

**John Winbun Francis Phillips, Sr****XID – 996****Commentary:** Richard Upchurch, III – Head of Clan

A. James Upchurch, VII

1. Elizabeth Thaney Upchurch married **John Winbun Francis Phillips**Acknowledgements: The following Biofile was transcribed by Carla J. Michaels, a volunteer and tireless contributor, who administers the UAFA center in Cary, NC**(no number)** Article No. 919 from Franklin Co, NC Heritage Book “Presley Jackson Phillips” by Ann T. Barnes great grand daughter**I. John W. Phillips** married Elizabeth Upchurch [Elizabeth Thaney Upchurch]A. Little Berry Phillips served in Co K 24<sup>th</sup> NC RGT (mostly of local boys) – captured & releasedB. William Kearney Phillips First SGT Co B 47<sup>th</sup> RGT – captured and releasedC. Presley Jackson Phillips born about 1882 (Franklin Co, NC) died 2 Jun 1864 – at 2<sup>nd</sup> Battle of Cold Harbor (Buried Hollywood Cemetery, Richmond, VA). He enlisted CSA age 42 24<sup>th</sup> RGT COB – killed less than a year later. His home called “The Mary Phillips Hill”

Married 2 Mar 1841 ( ) Mary Pearce daughter of Chloe Pearce and granddaughter of Phillip Pearce and Nancy Bunn – 3 sons served CSA

They were:

1. Richmond Phillips – oldest son – Co B 47<sup>th</sup> REGT – captured, released, captured again – died Hart’s Island 28 Jun 1864
2. Gideon Phillips – PVT CSA – wounded Gettysburg – surrendered 9 Apr 1865 – Appomattox Court House, VA
3. Levin Phillips – Co B 47<sup>th</sup> RGT

Children listed by Mary in petition after Presley died

1. Gideon Phillips – same as 2 above
2. Levin Phillips – same as 3 above
3. Jane Phillips
4. Wesley Phillips – Daniel Webster Phillips “Doctor Wesley”. He went to TX and MD. Others stayed local

Married ( ) Nancy Elinor Mellon

5. Candis Phillips
6. Eliza Phillips
7. James T. Phillips
8. Catherine Phillips
9. Perdida Phillips born 4 Jul 1862. Married ( ) James Berry Privette
  - a. Annie Frances Privette  
married (Nashville, TN) Alfred L. Tompkins, Jr.
    - i. Ann Tompkins  
married ( ) Rollin M. Barnes “Ron”  
They live on Lebanon Pike, Nashville, TN

X. --- --- Phillips deceased per petition

a. Dora Phillips – daughter of a deceased son [I assume “Richmond” – RPU]

**(no number)** Four tree sheets connecting Daniel Givens Phillips to Elizabeth Thaney Upchurch from DGP Trees – RPU 14 Sep 2014

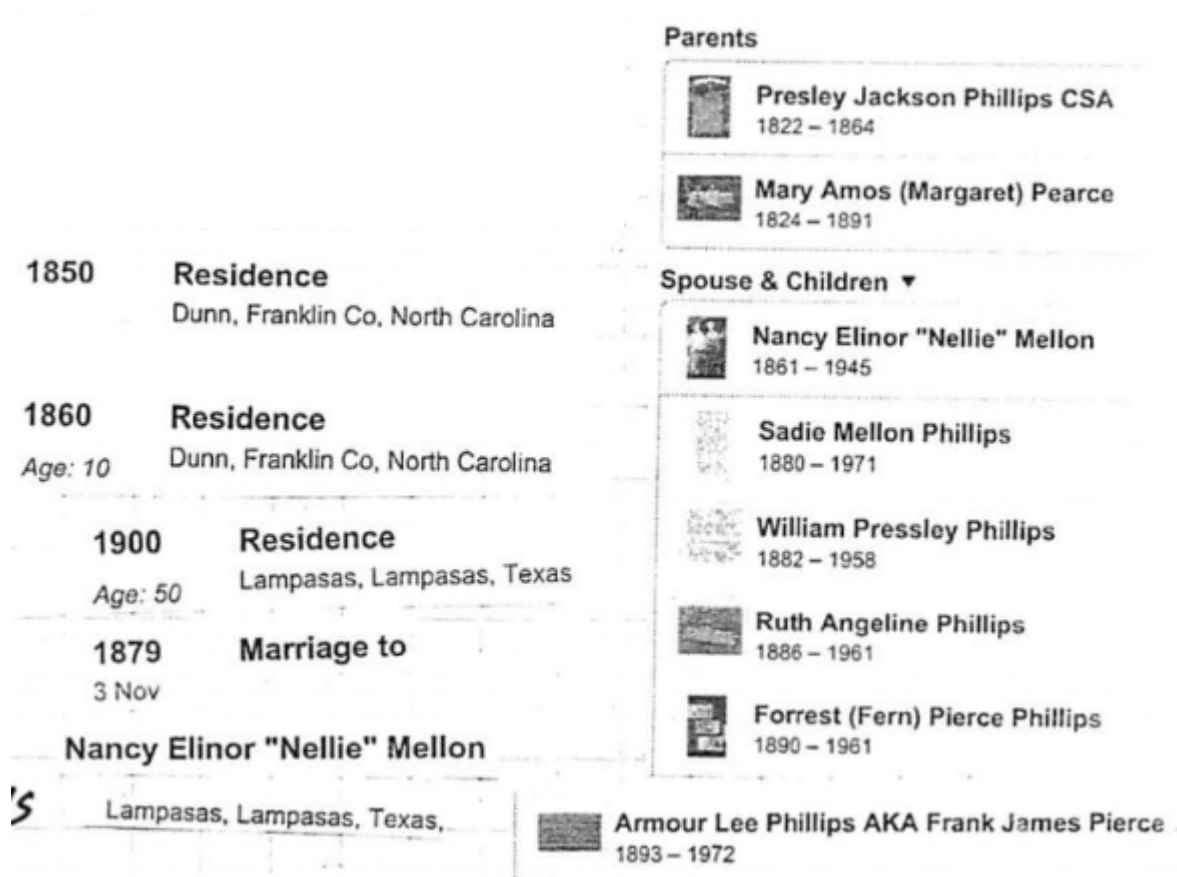
PhillipsMeltonRountreeBestBender(1)(1)

Owner: Daniel E Phillips = Prime Authority

A. Daniel Webster Phillips AKA Daniel Wesley Phillips AKA David Wesley Phillips AKA Doctor Wesley Phillips

Birth 28 Feb 1850 in Dunn, Franklin, North Carolina, United States

Death 11 Dec 1915 in Galveston, Texas – buried in Galveston Memorial Park Cemetery, Hitchcock, Galveston Co, Texas



B



## Presley Jackson Phillips CSA

Birth 17 Aug 1822 in Franklin, North Carolina, United States

Death 02 Jun 1864 in Cold Harbor, Hanover, Virginia, USA

73

### Parents



**John Winbun Francis Phillips**  
1793 – 1876



**Elizabeth Thaney Upchurch**  
1796 – 1880

LTP

IP

B "FERN"

E

C



## Mary Amos

(Margaret) Pearce

Birth 10 Aug 1824 in Franklin, North Carolina.

Death 14 Oct 1891 in Dunn, Franklin, North Carolina

### Parents



No Father



**Patsy Chloe Pearce**  
1795 – 1834



D



## Nancy Elinor "Nellie" Mellon

Birth 01 Jul 1861 in Peach Tree Village, Jasper, Texas.

Death 31 Dec 1945 in Galveston, Galveston, Texas.

### Parents



**Samuel Wauchob Mellon**  
1825 – 1879



**Angeline Maund**  
1835 – 1920



1900 Census – TX Lampasas Co, Lampasas				
David W Phillips	head	1850	50	NC
Nellie E Phillips	wife	1862	38	TX
Sadie M Phillips	dau	1881	19	TX
William P Phillips	son	1883	17	TX
Ruth A Phillips	dau	1887	13	TX
Fern P Phillips	dau	1890	10	TX
Armound Phillips	son	1894	6	TX

# I. Richard Upchurch, III – Head of Clan

## A. James Upchurch, VII

### 1. Ellizabeth Thaney Upchurch

married ( ) **John Winbun Francis Phillips**

#### a. Presley Jackson Phillips

married ( ) Mary Amos Pearce

#### i. Daniel Webster Phillips

married ( ) Nancy Elinor Mellon

(I) Sadie Mellon Phillips

(II) William Pressley Phillips

(A) Paul Givins Phillips

(1) Daniel Givins Phillips

(III) Ruth Angeline Phillips

(IV) Forrest Pierce Phillips “Fern”

(V) Armour Lee Phillips AKA Frank James Pierce

**(no number)** Article 917 Franklin Co, NC Heritage Book 2008 “Little Berry Phillips 1838 – 1922” by Elizabeth W. Freeman

## I. **John Francis Phillips** born 1792 died 4 Dec 1876

Married ( ) Elizabeth Upchurch [Elizabeth Thaney Upchurch] born 14 Aug 1921 died 1870

A. William Kearney Phillips born 25 Jan 1831 ( ) died 5 Aug 1914 – CSA 47<sup>th</sup> NC RGT

B. Presley Jackson Phillips born 17 Aug 1822 ( ) died 2 Jun 1864 (KIA) – CSA 47<sup>th</sup> NC RGT

C. Little Berry Phillips “LB” born 30 Apr 1838 (Franklin Co, NC) “The Squire” very religious – at age 23 on 17 Jun 1861 enlisted CSA – 2<sup>nd</sup> SGT Co K 14<sup>th</sup> REGT – became 24<sup>th</sup> RGT died 9 May 1922; married 4 Nov 1866 (Franklin Co, NC) Rosa Anna Caroline Baker died 22 Aug 1889 (Raleigh, NC) (Childbirth complications) (Both buried City Cemetery, Raleigh, NC)

### 1. Rosa William Phillips born 7 Nov 1882 ( ) died 13 Feb 1984

Married ( ) --- --- Warner

#### a. --- --- Warner

i. Elizabeth Warner Freeman

married ( ) --- --- Gephart

**(no number)** Upchurch & Related Tax Listings – Franklin Co, NC 1798 – 1864 – to RPU from Carla Jones 29 Oct 2006

District Upchurch Children  
 1855 Captain Harris 404A 3BP Listed by Thomas Williams for Upchurch Children  
 [RPU Note: I speculate that these 404 acres is the same as the 400 acres James Upchurch, VII left on his death in 1833 to his wife nee Elizabeth Thaney Butler for live. She died 1855  $\pm$  5 years so the land upon her death would have passed to his children per sterpes. Need to find records that this happened, Also consider that there may be the 400+ acres that ended up in the hands of **John Francis Phillips, Sr.** who married Elizabeth Thaney Upchurch, daughter of James Upchurch, VII – 15 Sep 2008]

**(no number)** From 24 Apr 2008 Email Barbara Phillips to RPU

I. Francis Phillips – AKA “Frank”

Married ( ) Fanny Barham [RPU presumes could be Frances Barham]

A. John Phillips – AKA **John Francis Phillips** born 1792 (Southampton, VA) died 12 Apr 1876 (Franklin Co, NC) [AKA John W. Phillips]

Married 14 Aug 1821 (Franklin Co, NC) Elizabeth Thaney Upchurch, daughter of James Upchurch, VII & granddaughter of Richard Upchurch, III – Head of Clan

**(no number)** RPU 12 Apr 2008 Ancestry.com census search re: the family of John W. and Elizabeth Thaney (Upchurch) Phillips Family

1850 Census Dunn’s Township Franklin Co, NC

Household Members

Name		born about	Age
George Carter	farmer	1834	16
Beny Phillips	[Little Berry Phillips]	1838	12
Elizabeth Phillips	wife [Elizabeth Thaney Upchurch]	1801	49
John Phillips	[John W Phillips, Jr.]	1834	16
	Or Jack Barham Phillips		
John Phillips	head [ <b>John W Phillips, Sr.</b> ]	1793	57
Haywood Young	farmer	1831	19

Notes:

1. The listing is not in the normal order.
2. Is this [entry for John W Phillips, Jr. – CJM 20 Apr 2018] the same person later found as John (Jack) Barham Phillips? – RPU

1860 Census Harris Township – Franklin Co, NC – Post Office = Baker’s Cross Roads

Name		born about	Age
John Phillips [John W Phillips, Sr.]	\$438/3535 RE/PP	1793	67
The \$3535 = much wealth – probably value of slaves = RPU			
Elizabeth Phillips [Elizabeth Thaney Upchurch]		1801	59
L B A Phillips [Little Berry Phillips]		1838	22

1870 Census Dunn’s Township, Franklin Co, NC – Post Office = Pacific

Household Members

Name	born about	Age
------	------------	-----

Berry Phillips [Little Berry Phillips]	1841	29
\$150/200; next door to his father & mother		
He was probably living on the same plantation or his parents – maybe in same house – RPU		
Rosa Phillips [Rosa A. C. Baker]	1845	25
Fletcher Phillips [Fletcher Hatley Phillips]	1867	3
Walter Phillips [Walter Aderson Phillips]	1869	1
Albert Cooley B Farm laborer	1845	25

#### 1880 Census – Dunn's Township – Franklin Co, NC

Name		born about	Age
Littleberry Phillips	head	1837	43
Rosa C Phillips	wife [Rosa Anna Caroline Baker]	1845	35
Fletcher N Phillips	son [Fletcher Hatley Phillips]	1868	12
Walter A Phillips	son [Walter Aderson Phillips]	1870	10
Festus B Phillips	son	1872	8
Alxda A Phillips	son [Alexander Anton Phillips]	1874	6
Bettie C Phillips	dau [Bettie Caroline Phillips]	1876	4
Roberter M Phillips	dau [Roberta Mae Phillips]	1878	2
Elizabeth Phillips	mother [Elizabeth Thaney Upchurch]	1801	79

1890 – census lost

1900 and 1910

I am unable to find Little Berry Phillips or any of his family on those two census dates in NC. However, I believe I have found Walter Aderson Phillips (son of Little Berry Phillips) on the 1900 census of IL and then in 1920 in IA). Little Berry Phillips appears on the 1920 census in the home of his son Festus in CA. See another extract sheet for these records 1900 – on. RPU

**(no number)** Input from: Elizabeth Warner Freeman to RPU 10 Feb 2007

I. Richard Upchurch, III – Head of Clan

A. James Upchurch, VII

1. Elizabeth Thaney Upchurch

RPU records show her born 1796 versus 1794 below and died after 1880 versus died 1870 below.

RPU records show she married John W. Phillips, Sr. versus **John Francis Phillips** below.

1. **John Francis<sup>2</sup> Phillips** (Frances<sup>1</sup>)<sup>1</sup> was born 1792 in Southampton, VA, USA<sup>2</sup>, and died 04 Dec 1876 in Franklin, NC USA<sup>2</sup>. He married Elizabeth Upchurch<sup>2</sup> 14 Aug 1821 in Franklin, NC, USA<sup>2</sup>, daughter of James Upchurch and Elizabeth Butler. She was born 1794 in Franklin, NC, USA<sup>2</sup>, and died Abt. 1880 in Franklin, NC, USA<sup>2</sup>.

More about **John Francis Phillips**:

Burial: Buried in family cemetery at family farm on Rogers Rd. in Franklin Co, NC First grave on southwest corner. Unmarked head and foot stones.

More about Elizabeth Upchurch:

Burial: Buried in family cemetery at family farm on Rogers Rd in Franklin Co, NC First grave on southwest corner. Unmarked head and foot stones.

Children of **John Phillips** and Elizabeth Upchurch are:

- i. Little Berry<sup>3</sup> Phillips, b. 30 Apr 1838, Franklin, NC, USA; d. 09 May 1922, Raleigh, Wake, NC, USA.
- ii. Dolly Phillips
- iii. Presley Jackson Phillips, b. 17 Aug 1822, Franklin Co, NC; d. 01 Jun 1864, Cold Harbor, VA.
- iv. William Kearney Phillips<sup>2</sup>, b. 25 Jan 1831, Franklin, NC, USA<sup>2</sup>; d. 05 Aug 1914, Franklin, NC, USA<sup>2</sup>; m. Susan Pearce
- v. John Barham Phillips, b. 1834; d. 1872<sup>2</sup>.

(no number) Input from Elizabeth Warner Freeman to RPU 12 Oct 2007

I. Richard Upchurch, III – Head of Clan

A. James Upchurch 1775 – 1833

1. John W. Upchurch born 1793

Married Ruthy Barham

2. Elizabeth Upchurch 1794 – 1870

Married ( ) **John Francis Phillips** 1792 – 1896

a. John Barham Phillips 1834 – 1872

b. Presley Jackson Phillips

i. Levin Jackson Phillips born 1845

ii. James Algia Phillips

(I) Oliver Newton Phillips

(A) Wesley Floyd Phillips 1901 – 1979

Married ( ) Carrie Barthenia Weathers 1900 – 1991

c. Little Berry Phillips

married ( ) Rosa Anna Caroline Baker 1843 – 1889

i. Rosa William Phillips

(I) Eula Elizabeth Warner

(A) Emily Carson Freeman

Married (1<sup>st</sup>) Peter Campbell Brown born 1944

Married (2<sup>nd</sup>) Lester Robert Porter born 1943

(1) Lisa Ann Burgess [Why not Brown?  
RPU]

(2) Scott Allen Porter

Married ( ) Kelly Jo Warren born 1973

(a) Carson Warren Porter born 2001

(B) Elizabeth Warner Freeman

(1) Robert Tobin Gephart

(a) Tatum Eaves Gephart born 1999

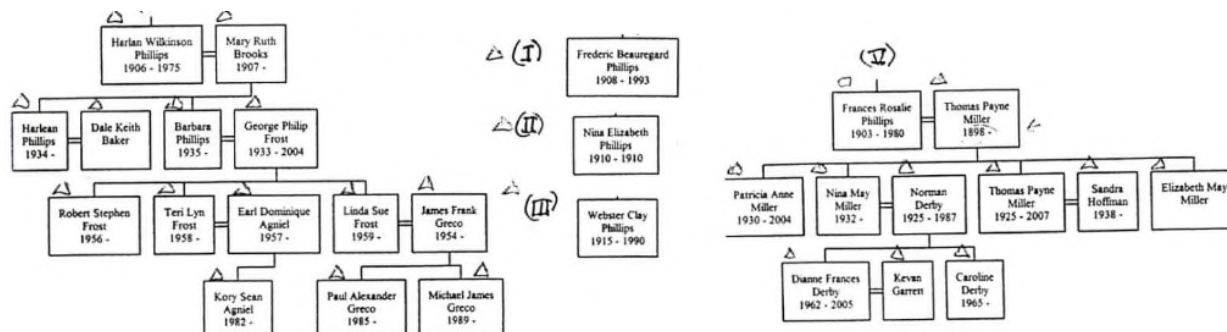
(2) Richard McKenley Gephart



(a) Caroline Elizabeth Gephart born 2007

ii. John Henry Jarvis Phillips 1880 – 1916

iii. Festus Beauregard Phillips



**(no number)** Phillips family Document – 37 pages (See Family) to RPU by Elizabeth Warner Freeman 20 May 2008

Page 25 – Researchers for the Phillips Family continue to choose the version **John Francis Phillips** over John W. Phillips in the following family:

I. Richard Upchurch, III – Head of Clan

A. James Upchurch, VII

1. Elizabeth Thaney Upchurch – died 1880

Married James Francis Phillips

[As of 20 Jul 2008 I accept this version – RPU]

Re their burials Page 25 shows

1. John Francis<sup>2</sup> Phillips (Frances<sup>1</sup>)<sup>1</sup> was born 1792 in Southampton, VA, USA<sup>2</sup>, and died 04 Dec 1876 in Franklin, NC USA<sup>2</sup>. He married Elizabeth Upchurch<sup>2</sup> 14 Aug 1821 in Franklin, NC, USA<sup>2</sup>, daughter of James Upchurch and Elizabeth Butler. She was born 1794 in Franklin, NC, USA<sup>2</sup>, and died Abt. 1880 in Franklin, NC, USA<sup>2</sup>.

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- v. John Barham Phillips, b. 1834; d. 1872<sup>2</sup>.

**(no number)** The will of **John Phillips** (AKA **John W Phillips, Sr**) and its implications for Upchurch family history

[Note: A copy of this will appears in the Biofile of **John W Phillips, Sr.** and was supplied jointly by Lisa Marie Suter and April Maria Branon to RPU]

The essence of the will appears in abstract form in **Franklin Co, NC – Original Wills** Vol Z 1862 – 1900 by Dr. Stephen E. Bradley, Jr. – Pg. 63 as shown below [except the date 11 Jan 1873 should read 11 Jan 1872 – RPU] [wife Elizabeth = nee Elizabeth Thaney Upchurch.]

306. **John Phillips** 11 Jan 1873 4 Dec 1876

To my son L. B. – 146 acres where I now live, except my wife Elizabeth to have “the use of the choice room of my mansion house” for life. To my son William K. - \$300. To the children now living of my son P. J. Philips dec’d & to Dora Phillips the daughter of my grandchild Richmond Phillips - \$100 after my wife’s death. To the children of my son J. B. Phillips dec’d = \$50 after my wife’s death. To my 2 sons W. K. & L. B. – all the balance of my property after my wife’ death except that the 1 who attends or waits on my wife the most shall have the excess in sd balance of property. My wife Elizabeth (x) Phillips signs to relinquish her dower in the above lands.

Ex. My 2 sons W. K. Phillips & L. B. Phillips

Wit. Henry Baker, John A. Cousins

Upchurch context:

I. Richard Upchurch, III – head of Upchurch Clan No. 4

A. James Upchurch, VII

1. Elizabeth Thaney Upchurch married **John W. Phillips. Sr.**

a. Presley J. Phillips

i. Richmond Phillips

(I) Dora Phillips

b. daughter died 1833 (not mentioned in will)

c. Jack Barham Phillips married 7 Oct 1852 (Franklin Co, NC) Charlotte Upchurch (who is her father? – RPU)

d. John W. Phillips, Jr. (not mentioned in will)

e. William Kearney Phillips, I married ( ) Susan Pearce [her mother = nee Susan Upchurch, daughter of ? – RPU]

f. Little Berry Phillips

g. No further issue.

I, John Phillips of the County of Franklin and State of North Carolina, being of sound mind and memory, but considering the uncertainty of my earthly existence, do make and declare this my last Will and Testament in manner and form following, that is to say:—

- First—That my executor (hereinafter named) shall provide for my body a decent burial suitable to the wishes of my relations and friends and pay all funeral expenses together with my Just debts however and to whomsoever owing, out of the moneys that may first come into his hands as a part or parcel of my estate.
- Item 1<sup>st</sup> I give and devise at my death to my son L. B. Phillips all the tract of land wherein I now live containing one hundred and forty six acres ~~to have~~ and to hold to him and his heirs forever except the use of the kitchen room of my mansion house to my wife <sup>Elizabeth</sup> during her life.
- Item 2<sup>nd</sup> I give and bequeath to my son William K Phillips at my death Three (300.) hundred dollars in money to be paid by my executor to him his heirs and assigns forever out of the moneys arising out of my estate.
- Item 3<sup>rd</sup> I give and bequeath at the death of my wife Elizabeth Phillips one hundred dollars to be equally divided between the children of my son P. S. Phillips ~~decd~~ all of said children which is now living and Dorcas Phillips the daughter of my grand child Richmond Phillips to be paid by my executor.
- Item 4 I give and bequeath to the children of my son J. B. Phillips ~~decd~~ fifty dollars to be equally divided between them at ~~that~~ death of my wife Elizabeth Phillips to be paid by my executor out of the moneys arising from my estate.
- Item 5<sup>th</sup> I give and bequeath to ~~my wife~~ <sup>namely</sup> W. K. Phillips and L. B. Phillips all the balance of my property either in money or goods and chattels lands or tenements to have and to hold

the same at the death of my wife aforesaid named to them their heirs and assigns forever. Except therefore the one of my two sons W K Phillips or L B Phillips that attends to my wife or waits on her the most shall have the share in said property last bequeathed and my wife for herself ~~and~~ do hereby sign her name that she does relinquish her dower in the aforesaid land devised above and agree to all these presents.

And lastly I do hereby constitute and appoint my two sons namely W K Phillips & L B Phillips my lawful Executors to all intents and purposes to execute this my last will and testament according to the true intent and meaning of the same and every part and Clause thereof hereby revoking and declaring utterly void all other wills and testaments by me heretofore made.

In witness whereof I the said John Phillips do hereunto set my hand & Seal this the 11<sup>th</sup> January 1872.

Signed sealed published  
and declared by the said John Phillips  
to be his last will and testament  
in the presence of us who at his request  
and in his presence do subscribe our names  
as witnesses thereto.

John Phillips (Seal)

Elizabeth Phillips (Seal)

Henry Baker  
John C. Cousins



**(no number)** Notes of RPU call to Simon NMN Rogers – 24 May 2007 – continued  
 William Clethan Bell 1912 – 1956 was the son of William S Bell born 6 Aug 1867  
 The wife of Jerman Bell (German Bell) was indeed Mancy Perry, daughter of Gustres Perry  
 “Gus” of Harris Township, Franklin Co, NC.

Re: the house on the tract owned by Little Berry Phillips Simon thinks this dates from the time of the Revolution and that there are pot hooks in the chimney. It is a log house and was renovated in 1882 per an inscribed date. It was most likely built by **John Phillips** or whomever owned the tract before then. Simon thinks it could have been Upchurch land about the time of the Revolution. Little Berry Phillips was born in this house as were all ten of his children.

**(1)** Per Attachment #29 West Letter 18 May 1975 – Franklin Co, NC Marriage Bonds  
 “Elizabeth Upchurch married John Phillips on 14 Aug 1821 – Bondsman & witness = Thomas B. Arendell”

**(2)** Per Attachment #27 West Letter 18 May 1975 – Extract Will – Franklin Co, NC  
 James Upchurch on 1 May 1853 will names wife Thaney, sons Kearney and Jamison and 3 daughters one of which = Elizabeth the wife of John Phillips” – see James Upchurch for details.”

**(3)** Per Attachment #27 West Letter 18 May 1975 – U Deed Grantors – Franklin Co, NC  
 “1854 – Jamison Upchurch to John Phillips – Book 31 Page 316”

**(4)** Per Attachment #27 West Letter 18 May 1975 – Deeds – Franklin Co, NC  
 “1825 Oct 22 – Buckner, Burkley and Britton Upchurch their part of land inherited from Richard Upchurch dec’d to James Upchurch – 109 3/4 acres – bounded – poplar Baley Gay’s line – Carpenter’s line – corner Maple Buckley Upchurch line – joining land John Carpenter – Witness: Kerney Upchurch, Jurat; **John Phillips** – December Session 1825, Registered 6 Mar 1826, S S Patterson C.C.”

**(5)** See letter 4 Jun 1984 Harold Fritz McDuffie Jr to RPU  
**John Phillip** is son of Frank Phillips [of Southampton Co, VA – moved to near Penny Hill, Franklin or Wake Co, NC?] and Fanny Bashaw of Wake Co, NC.

**(6)** See letter 12 Feb 1989 Willis Alton Reid, Jr to RPU  
**John Phillips** born circa 1792. His will was probated 4 Dec 1876 (Franklin Co, NC) – hence presume he died in 1876. married Elizabeth Thaney Upchurch born circa 1796 and died after 1880 (she was with her son Little Berry Phillips on the 1880 Franklin Co, NC census. The children of **John Phillips** total 6 including an unnamed son.

**(7)** See letter 12 Feb 1989 Willis Alton Reid, Jr to RPU  
 I. Frank (Francis) Phillips born circa 1760 died 18xx  
 married 30 Jan 1787 (Southampton Co, VA) Fanny Barham

- A. Billie Phillips
- B. Ben Phillips
- C. Barham Phillips
- D. Dollie Phillips

E. **John Phillips** born circa 1792 died > 1870  
 married 14 Aug 1821 Elizabeth Thany Upchurch, daughter of James Upchurch and  
 granddaughter of Richard Upchurch, III/ (Head of Clan)

Frank Phillips moved to Penny Hill in Wake Co, NC between 30 Jan 1787 and the 1790  
 Census sometime shortly after 1810 Frank and his family except for **John Phillips** moved to  
 Western NC.

**John Phillips** will appears to have been written in 1872 in Franklin Co, NC and probated  
 there 4 Dec 1876. In it the name J B Phillips [his son John B Phillips] and the name L B Phillips  
 [his son Little Berry Phillips] appear.

**(8) Franklin Co, NC Marriages**

**John Phillips** to Elizabeth Upchurch

Bond 14 Aug 1821

Bondsman/Witnesses:            Thomas B Arendell  
    S Patterson

**(9) Franklin Co, NC Wills – Bradley Vol. 1 Entry 356**

356. James Upchurch 1 May 1833    March Court 1850 (Bk N, p. 318)

To my wife, Thany – lend to her for life 400 acres where I now live; also negroes Esther,  
 Richard, Rilly, Abram, Clary & Harriet; livestock, household & kitchen furniture, farming  
 utensils, crops. To my son Kearney – 278 acres on Mocoso Creek joing Burkely Upchurch,  
 Larkin Upchurch, John Pearce & others, where he now lives, at my wife's death, I also give him  
 half the negroes I have lent her. To my son Jimmison – 400 acres where I now live; the other half  
 of my negroes that I have loaned my wife. At my wife's death, the residue of my estate to be sold  
 & the money to be divided among my children a& granddaughters as follows: Gilly Ray the wife  
 of James Ray, Elizabeth Phillips the wife of **John Phillips**, Cloa Cooley the wife of Joh Cooley,  
 R Jr., Thomas Upchurch, Jimmison Upchurch & my granddaughter Lecy Upchurch.

Ex. My son Kearney Upchurch

Wit. Matthew Strickland, Cornwell P Strickland, Saml Harris, Moses Harris, N. L Harris

James Upchurch, VII

Kearney Upchurch

James Ray

Gilly Upchurch

Elizabeth Thany Upchurch

**John Phillips**

Cloa Upchurch = Cloe Jane Upchurch

John Cooley, Jr.

Cornwell P. Strickland

Moses Harris

Will File

Thany Upchurch = nee Elizabeth Thany Butler

Burkley Upchurch

John Pearce

Stream file:

Moccasin Creek [cross list under UFU < 1850

NC Wake/Franklin Border

Thomas Upchurch

Jimmison Upchurch = Jamison Upchurch

Lecy Upchurch

Matthew Strickland

Samuel Harris

N. L. Harris

Larkin Upchurch

[Note: This is the family of James Upchurch, VII – head of the Richard Upchurch, III/James Upchurch, VII Sub-clan. Since the 1833 will of James Upchurch, VII doesn't not mention a son Williford Upchurch, it is presumed that Williford Upchurch died before 1833 – but a best guess is that granddaughter Lecy Upchurch is the daughter of Williford Upchurch. The son Thomas Upchurch, alive in 1833 is yet to be identified otherwise in the records – RPU]

**(10)** Will – of James Upchurch XID – 67 – Head of Richard Upchurch, III/James Upchurch Sub-clan published Upchurch Bulletin Volume 2 No 3 Jul 1981

Franklin Co, NC – Book IV – Page 318 – 319

400 acres – for life to wife Thany Upchurch (where I now live)

278 acres to Kearney Upchurch, son (where Kearney Upchurch now lives) on waters of Moccasin Creek

Adjoining      Burkley Upchurch  
                      Larkin Upchurch  
                      John Pearce

To son Jimmison Upchurch – the 400 acres where I now live residue to children and granddaughter

Gilly Ray [Gilly Upchurch] wife of James Ray

Elizabeth (Upchurch) Phillips wife of **John Phillips**

Cleo (Upchurch) Cooley wife of John Cooley, Jr.

Kearney Upchurch

Jimmerson Upchurch

Lecy Upchurch [granddaughter]

Executor      Kearney Upchurch

Witness      Matthew Strickland

Cornwell Strickland

Samuel Harris

Moses Harris

Av. L. Harris

**(11)** See Letter 25 Feb 2000 Lisa Marie Suter to RPU – page 2

**John W. Phillips** born 1793 (Franklin Co, NC) died 1850 (Franklin Co, NC) [son of Francis Phillips and Fanny Barham] married 14 Aug 1821 (Franklin Co, NC) Elizabeth Upchurch born 1801 (Franklin Co, NC) died (Franklin Co, NC). JWP, Sr also married Ruthy Barham.

**(no number)**

Will – Franklin Co, NC

Will Book “U” Pages 135 – 137

Will of John Phillips [born 1792]

Written 11 Jan 1872

Probated 4 Dec 1876



To son L. B. Phillips [Little Berry Phillips]

Tract where I now live – 146 acres except my wife Elizabeth to have her choice of a room in the Mansion

To son William K Phillips [William Kearney Phillips, I]

\$300.

At the death of my wife Elizabeth Phillips [nee Elizabeth Thaney Upchurch, daughter of James Upchurch, VII and granddaughter of Richard Upchurch, III]

\$100 to be divided between the children of my son P J Phillips [Presley James Phillips], deceased and Iona [Dora?] Phillips, daughter of my grandson Richmond Phillips

To the children of my son J. B. Phillips dec'd

\$50 at the death of my wife Elizabeth

Balance of estate to sons W K Phillips and L B Phillips

At the death of my wife Elizabeth

Executors: W. K. Phillips & L. B. Phillips

Witnesses: Henry Baker & John A. Cousins

John A Cousins confirmed document 11 Jan 1872

Further verification at probate by Henry Baker and John A Cousins on 4 Dec 1876

W K Davis, Probate Judge

**(no number)** Will – Franklin Co, NC John Phillips written 11 Jan 1872 probated 4 Dec 1876 in letter 7 Aug 1991 Joe E Elmore to RPU

WILL BOOK "A", PAGES 135, 136, 137 JOHN PHILLIPS WILL 135  
FRANKLIN CO. CLERK OF SUPERIOR COURT, LOUISBURG, N. C. 27549

I John Phillips of the County of Franklin and State of North Carolina being of sound mind and memory, but considering the uncertainty of my earthly existence do make and declare this my last will and Testament, in manner and form following, That is to say—

First: That my Executor (hereinafter named) shall provide for my body a decent burial suitable to the wishes of my relations and friends and pay all funeral expenses together with my just debts, howsoever and to whomsoever owing, out of the monies that may first come into his hands as a part or parcel of my Estate.

Item 1<sup>st</sup>: I give and devise at my death to my Son J.B. Phillips all the tract of land wherein I now live containing one hundred and forty six acres to have and to hold to him and his heirs forever, except the use of the Choice Room of my mansion house to my Wife Elizabeth during her life.

Item 2<sup>nd</sup>: I give and bequeath to my son William R. Phillips at my death Three (\$300) hundred dollars in money to be paid by my Executors to him his heirs and assigns, out of the monies arising out of my Estate.

Item 3<sup>rd</sup>: I give and bequeath at the death of my Wife Elizabeth Phillips one hundred Dollars to be equally divided between the Children of my Son J.F. Phillips deceased all of <sup>said son</sup> ~~which~~ Children which is now living, and Dora Phillips the Daughter of my Grand Child Richmond Phillips to be paid by my Executors.

Item 4<sup>th</sup>: I give and bequeath to the Children of my Son J.R. Phillips deceased Fifty Dollars to be equally divided between them at the death of my Wife Elizabeth Phillips to be paid by my Executors out of ~~my~~ <sup>the</sup> monies arising from my Estate.



I give and bequeath to my two Sons namely  
 Wm Phillips and L.B. Phillips, all the balance of my property  
 either in money, or goods Chattels, lands and Tenements  
 to have and to hold the same at the death of my wife of said  
 named to them their heirs and assigns forever, except there-  
 fore the one of my two Sons Wm Phillips or L.B. Phillips  
 that attends to my wife or waits on her the master shall have  
 the except in said property the last bequeath and my wife  
 for herself do hereby assign her name that she does relin-  
 quish down in the of said land devised above and assigns  
 to all these presents.

And lastly I do hereby constitute and <sup>appoint</sup> my two Sons namely  
 Wm Phillips and L.B. Phillips my lawful Executors to  
 all intent and purposes to execute this my last

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Will and Testament, according to the true intent  
 meaning of the same, and every part and clause thereof  
 hereby revoking and declaring utterly void all other  
 and Testaments by me heretofore made.

In witness whereof I the said John Phillips do hereunto  
 set my hand and seal this the 11<sup>th</sup> day of January 1872

Signed sealed published and.

delivered by the said John Phillips

to be his last will and Testament

in the presence of us who at his request and in his presents do  
 subscribing our names as witnesses Thereto.

Henry Baker

John A. Cousins

John Phillips (Seal)  
 Elizabeth Phillips (Seal)

Probate Will

John Phillips

State of North Carolina

Madison County

SS. In the Probate Court.

A Paper purporting to be the last will and Testament of  
 John Phillips deceased is exhibited before me, the undersigned  
 Judge of Probate for said County, by  
 the executors therein mentioned, and the due execution thereof  
 by the said



by the oath and examination of John A. Cousins  
 duly sworn, the subscribing witnesses thereto, who  
 who being duly sworn, both depose and say and each for  
 himself depose and saith that he is a subscribing  
 to the paper writing now shown him, purporting to be the last  
 Will and Testament of John Phillips that the said  
 subscribed his name in the presence of this deponent  
 subscribed his name at the end of said paper writing,  
 which is now shown as aforesaid, and which bears date  
 of the 11<sup>th</sup> day of January 1873.  
 And the Deponent further saith, That the said

The testator aforesaid, did at the time of subscribing his  
 name as aforesaid declare the said paper writing as  
 subscribed by him, and exhibited to be his last Will and  
 Testament, and this deponent did thereupon subscribe his  
 name at the end of said Will and Testament as an  
 witness thereto, and at the request and in the presence of  
 said testator. And this deponent further saith, that at  
 said time when the said Testator subscribed his name  
 to the said last Will and Testament as aforesaid, at  
 the time of the deponent's subscribing his name

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as an attesting witness thereto, as aforesaid, the said John Phillips  
 was of sound mind and memory, of full age to execute a Will and  
 was not under any restraint to the knowledge, information or  
 belief of this deponent; And further these deponents say not  
 Severally sworn and subscribed  
 this 4<sup>th</sup> day of December 1876 before me  
 Wm H Davis Probate Judge

{ Henry Barker (Seal)  
 { John A Cousins (Seal)