

James Upchurch IV**Colonial Upchurch – 5th Generation****XID – 156****Head of Clan No. 15**

Commentary: James Upchurch IV was born in 1756 in Brunswick County, VA. He was the son of James Upchurch III and the head of Upchurch Clan #15. there is uncertainty of whether he died in Brunswick County or whether he moved with his son Burwell south with a brief stop in NC. Some confusion arose because James Upchurch III, in his will made in 1784 in Brunswick County, left a tract of land to his son James IV with a stipulation that under certain circumstances the tract would go to his grandson Burwell. Burwell sold the tract in 1803 and moved south. I am left to ponder why this scenario did not lead to an Upchurch household being recorded for Brunswick County VA in the 1790 census. A possible explanation is that the 1784 – 1787 NC State Census shows a James Upchurch (IV?) in Warren County, NC with considerable wealth. Perhaps the family was going back and forth between NC and VA in this era.

This James Upchurch IV Biofile is substantially enhanced by a learned article prepared by descendant Roy White Jr from January 14, 1996.

There are rich opportunities for more research on the James Upchurch IV clan.

RPU – October 12, 2019

Acknowledgements: This Biofile was transcribed by Carla Michaels, a devoted member of the Cary Office in North Carolina.

(1) Excerpt from book “The Upchurches” by Mae D Cox April 2008; Item: page 103

Fourth Generation
James Upchurch III
Pages 103 – 121 copied for his biofile

- 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	James Upchurch III	1711 – 1713
5	Harmon Upchurch	1740 – 1815
5	John Upchurch	1741 – 1795
5	Selah Upchurch	1743 –
5	Edith Upchurch	1745 –
5	<u>James Upchurch</u>	1756 – 1784

(2) James Upchurch (hereafter called IV) was son of James Upchurch III On 24 Jun 1784 James Upchurch III named **James Upchurch IV** and gave to him “All land south side Whiteoak Swamp below Braceys Spring Branch vs James Taylor’s corner (bought from Thomas Gilliam)” (28)

(3) James Upchurch (4) may have been in poor health as his father stipulated in his will that the land was loaned to him and would pass to Burwell at the death of son James. James 4 seems to have died prior to 1803 as Burwell was in possession of the lands and sold that year. Nfi. From (29) for XID – 156, page 31

(4) See page 36 of 2 Feb 178 letter Elva E Burkhalter to RPU
A. 1781 – James Upchurch (XID – 155) Sr buys from Fipps 57 acres on Quarrel Swamp. These 57 acres he leaves by will to grandson John Upchurch. He left to his son John Upchurch (XID – 157) all his land below Westward Road on north side of White Oak Creek - - and to son James (XID – 156) with reversion of bequest to grandson Burwell) on the south side of White Oak swamp - - to son Harmon Upchurch (XID – 167) other land et cetera.”

(5) See 20 Jul 1979 letter Julia Frances Upchurch to RPU
James Upchurch died 1800.

(6) Copy to Roy White Jr 11 Aug 1984.

(7) See letter 22 May 1987 Oliver Wingate Upchurch to RPU – Coy Tillman Upchurch Sr.
A. Brunswick Co, VA Will Book 2, page 348 – Will of James Upchurch (James Upchurch III) of Brunswick Co, VA 24 Jun 1784. Probated 26 Jul 1784. To son John (John Upchurch III), all of my land below the Westward Road on the North of White Oak Swamp (Creek). Beginning at Zachariah Sim’s line to Stephen Smith’s line. To son James [**James Upchurch IV**] I lend all my land on the South side of White Oak Swamp below Baister Spring Branch to Jesse Taylor’s Corner. After the death of James Upchurch (James Upchurch IV) to grandson Burwell Upchurch. Names grandson John Upchurch (John Upchurch IV), son Harmon Upchurch, daughter Selah Mosley, daughter Edith Mosley, sons, John, **James**, Harmon, execrs. Signed James X Upchurch (James Upchurch III). Witnesses: George Walton, Merideth Poythress, James Fips
B. Brunswick Co, VA Personal Tax Lists

1782 **James Upchurch IV**

1783 James Upchurch IV
 1784 James Upchurch IV
 1785 James Upchurch IV

(8) See letter 25 Oct 1993 Lessie Leona Lee to RPU
 “James Upchurch IV died 1800 (VA) married Mary --- ---”
 [Note – source of this information not state – RPU]

(9) See letter 15 Sep 2000 Kevin Michael Upchurch to RPU – page 2
 James Upchurch (James Upchurch IV) born 1756 (VA) died 1800 VA)

(10) 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 Jun 1784 and subsequently proved 26 Jul 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. RPU 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 RPU 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 years), Rebecca Barnes (69 years), Mary Upchurch (100 years), 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 1819
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 extracted and compiled at some point, and the nature of the information included leads this writer to think that process occurred sometime in the 1840s. 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 1850s, 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.

At this point, before finally knitting everything together, it becomes necessary to digress once again in re another matter: that of James Upchurch.

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 Green 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 Oct 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 day – 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” 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 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 (sic) such a project.

Roy White
14 Jan 1996

(11) From: Upchurch-Bright Family Newsletter Vol 8 Nos Jun 1999

North Carolina State Census 1784 – 1787

page 4 James Upchurch, Warren Co, NC formed 1779 – census 1786

1 white male 21 – 60

1 white male under 21

2 white females all ages

1 Black under 12

5 blacks over 50

“A list of souls in Capt. John Weather’s District taken by James Kearney”

[Note: Is this **James Upchurch IV**? RPU wrote to Roy NMN White Jr on 24 Dec 199 to ask his opinion]

page 9 Sarah Upchurch, Wilkes Co, NC – formed 1777 – census 1787

Inhabitants numbered in Capt. Gordon’s District

page 54 William Upchurch, Granville Co, NC – formed 1746 – census 1786

1 white male 21 – 60

2 white male under 21 & over 60

2 white females all ages

A list of inhabitants of Oxford District, 1786 taken by R Reed page 1.

Cross Reference:

Warren Co, NC Census

Wilkes Co, NC Census

Granville Co, NC Census

James Upchurch [Is this James Upchurch IV? – RPU]John Weather

William Upchurch IV (late husband of Sarah Upchurch)

William Upchurch (of Granville Co, NC)

R Reed

1790 Census