

James Upchurch III**XID 155**

- 1) Land Grant Book 12/202 – VA State Library, Richmond VA.
 - A. On 20 Jul 1753, James U, son of John U (evidently John of Southampton Co. VA and hereafter called **James U III**) was granted 400 acres of land in the county of Brunswick VA.
 - B. In Apr 1756, in answer to a suit against John U, his son **James U, III** went into court and gave a list of John's holdings.
 - C. On 24 Nov 1764, **James U III** bought 310 acres of land from Thomas and Mary Gilliam of Southampton Co. VA for 60 pounds.
 - D. On 7 Oct 1781, **James U, III** bought 57 acres of land for 20 pounds.
 - E. On 15 Jun 1762 (1782 – JCB), **James U, III** was certified as having given supplies to aid the American Revolution.
 - F. On 24 Jun 1784, **James U, III** made his will naming sons John, James, and Harmon, daughters Selah and Edith Mosely, and grandson Burwell and John.

- 2) See records obtained by RPU on 23 Feb 1978 visit to National Society Colonial Dames XVII Century Office.
 - A. P. 13, Index to Land Patents 1623 – 1774
 - a. James U. book 1g, p. 322 - 1117 acres, date 1739, Governor William Gooch. Assume this James is James U, I (XID 151).
 - b. John U, 24, p. 611 – 100 acres, year 1746. Assume XID 150.
 - c. James U, son of John in Brunswick Co. VA, year 1753, no. 32, p. 202, 400 acres. Assume **James U, III** (XID 155)
 - B. P.12, Wills – Brunswick Co. VA – book 2, p. 348 – 1784. July 25, 1784 – James Upchurch [**James U, III XID – 155**].

Sons – John, James, Harmon
 Daughters – Selah, Edith Mosley
 Grandsons – Burwell, John
 Executor – John, James, Harmon
 - C. P. 12 – Brunswick Co. VA Deeds. In 1764, James U bought land from Thomas Gilliam and wife, book 9, p. ?
 - D. P. 12 – Brunswick Co. VA Deed – In 1782, James bought land from James Phipps on Lawrell Swamp, book 2, p. 271.

- 3) See pp 24 -5 of 2 Feb 1978 letter, Elva E. Burkhalter to RPU.
 - A. Joseph Hambelton (Hamilton) of Brunswick Co. VA wrote his will 19 May 1780, recorded Feb 1782 (Parish of Meherrin) mentions children including a daughter Ann, to whom he gives 20 shillings. The researcher says, “note Nancy and Nanny are diminutives of Ann as Nan. Therefore, it seems that Ann Hamilton (Hambleton) married John U (XID 157), the son of **James U, III (XID 155)**, who died in

- Brunswick Co. VA in 1784. Refer to this will and deed book 14, p. 240. “John U and Nanny, his wife to John Neal....”
- B. P. 28. “Burwell Upchurch of Franklin Co. NC, for consideration of 60 lbs., conveys to John Harrison of Brunswick Co. VA, 237 acres of land adjacent to Jesse Taylor’s estate, John Goodrick and Stephen Smith to White Oak Swamp. – Powell – the same being a tract of land devised by **James U (XID – 155)** deceased, to his grandson Burwell – signed Burwell U. Proved 24 Oct 1803. Comment from researcher, “according to land taxes, 1782, **James U Sr (XID 155)** had 710 acres plus 57 not before assessed. Grandson Burwell U sold 237 acres in 1803; son Hermon (Harmon) sold 237 acres in 1788. One John Upchurch of Brunswick sold 16 acres. Total 777 acres. Discrepancy of 10 acres may be due to a re-survey, but no mention of same in any deed”.
- C. P. 35. “Note, refer to will of James Upchurch who died in 1784, which referred to daughter Selah Moseley. It seems that Selah U marriage Benjamin Mosely. The will of Benjamin Moseley written 1785 refers to my wife, Selah Moseley. It seems that Selah Upchurch did marry Benjamin Moseley.
- D. P. 36. “1753 – James Upchurch, son of John U (XID 150), on 20 Jul 1753, granted 400 acres N side of Whit Oak Creek (I believe this is White Rock Creek on map today). 25 Nov 1764, **James U (XID 155)** bought from Thomas Gilliam and wife of Southampton Co. VA, 310 acres on the S side of White Oak Creek. (Part of a tract of land granted to Gilliam in 1763). Beginning at the westward Road on the said Creek thence down the said creek as it meanders to Upchurch’s corner. Spanish Oak of the same thence along said line North to Randall’s corner to Sim’s Corner – to Hine corner thence along Taylor’s dividing line to his corner pine thence along said line to Westward Road as it meanders along said Road to the beginning.
- E. “1781, James Upchurch Sr. buys from Fipps 57 acres on Quarrel (Squirrel?) Swamp. These 57 acres, he leaves by will to grandson John Upchurch. He left to his son John U (SID 157) all his land below Westward Road on N Side of White Oak Creek – and to son James (XID 156), with reversion of bequest to grandson V. Burwell) on the S side of White Oak Swampy to son Harmon U (XID – 167), other land et cetera.
- F. “**James U (XID 155)**, who died in 1784, signed with an X – 1774 Brunswick Court held Monday 23 May 1774 – James is appointed surveyor the road from Quarrel Swamp to Rattlesnake Creek and it is ordered that the hand as usual do attend the aide James U and keep the said road in repair according to law.”
- G. P. 36. “1776 – p. 111, Court held Monday 22 Apr 1776, ordered that the hands of James Randle do attend with the other hands on the road whereof **James U (XID – 155)** is Surveyor and keep the said road in good repair according to law.” [Note: This appears to be in Brunswick Co. VA – RPU].
- H. P. 36. “1782 – Court Order Bk 13, p. 446 at a court held purpose of rec. certify. 5th day of June 1782. June 18, 1781, **James U (SID – 155)** a claim for one saddle and bridle taken by Paschall Greenhill when impressing horses by order of General Lawson. Allowed for 2 pounds. (Thus, any descendant of said **James Upchurch** is

eligible for membership into DAR, since James being a Patriot)” [Note: this appears to be in Brunswick Co. VA – RPU]

- I. P. 37. “**The James U (XID 155)** who died in Brunswick in 1784 seems to be the son John (XID – 150), who married Elizabeth Hunnicutt and therefore was the Patentee of land on White Oak Creek 1753, in Brunswick. His sons were John, James, and Hermon (Harmon).
 - J. P. 38. “1756 – April Court. John Maclin against John Upchurch defendant (XID – 150). The Sheriff of this County having returned an attachment awarded against the defendant’s estate that he had executed the same in the hand so **James U (XID – 155)**, and summoned him a garnishee, this day came the plaintiff by his Attorney and the defendant not appearing the said **James U (XID – 155)** came into court and declared on oath that he had three bottles, 1 old pair of harness, on old razor and spoon of the said defendant in his possession. Whereupon it is considered by the court that the plaintiff recover against said defendant, ten pounds six shillings and one-half penny for his damages sustained. It is ordered the Sherriff to sell attached effects according to law and return an account to the next court.
- 4) See 7 Feb 1980 order for Upchurch Bulletin from Odie Marie Upchurch. She gives dates for **James U III (XID = 155)** as 1724 – 1784. I had 1784 already, but 1724 appears new and I am accepting it provisionally – RPU.
 - 5) See chart received 17 Jul 1981 by RPU from Fred Upton Upchurch Sr. He shows **James U III (XD – 155)** as b. 1724 d. 1784.
 - 6) See letter, 20 Aug 1983, Leta Nelson to RPU. She shows **James U, III (XID – 155)** as born Brunswick Co. VA and (his) will recorded, 26 Jul 1784, bk 3, 245 Brunswick. [Hence I will presume he died in Brunswick Co. VA – RPU].
 - 7) Copy to Roy White, Jr. 11 Aug 1984.
 - 8) See letter, 29 Apr 1985, Charles E. Crow to RPU. **James U, III Will 1784** – Brunswick Co. VA is referenced in Virginia Wills and Administrations 1632 – 1800, by Clayton Torrence.
 - 9) See letter, 8 May 1984, Martha Miriam Anderson to RPU. **James U, III** b. Brunswick Co. VA. Will made 24 Jun 1784, died Brunswick County VA, married Elizabeth -----. On 15 Jun 1782, **James U, III** was certified as having given supplies to aid the American Revolution.

- 10) See letter, 22 May 1987, Oliver Wingate U to RPU -Coy Tillman Upchurch section.
- A. "The Fourth Upchurch to appear was James U [**James U, III**], the son of John U [John U, I]. James U bought 310 acres in Brunswick Co. VA on the sought side of White Oak Creek from Thomas Gilliam in Nov 1764. [same item as 1 C].
 - B. "The Will of James U [**James U, III**] dated in 1784, left to his son, John U [John U, III], a tract of land beginning at Zachariah Simms's line. [Same tract as cited in A above].
 - C. "On 19 Oct 1786, John U [John U, III], the second John U and the fifth generation Upchurch to appear here in the United States, son of James U [**James U, III**] of Brunswick Co. VA, bought a tract of land from Robert Rassel in Chatham Co. NC on the Haw River".
 - D. [Note that Coy Tillman Upchurch presumed that the wife of Moses U (Head of Clan) came from the Simms family mentioned in 10 B, because **James U, III** lived next to Simms family However, note that **James U, III** was a first cousin of the father (Richard U, II) of Moses U. To follow up on this lead, we need to establish more details. Coy seems to imply that Moses U descended from **James U, III**, which he did not – RPU] [Coy also presumes that Gillium U of NC got his name from Thomas Gillium mentioned in 10 A – same reservations – RPU].
 - E. William and Mary Quarterly, V. 26 (1), p. 59. Brunswick Co. VA Poll List for residents voting for representatives for the House of Burgesses in 1748 include James U (**James U, III**).
 - F. Brunswick Co. VA, Deed Book 5, p. 740, 27 May 1755, recorded 27 May 1755. James U [**James U, III**] of Meherrin Parish, Brunswick Co. VA to Peter Hines of the same parish and county, 117 acres in Brunswick Co. VA on the sough side of Fontane's or Rattle Snake Creek. Said land was patented by said Upchurch. Signed James (X) Upchurch.
 - G. Brunswick Co. VA Deed Book 7, p. 61, 20 Feb 1762, recorded 22 Feb 1762. Abraham Jones of Halifax Co. NC to James U (**James U, III**) of Brunswick Co. VA, 200 acres in Brunswick Co. Bound: Benjamin Mosley, Thomas Bayns, Richard Bennett. Signed: Abraham Jones. Witnesses: Benjamin Mosley, Thos Mosley, Isaac Mosley.
 - H. Brunswick Co. VA Deed Book 9, p. 290, 25 Nov 1764, recorded 26 Nov 1764. Thomas Gilliam and his wife, of Southampton Co. VA to James UI (**James U, III**) of Brunswick Co. VA, 310 acres in Brunswick Co on the south side of White Oak Creek. Said land was patented 13 Aug 1773 by said Gilliam. Bound: Westward Road on White Oak Creek, Upchurch, Randloe (?) and Harrison. Signed: Thomas (X) Gilliam and Mary Gilliam. Witnesses: John Robinson, Henry Edmunds, Lewis Williamson, John Tatum.
 - I. Brunswick Co. VA order Book 1, p. 475. Will of James U [James U, II and not III] of Brunswick Co. VA, 15 Sep 1779, probated 24 Aug 1783. Wife Elizabeth. Legatees: John Nance, the son of Sally Smith, James Smith, the son of William Smith. Wife Elizabeth and Jesse Brewer, executors.

- J. Brunswick Co. VA Will Book 2, p. 348. Will of James U (**James U, III**) of Brunswick Co. VA. 24 Jun 1784. Probated 26 Jul 1784. To son John U, all of my land below the Westward Road on the N of White Oak Swamp (Creek). Beginning at Zachariah Sim's line to Stephen Smith's line. (John U, III). To son James (James U, IV) I lend all my land on the S side of White Oak Swamp, below Baistes Spring Branch to Jesse Taylor's corner. After the death of James U (James U, IV) to grandson Burwell U. Names grandson John U, son Harmon U, daughter Selah Mosely, daughter Edith Mosley, sons John U (John U, III), James U (James U, IV) and Harmon U, executors. Signed James (X) U. Win: George Walton, Meredith Poythress, James Fipps.
- K. Brunswick Co. VA – Personal Tax Lists. 1782 – James U, III. Note that James U, II is not on the list in 1783 thru 1787.

11) Article from letters, 1 Jan 1996 and 14 Jan 1996, Roy White, Jr to RPU.

A Possible Mother
for
Burwell UPCHURCH

It is a given fact that Burwell UPCHURCH (1782-1847) was the son of a certain James UPCHURCH (Jr.) who was specified as being the son of Burwell's grandfather, James UPCHURCH (Sr.) who died in Brunswick Co., VA -- the Last Will and Testament for whom was dated 24 June 1784 and subsequently proved 26 July 1784 in that county -- because the said parties are identified as such in the said LWT. What has been lacking, however, is any indication in re the identity of Burwell's mother. What follows will be an effort by this writer to present a possible candidate, and to outline the available circumstantial evidence that can be interpreted in a way that supports the theory.

The individual who could appear to qualify if the evidence is viewed in a "favorable" manner is a certain Mary UPCHURCH who first came to light when this writer was examining one of the various censuses undertaken by the State officials of Mississippi for their own, local purposes -- that of 1823. One provision of this exercise was to enumerate all individuals who were "over the age of 70", and it is in this context that Mary's name was listed next to Burwell's in Perry County (It is unclear whether she was in an adjacent habitation of her own, or a member of Burwell's household, but listed separately because of her age. Possibly significant, however, is the fact that the returns for the federal census of 1820, same county, indicate that Burwell's household included a white female "over 45"). A subsequent analysis by Robert Phillip UPCHURCH, based on his vast collection of UPCHURCH family data and deduced family-connections there-from, determined that Mary would not have been a blood-aunt (No such daughter was named in the LWT of James UPCHURCH (Sr.)) nor was it likely she was the wife of one of his uncles -- their names being known. R.P.U. further informed me that she could not have been a first-cousin because Burwell's uncles were simply too young to have produced a daughter of Mary's age. This writer acknowledges the possibility she might have been a second or third cousin, but for the purposes of this article we will consider that idea to be a bit far-fetched (For one thing the other branches of the family seem to have been relatively far-removed, geographically speaking.). There is also the possibility that she could have been a step-mother, but for a reason to be presented later this writer is discounting that idea, too.

At a later date R.P.U. brought to the attention of this writer the existence of an 1850 federal census return for Talbot County, GA -- one for a household that included William BARNES (75 yrs), Rebecca BARNES (69 yrs), Mary UPCHURCH (100 yrs), and various additional individuals who can be identified by other means as having been family of William and Rebecca. Except for one, serendipitous turn of events this item might have remained just another unconnected bit of UPCHURCH trivia, but with the discovery that the early records for Stone Creek Baptist Church, located near present-day Dry Branch in the very northern part of Twiggs County, were available on microfilm via inter-library loan, and the subsequent examination of the same in connection with a research project involving the family of Burwell's wife, a presentable (in the personal opinion of this writer) scenario can be formulated that ties together several strands -- including Burwell UPCHURCH, his wife and her family, the above-mentioned BARNESes, and individuals who can have been Burwell's parents if the evidence is viewed with an open mind.

The following were received into membership at Stone Creek Church on the dates indicated:

William and Rebecca BARNES	23 June 1810
Elizabeth RILEY	21 July 1810
James UPCHURCH	22 June 1811
Mary UPCHURCH	25 Jan 1812
Ellender UPCHURCH	25 Jan 1812

It needs to be said here that Burwell UPCHURCH's wife has been identified as having been Eleanor ("Ellender") RILEY, daughter of Edward RILEY and Mary Elizabeth WOOD(S), and since Burwell's oldest known child was born 7 March 1813, it would seem likely that they had probably not been married very long by Jan 1812. Interestingly, Burwell is not named as having ever joined this church (Nor is his father-in-law; it being fairly certain that the above Elizabeth RILEY is Ellender's mother considering that one of their other daughters also joined.). A Letter of Dismissal was issued to "Sr Elender Upchurch" (Sister E.U.) on 21 November 1815 -- clearly indicating that Burwell was getting ready for the move to Mississippi because they were in evidence there by 1817. Unfortunately, no other dates of dismissal are extant, so it cannot be determined just when the BARNESes and Mary UPCHURCH left, but these records were extracted and compiled at some point, and the nature of the information included leads this writer to think that process occurred sometime in the 1840's. James UPCHURCH was indicated to be "dead", while Mary had been "dismissed" -- the implication being that James died while still a member of Stone Creek Church (and is thus likely buried in the original cemetery about two miles from the present-day location of the church, which was moved to a new site in the 1850's, and is said to be completely abandoned with very few tombstones remaining).

But the writer digresses! The point is that Mary UPCHURCH, along with William and Rebecca BARNES, not-to-mention Burwell UPCHURCH (If Ellender was there, then so was he.) were all in one, defined location at the same time.

The reader will recall that the LWT of James UPCHURCH (Sr.)[↑] who died in Brunswick Co., VA, in 1784 was mentioned in the first paragraph above. In a very curious provision said James[↑] *loaned* a tract of land and a slave to his son James UPCHURCH (Jr.), said property to be *given* to his grandson Burwell UPCHURCH "after the Death of my son James Upchurch". This stipulation has undoubtedly perplexed and confused every researcher who has attempted to explain the arrangement -- a variety of reasons having been put forward, none of which have seemed very satisfactory (at least in the opinion of this writer).

On the surface, it would seem fairly straight-forward to assume, then, that James (Jr.) must have died by the time that Burwell, on 12 May 1803, sold the parcel of land that came to him from his grandfather (At the time he had just reached his twenty-first birthday, and was a resident of Franklin County, NC. The federal census returns for 1800 indicate there were two UPCHURCH households in that county headed by a "James", but it is **uncertain, although tempting -- perhaps even obvious -- to conclude, that one or the other is the father of Burwell.**) But DID he die? For the purpose of this study it will be assumed that he did not, and that some legal maneuver was found for Burwell to have sufficient control over the land in order to sell it after attaining his majority.

Two years later Burwell can be found in the annual Tax List of 1805 for Greene County, GA., and paid taxes there every year through 1810. Significantly, a James UPCHURCH was also there from 1806 through 1810. In October 1809 Burwell sold a tract of Greene County land and in September 1810 he conveyed another parcel, while paying taxes on acreage located in Wilkinson County. Since Twiggs County was cut out of Wilkinson, it seems highly likely that the general area wherein was located Stone Creek Church was his destination (early records for these counties are no longer extant, so confirmation is difficult to achieve) -- and this writer has no problem surmising that James and Mary UPCHURCH were with him, thus explaining their presence and the timing of their church membership (The writer will choose to ignore the fact that there was a six-month difference in the respective dates of reception into the church for James and Mary, and assume there was an explanation.). On another note, it would seem very reasonable that it was here where Burwell encountered the Riley family and his future wife.

The final element of the situation is the BARNES family, and how one of them could have been associated with the aforementioned provision in the LWT that denied James (Jr.) his heirship. Along with all of the other threads that enter this picture from seemingly different directions a pattern is formed that can be interpreted in a way that explains everything. (Whether the picture presented here was the true one, or close to it -- or can ever be proved -- is another matter, of course.). The route whereby the BARNESes arrived at Stone Creek Church is not known with any certainty, but it is surely significant that they joined the church in the same time-period. Perhaps it was purely coincidence -- and maybe he was another individual with the same name -- but among the annual tax lists for Greene County there was a certain William BARNES listed every year beginning in 1805 who remained there through 1809. It is interesting to note that William and Rebecca were received into Stone Creek Church in 1810 -- and very intriguing to remember that Burwell and/or James UPCHURCH were in Greene County during that same time-period (It must be reported, however, that while Burwell's land was associated with the Oconee River, that of William BARNES was on the Ogeechee River -- the opposite side of the county, and possibly even in present-day Taliaferro County -- so they were not near-neighbors.).

The fact that Mary UPCHURCH was enumerated in the household of William BARNES implies that she must have had a connection, and one of the usual -- the one postulated here -- is that she was the mother of either William or Rebecca.

William could only have been Burwell's half-brother, but Rebecca might have been a full-sister except that this would mean that she had been deliberately omitted from the LWT of Burwell's grandfather. The other option -- supported by the fact that she was born 16 October 1779 (from a published record), thus older than Burwell -- is that she was a HALF-sister -- Mary's child from a prior marriage, as would William have to have been because he, too, was older (born 4 September 1774) -- and this scenario would seem to explain everything.

Since it was not at all unusual for someone to marry a widow(er) in those days, it would not be unreasonable to think that James (Jr.) might have done so. In this scenario Mary had at least the one child, whether William or Rebecca -- probably there were others, too, considering her age -- and for the purposes of this effort we will assume that James (Sr.) did not want her or her child(ren) to eventually inherit his property in the event that Burwell did not survive (He was only two years old when his grandfather found himself in his final days -- his LWT was written only a month before being proved, so he "knew" -- and we will think it must have been clear there would probably not be full-siblings for Burwell because no provisions were made for any.). The thought that perhaps James (Sr.) had "bad feelings" for James (Jr.) is a possibility, but why was he then named as one of the executors?

For the further interest of the reader it will be mentioned now that Burwell's household of 1830 (Wilcox County, AL) did not include an older female, but that of William BARNES (Twiggs County, GA) did -- as it did also in 1840 (Talbot County, GA) and, of course, in 1850. For some reason Mary returned to Georgia after 1823 and before 1830. Burwell's wife died in early 1831, so perhaps she had become ill and Mary didn't want to (or couldn't) deal with it (by then Burwell's oldest were teenagers and would've been able to manage the household), and went to live with the BARNESes. This writer sees no problem for a 75ish woman travelling a few hundred miles, even in those days (She couldn't have been all that "frail" to have lived to be 100.), since Burwell seems to have been sufficiently well-off (He had one of the first carriages where they lived.) in order to have afforded her some of the better transportation available for the times, and the BARNES family had resources, too, judging by the extent of their slave-holding.

Operating on the above assumption in re Mary this writer spent some time going through the records of Brunswick County, VA, looking for qualified widows who could have married Burwell's father, but found no obvious candidates. It could have been, however, that she was from an adjacent county.

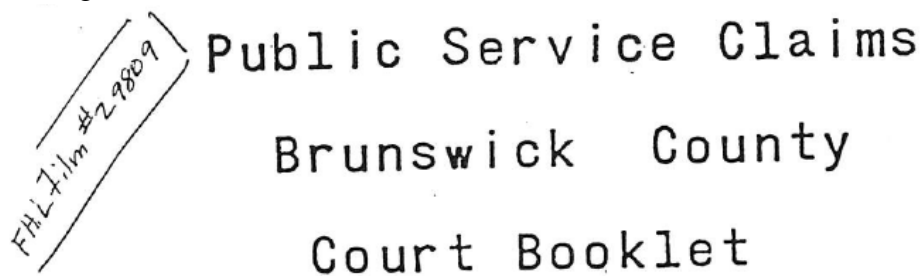
Additionally, there is the possibility of tracing the BARNES descendants down to present-day families -- hoping to find someone who "knows" something (This procedure seems to fail more often than not, in the experience of this writer, but may be one of the very few avenues of attack.). William BARNES died in Talbot County, GA, where his probate indicates there was an extensive array of descendants -- some of whom surely must have left adequate tracks for for such a project.

- Roy White, 14 Jan 1996

- 12) See letter, 19 Oct 2001, John Read Upchurch to RPU, a 13 Item Report of Nancy Carter Moore regarding Brunswick Co. VA Records possibly bearing upon Joseph U, b. 1775 (VA) – RPU Comments.

- 3 From wills and deeds, I know that Michael Upchurch lived on the south side of Eaton's Road in 1784, near Middle Run. His neighbors were Valentine White, Thomas Parham, Lewis Dupree, Thomas, Isaac, and Benjamin Mosely. MICHAEL U, III XID-159
HIS LOCATION & NEIGHBORS 1784
-
- 6 By 1777, Michael/Myal Upchurch's neighbors were BARTHOLOMEW UPCHURCH, Matthew Rainey, Thomas Bracy, and Allen Love. This deed is from "Daniel Burnet and his wife Elizabeth of CHATHAM Co. NORTH CAROLINA to Thomas Smith of Chatham County, N.C.," and it was land already lived on by Joyce Burnet, at the head of Poplar Creek. MICHAEL U, III XID-159
BARTHOLOMEW U IS
NEW!! NEED DEED TO
VERIFY THIS NEW UPCHURCH FAMILY MEMBER - LOCATION 1777
-
- 7 Another 1777 deed of gift from William Brewer and his wife Mary to John Brewer is for "518 acres which was William Brewer's de'd plantation, on the south side of Rattle Snake Creek joining William Jones, Henry Ledbetter, UPCHURCH'S BRANCH, and James UPCHURCH." JAMES U, I IS PROBABLY
JAMES U, III AS HIS BIRTH
HAS OTHER REFERENCES TO
RATTLE SNAKE CREEK & RATTLE SNAKE CHURCH; HOWEVER CANNOT YET
RULE OUT HIS 1ST COUSIN JAMES U, II WHO LIVED IN THE SAME
ERA & AREA
-
- 9 There was also a THOMAS UPCHURCH in Brunswick in 1776, as he is a witness to the will of Thomas Lambert. THIS THOMAS U IS NEW
TO RPU RECORDS. NEED
COPY OF WILL TO VERIFY DETAILS. BEING OLD ENOUGH TO
WITNESS A WILL IN 1776 HE COULD HAVE BEEN THE FATHER
OF JOSEPH U b 1775!! THOMAS PROBABLY AT LEAST 21 IN
1776 HENCE BORN 1754 OR BEFORE
-
- 10 Everybody over 16 had to do road work in the 1700s in VA, or have a slave do it. Some of these records have survived, and on September 7, 1738, JAMES UPCHURCH and WILLIAM UPCHURCH were removed from Francis Wray's road crew and placed on William Mosely's road crew. So, WOW, these Upchurches were there early enough to be Joseph's father, that is for sure! In Brunswick County Court records, William was added to a list of tithables in 1736, SO THIS IS WHEN HE BECAME 21. THIS INFO IS NEW TO
RPU. BASED ON AGES
THIS JAMES U IS
ALMOST CERTAINLY
JAMES U, I XID-151
- ALTHOUGH THERE IS SOME CHANCE IT COULD BE HIS SON JAMES U, II XID-154. THIS WILLIAM U IS A GOOD FIT TO BE WILLIAM U, I XID-3343, A BROTHER OF JAMES U, I - XID-151
-
- 12 In a November pre-election (of burgesses) in Brunswick, the only Upchurches on the list were JAMES UPCHURCH Sr. and MICHAEL UPCHURCH. THIS REFERENCE IS NOT
DATED BUT ANOTHER CITATION
IN RPU SHOWS JAMES U REGISTERED TO VOTE FOR BURGESSES
IN 1748 - PROBABLY ALL THE SAME HENCE JAMES U, SR = JAMES
U, I (SR) XID-151 & MICHAEL U = MICHAEL U, III XID-159
-
- NOTE: NANCY WRITES IT WOULD BE HELPFUL TO FIND JOSEPH U b 1775 LISTED IN SOME OF THESE VA RECORDS - THIS IS POSSIBLE BUT NOT LIKELY AS HE LEFT VA AS A TEENAGER OR YOUNG MAN - RPU

- 13) Item in letter, 7 Sep 2007, Margaret Louise Harris to RPU. (See her Biofile for full record – the relevant Upchurch segment has been reformatted as below):



1781 June 18

James Upchurch's claim for one saddle and bridle taken by Paschall Greenhill when impressing horses by order of Genl Lawson allowed for -----

RPU Transcription:

18 Jun 1781: James Upchurch's claim for one saddle and riddle take by Paschall Greenhill when impressing horses by order of General Lawson – allowed for ----- 2.0.0 (pounds).

RPU interpretation:

- It appears that James Upchurch was required to, or willingly provided a saddle and bridle for government use, presumably during the Revolution. It appears his claim was approved, and he was paid 2 pounds.
- This James Upchurch could have been:
 - i. James U, II who died about 1783 (Brunswick Co. VA?) XID 154
 - ii. **James U, III** who died about 1784 (Brunswick Co. VA) XID 155

- 14) Records for Upchurch Family members in Brunswick Co. VA in the 1700s, received from Margaret Louise Harris, without accompanying message. (She phoned to say she was cleaning out her office). These records are placed in the Brunswick Co. VA File.

The key points are summarized below:

1. 1786 – 27 Nov, date of marriage of Thomas Bethshurs and Eliza Upchurch – security and witness: Peter Read.
2. 2 May 1787 – Thoms Bethsheare married Elizabeth Upchurch. Minister = John King.
3. 19 marriages listed on 4 Feb 1790. Minister for all was John King, including William Brown and Elizabeth Upchurch.

4. Family History Library Microfilm #29809 – Public Service Claims – Brunswick Co. VA Court Booklet, p. 3. 18 Jun 1781: James Upchurch claim for one saddle and riddle take by Paschall Greenhill when impressing horses by order of General Lawson – allowed for ----- 2.0.0

RPU comments, 9 Sep 2009

1 and 2 above are already in RPU records. This Elizabth Upchurch is Elizabth U, II head of Upchurch Clan #17. She is the daughter of Michael U, III.

3 above also in RPU records – Elizabeth Upchurch is shown as an unidentified Upchurch.

4 above also in RPU records – somehow this James Upchurch was classed a **James U, III XID 155 (4th generation)**. However, after this review, it seems the entry could equally apply to his 1st cousin James U, II, XID 154.

- 15) Input in letter, 7 Sep 2007, Margaret Louise Harris to RPU, regarding land in Brunswick Co. VA held by Upchurches in the 1700s.

Brunswick Co. Upchurch

James Upchurch ± owned land on so. side of
Rattlesnake Creek (then Brunswick Co. from
NC state line) (later thought to be
located in Greensville Co. (p 1780-81)
at extreme SW corner of Brunswick Co. —

Commentary by RPU, 18 Sep 2007:

My records do include a James U, I (XID 151) b. about 1685 (VA), d. abt. 1765 (Brunswick Co. VA). Note that the record above mentions the date 1780/81 at which time James U, I had been deceased 15 or more years. Still, the reference could be to him.

Alternatively, there were two other Upchurches by the name James who were in Brunswick Co. VA in the 1750 1800 era. They were:

- **James U, III d. 1784** (Brunswick Co. VA) XID 155
- James U, II d 1783 (Brunswick Co. VA) XID 154

- 16) Will of **James U, III**, dated 24 Jun 1784 in Brunswick Co. VA. Transcribed by Roy White, Jr. RPU has copy of original on file.

In the name of God Amen, I James Upchurch of Brunswick County in Virginia calling to mind the mortality of my body embrace the present opportunity of making this my last will and testament and desire it to be viewed by all as such. (to wit) I first commend my Soul into the hand of God my Redeemer and my body I commit to the Earth to be buried in a Decent Christian manner nothing doubting but that I shall receive the same again at the General Resurrection and as touching such Worldly Goods as the Lord hath blessed me with I Will and Bequeath as follows, first of all I Desire that enough of my Estate be sold to pay my funeral charges and Lawful Debts.

ITEM Give and Bequeath son John Upchurch all my Land that lies below the Westward Road on the North side of White Oak swamp BEGINNING at Zachariah Sim's line and Thence along the said Road to the head of a Branch & Thence down the said branch to the White Oak swamp and along the said North side to Stephen Smith's Line to him his heirs and Assigns forever.

ITEM I lend unto my son James Upchurch all my Lands that lie on the South side of White Oak swamp below a Branch called Baitses spring Branch & up the said branch right against Jesse Taylor's corner tree.

ITEM after the Death of my son James Upchurch I Give unto my Grandson Burwell Upchurch all the Lands just before lent to my son James Upchurch to him and his heirs or assigns forever.

ITEM I lend to my son James Upchurch one Negro Boy named Hall during his natural life.

ITEM I give unto my Grandson Burwell Upchurch after the death of my son James Upchurch one Negro boy named Hall to him his heirs or assigns forever.

ITEM I give and Bequeath to my Grandson John Upchurch fifty seven acres of Land lying & being on the South side of Quarrell swamp known by the name of Tipps's land to him his heirs or assigns forever.

ITEM I give and Bequeath to my son Harmon Upchurch all the rest of my Lands that has not already been given to him his heirs or assigns forever. Also I give and Bequeath to my son Harmon Upchurch one Negro Wench named Doll to him his heirs or assigns forever.

ITEM I Give and Bequeath to my son John Upchurch one Negro girl named Sall to him his heirs or assigns forever.

ITEM I Give and Bequeath to my Daughter Selah Moseley one Negro Girl named Judy to her and heirs forever.

ITEM I Give and Bequeath to my Daughter Edith Moseley one (taped over passage) Shillings Current Money of Virginia to be paid by my Executors to her or her heirs forever.

And I lastly do appoint my three sons my Executors John Upchurch, James Upchurch and Harmon Upchurch, my Desire is that no part of my Estate be appraised nor my Executors give no security. IN WITNESS whereof I have hereunto set my hand Seal this twenty fourth day of June 1784.

Signed Sealed & Published)	His
& Declared in presence of)	James X Upchurch (LS)
		Mark
George Walton		
Meredith Poythress		
James Tips		

Brunswick County Court 26th day of July 1784. This will was proved by the Oaths of George Walton, Meredith Poythress and James Tips witnesses thereto & Ordered to be Recorded and on the Motion of John James & Harmon Upchurch the Executors therein appointed who made oath thereto according to Law Certificate is Granted them for (A)taining a probate thereof in due form.

Teste
Drury ? Co. C."

Transcribed by Roy White, Jr.

17) FHL 7644010, Image 213 – Will of James U, III.

348
 James Upchurch
 Will
 In the name of God amen I James Upchurch of Brunswick
 County in Virginia calling to mind the Mortality of my body. embrace the present
 Opportunity of making This my last Will and Testament and desire it to be
 received by all as such (to wit) I first commend my Soul into the hand of
 God my Redeemer & my body I commit to the Earth to be buried in a decent
 Christian manner nothing doubting but that I shall receive the same again
 at the general Resurrection And as touching such worldly goods as the Lord
 hath blessed me with I Will and Bequeath as follows first of all I Desire that
 enough of my Estate be sold to pay my funeral charges & Lawful Debt.
 Item Give and Bequeath son John Upchurch all my Land that lies below the West-
 ward Road on the North side of White Oak swamp Beginning at Zacharia
 Sims's line and Thence along the said Road to the head of a Branch & Thence down
 the said Branch to the White Oak swamp & along the said North side to Stephen
 Smiths Line to him his heirs or Assigns for ever. Item I lend unto my son
 James Upchurch all my Lands that lies on the South side of White Oak swamp below
 a Branch called Baiters spring Branch & up the said Branch right against
 Jope Taylors corner tree. Item after the Death of my son James Upchurch I
 Give unto my Grandson Burwell Upchurch all the Lands just before lent to
 my son James Upchurch to him and his heirs or Assigns forever. Item I lend
 to my son James Upchurch one Negro Boy named Hall during his natural life.
 Item I Give unto my Grandson Burwell Upchurch After the death of my son James
 Upchurch one Negro Boy named Hall to him his heirs or Assigns forever.
 Item I Give and Bequeath to my Grandson John Upchurch fifty seven Acres of Land
 lying & being on the South side of Quannall swamp known by the name of Fipps's land
 to him his heirs or Assigns forever. Item I Give and Bequeath to my son Harmon
 Upchurch all the rest of my Lands that has not already been given to him his heirs
 or Assigns forever Also I Give and Bequeath to my son Harmon Upchurch one
 Negro Girl named Doll to him his heirs or Assigns forever. Item I Give and
 Bequeath to my Daughter Sarah Masley one Negro Girl named Judy to her and
 her heirs forever. Item I Give and Bequeath to my Daughter Cath Mos

349

Shillings Current Money of Virginia to be paid by my Executors to her or her heirs forever.
And I lastly do appoint my three sons my Executors John Upchurch, James Upchurch
and Harmon Upchurch, my Desire is that no part of my Estate be appraised nor my
Executors give no security In Witnes Whereof I have hereunto set my hand and Seal
this twenty fourth day of June 1784.

Signed Sealed & Published
& Declared in presence of

his
James x Upchurch (L.S.)
mark

George Walton,

Mordeth Joyntree, Brunswick County Court 26th day of July 1784.

James Tipton.

This Will was proved by the Oaths of George Walton, Mordeth
Joyntree and James Tipton witnesses thereto & Ordered to be Recorded
And on the Motion of John, James & Harmon Upchurch the Executors therein appointed who
made oath thereto according to Law Certificate is granted them for obtaining a probate thereof
in due form.

Teste Drury J. C. C.

- 18) Excerpt from *The Upchurches of Virginia, North Carolina, Arkansas and Indian Territory: 1624 – 1925*, by Mae Davenport Cox. Apr 2008, pp 77 – 100.

Third Generation

John Upchurch, I [△] [→] PAGES 77-100 TO HIS BIOFILE

1 Michael Upchurch I 1620 - 1681
 +Frances? 1630 - 1690/91

..... 2 Richard Upchurch 1658 - 1700
 +Spouse Unknown 1658 -

..... 3 John Upchurch I 1678 - 1758
 +Eleanor ?
 *2nd Wife of John Upchurch I:
 +Elizabeth Hunnicut 1682 - △

..... 4 John Upchurch II bef 1701 - 1713 △
 4 Elizabeth Upchurch abt 1701 - △
 4 Sarah Upchurch abt 1704 - △
 4 Tryphena Upchurch abt 1707 - △
 4 James Upchurch III ↑ abt 1724 - 1784 △

* There is a possibility that John was married to Eleanor before his marriage to Elizabeth Hunnicutt. More on this on next few pages.

RPU note: Pages 77 – 100 contain information on

- New Kent County, VA
- St. Peter's Church of New Kent County
- Brunswick County, VA

19) Excerpt from *The Upchurches*, by Mae D. Cox, Apr 2008, p. 102.

Three James Upchurches in Brunswick County, Virginia

How very confusing to have three James Upchurches living in the same vicinity all at the same time. For the sake of clarity, Belle Lewter West came up with a designation for each of them James I was the son of Richard Upchurch, and grandson of Michael Upchurch I. Next was James II, thought to be the son of James I. James III was the son of John I and a cousin to James II. ^{R06134ge}

When digging through all the Brunswick County records, it's difficult to distinguish just which document goes to which James Upchurch. West did a great job of making the determination and pointing the rest of us in the right direction. Below are abstracts of Brunswick County land transactions. They are being offered merely to provide fodder for future researchers, and because of the name similarity.

Note that the name *Moseley* appears in some of these abstracts. We do know that two daughters of James Upchurch, III, were married to Moseleys.

△ Item 1 – Possibly James Upchurch I

Indenture made the 28th day of November, 1758, between Jacob Woolsey and John Woolsey, his son, for good will that he beareth to his son, conveying 400 acres adjoining lands of Elias Morgan, Benj. Britt, William Johnson, and **James Upchurch**. Witnesses were John Morris, William Neal, and Thos. Walton (his mark). Indenture acknowledged in Court on January 23, 1759, by Jacob Woolsey. ^{R06140e}

△ Item 2 – Possibly James Upchurch III ↑

Indenture made the 21st day of March, 1759, between Richard Smith of Granville County, North Carolina, and Peter Hines, for 50 pounds, conveying 400 acres, adjoining lands of **James Upchurch**, Rattlesnake Creek, and Richard Ledbetter, and being the tract of land granted to Richard Smith by Letters of Patent bearing date of June 26, 1755. Witnesses were William Neale, Jacob Adams (his mark), and Elias Morgan. Indenture proved in Court on April 24, 1759, by the oaths of the witnesses. Document on page 110. ^{R06140g}

Item 3 – Possibly James Upchurch I

An indenture, February 20, 1762, between Abraham Jones of Halifax County, Province of North Carolina, and Benjamin Mosely conveyed 335 acres, for 12£, adjoining lands of Benjamin Mosely, and **James Upchurch**, and Middle Run. Witnesses were Isaac Mosely, Thomas Mosely, and **James Upchurch**. Indenture and Memorandum of Livery of Seizin were proved in Court on February 22, 1762. ^{R06140a}

Item 4 – Possibly James Upchurch I

An indenture made February 20, 1762, between Abraham Jones of Halifax County, Province of North Carolina, and Thomas Mosely, for 8£, conveyed 186 acres adjoining Middle Run and Lizard Creek. Witnesses were Benjamin Mosely, Isaac Mosely, and **James Upchurch** (his mark). Indenture and Memorandum of Livery of Seizin were proved in Court on February 22, 1762. ^{R06140b}

Item 5

In an indenture made February 20, 1762, between Abraham Jones of Halifax County, Province of North Carolina, and **James Upchurch**, 200 acres were conveyed, for 10£, adjoining lands of Benjamin Mosely, Thomas Bracey, and Richard Burnet. Witnesses were Benja. Mosely, Thomas Mosely, and Isaac Mosely. Indenture and Memorandum of Livery of Seizin were proved in Court on February 22, 1762. ^{R06140c}

Land Transactions known to be for James Upchurch III are provided in full in upcoming pages.

20) Excerpt from The Upchurches, by Mae D. Cox, Apr 2008, pp 103 – 201.

Fourth Generation

James Upchurch, III

PGS 103-121
COPIED FOR
HIS BIO FILE

1 Michael Upchurch I 1620 - 1681
 +Frances? 1630 - 1690/91
 2 Baby Upchurch 1654 -
 2 Baby Upchurch 1656 -
 2 Richard Upchurch 1658 - 1700
 +Spouse Unknown 1658 -
 3 John Upchurch I 1678 - 1758
 +Eleanor ?
 *2nd Wife of John Upchurch I:
 +Elizabeth Hunnicut 1682 -
 4 Elizabeth Upchurch 1700 -
 4 Sarah Upchurch 1707 -
 4 Tryphena Upchurch 1709 -
 4 John Upchurch 1711 - 1713
 4 James Upchurch III 1724 - 1784 △
 5 Harmon Upchurch 1740 - 1815 △
 5 John Upchurch 1741 - 1795 △
 5 Selah Upchurch 1743 - △
 5 Edith Upchurch 1745 - △
 5 James Upchurch 1756 - 1784 △

Timeline for James Upchurch, III

YEAR	APPROX AGE ±	
abt 1724		Born in Brunswick County, Virginia
September 7, 1738	14	James listed on road gang with Richard Ledbetter, may not be James III
<1740	<16	Married, wife unknown
1740	16	Son Harmon born in Brunswick County, Virginia
1741	17	Son John III born
1743	19	Daughter Selah, born in Brunswick County, Virginia
1745	21	Daughter Edith, born in Brunswick County, Virginia
1748	24	Listed on the Brunswick County, Virginia, Poll List, may not be James III
July 20, 1753	29	Granted land patent for 400 acres in Brunswick County, Virginia
April, 1756	29	Appeared in court on behalf of his father, John Upchurch, I
1756	32	Son James, IV, born in Virginia
March 21, 1759	35	James mentioned in indenture as owning adjoining land
November 25, 1764	40	Purchases 310 acres of land in Southampton County, Virginia
October 7, 1781	57	Purchases 57 acres of land in Brunswick County, Virginia for 20£
1782	58	James pays taxes on 710 acres in Brunswick County
June 24, 1781	60	Saddle and bridle is <i>impressed</i> ; James declared Patriot; paid for his property
1784	60	James pays taxes on 767 acres in Brunswick County
June 24, 1784	60	James draws and signs his will
1784	60	James Upchurch, III, dies; only one month after signing will
July 26, 1784		James Upchurch's will probated

HISTORICALTIDBIT

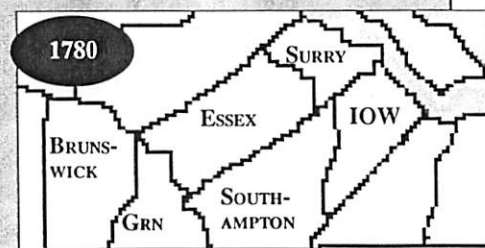


Brunswick County, Virginia

Formed in 1720, Brunswick was named for the House of Brunswick, who assumed the English throne in 1714. The county size was increased with the addition of parts of Surry and Isle of Wight Counties in 1732.

Brunswick County lies in the South-Central part of Virginia on the North Carolina border. The county seat, Lawrenceville, is 64 miles southwest of the state capital in Richmond and 75 miles northeast of Raleigh.

The county consists of 579 square miles and much of that is prime farmland. It is the fourth-largest tobacco producer in Virginia, and one of the top tobacco counties in the country.



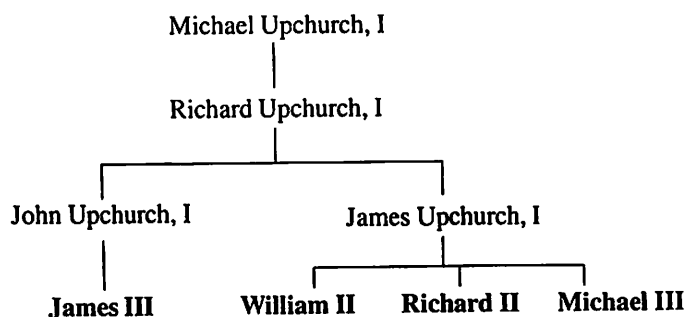
JAMES UPCHURCH, III

BORN 1724 BRUNSWICK COUNTY, VIRGINIA
DIED 1784 BRUNSWICK COUNTY, VIRGINIA
BURIED UNKNOWN

WIFE UNKNOWN

James, III, and His Three Cousins

If you can trace your family tree back to Michael Upchurch then you'll likewise descend from Michael's son Richard, and grandson John, I, or James, I.



Michael's four great-grandsons will then be the four from whom the rest of our line descends. These fourth generation Upchurches are James III, and his first cousins — William II, Richard II, and Michael III. R06143b

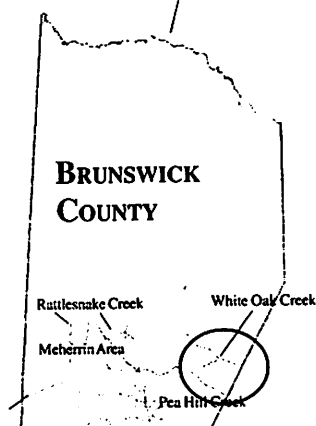
James III, Born in Brunswick County, Virginia

James was the youngest of five children. There was a span of seventeen years between him and the fourth-born child. That's quite a difference considering this was Colonial times and children were born just every year or two.

It is believed that James, III, was born somewhere around 1724 though he could have been born earlier than that. His first child arrived in 1740 making James only 16 years of age. That is possible, I suppose, as folks back then did indeed marry at young ages. It also gives rise to James having been born earlier than the 1724 date.

Since data shows his father in Brunswick County as early as 1720, it is most likely James was born in Brunswick County.

James III and
three of his first
cousins are the
four Upchurches
from whom all
the rest of our
line descend



James lived in the southeastern part of Brunswick County

Children of James Upchurch III

1) Harmon Upchurch	b. 1740	d. abt 1815	m. Betty (unknown)
2) John Upchurch, III	b. 1741 VA	d. 1795 Chatham NC	m. Ann Hamilton*
3) Selah Upchurch	b. 1743 Brunswick Co, VA		m. Benjamin Moseley
4) Edith Upchurch	b. 1745 Brunswick Co, VA		m (unknown) Moseley
5) James Upchurch IV	b. abt 1756	d. 1800 VA	m. Ann or Mary (unknown)

* This name showed up in a couple records, but is not confirmed.

HISTORICAL TIDBIT

Road Gangs Build Roads in Colonial Virginia

When the Colonies were being settled one prime necessity was to build roads through the vast wilderness. Virginia's county courts ruled over this process. Gentlemen Justices of the courts assigned an Overseer of Highways. These Overseers were appointed yearly and responsible for building the roads.

All *Labouring Male Tithables* who lived in close proximity to the road were assigned to the *Gang* to build that road. *County Road Orders* was issued giving information as to who all was being ordered to build a particular road. Road work was a civic duty and workers received no pay for their efforts. Each laborer was required to spend at least six days per year working on roads — plus he provided his own tools, teams and wagons. Colonists could be and were fined if they failed to work as ordered, and there was little redress if any person felt that he was unfairly assigned to work on a road gang.

Most roads built by these crews or gangs were simple paths made by clearing out trees and underbrush along a particular route. These paths were barely wide enough for a wagon and horses to travel. More major projects, like bridges across a river, were built with state-funded laborers and materials.

James Upchurch
assigned to
Road Gang

Only landowners
were allowed to
vote.

Fee Rent: for
every 50 acres
1 shilling

1738 Upchurches on Road Gang

It's interesting that Brunswick County court order books from the 1700s included information about Upchurches being on a road crew to build roads (see above). It's not known just which James Upchurch is listed in this passage, though I tend to think it James III due to his being a neighbor of Richard Ledbetter.

7 September 1738: Ordered that Richard Ledbetter, James Upchurch, Richard Smith, and William Upchurch be taken from Francis Wray's Gang and that they be added to William Moseleys Gang. R07083

1748 Poll for Brunswick County Lists James Upchurch

Residents of Brunswick voted for Representatives in the House of Burgesses for the sessions of October, 1748, and April, 1749. Elected were Sterling Clack and Drury Stith. R06136

The 1848 Poll record shows two James Upchurches listed: One under Col. John Wall, and one under Col. Edwards. Our James Upchurch, III, was in this area at the time, and is possibly one of the two listed as having voted.

June 20, 1753 Land Grant for 400 acres in Brunswick County

The first known land acquisition made by James III, occurred when, on July 20, 1753, he was granted a land patent for 400 acres in Brunswick County, Virginia, (see next three pages). The land was said to be on the ... *north side of White Oak Creek* ... The map on the previous page shows White Oak Creek.

Possibly other Upchurches received land patents such as this, but this is the first record I've run across where England granted land to an Upchurch.

The price was listed as being *forty shillings* with the *fee rent* to be
... for every 50 acres 1 shilling

July 20, 1753, Upchurch's 400 acre Land Transaction,

actual record follows on the next two pages

Transcribed by Mae D. Cox

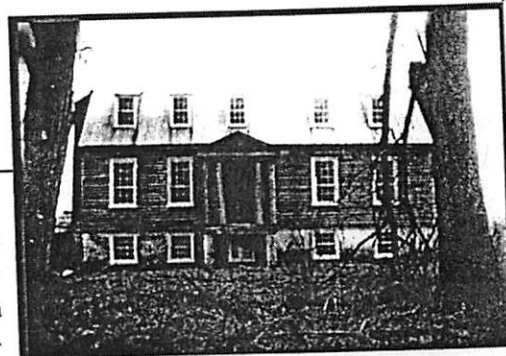
George the Second by the Grace of God of Great Britain France and Ireland. King Defender of the Faith To All to whom these Presents shall come Greetings. Know ye that for divers good causes and considerations but more – Especially for and in consideration of the sum of Forty Shillings of goods and lawful money for our use paid to our receiver General of our Revenues in this our Colony and Dominion of Virginia We Have Given Granted and Confirmed and by these Presents for us our Heirs and Successors Do Give Grant and Confirm unto **James Upchurch Son of John Upchurch** one certain tract or parcel of land containing four hundred acres lying and being in the County of Brunswick on the North side of White Oak Creek and bounded as followeth, to wit, Beginning at Joseph Yarbrough's corner red Oak thence along his line south thirty one Degrees West, one hundred and twenty two Poles to a black gum on White Oak Creek thence down the said Creek as it meanders to a Live Oak on the same thence north eighty three Degrees East twenty four Poles to Richard Ledbetter's corner red Oak, thence along his Sine South eighty seven Degrees East one hundred and twenty Poles to a Hiccory, thence off North fifteen Degrees East one hundred and sixty Poles to a black Jack , thence North fifty one Degrees West two hundred and eighty eight Poles to a white Oak, thence South forty seven Degrees West fifty six Poles to the beginning. With All Woods, Underwoods, swamps, marshes, lowgrounds, meadows, feedings, and his due share of all veins, mines, and quarries as wells discovered as not discovered within the bounds aforesaid and being of the said quantity of four hundred acres of Land and the Rivers Waters and Water courses therein contained together with the Privileges of hunting, hawking Fishing Fowling and all other profit commodities and hereditaments whatsoever to the same of any part thereof belonging or in anywise appertaining To Have hold possess and enjoy the said Tract or Parcel of Land and all other the before Granted Premises and every part thereof with their and every of their appurtenances unto the said **James Upchurch** and to his Heirs and assigns forever To the only use and behoof of him the said **James Upchurch** his Heirs and assigns as of our Manor of East Greenwich in the County of Kent in free and common Soccage(?) and not in Capite(?) or by Knights Service Yielding and Paying unto us our Heirs and successors for every fifty acres of Land and to proportionably for a Lesser or greater quantity than fifty acres the fee rent of one Shilling yearly to be paid upon the feast of Saint Michael the Arch Angel and also cultivation and improving three acres part of every fifty of the Tract above mentioned within three years after the Date of these Presents provided always that if three years of the said fee rent shall at anytime be in arrear or unpaid or if the said **James Upchurch** his Heirs or assigns do not within the span of three years react coming after the Date of the Presents cultivate and improve three acres part of every fifty of the Tract abovementioned then the Estate hereby Granted shall cease and be utterly Determined and thereafter it shall and may be lawful to and for us our Heirs and Successors to grant the same Lands and Premises with the appurtenances unto such other person or persons as we our Heirs and Successors shall think fit.

In Witness whereof we have caused these our sellers patent to be made. Witness our Trusty and Welbeloved Robert Dinwiddie Esq our Lieut. Governor and Commander in Chief of our said Colony and Dominion at Williamsburgh under the seal of our said Colony the twentieth Day of July MDCCLIII, In the twenty seventh year of our Reign.

Robert Dinwiddie

James III was more affluent than previous ancestors. We know he owned vast lands, slaves, and those things that made up a plantation.

The house depicted here is only a sample of one of the structures from the era in which our Upchurches lived. Perhaps they too had a grand mansion like this.



July 20, 1753

Land Grant

See previous pages for
information about this
document. R07006

Time to in Arrear and unpaid or if no said John Richardson the Heir
or Assigns Do not within the space of three Years next coming after
the Date of these Presents Cultivate and Improve three Acres front of
every fifty of the Tract above mentioned Then the Estate hereby granted
shall cease and be utterly Determined and thereafter it shall and be
may be lawful to and for us our Heirs and Successors to grant the
same Lands and Premises with the Appurtenances unto such other
Person or Persons as we our Heirs and Successors shall think fit In
Witness whereof we have caused these our Letters Patent to be made
Witness our Trusty and Wellbeloved Robert Dinwiddie Esq: our Chief
Governor and Commander in chief of our said Colony and Dominion
at Williamsburgh under the seal of our said Colony the twentieth
Day of July A.D. 1753: In the XXVth Year of our Reign —

Rob^t Dinwiddie

Upchurch's
400 Acres.

George the Second by the Grace of God of Great Britain France and Ireland
King Defender of the Faith &c To all to whom these Presents shall come
Greeting Know ye that for divers good Causes and Considerations but more
Especially for and in Consideration of the Sum of Forty shillings of
good and lawful Money for our Use paid to our Receiver General of our
Revenues in this our Colony and Dominion of Virginia We have given
granted and confirmed and by these Presents for us our Heirs and

Successors Do give grant and confirm unto James Upchurch son of John
Upchurch one certain Tract or Parcel of Land containing four hundred

Acres lying and being in the County of Brunswick on the North side of
White Oak Creek and bounded as followeth to wit, Beginning at
Joseph Vanbraugh's Corner red Oak thence along his line South thirty one
Degrees West one hundred and twenty two Poles to a black Gum or white
Oak Creek thence down the said Creek as it runs down to a live Oak on the
same thence North eighty three Degrees East twenty four Poles to Richard
Ledbetter's Corner red Oak thence along his line South eighty seven Degrees
East one hundred and twenty Poles to a Hickory thence off North fifteen
Degrees East one hundred and sixty Poles to a black Jack thence North
fifty one Degrees West two hundred and eighty eight Poles to a white Oak
thence South forty seven Degrees West fifty six Poles to the beginning
With all Woods Underwoods Swamps Marshes Longgrounds Meadows

Feedings and the discharge of all Veins Mines and Quarries as well
discovered as not discovered within the Bounds aforesaid and being

of the said Quantity of four hundred Acres of Land and the Rivers, Waters
and Water Courses therein contained together with the Privileges of Hunting
Hawking Fishing Fowling and all other Profits Commodities and Hereditaments
whatsoever to the same or any part thereof belonging or in anywise
Appertaining To have hold Possess and Enjoy the said Tract or Parcels
of Land and all other the before granted Premises and every part thereof
with their and every of their Appurtenances unto the said James Upchurch
and to his Heirs and Assigns forever To the only Use and behoof of him
the said James Upchurch his Heirs and Assigns forever To be held of us
our Heirs and Successors as of our Manor of East Greenwich in the County
of Kent in free and common Socage and not in capite or by Knights
Service Yielding and paying unto us our Heirs and Successors for
every fifty Acres of Land and so proportionably for a lesser or greater
Quantity than fifty Acres the Fee Rent of one Shilling Yearly to be Paid
upon the Feast of Saint Michael the Arch Angel and also cultivating and
Improving three Acres part of every fifty of the Tract above mentioned
within three Years after the Date of these Presents Provided always that
if three Years of the said Fee Rent shall at any time be in Arrear unpaid
or if the said James Upchurch his Heirs or Assigns Do not within the Space
of three Years next coming after the Date of these Presents cultivate and
Improve three Acres part of every fifty of the Tract abovementioned then the
Estate hereby granted shall cease and be utterly Determined and thereafter
it shall and may be lawful to and for us our Heirs and Successors to grant
the same Lands and Premises with the Appurtenances unto such other
Person or Persons as we our Heirs and Successors shall think fit In Witness
whereof we have Caused these our Letters Patent to be made Witnesses our King
and Wellbeloved Robert Dinwiddie Esq. our Lieut. Governor and Commander
in Chief of our said Colony and Dominion at Williamsburgh under the
Seal of our said Colony the twentieth Day of ^{July} 1700. In the twenty second
Year of our Reign —

Exam.
1000 Acres

Robt Dinwiddie

Robt. Ravenscroft Esq.
1000 Acres

George the second by the Grace of God of Great Britain France and Ireland
King Defender of the Faith To all to whom these Presents shall come.
Greeting Whereas by one Patent under the great Seal of this our Colony and
Dominion of Virginia bearing Date the sixteenth Day of September one thousand

James gives
inventory of his
father's
property

April 1756, James in Court to Aid Father

James III went to court to assist his father, John, I, who was embroiled in another lawsuit filed against him. John was heavily in debt, and James appeared in court on his father's behalf (see previous section). The court instructed James to sell his father's belongings and render the money to the plaintiff. ^{R06076c}

Give Me Land, Lots of Land ...

It appears James was most aggressive in land acquisitions as throughout his life, he was buying, selling, or trading for acreages. We know he owned several slaves, so it stands to reason that he was likely the master of a successful plantation. It's not clear just what use he made of the land though tobacco plantations were quite prevalent at the time, and Brunswick County was then, and is today, one of the biggest producers of tobacco in the country!

James seems to be the first of our direct-line ancestors to have been substantially well-off, making his large family one of the more affluent in that day and time.

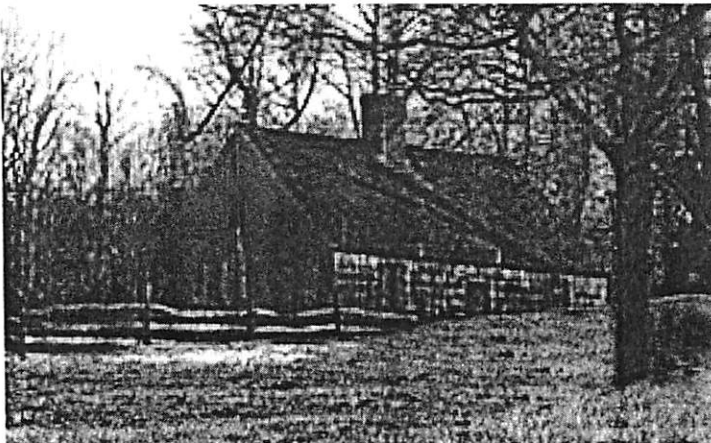
March 21, 1759: James Mentioned in Indenture

It's difficult to follow all the many land documents available for Brunswick County. Belle Lewter West seemed able to sort out which land record belonged to each of the three James Upchurches though she didn't mention how she determined her separations. The previous document was easy since right in the document itself was mentioned *James the son of John*, meaning James III.

West doesn't mention this next land record being presented, and perhaps it hadn't surfaced at the time she researched Brunswick County. We know the 1753 record was our James Upchurch III, simply from the wording pointed out above. In that same document, the land James III purchased adjoined that of Richard Ledbetter.

In this next indenture, dated in 1759, one of the James Upchurches is buying a parcel of land that adjoins land of Richard Ledbetter. We are therefore presuming, that since Richard Ledbetter and James III's land adjoined one another in the 1753 patent, then this next document also refers to our James, III.

Indenture made the 21st day of March, 1759, between Richard Smith of Granville County, North Carolina, and Peter Hines, for 50 pounds, conveying 400 acres, adjoining lands of James Upchurch, Rattlesnake Creek, and Richard Ledbetter, and being the tract of land granted to Richard Smith by Letters of Patent bearing date of June 26, 1755... Indenture proved in Court on April 24, 1759, by the oaths of the witnesses. ^{R06140d}



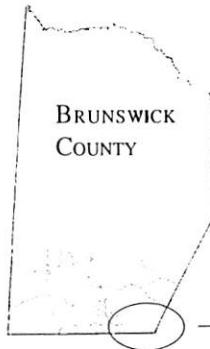
Early 1700s Plantation house. Our Upchurches had a plantation, but whether they owned such a grand mansion as this isn't known.

November 25, 1764, James Upchurch Buys 310 Acres

James added to his holdings another parcel of land on November 25, 1764. This time he purchased 310 acres from Thomas and Mary Gilliam of Southampton County, Virginia, for 60£, lying on the

... S. side White Oak Creek, same land granted to Thomas Gilliam, down said creek that meanders to Upchurch's corner...

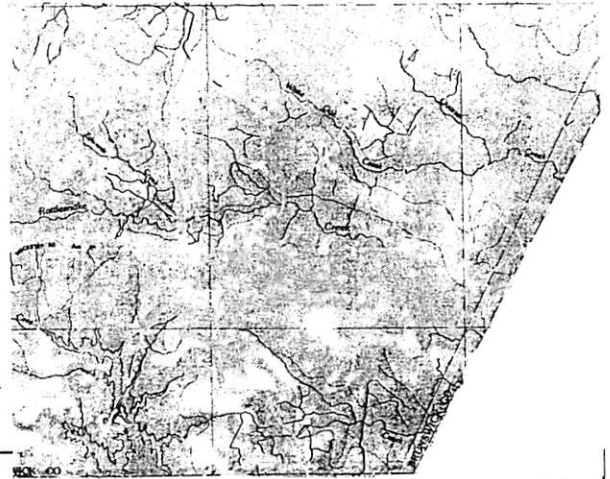
It's interesting to note in this document that the land being bought by our James Upchurch, III, was land previously patented to Gilliam:



R08006

James buys
310 acres

Far southeastern tip of
Brunswick County,



Bottom portion of page 290

Virginia

This Indenture made the Twenty fifth Day of November
in the year of our Lord Christ One thousand Seven hundred &
Sixty four Between Thomas Gilliam and his wife of the County
of Southampton of the one part & James Upchurch of the County of
Brunswick of the other part Witnesseth that the said Thomas
Gilliam & wife for and in consideration of the sum of Sixty £
Pecunia Current Money of Virginia to them so paid by the
said James Upchurch before the signing & sealing of these presents
the Receipt whereof the said Thomas Gilliam both hereby
confesseth & Acknowledgeth & the said James Upchurch his heirs
Exors & Assigns of and for all and every part of the said sum
both hereby receipt & for fully paid & discharged hath
by these presents sold & conveyed unto the said James Upchurch
his heirs & Assigns all that certain tract or parcel of land lying
situate in the County of Southampton in the State of Virginia
containing in all Three hundred & ten Acres more or less

Underneath the ground of Land with the appurtenances
situate lying along on the south side of White Oak
Creek in the County of Brunswick. Containing by
Estimation Three Hundred & Six Acres for the same was
laid out in front of the tract of Land that is granted by plain
test bearing Date the Thirtieth Day of August One thousand Seven
Hundred & Sixty three unto the above said Thomas Gilliam. Sheweth That
Said & Six Acres of Land being bounded as followeth to
wit. Beginning at the Westward Road on the Red Creek
thence down the said Creek and Meridians to the
Corner of an old Book of the same thence by two Sides North
Eighty Two Degrees East Twenty four poles to the Corner
Red Oak thence by his line South One Hundred & twenty
two poles to his Corner white Oak thence South Eighty six
Degrees East and Seventy poles to his Corner
Red Oak thence by his line South One Hundred Degrees West
and Hundred fifty four poles to his Corner white Oak
thence by his line North fifty eight Degrees West of his pole
to his Corner white Oak thence along the said line dividing line
to his Corner pine thence along the said line to the westward
Road thence down the said Road with Meridians to the
Beginning. To have and to Hold Said Three
Hundred & Six Acres of Land with all and singular thereto
pertaining Improvements and appurtenances of it and every
unto the said James Upchurch & to his heirs & assigns forever
from the said Sheweth a Matriculation of them Sheweth
Thomas Gilliam & wife in their heirs & assigns & any other person
or persons claiming the same by them or under them the Thomas
& wife the heirs & assigns unto the only proper man
and behalf of him the said James Upchurch his heirs & assigns
James & the said Thomas Gilliam & wife for them selves & their
heirs both jointly & severally present and to come that the
said James Upchurch his heirs and assigns that the

November 25, 1764 Land Purchased by James Upchurch III ^{R07001} see previous pages

Editor's Note: The original record is most difficult to read and transcribe; therefore, there may be some errors on the transcription below.

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Gilliam &
ux to
Upchurch

This indenture made this twenty fifth Day of November in the year of our Lord Christ One Thousand Seven Hundred and Sixty four, Between Thomas Gilliam and his wife of the County of Southampton of the one part and **James Upchurch** of the County of Brunswick of the other part, Witnesseth that the said Thomas Gilliam and Wife for and in consideration of the sum of Sixty pounds current money of Virginia to them in hand by the **James Upchurch** before the Signing and Sealing of these presents, the benefit whereof to the said Thomas Gilliam Doth hereby Confess & Acknowledge & ard James Upchurch, his Heirs, Assigns, & administrators of and from all and every part of the said sum Doth hereby forever by their presents discharge hath Bargained, Sold, and made over & confirmed and Doth by these presents Bargain and sell, makeover and Confirm unto the said **James Upchurch** his Heirs or Assigns forever, one

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certain tract or parcell of Land with the appurtenances situate lying & being on the South side of White Oak Creek in the County of Brunswick Containing by estimation Three Hundred and Ten Acres, (Be the same more or less) and is part of a tract of land that is Granted by patent bearing Dates the Thirtieth Day of August One thousand Seven Hundred and Sixty Three unto the above said Thomas Gilliam, the said Three Hundred and ten acres of Land being bounded as Followeth to wit: Beginning at the Westward Roade on the said Creek thence down the said creek which meanders to **Upchurches** Corner parish Oak of the same thence by his line North eighty two degrees East Twenty four pole to Road Corner Red Oak then by his line South One Hundred Seventy Six poles to his corner White Oake, Thence South Eighty six Degrees East One Hundred and Seventy poles to Simms Corner Red Oak, thence by his line South Thirty Four Degrees West one hundred fifty-four poles to Grissoms Corner Black Jack Thence by his line North fifty-eight Degrees West Poles to his Corner White Oak Thence along Taylor's Dividing line to his Corner pine, Thence along the said line to the Westward Road, Thence down the said Road which meanders to the Beginning. To Have and To Hold three hundred and ten acres of land with all and singular the rights privileges, Improvements and appurtenances of all and every unto the said **James Upchurch** and to his Heirs and assigns forever free from the pat (?) ordinance or molestation of them the said Thomas Gilliam and wife or their Heirs or Assigns or any other person or persons claiming the same by , from or under them the said Thomas Gilliam and wife their Heirs or Assigns unto the only proper use and behoof of him the said **James Upchurch** his Heirs and Assigns forever, and the said Thomas Gilliam and wife for themselves and their Heirs Doth hereby Covenant Promise and assign to the said **James Upchurch** his Heirs and Assigns the

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Right and Title of the said Land and every part thereof all and Every person or person they will Warrant and forever by these Presents defend and maintain unto the said **James Upchurch** his Heirs or assigns forever. In Witness Whereof the said Thomas Gilliam and wife hath hereunto set their hand and affixed their seals the Day and Year first above Written.

Signed and Sealed and Delivered

Thomas Gilliam [his mark and seal]

In Presence of

John Robinson

Mary Gilliam [her seal]

Henry Edmonds

Lewis Willliams

John Tatum(?)

Moses Johnson

Memorandum That on the Twenty-fifth Day of November

in the Year of our Lord One Thousand Seven Hundred and

Sixty Four ...Delivered by the within named Thomas Gilliam and wife

unto the within mentioned **James Upchurch** according to the intent and meaning of the within

In Witness whereof the said Thomas Gilliam and wife hath hereunto set their Hand the Day and Year above Written.

Signed in Presence of

Thomas Gilliam [his mark and seal]

Lewis Willliams

Mary Gilliam [her seal]

Henry Edmonds

John Robinson

John Tatum(?)

At a Court Held for Brunswick County, this 26th Day of November 1765

October 7, 1781, James III Buys More Land

James purchased 57 acres in Brunswick County, Virginia, for 20£ from the Fipps. James would have been about 57 years of age when he bought this land from the Fipps. He was likely considered an old man by Colonial standards.

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 This Indenture made this seventh day of October anno domini one
 thousand seven hundred and eighty one between James Fipps of the colony
 of Virginia and County of Brunswick of the one part, and James Upchurch
 Senr of the same colony and County of Brunswick of the other part witnesseth
 that whereas the said James Fipps for and in consideration of the sum of
 twenty pounds current money of Virginia to him paid or hand the receipt
 whereof he doth hereby acknowledge, he the bargained sold aliened enfeofed
 and confirmed and by these presents doth bargain sell alienate enfeof
 and confirm unto the said James Upchurch Senr his heirs or assigns
 a certain tract or parcel of land containing by estimation fifty seven acres
 more or less lying and being in the colony and County above mentioned
 on Laurel Swamp and bounded as followeth (to wit) begun on Maple
 in Drury Moors line thence along his line cornering on a red oak
 on David Hights line thence by his line to Beverly Randles line thence
 by his line to Laurel Swamp the boundary of Benjamin Britts Land,
 thence by the meanders of the swamp to the said Drury Moors line the
 first station or beginning with all houses orchards gardens fences woods and
 underwoods waters and water courses and all other profits commodities
 and Hereditaments whatsoever thereunto appertaining To have and
 to hold the above mentioned tract or parcel of Land unto the said James
 Upchurch Senr his heirs and assigns forever, and the said James Fipps
 for himself and his heirs Executors and administrators shall here by
 warrant and forever defend the said tract of Land with all and every
 of the appurtenances unto the said James Upchurch Senr his heirs and
 assigns forever In witness whereof he hath hereunto set his hand and
 affixed his seal the day and year first above written

Signed sealed and delivered
 in presence of us

Abraham Bennett

George Mallon

James Fipps LS
 Elizabeth Fipps LS
 mark

R08023

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Martha MB Bennett
Thomas Poythress
Joseph Wright

Brunswick County Court 27th May 1782

This Indenture was proved by the oaths
 of Absalom Bennett George Walton and Joseph
 Wright witnesses thereto and ordered to be recorded

Teste

James Fips

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Fips }
 to }
 Upchurch }

This Indenture made this seventh day of October anno domini one thousand seven hundred and eighty one between James Fips of the colony of Virginia and County of Brunswick of the one part and **James Upchurch** Sen^r of the same colony and County of Brunswick of the other part witnesseth that whereas the said James Fips for and in consideration of the sum of twenty pounds current money of Virginia to him paid in hand, the receipt whereof he doth hereby acknowledge hath bargained sold alliened enfeoffed and confirmed and by these presents doth bargain sell allienrate enfeoff and confirm unto the said **James Upchurch** Sen^r his heirs or assigns a certain tract or parcell of land containing by estimation fifty seven acres more or less lying and being in the Colony and County above mentioned on Quarrell Swamp and bounded as followeth, to wit begin on Maple in Drury Hoors line thence along his line cornering on a red oak in David Nights line thence by his line to Beverly Randles line then by his line to Quarrell Swamp The boundary of Benjamin Brills Land. Thence by the meanders of the Swamp to the said Drury Hoors line the first station or begining[,] with all houses orchards gardens fences woods and underwoods waters and water courses and all other profits commodities and Hereditaments whatsoever thereunto appertaining[.] To have and to hold the above mentioned tract or parcell of Land unto the said **James Upchurch** Sen^r his heirs and assigns forever, and the said James Fips for himself and his heirs Executors and administrators shall hereby warrant and forever defend the said tract of Land with all and every of the appurtenances unto the said **James Upchurch** Sen^r his heirs and assigns forever[.] In witness whereof he hath hereunto set his hand and affixed his seal the day and year first above written

Signed sealed and delivered
 in presence off us }

James Fips (LS)

Absalom Bennett
 George Walton

^{ber}
 Elisabeth x Fips (LS)
 mark

272

her

Martha MB Bennett
 mark

Thomas Poythress(?)
 Joseph Wright

Brunswick County Court 27th May 1782

This Indenture was proved by the oaths
 of Absalom Bennett[,] George Walton and Joseph
 Wright witnesses thereto and ordered to be recorded

Teste

(name not legible)

Transcribed by Mae D. Cox. Wording as in
 original document. Lineation to fit book;
 bracketed punctuation added [] for easier reading.

James Upchurch Declared a Patriot

In May 1780, the General Assembly passed an act whereby governors of individual states could *impress supplies* to outfit and provide soldiers with necessities. The governor appointed commissioners to more or less carry out the terms of the Act. These commissioners were charged with the duty of impressing property, and giving the owner a certificate listing what had been taken. From 1781 to 1783, special sessions were held in county courts at which time the bearer of a certificate could present it for authentication. Authenticated information about each claim was written into a book, and that book was sent to Richmond. It was the duty of the appointed commissioners to settle these claims by authorizing payment. Warrants were then issued by the Auditor of Public Accounts paying the holder of the certificate for the property that had been taken for use of the Army.

Apparently James Upchurch, III, had a saddle and bridle *impressed* on June 5, 1782. Olive Morgan stated that the taking of James's property made him a Patriot:

Thus James 3 [James, III] was declared a Patriot. ^{R06135j}

June 24, 1781, Payment Given for Property

Our James Upchurch, III, was paid for property impressed by the militia:

1781 At a Court held for Brunswick Co. for the purpose of receiving certificates for property impressed on the 5th day of June year 1782.

1781 James Upchurch claim for one saddle and bridle taken by Paschall Grenhill when impressing horses by order of General Lawson allowed for £2. ^{R06135j}

Belle Lewter West just devotes one sentence to this incident, and she gives a completely different date of June 14, 1762!

On 15 June 1762, James Upchurch III was certified as having given supplies to aid the American Revolution. ^{R06134cc}

This could be the same incident, or it could have been an earlier one. Since there is no other detail, it's hard to tell. West's account of the incident would have been before the actual war began while Morgan's occurred following the war.

Personal and Property Taxes Began in 1782

1782: James paid taxes on 710 acres. ^{R06135h}

1784: James paid taxes on 767 acres after his land was found to also include a 57 acre parcel not previously assessed. ^{R06135h}

Death of James Upchurch, III, Age 60±

James obviously knew death was imminent and scrambled to get his affairs in order as on June 24th, 1784, he signed his will. He died shortly after that as about a month later his will was probated.

The location of James's burial plot is unknown. Several attempts have been made to locate old or abandoned cemeteries in the area of Brunswick County where James is known to have lived. Thus far not one site has listed any Upchurch.

James III was
declared a
Patriot.

James received
£2 for his horse
and bridle

If indeed James
was born in
1724, then he
was about 60
years old when
he died in 1784.

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In the name of God amen I James W. Fisher of Amherst
County in Virginia calling to mind the Mortality of my body: ~~seize the present~~
opportunity of making this my last Will and Testament and desire it to be
newed by all as such (to wit) I first commend my soul unto the hand of
God my Redeemer & my body I commit to the Earth to be buried in a decent
Christian manner nothing doubting but that I shall receive the same again
at the general Resurrection And as touching such worldly goods as the Lord
hath blessed me with I Will and bequeath the follow part of all I desire that
enough of my Estate be sold to pay my funeral charges & Lawful debt.

Item I give and bequeath unto John Wychurch all my Land that lies below the Westward Road on the North side of White Oak swamp BEGINNING at Zachariah Jones's line and Thence along the said Road to the head of a Branch & Thence down the said branch to the White Oak swamp & along the said North side to Stephens Smith's Line to him his heirs or assigns for ever. Item I lend unto my son

James Upchurch all my Lands that lies on the South side of White Oak swamp below
a branch called Bashers spring branch & set the said branch right against
Jesse Taylors corner tree. Wm after the Death of my son James Upchurch. I

Your words my Grandson Burwell Upchurch with all the Lands just before sent to
my son James Upchurch to him and his heirs or assigns forever. M. M. Nena
to my son James Upchurch & his Negro Boy named Matt during his natural life.

From Harwood my Grandson turned off my church After the death of my son James
Wichard one Negro boy named Hall to him his heirs or assigns forever

From Myself and Bequith to my grandson John Wickham fifty seven Acres of Land
 lying & being on the South side of Quarrill near, known by the name of Fifty seven
 Acres lies there or assigns for me. From Myself and Bequith to my son Harrison

Which were all the most of my Lands that had not already been given to him, his three
or four Negroes, some other Negroes and Benjamin to my son Thomas, upwards of
a hundred acres and a few more in an additional tract, one negro and some money, with some
Negro women, married all to him, his sons or Negroes for ever. I gave
Benjamin to my Daughter, Abigail, and Negro boys, money, justly
his heirs for ever. I gave and Benjamin to my Daughter, Ruth, who

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 Shelling's Sonnet Money of Virginia to be paid by my Executors to him or his heirs forever.
 And lastly do certify that this my last Will and Testament is the last I have made and I have no other Will.
 Witness my hand and seal this 26th day of July 1784.
 James Upchurch III
 Executors given no security. M. W. Upchurch of Shawsboro' in England and Cal.
 this twenty fourth day of July 1784.
 Signed Sealed & Published
 & Declared in presence of }
 George Waller.
 Meredith Upchurch Es. Brunswick County Court 26th day of July 1784.
 James Upchurch. This Will was proved by the Deceased George Waller Meredith
 Upchurch & James Upchurch to the Court & ordered to be recorded.
 As also the Will of James Upchurch & Meredith Upchurch in the Executors herein appointed who
 made out the things according to Law & delivered the same to the Executors as directed by the
 in due form.

R08007

James Upchurch, III, Will

On July 26, 1784, James Upchurch III's will was entered into court records and his land and belongings were divided out to his children and grandchildren. His will is transcribed on the next page

James' Will Provides Much Information

In his will, James does not have a provision for his wife such as leaving her the home or land where they lived. Presumably she had already died

Let's take a look at the wording used to convey one tract of land. Oddly enough James Upchurch, III, only *lent* a tract of land to son James IV:

ITEM I lend unto my son James Upchurch [IV] all my Lands that lie on the South side of White Oak swamp below a Branch called Baites spring Branch & up the said branch right against Jesse Taylor's corner tree.

Was perhaps James, IV, ill and his father made provisions for him to live out his life on the family land? Just the wording ... *after the Death of my son James Upchurch* ... suggests that James IV's death was imminent, and that James III had knowledge of that. Indeed James IV did die that same year: 1784, and at his death the land went to James III's grandson, Burwell Upchurch, James IV's son.

Was James IV on
his death bed
when James III
died?

In the name of God Amen, I James Upchurch of Brunswick County in Virginia calling to mind the mortality of my body embrace the present opportunity of making this my last will and testament and desire it to be viewed by all as such. (to wit) I first commend my Soul into the hand of God my Redeemer and my body I commit to the Earth to be buried in a Decent Christian manner nothing doubting but that I shall receive the same again at the General Resurrection and as touching such Worldly Goods as the Lord hath blessed me with I Will and Bequeath as follows, first of all I Desire that enough of my Estate be sold to pay my funeral charges and Lawful Debts.

ITEM Give and Bequeath son John Upchurch all my Land that lies below the Westward Road on the North side of White Oak swamp BEGINNING at Zachariah Sim's line and Thence along the said Road to the head of a Branch & Thence down the said branch to the White Oak swamp and along the said North side to Stephen Smith's Line to him his heirs and Assigns forever.

ITEM I lend unto my son James Upchurch all my Lands that lie on the South side of White Oak swamp below a Branch called Baitses spring Branch & up the said branch right against Jesse Taylor's corner tree.

ITEM after the Death of my son James Upchurch I Give unto my Grandson Burwell Upchurch all the Lands just before lent to my son James Upchurch to him and his heirs or assigns forever.

ITEM I lend to my son James Upchurch one Negro Boy named Hall during his natural life.

ITEM I give unto my Grandson Burwell Upchurch after the death of my son James Upchurch one Negro boy named Hall to him his heirs or assigns forever.

ITEM I give and Bequeath to my Grandson John Upchurch fifty seven acres of Land lying & being on the South side of Quarrell swamp known by the name of Tipps's land to him his heirs or assigns forever.

ITEM I give and Bequeath to my son Harmon Upchurch all the rest of my Lands that has not already been given to him his heirs or assigns forever. Also I give and Bequeath to my son Harmon Upchurch one Negro Wench named Doll to him his heirs or assigns forever.

ITEM I Give and Bequeath to my son John Upchurch one Negro girl named Sall to him his heirs or assigns forever.

ITEM I Give and Bequeath to my Daughter Selah Moseley one Negro Girl named Judy to her and heirs forever.

ITEM I Give and Bequeath to my Daughter Edith Moseley one (taped over passage) Shillings Current Money of Virginia to be paid by my Executors to her or her heirs forever.

And I lastly do appoint my three sons my Executors John Upchurch, James Upchurch and Harmon Upchurch, my Desire is that no part of my Estate be appraised nor my Executors give no security. IN WITNESS whereof I have hereunto set my hand Seal this twenty fourth day of June 1784.

Signed Sealed & Published
& Declared in presence of

)
)

His
James X Upchurch (LS)
Mark

George Walton
Meredith Poythress
James Tips

Brunswick County Court 26th day of July 1784. This will was proved by the Oaths of George Walton, Meredith Poythress and James Tips witnesses thereto & Ordered to be Recorded and on the Motion of John James & Harmon Upchurch the Executors therein appointed who made oath thereto according to Law Certificate is Granted them for (A)taining a probate thereof in due form.

Teste
Drury ? Co. C."

Transcribed by Roy White, Jr.

The Will, continued

The map on page 111 gives an idea of the general area where the four bequeathed pieces of property were located. Notice that James IV's land, land that at his death went to Burwell, was *on the South side of White Oak Swamp*.

Harmon's inheritance, was located on *both sides of White Oak Swamp*, see page 127. Though neither bequeath gives the number of acres involved, couldn't these two tracts perhaps be a division of the 310-acre tract James III purchased in 1763 described as being *on the south side of White Oak Creek*?

Or possibly Harmon's inheritance included part of the 400-acre tract (page 107) *on the North side of White Oak swamp*. Son John's tract was also described as being *on the North side of White Oak swamp* so it's a reasonable assumption his land was all or part of that same 1753 purchase containing 400 acres.

Grandson John's fifty-seven acres, *lying & being on the South side of Quarrell Swamp*, is most likely the 57-acre tract that James III purchased in 1781 which lay on *Quarrell Swamp*, see page 115.

James lived in the day and age of slavery, and several slaves were bequeathed to his children. Owning slaves was common practice in this era. James had a sizeable acreage and likely had vast fields of tobacco. It stands to reason the family needed more help than just the father and his sons working the fields.

It's hard today to fathom how these slaves were treated and kept, and it's difficult to even say that James *owned* them! But he did, and he gave them as his property to his children: Son John and daughter Selah each inherited one Negro Wench. James III also left one Negro boy to son James and at his death, to then go to grandson Burwell.

There is no mention as to who received James III's home and possessions. Presumably the house was part of one of the land bequeaths.

Also, there is no mention of any monies to be divided, except the small bequeath to daughter Edith. Her stipend seems quite small bequeath as it was designated in shillings, not pounds. It's surprising there was no mention of other monies as you'd think someone with this much property would also have had sizeable funds.

Summary on James Upchurch III

James was born, grew up, and lived out his life in Brunswick County, Virginia. He married though we don't have a name for his wife. They are known to have had at least five children whose names are firmly established with James's will.

This ancestor had a large farm, perhaps it was even considered a plantation. We have records showing he purchased sizeable tracts, one for 400 acres, one for 310 acres, and a third for 57 acres. Presumably he raised tobacco. His holdings were considerable and he most likely was considered affluent in that day and time.

James III is the first in his line to leave an actual will. His great-grandfather Michael, Grandfather Richard, and father John, I, didn't leave such a record.

Slaves were a
part of life in
James's day

There is no
mention of any
monies to be
divided

Farm or
Plantation?