δ+Δ I am sorry these didnot line up. I am a
Δ poor typist at best. I hope this check
Δ will help with some of your expenses

From Ltr 6 JUL 1999 June Carter Ed RPU

I checked some City Directories of Raleigh.
1896-1897

Emma N wife of John R Upchurch
John R Constable res 319 Cabarrus Street
Hallie E dau of John R dressmaker
Nannie J. dau of John R student
Ira G son of John R. student
Ada C dau of John R.

1901

John R (Emma) const n 205 S Swain
Ira G cigarmaker Norwood Cigar

1910 205 S Swain St

John R. J.P. 6 Pullen Bldg.
Thomas E app Edwards and Broughton

1915 205 S Swain

Emma W. Widow of John R.
Lydia C. Miss
T Everett printer

1918 205 S Swain

Emma N widow of John R.
Joseph B. trav salesman
T Everett USA

1920 205 S. Swain

Emma W. Wid or John R.
Joseph B. trav salesman
R. Pearson elevator oper
Thomas E. fireman

1931 205 S Swain

Emma W. (wid of John R)

Joseph B. (Lydia C) Ral City Sanitary Insp. and W.G. Flood, mgr.
R Pearson (Georgette) Lawyer 239 Fayetteville Rd. H 725 W Morgam

1940 R Pearson Upchurch (Eleanor T.) Lawyer, 239 Fayetteville Rd
H. 1410 Glenwood Ave.

He lived next door to my cousin Anne Lydia Olice. She said he wasn't very nice to Eleanor or the three sons. Eleanor was from Mississippi and sang or was choir director at the Episcopal Church. There were three sons but I am not sure which wife was the mother. There were as Anne Lydia recalls Donny, Bill, and a son who was a hippie in California.

In 1880 Mark M Williams was listed at Blount 25 Davie the same address as A.L. Woodall his son-in law.

In 1905 Mrs Emma J Wicker, wid was housekeeper for JR Upchurch and lived with them. Would love some dates on these people.

NOTE: These entries in the Raleigh, NC Directories fit into the Upchurch Family as follows:

I. NATHAN U, I - Head of clan
A. BURTIS U

1. GILBERT BURTIS U

G. JOHN RUFUS U

MD(2nd) EMMA NORRIS WICKER

i. HALLIE LEE U [vs HALLIE E. U]

ii. NANCY JOHNSON U "NANNIE"

iii. IRA GILBERT U

iv. ADA GRAY U [vs ADA C. U]

v. THOMAS EVERETT U

vi. LYDA CARSON U [vs LYDIA C U]

MD() JOSEPH BALDY U

vii. RUFUS PEARSON U - MD() GEORGETTE -

MD(2ND) ELEANOR TODMER

(I) JOHN DONOVAN U "DONNY"

(II) ALLEN PEARSON U "THE HIPPIE"

(III) WILLIAM TODMER U "BILL"

WHO ARE:

W. G. FLOOD

ANNE LYDIA

OLICE

MARK M

WILLIAMS

A. L. WOODALL

- RPU

→ True EMMA JANE WILLIAMS? - RPU

○ From Jt 6 JUL 1999 June Carter D R PA

I. William Speight d 1774 md (1) ABIGAIL - - d 1781

A. Sarah Speight d 1809 md (1) Reuben Hunter d 1794

1. Edith Hunter md (1) Hardy McGuffie

a. Maria McGuffie md Mark M. Williams

i. Emma Jane Williams md (1) David Alexander Williams (He was in AR for a time but returned to Raleigh, NC)

(I) Robert D. Wicks md Abbie Godwin

(A) Robert D. Wicks

(B) Camie Wicks md (1) - - LONG
lived Richmond, VA - 2 children

← (C)

(C) Edgar John Wicks

md (1st) (Richmond, VA) Nettie Watson Spencer¹¹ d of TB 1906

md (2nd) (Raleigh, NC) Mary Jones²¹

(1)¹¹ Louise Virginia Wicks d before 1999
md (1) - - Carter

(a) June Carter md (1) Alfred C. Cottrell

(2)¹¹ Raymond Spencer Wicks d before 1999

(3)²¹ ELDE Wicks - died as an infant

(4)²¹ Edgar Jones Wicks lived & died in Dallas, TX
md (1) Nettie White - possibly alone 1999

- 3 sons, 1 dau

(5)²¹ Harold Lee Wicks - later lived & died in
Norfolk, VA - 1 son

OTHER: Alfred Lewis (in Wake Co, NC at least until 1842-1843)
md (1) Sarah Lewis. In 1850 she lived with her father,
Jesse Lewis & her Lewis children.

Family involved. The names were not new to me but some of the details are new and helpful to me. One of the groups involves the Bailey W. U. Family and a copy of my Master Outline sheet on him is enclosed. The names that appeared in the Director are highlighted.

The other group involves the John Rufus Family and the Master Outline for he & his Children (2 Pages) is enclosed - again names referenced in the Director have been highlighted. The numbers on the left hand side of the page indicate that I have more details on descendants. It had been my intent to send you this 2-Page Master Outline anyway as it illustrates several items pertinent to the mutual interests you and I have as follows:

- 1- Note that Rufus Pearson U. was the youngest child of J. R. U. & Emma. He is no doubt the grandson "Pearson" mentioned for D. A. Wicker in the Supreme Court Document you sent. He would have been about 14 at the time and thus had the elevator job

as a teenager. I never met Pearson but in the period 1953-1965 when I lived in Raleigh, NC we used to get each others mail as we were both known as "R. P. UPCHURCH".

#2 Note that J.R.A & Emma had a daughter LYDIA CARSON U who married Joseph Baldy U. This couple had a daughter with whom I corresponded at length. She is now deceased. I know a fair amount about the ancestors of Joseph Baldy U who came from Granville Co, NC. However, I have not connected his line to the main trunk of the Upchurch Family Tree.

I have made a Biofile sheet for each descendant of Mark Williams & Maria McGuffey as provided in your letter. In filing these I had hoped to find some useful connections - but none beyond. In due course I may make some connections.

June, from your letter and from your enclosure and your analytical approach it is clear you have carefully searched some of the records pertaining to Wake Co, NC.

your involvement in this way interests me in that all four of my grandparents had their heritage in the area of Wake Co, NC. This was not a large community in the 1800 - 1900 era and the inhabitants no doubt kept bumping into each other. I suspect you and I may yet find even more common interests.

My Greatuncle William George U was a clerk to W. W. Holden who was a newspaper publisher during the Civil War in Raleigh. Uncle William had a deferment because of his service to a newspaper. There was a difference of opinion and the matter reached the N.C. Supreme Court during the Civil War. One of my close collaborators Clyde Charles U, Jr of Mesa, AZ is descended from Gov. W. W. Holden. I have Holden's Biography.

Please let me know if we can be of more help to each other.

Sincerely yours
 @ Phil Upchurch
 [ROBERT PHILIP UPCHURCH]

-2-

②

Richard Upchurch, II arrived in what is today the southern tip of Franklin Co, NC. This enhances the chance that your William & my Upchurch ancestor may have interacted.

I have a rather large set of entries on members of the Williams Family in Wake Co, NC. Other than the enclosed I have not spotted anything that would be helpful to you. It does stick in my mind that the HIGHT & WILLIAMS families intermarried in western Wake Co, NC in the 1800's and that the Upchurchs were somehow involved. Does that Hight / Williams connection ring a bell with you?

Enclosed is a copy of the extract I have made of your letter. A copy of this sheet has been placed in my alpha Profile System for each of the names involved. Note that I have added the name Emma Nora Hicher as the daughter of David A. Hicher who married John R. Upchurch. I am anxious to know more about the descendants of this couple. Do you have any such information? If

you do and will send me a copy I will coordinate your information with mine and send you a copy if you are interested.

Enclosed is a copy of my single item Biopile sheet on D. A. Wether who witnessed the marriage of Dallas H. U. Do you think this is the same as your David A. Wether? I would guess so.

June, it would appear that we both have a serious interest in family history that pertains to central NC. Let's see if we can help each other.

I can't resist reporting that my parents were living in your neck of the woods. She is Janet House of Ayden. Her husband is Dr. Michael House who is mayor of Ayden. He has a veterinary practice in Greenville.

Hope to hear from you.

Sincerely yours

☺ Phil Upchurch

[ROBERT PHILIP UPCHURCH]

JUNE

CARTER

REC'D
22 JUN 1999

(1)

June C. Cottrell
3009 South Elm Street
Greenville, NC 27858-5212

3009 S. Elm Street
Greenville, NC 28758
June 20, 1999

Dear Phil,

First of all I don't yet know your neice in Ayden but it seems I have heard her name, Janet House. Up the street from me lives Mrs. Percy Bryant Upchurch, a widow with her daughter Sarah ?. Mr. or rather Rev. Upchurch was a Baptist minister from Wake County. He was from William B. Upchurch. Sarah the dau thinks she has a copy of your book. Gilbert Upchurch is another name. Mrs. Upchurch will talk to a nephew who lives in Cary and get back to me.

From the Raleigh City Directories of 1915 and 1918 come these names.

1915 at 205 Swain Street

Emma W. Upchurch w of John R. [EMMA NORA WICKER]
Lydia Miss [LYDA CARSON U]
T. Everett a printer [THOMAS EVERETT U]

1918 same address

Emma W. widow of John R. [EMMA NORA WICKER]
Joseph B. traveling salesman [JOSEPH BALDY U]
T. Everett USA [THOMAS EVERETT U]
I don't see a Pearson Upchurch but he could be in an earlier edition. [RUFUS PEARSON U]

1915 at 213 E. Hargett Street

Charles C. Upchurch student [CHARLES CLINTON U, SR]
Mamie widow of Bailey [MAMIE I. —]
Ralph student [RALPH DOWELL U]

1918 207 S. Swain Street

Mamie Upchurch widow of B. W. [MAMIE I. —] [BAILEY W. U]
Mildred Miss [MILDRED E. U]
Thelma Miss [THELMA MCGEE U]
Charles C. clerk Union News [CHARLES CLINTON U, SR]
Ralph D. clk. Martin St. Pharmacy [RALPH DOWELL U]

1915 at 17 N. West

These Woodall were descendants of Mark Williams but I haven't sorted them out. A. S. Woodall mar. Sarah A. Williams 16 Dec 1858 J. D. Pullen, S.D. Franklin bondsmen. Married by D.B. Burtun minister.

Basil T. Woodall, clk. Mutual Benefit Life Ins

Benjamin E. clk. C.L. Woodall

James D. clk. at C.L. Woodall

Lucy Miss

Mildred Miss

William A. ins. agent

William L. clk NC Denunage Bur.

1918 at 17 N. West

Benjamin E. Woodall and I forgot to note their occupation.

Lucy
Mildred McG.
William A.

William L. USA

Mildred, I think she was known as Dice, Dice and Lucy ran a Flower Shop. Art Flower Shop as I recall.

These entries from City Directories are often wrong so they are not written in stone.

I am sending you these articles one from from a centinell issue about the marshalls of the Supreme Court. It was published in 1918. It could have some errors. I believe Pearson was a son of Mrs John R. Upchurch, from this article. Some of her other children could be as noted above.

It is possible that Mark M. Williams could have led a mob against the pro confederate presses. I have not been able to identify the article from STATE JOURNAL (37, pg.50). Could you give the reference again. I just do not know. In a deposition to the Commissions on Claims under the Act of 3rd of March 1871, he was claiming two horses and some wooden fencing taken by the Union Army, taken about April 13th 1865. The claim was denied. In trying to prove loyalty to the Union he called Nathan Gully who lived 15 miles away. (In the Wake County marriage records Nathan Gully married Martha White, 7 April 1834 with Joel O. King bondsman). Later more on Gully. Mark's daughter Arabella C. Rayl was his witness to what was taken. She married shortly there after and left the city. Mark stated he was a mechanic and was hurt because he was denied work because of his sympathies. As far as I can tell he lived near the old Governor's mansion at the end of Fayetteville Street. There are two records in his file both say M.M. Williams. One is dated April 24, 1863 at Goldsboro, NC for selling \$98.00 goods to the Confederacy. The other is for \$96.00 for services for self and two men for repairing locomotives in the shop in Raleigh. He stated he had sons and sons-in-law forced in the Confederate army and sent one son some provisions because he said he was perished out. It is difficult to know where his loyalties lay from this deposition. The deposition was taken in August 1871. It is the claim of Mark M. Williams and I expect it is our Mark M. Williams because of his stated occupation of mechanic and the claim in his file for his services. The other record for selling provisions is still questionable in my mind.

But to get back to Mark M. Williams who married Maria McGuffy daughter of Hardy McGuffy and Edith Hunter (dau of Reuben Hunter and and Sarah Speight)

In the 1830 census Mark M. C. Williams had

2 sons 5-10
He was 30-40
2 dau under 5
wife 20 -30

A female age 40-50

In the 1840 census he had 1 son age 5-10

2 sons age 15-20
He was age 40-50
2 dau under 5
2 dau 5-10
1 dau 15-20
wife 30-40

and a female probably Edith Hunter McGuffy age 50-60

In 1850 census

Mark Mc Williams age 56, brick layer

Maria age 48

Margaret A. Williams age 17

William H. Williams age 19, clerk

Sarah A. Williams age 13 mar. A. S. Woodall 12/16/1858

Laura L Williams age 11 mar. William B. Gulley 3/10/1859 and he is probably related to Nathan Gully in Mark's deposition in 1871.

Edward A. Williams age 9 attended school in last year

Arabella C. Williams age 7 marr W.Q. Rayl 7/10/1865, a dau Addie

David A. Wicker age 27, clerk

Emma J. (Williams) Wicker age 20, mar. 12/22/1847

Isabella P. Wicker age 9/12

Ralph Andrews age 23, blacksmith

Mary Ann (Williams) Andrews age 20, mar. 12/25/1849

I haven't actually seen the marriage record and it is not noted that he was a witness to the mar. of Dallas H. Upchurch to Tabitha Watson on 23 Sept, 1865. My records as printed by Brent H. Holcomb say R.S. Perry was a bondsman and a J.P. who performed the wedding.

In the 1860 census Mark williams is not found.

In the 1870 census

Mark Williams age 74 Brick mason

Maria age 68 keeping house

John Caudle age 30 wheelright

Rebecca Caudle 25 at home. Sentinel marr Dec 22 1869. Mar by Rev.

Jonathan H. Daly. Dau. of Mr Mark M. Williams

(There was a John Caudle who married Louisa S. Loyd in 1858 in Wake County but I have not been able to find a connection to John and Rebecca.)

In the 1880 census Mark stated his father was born in Wales and his mother in Scotland.

I believe one of Mark's sons was Benjamin M. Williams. (Beverline Wood who married Benjamin Williams on 4/1/1845 in Wake County does not match the enclosed article although John Wicker a brother to David A. Wicker was bondsman to the marriage.) Benjamin received 2 acres from Benjamin B. (?P) Smith from Edith McGuffy's dower land of 17 acres in 1844. Witnesses were R.P. Finch and D.W. Stone. Then in 1854 he was of Person County and he granted the power of attorney to William H. Williams to sell land used by Central Rail Road. It was land described as 2 acres but my copy of the deed is confusing because I am missing some words. It was land from the

Edith McGuffie. Witnesses were R.M Andrews and Mary A. Andrews. In Person County records in 1850 Benjamin Williams was married to Carolyn Van Hook possibly ? a second marriage. He went to Texas and someone entered him and his family in the IGI. William H. Williams and Edward A. Williams I need more research. In Wake County a William H. Williams married Eliza H. Gilbert on May 7, 1866. In the 1870 census Edward A. Williams is there with a wife Pattie, b bef 1849, and two children Edward and Charles but this could be another Edward A. Williams although E.A. Williams age 19 a jeweler was living with D.A. Wicker.

See chart made by my friend who was helping at the time. They have cats and her husband knows Dr Michael House but not his wife.

I corresponded with a Ray Gurganus who was at (rgurgan@success.net) His mail address is or was 17 S 11th St., Akron PA 17501-1601. He said he was descended from Mark M. Williams of Raleigh and Maria Burkett McGuffee. He got a little upset with me when I questioned him about this. He had a chart which I can send if you wish. I also corresponded with a girl in Texas about the McGuffee connection. Both of these people left me with more questions than answers.

-
- David A. Wicker and Emma had these three children who died in 1862.
- This is from Wake Treasures and I do not have all issues. They were
- +□ Isadora Pauline aged 13 year and 24 days, Elvira Haywood aged 2
- years on the 15th and Terese Davis on the 19th aged 2 years and 4 days. In the 1880 census Robert Wicker age 28 and Alice Godwin age 24 and Edgar age 3, my grandfather. In David Wicker's house hold in 1880 were David 53, and Emma, 51. Their children were, Laura, dau. who works in book bindery. b. Ark., Edward 16 sign painter, Emma 12 and Claud age 8.

Where did you obtain the information on Mark Williams being from Franklin County? Did he have brothers and sisters? Maybe I will have some more questions later but I am signing off for now. I hope some of the above is helpful but I can't be sure it is always correct.

Yours truly,

James C. Cottrell

1830 - Wake Co NC
1840 " " "
1850 " " "
1860 " " "
1870 - Wake Co, NC

Δ Maria
Williams
bc 1794-96
d Wake Co NC

m
Wake Co, NC

Δ Maria
McGuffey
bc 1802
Wake Co, NC
d - 1885

Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ	Δ
male	male	female	Mary Ann	Emma Jane	William H.	Margaret A.	Sarah A.	Laura L.	Edward A.	Arabella C.	Rebecca P.
b 1820-25	b 1820-25	b 1825-30	bc 1827	bc 1830	bc 1831	bc 1833	bc 1837	bc 1839	bc 1841	bc 1843	bc 1845
d	d	d gone 1840	d	d	d	d	d	d	d	d	d
m	m	m	m 25 Dec 1849 Wake Co NC	m 23 Dec 1847 Wake Co NC	m 7	m	m 16 Dec 1858 Wake Co NC	m 10 Mar 1859 Wake Co NC	m	m 10 Jul 1865 Wake Co NC	m 22 Dec 1869 Wake Co NC
June 1850	Sept 1850		Δ Ralph m Andrews b d	Δ David Alexander Wicker b d			Δ Absalom S. Woodall b d	Δ William B. Gulley b d	Δ Pattie bc 1849 d	Δ W. Q. Rayl b d 30 Apr 1868 Enfield Halifax Co NC	Δ John D. Candle b d
		Δ 1. Elisabeth	1. William L.	Δ		Δ 1. Sophronia		Δ 1. Edward		Δ 1. Addie	
		Δ 2. William E.	2. Isabella P.	Δ		Δ 2. William A.		Δ 2. Charles			
		Δ 3. Emma L.	3. Dora	Δ		Δ 3. Lucian					
		Δ 4. Virginia	4. Robert D.	Δ		Δ 4. Charles					
		Δ 5. David H.	5. Laura	Δ		Δ 5. Benjamin					
		Δ 6. Margaret	6. Edward	Δ		Δ 6. Troy					
		Δ 7. Reuben V.	7. Emma	Δ		Δ 7. Stella					
			8. John	Δ		Δ 8. Mabel					
			9. Claud	Δ							
			10. /	Δ							
			11. /	Δ							

Δ {one of these
sons was
Benjamin}

CK Person County, M.R.
Grayson County, Va.
Virginia Conference, 1887.

VIRGINIA CONFERENCE.

HELD AT DANVILLE, VA., November 16-23, 1887.

BISHOP KEY, President; PAUL WHITEHEAD, Secretary.

QUESTION 1. Who are admitted on trial? ANSWER. John R. Tillery, Benjamin E. Smith, Edgar A. Potts, Charles W. Turner, Clarke W. Leftwich, Albert A. Jones, William W. Southall, Richard T. Wilson, Charles L. Bane, James G. Babcock. 10.

Ques. 2. Who remain on trial? George H. Wiley, William E. Bullard, Robert M. Maxey, Joseph G. Lennon, Walter J. Hubbard, George H. McFaden, R. H. Mullen, John W. Nicholson. 8.

Ques. 3. Who are discontinued? William Irby. 1.

Ques. 4. Who are admitted into full connection? Oscar L. Martin, N. H. Robertson, Bascom Dey, William G. Boggs, Ernest Stevens, Wilbur F. Davis, Thomas J. Wray, James D. Forkner, Milton L. Williams (an elder from the Christian Church), William Dickson Mower (an elder from the United Brethren). 10.

Ques. 5. Who are re-admitted? None.

Ques. 6. Who are received by transfer from other Conferences? J. R. Griffith, from the North Carolina Conference.

Ques. 7. Who are the deacons of one year? V. W. Burgamin, John L. Pribble, McDaniel Rucker, Charles H. McGhee, James A. Duncan, Henry J. Brown, John T. Payne, Edgar H. Lowe, Thomas G. Pullen, John T. Bosman. 10.

Ques. 8. What traveling preachers are elected deacons? Bascom Dey, William G. Boggs, Ernest Stevens, Thomas J. Wray. 4.

Ques. 9. What traveling preachers are ordained deacons? Bascom Dey, William G. Boggs, Ernest Stevens, Thomas J. Wray. 4.

Ques. 10. What local preachers are elected deacons? Charles W. Turner, James M. Shockley, John William Lee. 3.

Ques. 11. What local preachers are ordained deacons? Charles W. Turner, James M. Shockley, John William Lee. 3.

Ques. 12. What traveling preachers are elected elders? William R. Crowder, Emmett C. Harrell. 2.

Ques. 13. What traveling preachers are ordained elders? William R. Crowder, Emmett C. Harrell. 2.

Ques. 14. What local preachers are elected elders? Albert A. Jones. 1.

Ques. 15. What local preachers are ordained elders? Albert A. Jones, Joseph W. Shackard. 2.

Ques. 16. Who are located this year? A. B. Warwick. 1.

Ques. 17. Who are supernumerary? J. J. Laflerty, Wm. H. Camper, Thomas H. Early, James W. Compton, Henry C. Bowles, James W. Connelly, Leonidas Rosser, Edgar H. Rowe. 8.

Ques. 18. Who are supernumerary? Samuel

T. Moorman, John G. Rowe, Jacob Shough, Benjamin F. Woodward, Alfred Wiles, James A. Riddick, R. N. Crooks, John B. Lauren, James McAden, Jacob H. Proctor, John P. Patten, James R. Waggener, William Robinson, John M. Saunders, Alexander M. Hall, William B. Rowzie, Joseph S. R. Clarke, Jos. Lear, John McClelland, Jos. J. Edwards, Robert B. Beadles, Herbert T. Bacon. 22.

Ques. 19. What preachers have died during the past year? Benjamin M. Williams, Edgar H. Pritchett, James D. Lumsden, John Howard, Robert A. Gregory, William W. Bennett, John D. Blackwell, Thomas A. Ware, Edward N. S. Blogg, P. F. August, Theodore H. White (a preacher on trial). 11.

BENJAMIN M. WILLIAMS was born in Raleigh, N. C., August 21, 1820, and brought up under religious influences. In 1838 he professed faith in Christ and joined the Methodist Church, under Rev. Edward Wadsworth, D.D. He was steadfast in his profession, consistent in his life, devout in his religion. He had a good academic education, and was admitted on trial by the North Carolina Conference in 1842; ordained deacon by Bishop Soule in 1844; and elder by Bishop Capers in 1846. He was a preacher of considerable ability; highly esteemed by his brethren; popular and useful wherever he labored. By the transfer of Danville District to the Virginia Conference in 1858 he was made a member of that body. Before this he had been subject to epilepsy of great severity, which disqualified him for the itinerant work. After his transfer he was unable to serve the Church on account of his affliction, and was known only as a supernumerary preacher. In 1845 he was happily married to Miss Caroline Van Hook, of Person County, N. C., a most estimable lady, who was indeed a helpmeet for him in his work and in his affliction. She, with seven children, survives him, weighed down with infirmity and sorrow. In 1859, seeing no hope of regaining his health, he removed to Texas. At the time of his death he had his home in Grayson County, where he died November 28, 1886. He was employed one or two years as a supply in Texas, but having been partially paralyzed, he was compelled to remain at home. One who knew him well in Texas says: "He was a man of great moral influence. Meet him when you might, there was always sunshine about him. He was very much respected and loved by his neighbors. He was a good man who has passed from earth to heaven leaving many warm friends to mourn his loss." It should be added he was refined in manners, simple and childlike in spirit, pure

Virginia Conference

speech, magnetic in conversation. Great is our loss in the death of such a man, but another is added to the redeemed host.

EDGAR HERNDON PRITCHETT was born at Stanardsville, in Orange (now Greene) County, Va., September 4, 1828, and was the son of Mr. Robert Pritchett. His mother was the daughter of Captain Alexander Hutton, of Madison County. Brother Pritchett made a profession of religion in his native place in 1856, and connected himself with the Methodist Church, South, under the ministry of the Rev. D. J. C. Laughter, then in charge of Madison Circuit. Realizing that it was his duty to declare the glad tidings of salvation, he applied for a license as a local preacher, which was granted him by the Quarterly Conference at Madison Court-house October 1, 1857. He was received on trial as a traveling preacher by the Virginia Annual Conference, at Lynchburg, November 17, 1859, with a class of twenty others. Though not thrown with him to a great extent, yet, we being classmates, the writer was permitted to know him quite well. After commencing his ministerial career he was harassed by doubts as to his call to the sacred office. In furnishing data for Dr. Laflerty's "Sketches of the Virginia Conference," in 1880, he explains how his doubts were removed in his first year: "This was a blessed year to me. All my fears in regard to my call to the ministry by the great Head of the Church happily vanished before the spiritual experience it was my blessed privilege richly to enjoy; and the large number of converts during the year confirmed me in the conviction that the Lord God called me to the work." In 1861, having been received into membership by the Conference, he was elected deacon, to which office he was ordained by Bishop James O. Andrew; and in 1863 he was graduated to the office of elder, receiving ordination at the hands of Bishop George F. Pierce. From his first appointment as junior preacher on Nelson Circuit through the succeeding years, including his last charge, the signs of an apostle were seen in him. Great success attended his ministry. In every charge extensive revivals attested his commission; and the material interests of the Church were also faithfully attended to by him. In 1867, after having served Culpepper Circuit efficiently for four years, his health became so feeble as to require a change. He received the appointment of agent for the Virginia Bible Society for the North-eastern District of the State. At the end of a year, however, his health was sufficiently restored to justify his return to the itinerant ranks, and at the next session he went again into the regular work, and was sent to Bedford Circuit, where, during his four years' service, churches were built and repaired, and there were about five hundred and twenty-five converts. After this, in Campbell, Louisa, and other charges, the Lord continued to bless his labors abundantly. In the fall of 1885, when he was appointed to Eastville Circuit, he was in rather feeble health, seemingly suffering

		Pettyfoot	16	M	M	Laborer		
		James	14	M	M			
		Henry McAllan	43	M	M	deitcher		
		Nancy	33	F	M			
		Susan G.	14	F	M			
		Anna G.	11	F	M			
		Mary F.	11	F	M			
		Joseph L.	64	M	M			
		Thomas Chaves	30	M	M	Carpenter		
1144	1052	Penderson Moore	66	F				530
		Henry	27	F				
		John	19	M		Quartermaster		90
1145	1053	Elizabeth Rogers	54	F				
		Ramona	16	M		House maid		
		Elizabeth	13	F				
		Joshua H.	8	M				
1146	1054	John C Van Hook	53	M		House maid		
		Phelia	53	F				
		Harriet	20	F				
		John	18	M		House maid		
1147	1055	Benj. M. Williams	30	M		Minister	500	
		Caroline	29	F				
		Samuel A.	4	M				
		Polina	2	F				
		Benjamin Harton	21	M		Clerk		
		Sarah Leatherman	17	F				
1148	1056	Rushen Long	69	M		Housemaid	1500	1
		Martha	15	F				
			13			500		
			18			200		

T. Long made for
 Duplex of
 Benjamin
 M. Williams
 - 1821

In 1818, Mr. Litchford was united in marriage with Mary Archer Gill, of James City County, Virginia. About the same time he decided to remove to the town of Halifax, North Carolina, but remained there only a short time, and came to Raleigh in 1820. He was a citizen of Raleigh for the remainder of his life, being for many years associated in business with his kinsman, James Selby.

Mr. Litchford was a member of the Masonic fraternity. He took his degrees in Hiram Lodge, No. 40, in 1828, but withdrew shortly thereafter. He resumed his membership later in life, however, and continued a member of Hiram Lodge up to the time of his death.

It was in February, 1855, that Mr. Litchford succeeded Colonel Wiatt as Marshal of the Supreme Court. The Court was then composed of Chief Justice Frederick Nash and Associate Justices Richmond M. Pearson (later Chief Justice), and William H. Battle.

Mr. Litchford held the office of Marshal up to 1869, when the Supreme Court was reorganized under a provision of the new State Constitution, placing the election of Supreme Court Justices in the hands of the people, instead of their being chosen by the Legislature, as was theretofore the usage.

Mr. Litchford died on the 1st day of September, 1870, at the age of seventy-five. In alluding to his death, the *Raleigh Sentinel*, in its issue of September 3d, said, in part:

"Mr. Litchford was a native of James City County, Virginia, removed to Raleigh in 1820, and has been a resident of the city for nearly fifty years. He was a most excellent citizen, quiet yet strongly marked in his principles, and an honest man. As a husband, father, and friend, we have known none better. His death is universally regretted."

The funeral of Mr. Litchford was held from the Baptist Church on the morning of September 3d, and he was buried with Masonic honors by Hiram Lodge, No. 40, a number of members of William G. Hill Lodge, No. 218, being also in attendance.

Mr. Litchford left a number of children, one of his sons being the late James J. Litchford, a well-known and highly esteemed citizen of Raleigh. Among the children of the latter is Henry E. Litchford, formerly cashier of the Citizens National Bank, of Raleigh, and now vice-president and treasurer of the Old Dominion Trust Company, of Richmond, Virginia.

DAVID ALEXANDER WICKER,
Marshal.

DAVID A. WICKER became Marshal of the Supreme Court, as successor to Mr. Litchford, on January 12, 1869. This gentleman was a native

[NOTE: The substance of this article covered in Lt 10 JUN 1999 June Carter to RPL. A copy of this article placed in biography of David A. Wicker - RPL

of Moore County, North Carolina, and the date of his birth was February 6, 1824. In early manhood he came to Raleigh, and was employed as salesman in a clothing store. He did not engage in this occupation long, however, but removed to Arkansas, and remained there about five years. In Arkansas he was engaged in mercantile pursuits, and was postmaster of the town where he was located. Returning to North Carolina, he engaged in railroading, and became General Freight Agent of the North Carolina Railroad, now a part of the Southern Railway. He lived in Greensboro during a part of the war, there being an enrolled member of the Home Guard, and returned to Raleigh in 1865, upon being appointed Traffic Manager of the old Raleigh and Gaston Railroad, now a part of the Seaboard Air Line System. The office last mentioned included the superintendence of the southern division of the Old Dominion Steamship Line, plying between Norfolk and New York. On one occasion, while on a tour of inspection over this line, his ship was totally destroyed by fire, and he came near perishing in an open boat which was buffeted by the waves for two days before reaching Norfolk. For a while Mr. Wicker held a responsible position with the Southern Express Company.

As already stated, Mr. Wicker became Marshal of the Supreme Court in January, 1869. He was in the service of the Court for a little over ten years, being succeeded in 1879 by Mr. Bradley.

After his retirement from the post of Marshal, Mr. Wicker exercised the duties of a magistrate for some years. A veteran of the Raleigh Bar recently told me that the lawyers of that day enjoyed practicing before him on account of the intelligence, impartiality, and promptitude with which he transacted business.

In 1845, Mr. Wicker was united in marriage with Miss Emma Jane Williams, a daughter of the late Mark M. Williams, of Raleigh. He was the father of eleven children, all of whom are now dead except Robert D. Wicker and Mrs. John R. Upchurch, of Raleigh, and Claude A. Wicker, of Durham. A grandson, Edgar J. Wicker, of Raleigh, received a license to practice law at the last term of this Court. Nor, while mentioning grandchildren, should we fail to record the name of our diminutive friend, Pearson Upchurch, whose labors in manipulating the elevators in this building have proved a great convenience to the Bench, Bar, and general public. Δ

Mr. Wicker died in Raleigh on the 23d of January, 1890. In recording his death, the *News and Observer* said: "Mr. Wicker had held many prominent places of trust, in all of which he did his duties well. Socially he was jovial and companionable, and had many friends and few enemies wherever he was known." ∞

*Law Tales for Laymen
by Joseph Lacy Sewell
put by Alfred Williams & Co.
Raleigh N.C.*

CHAPTER XXVIII.

WHEN THE JUDICIARY RAN DOWN IN NORTH CAROLINA.

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026*

GUMMED by federal lubricants and hampered by military obstructions, North Carolina's judicial machinery began to slow down in January, 1869, and in 1870 it temporarily stopped as a function of civil liberty. The Federal Government had been engaged about five years in the self-assumed task of undoing what it said the seceding states had not done and could not do.

"Papers touching the arrest of Henderson Adams, January term, 1869," show the incipency of the attempt to impair the judicial machinery of North Carolina. This old record states that when the Supreme Court attempted to convene on the first Monday in January, 1869, the court room was occupied by one Ashley, Superintendent of Public Instruction; that the books of the Supreme Court library had been removed and new fixtures erected on which were piled school books. That the Supreme Court clerk's office was occupied by one Adams, State Auditor, and that all the records and papers of the Court had been removed. A former janitor of the capitol told me that the court records had been dumped, helter skelter, in the rotunda of the building.

The court peremptorily ordered the Superintendent of Public Instruction and the Auditor to vacate the rooms and these persons refused to obey the order of the court. The record states that the justices were permitted by Ashley, "under protest, and not waiving any of his rights," to enter the room and open court; and the clerk of the court was allowed to use a table in the room formerly occupied by the

clerk but then held by Adams, the State Auditor. The justices undertook to hear arguments from day to day in the court room, "restricted by the presence and pretensions of Ashley" who it appeared, conducted the routine business of his office, without regard for the proceedings of the court. The court held evening sessions for consultation in "another room."

The two rooms which were then the subject of dispute are the rooms now occupied by the Secretary of State. They had been assigned to the use of the Supreme Court and the clerk by an act of the Legislature in 1842. Just prior to 1869 the Legislature passed a resolution directing "the committee on public buildings to furnish a convenient room in the capitol building for the use of the Superintendent of Public Instruction." By virtue of this resolution, the Superintendent of Public Instruction and the Auditor undertook to dispossess the court during its recess.

It appears that a few days after this collision in officialdom the General Assembly repealed the resolution providing rooms in the capitol for the Superintendent of Public Instruction, whereupon the Superintendent vacated the court room, but that Adams, the Auditor, refused to vacate the clerk's office. Adams was called before the court on February 5th and ordered to give the clerk of the Supreme Court (Maj. W. H. Bagley) entire possession of his office. Adams merely replied that "he would do so as soon as he was supplied with another convenient room." On February 8th Adams was again called before the court and was told that unless he vacated by the next day, he would be attached for contempt of court. He still disregarded the court and was committed for contempt to the custody of the Marshal, D. A. Wicker.

*Scanned by this article made for Ashley of W. H. Holden,
David A. Wicker, Joseph Lacy Sewell, R. M. Pearson & Supreme
Court, NC - R. M. P.*

(C)

GOVERNOR INTERFERES WITH COURT.

The Marshal was on his way to jail with Adams, the State Auditor, and as they passed the office of the Governor, Adams requested the Marshal to permit him to see the Governor. The Marshal went into the executive office with the prisoner and, as the Marshal recites in his affidavit, "The Governor said that the prisoner should not go to jail; that a number of persons were present who aided and encouraged the Governor and your affiant being alone and unassisted was unable to take the prisoner to jail by reason of resistance and superior force."

A rule was then served on the Marshal by the clerk of the Supreme Court to appear before the court and show cause why he should not be attached for contempt in refusing to obey the order of the court. Wicker, the Marshal, filed an affidavit which the court decreed "purged him of the contempt," but the record recites that on February 5 the court sent a written protest to the Governor and received the following from him on the same day:

"To the Honorable R. M. Pearson, Chief Justice of the Supreme Court of N. C.

"Sir: I have the honor to receive yours of this date, enclosing a copy from the records of the Supreme Court of an affidavit in the matter of D. A. Wicker, from which the court might well infer that I claim for the executive the power to interfere otherwise than by the exercise of the pardoning power, with the execution of process of the court. I believe that the affiant will explain what seems to have been a misapprehension of the transaction to which he al-

ludes. But however that may be I have the honor to say that I disclaim all such power on the part of the executive. I reciprocate the desire to maintain the comity so happily existing between the departments and I appreciate the spirit and purpose of your communication. I offer assurances of my high consideration for the court, and of my kind regards for yourself. I have the honor to be with much respect, your obt. servant,

W. W. HOLDEN, Governor."

Aside from Wicker's affidavit, neither the record nor (as is shown) the Governor's letter disclose whether the Governor actually prevented the Marshal from placing the Auditor in jail; but Wicker, the Marshal amended his affidavit the same day as follows: "This affiant desires to modify so much of his affidavit as might be construed as putting the Executive and the Judiciary in hostility." Since the sum and substance of the affidavit was that the Governor had actually prevented the Marshal from obeying the order of the court, the Marshal's amendment may be regarded as a retraction. Almost concurrent with the Governor's letter came a communication from Auditor Adams announcing that he had vacated the clerk's office and disavowing any intent to show contempt for the court. Over the protests of Chief Justice Pearson and Justice Reade, the court held that the letter of Adams and his vacating the clerk's office purged him of contempt.

The Chief Executive of North Carolina under so-called "reconstruction" was a journalistic genius, a man of high culture and talented versatility. Through "That sin by which the Angels fell," he became estranged from his own people, or rather, as was contended, he became prominently

identified with those who were against his own people and whether justly or unjustly, his people never forgave him. His descendants inherited his great gifts and a poem ("Hatteras") written by one of his brilliant sons, was included by Longfellow in his collection of American poems of the highest order. Any public wrongs committed by the Governor are not extenuated (though perhaps they should be accentuated) by notable evils equally as great, which were committed by others during those frenzied times, but which went unpunished.

Seeking to conciliate states who were reluctant to adopt the Federal Constitution for fear that their sovereign rights would be abridged, Alexander Hamilton, a renowned Federalist, said: "The States can never lose their powers till the whole people of America are robbed of their liberties."

This dire contingency and its result seemed imminent. Dissolution of the partnership of States had necessarily resulted from violations, by dominant entities, of vital provisions of the compact. The *agent*, created by the compact, had been exalted to a supreme *principal*. This was followed by a flagrant disregard of Section 4, Article IV of the Constitution by which each partner reserved the discretionary power to determine for itself when it was necessary to invoke the aid to the agent to protect a partner against domestic violence. Then followed the declaration by the Chief Justice of North Carolina, "The power of the judiciary is exhausted: the responsibility must rest on the executive."

The final clash between the Executive and the Judiciary in North Carolina occurred in July, 1870. The Governor had proclaimed that Alamance, Caswell and other counties were in a "state of insurrection" and had placed them under mili-

tary rule, with Col. Kirk, a "carpet bag" soldier, in command. It was contended that the real conditions in those counties did not warrant the Governor's proclamation and certain prominent citizens of Caswell County whom Kirk had imprisoned, petitioned Chief Justice Pearson for a writ of *habeas corpus*, alleging that they were unjustly and illegally detained by Kirk. The writ of *habeas corpus* originated during the reign of Charles II (1641). It is founded on the principle "that no one shall be deprived of life, liberty or property but by the law of the land." A writ of *habeas corpus* has the effect of bringing a prisoner before some judge whose province it is to determine whether the prisoner is legally detained. Chief Justice Pearson issued the writ directing Col. Kirk to deliver the prisoners to the Marshal of the court that the Chief Justice might inquire into the lawfulness of their imprisonment. Kirk refused to regard the writ and was sustained by the Governor who claimed to hold the prisoners under military discipline. After hearing full arguments from counsel on the question whether Kirk had a reasonable excuse for not obeying the writ; whether conditions in certain counties justified subjecting them to military occupation and suspending the writ of *habeas corpus*, and if so, should the writ be directed to the Governor, the Chief Justice held, in his famous opinion, that although the writ of *habeas corpus* had not been suspended, the Chief Justice was powerless to enforce it and concluded, "I have discharged my duty; the power of the judiciary is exhausted. The responsibility must rest on the executive." Dr. Hamilton says in his book "Reconstruction in North Carolina," that this opinion so nearly resulted in the impeachment of the Chief Justice that he employed Thos. C. Fuller

to defend him. It remained for a Federal Judge, though a native and resident of Pasquotank County, North Carolina, Geo. W. Brooks, to restore civil liberty to North Carolina. A writ of *habeas corpus* from him resulted in the release of the prisoners.

And so surged, scathed and receded the tidal wave of Federal aggression.

"Sail on, sail on, O Ship of State;
Sail on, O Union strong and great."

But may God spare the "Ship of State," for

"Our hearts, our hopes are all with thee;
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears
Are all with thee, are all with thee."

JUNE

CARTER

REC'D
10 JUN 1999

Robert P. Phil Upchurch
6 Eagles Way Lane
Lake St Louis, MO 63367

□ Dear Phil,

□ + □ + □ Jerry Lewis of Cary, NC gave me this address. I am descended from
Δ + Δ + Δ David A. Wicker, Robert D. Wicker, Edgar John Wicker and my mother
Δ + Δ who was Louise Virginia (Wicker) Carter. On a biography of David
Δ A. Wicker it states one of his daughters married John R. Upchurch
— of Raleigh, NC.

Δ + Δ David Wicker was born in Moore County on February 6, 1824. He
Δ + Δ married Emma Jane Williams in 1845 a daughter of Mark M. Williams
Δ + Δ (and the M in Mark's name may actually be Mc). [Mark married Maria
Δ + Δ or Mariah McGuffy in 1818, a dau of Hardy McGuffy and Edith
□ (Hunter) McGuffy.] This article I mentioned was in the fall term
Δ of Supreme Court of NC in 1918. All that was remaining of David's
Δ + Δ + Δ 12 children were Robert D. Wicker, Mrs John R. Upchurch, and Claude
□ A. Wicker of Durham. It also mention Pearson Upchurch who
— manipulated the elevators in this building.

Δ + Δ I have been searching out my family for some time. I would like to
Δ + Δ now more about Mark M. Williams and his family. He died in Raleigh
Δ on July 21, 1880 at age about 85. His funeral was from the Person
□ Street M.E. Street Church which no longer exist.

Δ + Δ If you have Mrs John R. Upchurch in your family perhaps you could
Δ + Δ answer some of my questions. My Robert D. Wicker was born in
— Arkansas. and perhaps other children were born there.

Δ + Δ + Δ Robert D. Wicker married Alice Godwin. Her parents were Jonathan
Δ + Δ + Δ Godwin of VA and Gilly Lewis dau of Alfred Lewis and Sarah Sims.
Δ + Δ + Δ ~~They~~ were married in 07/31/1834. On back some more Sarah Sims was
Δ + Δ + Δ a dau of Joel Sims who married Martha Hunter a dau of Jacob Hunter.
Δ son of Isaac.

□ Let me know if you can help me in any of this.

— Sincerely,
□ *June C. Cottrell*
□ June (Carter) Cottrell
— 3009 S. Elm Street
— Greenville, NC 27858 - 5212

— E-mail address is
— cottrell@greenvillenc.com

JUNE

CARTER PG1

① From #16 JUL 1999 June Carter to RPA

I. William Speight d 1774 md (?) ABRIGAIL - - d 1781

A. Sarah Speight d 1809 md (?) Reuben Hunter d 1794

1. Edith Hunter md (?) Hardy McGuffie

a. Maria McGuffie md Mark M. Williams

i. Emma Jane Williams md (?) David Alexander Williams (He was in AR for a time but returned to Raleigh, NC)

? - RPA
25 JAN
2004

← (I) Robert D. Wicker md Abie Godwin

(A) Robert D. Wicker

(B) Came Wicker md (?) - - LONG
lived Richmond, VA - 2 children

← (C) Edgar John Wicker

md (1st) (Richmond, VA) Nettie Watson Spencer¹¹ d of TB 1906

md (2nd) (Raleigh, NC) Mary Jones²¹

(1)¹¹ Louise Virginia Wicker d before 1979
md (?) - - Carter

(a) June Carter md (?) Alfred C. Cottrell

(2)¹¹ Raymond Spencer Wicker d before 1999

(3)²¹ ELDE Wicker - died as an infant

(4)²¹ Edgar Jones Wicker - lived & died in Dallas, TX
md (?) Bettie White - possibly alive 1999

- 3 sons, 1 dau

(5)²¹ Harold Lee Wicker - later lived & died in
Norfolk, VA - 1 son

OTHER: Alfred Lewis (in Wake Co, NC at least until 1842-1843)
md (?) Sarah Lewis. In 1850 she lived with her father,
Joel Sims & her Lewis children.

② See ftr 10 JUN 1999 June Carter Ed RPH

I. David Alexander Usher b. 6 FEB 1824

A. Robert D. Usher

1. Edgar John Usher

a. Louise Virginia Usher
md 1) - - Carter

i. June Carter ↑
md 1) - - Cedwell

B. Emma Nora Usher md John Rufus U, son of
Gilbert Burtis U of the Nathan U, I/ Burtis U
Substan - Gilbert Burtis U Line.

③ See Profile of Louise Virginia Usher - Entry - Abraham
Carter Book - pg 62. Louise Virginia Usher md
Felix Alexander Carter (1895-1975). [Note: This fixes
the FAT of June Carter - RPH]